

SPECIAL MEETING OF JANUARY 4, 1988

TIME: 4:43 P.M.
 4:45 P.M. Adj

CAL. NO.	C.P. NUMBER	REPORTS		ACTION	REMARKS	DATA FOR MINUTES
		IN	BoE			
1	C 870806(A)	ZAX		Scheduling 1/20 for hearing		
2	N 880053(A)	ZRM		"		
3	N 880386	ZRM		"		
4						
5						
6						
7					COMMISSION ATTENDANCE	
8					Sylvia Deutsch, Chairperson	
9					Marilyn Mammano	
10					Wm. Gary McNeil	
11					Stuartz Pertz	
12					Daniel T. Scannell	
13					Denise Scheinberg, Commissioners	
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PRESENT

SPECIAL MEETING

AT 4:43 p.m.

SYLVIA DEUTSCH, *Chairperson*

CITY PLANNING COMMISSION

SALVATORE C. GAGLIARDO

SPECTOR HALL

MARILYN MAMMANO

22 READE STREET

WM. GARRISON McNEIL

NEW YORK, NEW YORK 10007

STUART PERTZ

DANIEL T. SCANNELL,

JANUARY 4, 1988

DENISE M. SCHEINBERG, *Commissioners*

ADJ. 4:45 p.m.

I. PUBLIC HEARINGS OF THE FOLLOWING MATTERS
TO BE SCHEDULED FOR
WEDNESDAY JANUARY 20, 1988
IN CITY HALL
NEW YORK, NEW YORK

BOROUGH OF THE BRONX

No. 1

CD 9

(A)
C 870806ZSX

PUBLIC HEARING

IN THE MATTER OF an application submitted by Soundview Associates Co. pursuant to Sections 197-c and 200 of the New York City Charter and Sections 25-14 and 74-53 and various Sections of Article VII, Chapter 8 of the Zoning Resolution, for special permits and authorizations involving a large scale residential development on property located generally within the area bounded by Bolton Avenue, O'Brien Avenue, White Plains Road, Gildersleeve Avenue, Bronx River Avenue and the East River.

Plans for these proposed special permits and authorizations are on file and may be seen at the Department of City Planning, 22 Reade Street, Room 3N, New York, New York.

Resolution for adoption scheduling January 20, 1988 for a public hearing.

CD 4

N. 880053(A) ZRM

(Amendment of Article IX, Chapter 6, Special Clinton District, of the Zoning Resolution to permit alteration and new construction on sites with prior violations relating to harassment or improper eviction or relocation practices.)

IN THE MATTER OF amendments to Section 200 of the New York City Charter, of the Zoning Resolution of the City of New York, relating to Section 96-110, as follows:

Matter in Bold is new;

Matter in brackets [] is old, to be omitted;

Matter in italics is defined in Section 12-10.

Article IX

Special Purpose Districts

Chapter 6 Special Clinton District

96-00 GENERAL PURPOSES

* * *

96-110

Harassment and Cure

- (a) Notwithstanding any provision to the contrary contained in this Chapter, a permit may be issued by the Department of Buildings pursuant to Sections 96-108, 96-109, 96-22 or 96-23 or a special permit may be granted by the City Planning

Commission pursuant to Sections 96-107 or 96-108 with respect to any building on a zoning lot in which harassment or other failure to satisfy applicable legal requirements in eviction and relocation has occurred, provided that the Department of Housing Preservation and Development has determined and certified that all parties in interest to the zoning lot (as the term "party in interest" is defined in Section 12-10 definition of zoning lot) have entered into a legal agreement approved by the Department of Housing Preservation and Development which shall run with the land and bind all parties in interest and their successors. Such agreement shall provide that:

- (1) Lower income housing in an amount equal to the "cure percentage" shall be provided in a new or altered building on the same zoning lot as the building to be altered or demolished in which harassment (as defined in subparagraph (d)) has occurred. If such new or altered building in which the lower income housing will be provided is to be operated as a rental building, the "cure percentage" shall be at least 25

percent of the total residential floor area of any building to be altered or demolished in which such harassment has occurred. If such new or altered building in which the lower income housing will be provided is to be operated as a cooperative or condominium, the "cure percentage" shall be at least 33 percent of the total residential floor area of any building to be altered or demolished in which such harassment has occurred.

(2) If at the time of filing an application for a building permit or special permit, an existing building to be altered contains occupied units, the requirement set forth in subsection (a)(1) regarding the provision of lower income housing shall be satisfied as follows:

(i) not less than 25 percent of the floor area of all vacant units shall be provided for lower income housing; and

(ii) the balance of any required lower income housing shall be comprised of qualifying occupied units.

(3) Such designated lower income housing units shall be in compliance with the applicable regulations of Section 23-90 (Inclusionary Housing) except that in the Preservation Area, paragraph (b) of Section 23-941 (On-site new construction option) shall be inapplicable and in its place and stead, paragraph (a) of Section 96-105 (Dwelling unit distribution) shall be applicable.

(b) Any building permit or special permit issued pursuant to this section shall be subject to the following additional conditions:

(1) No certificate of occupancy, temporary or permanent, shall be issued by the Department of Buildings for new buildings and/or existing buildings which are to remain on the zoning lot, any one of which buildings requires compliance with this Section 96-110 due to harassment, until the Commissioner of Housing Preservation and Development certifies that the lower income housing is in

compliance with the Lower Income Housing Plan as set forth in Section 23-90 (Inclusionary Housing) and the Department of Buildings has issued a certificate of occupancy, temporary or permanent, for each unit of the lower income housing.

- (2) Immediately upon issuance of a building permit or special permit, the legal agreement described in paragraph (a) shall be recorded by the applicant in the conveyance section of the office of the City Register in the County of Manhattan and indexed against the subject zoning lot. If the applicant does not immediately so record the legal agreement, the City of New York may record the agreement at the sole cost and expense of the applicant. This occupancy restriction of paragraph (a) shall be included in both the temporary and permanent certificates of occupancy issued by the Department of Buildings for the new and/or existing buildings. Failure to comply with the terms and conditions set forth in the legal agreement shall constitute a violation of the permit or certificate of occupancy and may constitute a

basis for revocation of the permit or certificate of occupancy.

(3) No portion of the lower income housing required under Section 96-110 (Harassment and cure) shall qualify to:

- (i) increase the floor area ratio pursuant to Section 96-21 (Floor Area Bonus) or Section 23-90 (Inclusionary Housing); or
- (ii) satisfy the requirement of a program to receive tax abatement or exemptions which are not specifically limited to lower income housing.

(c) The requirements of paragraph (a) and (b) above and of Sections 96-105 and 96-108 shall not apply to any existing buildings located within the Special Clinton District which are acquired and rehabilitated to provide low-to-moderate income housing units pursuant to a Special Permit approved by the Board of Estimate prior to the effective date of this amendment. In lieu thereof, and notwithstanding any provision to the contrary contained in this Chapter, the following curative measures shall apply where there has been any harassment as defined in paragraph (d):

(1) A building permit or alteration permit may be issued by the Department of Buildings when the Chairman of the City Planning Commission has certified to the Department of Buildings that a restrictive declaration which binds the owner of the zoning lot and all successors in interest, in a form satisfactory to the Chairman, has been recorded against the zoning lot on which the low-to-moderate income housing units are located which restricts the occupancy of such units to low-to-moderate income persons and families in accordance with the terms of the Special Permit, and to persons and families residing in such units at the time such declaration is recorded; and

(2) A temporary or permanent certificate of occupancy may be issued by the Department of Buildings when the Chairman of the City Planning Commission has certified that such low-to-moderate income housing units are in full compliance with the terms of the previously approved Special Permit; and

(3) No portion of the lower income housing provided pursuant to paragraph (c) may be

used to increase the floor area ratio of a zoning lot pursuant to Section 96-21 or Section 23-90.

(d) For the purposes of this chapter, "harassment" (including other failure to satisfy applicable legal requirements in eviction and relocation practices) shall mean any conduct, as described below, by or on behalf of an owner of a building containing dwelling units or rooming units which materially advanced development, enlargement, demolition of a building, the conversion or alteration of a building or the extension of a use within a building, in the furtherance of which the permit is sought.

(1) the use or threatened use of force which causes or is intended to cause any person

lawfully entitled to occupancy of a dwelling unit in such multiple dwelling to vacate such unit or to surrender or waive any rights in relation to such occupancy;

(2) the interruption or discontinuance of essential services which (i) interferes with or disturbs or is intended to interfere with or disturb the comfort, repose, peace or quiet of any person lawfully entitled to occupancy of a dwelling unit in the use or

occupancy of such dwelling unit and (ii) causes or is intended to cause such person lawfully entitled to occupancy of such dwelling unit to vacate such unit or to surrender or waive any rights in relation to such occupancy;

(3) the failure to comply with the provisions of subdivision c of Section 27-2140 of Article seven of subchapter five of the Housing Maintenance Code which causes or is intended to cause such person lawfully entitled to occupancy of such dwelling unit to vacate such unit or to waive any rights in relation to such occupancy; or

(4) any other conduct which prevents or is intended to prevent any person from the lawful occupancy of such dwelling unit or causes or is intended to cause such person lawfully entitled to occupancy of such dwelling unit to vacate such unit or to surrender or waive any rights in relation to such occupancy including but not limited to removing the possessions of any occupant from the dwelling unit; removing the door at the entrance to the dwelling unit; removing, plugging or otherwise rendering the lock on

such entrance door inoperable; or
changing the lock on such entrance
door without supplying the occupant
with a key.

For any alleged act of harassment which
has taken place within 15 years of the
date of filing an application for a
building permit or special permit
pursuant to Sections 96-107, 96-108,
96-109, 96-22, or 96-23 there shall be
a presumption, rebuttable by the
applicant, that the harassment materially
advanced the development on the zoning lot
or the enlargement, extension, conversion
or alteration of the existing building in
furtherance of which the permit is sought.

Such determination of harassment for
the purpose of this chapter shall
be made by the Department of Housing
Preservation and Development prior to
certification of compliance with the
aforementioned sections 96-107, 96-108,
96-109, 96-22 or 96-23.

Notwithstanding anything set forth
above, no act of harassment which
occurred prior to September 5, 1973,
shall constitute harassment for
purposes of this chapter.

[96-110] 96-111

Off-street parking regulations

* * *

CD 1

N 880386 ZRM

(Amendments to the Zoning Resolution pertaining to Zone A of the Special Battery Park City District)

IN THE MATTER OF Amendments, pursuant to Section 200 of the New York Charter of the Zoning Resolution of the City of New York, relating to Article VIII, Chapter 4, Special Battery Park City District; Sections 84-024, 84-22, 84-23, 84-31, 84-33, and Appendix Maps 3.1 and 3.5, as follows:

Matter in bold type is new
Matter in [brackets] is deleted
Matter in *italics* is defined in Section 12-10

Chapter 4 Special Battery Park City District

84-00 GENERAL PURPOSE AND GENERAL PROVISIONS

84-01

General Purposes

The "Special Battery Park City District" established in this resolution is designed to promote and protect public health, safety, and general welfare. These general goals include among others, the following specific purposes:

- (a) To strengthen the business core of Lower Manhattan by improving the working environment.
- (b) To provide major additional space for expansion of office uses and their ancillary facilities.
- (c) To broaden the regional choice of residence by introducing new housing in the vicinity of the major employment center of Lower Manhattan.
- (d) To achieve a harmonious visual and functional relationship with adjacent areas.
- (e) To create an environment which will be lively and attractive and provide daily amenities and services for the use and enjoyment of the working population and the new residents.
- (f) To take maximum advantage of the beauty of the Hudson River waterfront, thereby best serving the downtown business community, the new residential population and providing regional recreation as well.
- (g) To promote the most desirable use of land and direction of building development in the Lower Manhattan area.

84-02

General Provisions and Definitions

In harmony with the general purpose and intent of this resolution and in order to achieve the purpose of the *Special Battery Park City District*, a special set of regulations is established for the *Special Battery Park City District* controlling use, bulk, accessory off-street parking facilities, and accessory off-street loading facilities. Such regulations are contained in this Chapter and in other provisions of this resolution incorporated in this Chapter by cross-reference.

For purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS), in this Section, or Section 84-03 (District Plan). Where matter in italics is defined both in Section 12-10 (DEFINITIONS) and in this Chapter, the definition in this Chapter shall govern.

84-021

Definitions (repeated from Section 12-10) Special Battery Park City District

The "Special Battery Park City District" is a Special Purpose District designated by the letters "BPC" in which special regulations set forth in Article VIII, Chapter 4, apply to all *development, enlargement and changes of use.*

84-022

Incorporation of Appendix 1, Appendix 2 and Appendix 3

Appendix 1 (Battery Park City District Plan), Appendix 2 and Appendix 3 (Zone A District Plans) are hereby incorporated as integral parts of the provisions of this Chapter. In the event of an inconsistency or need for clarification between Appendix 1 or Appendix 2 or Appendix 3 and the written specifications in this Chapter, in each such case the written specifications in this Chapter shall govern.

84-023

Esplanade

The "Esplanade" is a *public park* extending along all waterfront edges of the *Special Battery Park City District*. The *esplanade* is shown in the Battery Park City District Plan in Appendix 1.

84-024

Mandatory Front Building Wall Lines

"Mandatory front building wall lines" are imaginary lines extending through Zone A of the *Special Battery Park City District* which, except as shown in the Zone A District Plan in Appendix 2.1 and in Appendix 3.1, coincide with *street lines* and with which *building walls* must generally coincide, as provided in Section 84-22. The height of required *building walls* along the *mandatory front building wall lines* shall be 60 to 85 feet or 110 to 135 feet or 150 to 250 [220] feet, as shown in the Zone A District Plan in Appendix 2.1 and Appendix 3.1, and such walls are hereinafter referred to as "mandatory front building walls."

84-025

Special Height Locations

"Special Height Locations" are designated areas on certain *zoning lots* in Zone A of the *Special Battery Park City* upon which a *development or enlargement* or portion thereof may be built to a height of up to 400 feet above *curb level*, except as provided in Sections 84-22 and 84-23.

Special height locations are indicated in the Zone A District Plan in Appendix 2.2 and Appendix 3.2.

84-03

District Plan

The District Plan is set forth on Appendix 1. Each block shall be considered a single zoning lot for the purposes of the *Special Battery Park City District*.

84-04

Sub-Districts: Zone A and Zone B

In order to carry out the purposes and provisions of this Chapter, the *Special Battery Park City District* is divided into two sub-districts: Zone A and Zone B. The locations and boundaries of the sub-districts are shown on the District Plan in Appendix 1.

84-041

Zone A

Zone A is designed generally to provide for residential development with ancillary retail and service uses. Zone A is divided into six sub-Zones: A-1, A-2, A-3, A-4, A-5 and A-6. The location and boundaries of the sub-Zones are shown in the Zone A District Plan in Appendix 2 and Appendix 3.

84-042

Zone B

Zone B is designed to provide for commercial and mixed development with ancillary retail and service uses, in accordance with the Large Scale Commercial Development Plan which is attached as an exhibit to the Master Lease for Battery Park City dated June 6, 1980 as amended. Alignment of the pedestrian bridge at Liberty Street shall connect or allow for connection at the easterly line of West Street with pedestrian ways to be provided on the southerly side of Liberty Street, as set forth in Chapter 6 "Special Greenwich Street Development District." In addition, the pedestrian bridge at the World Trade Center crossing shall connect or allow for connection with the World Trade Center at the easterly line of West Street. The pedestrian bridges are shown in the Battery Park City District Plan in Appendix 1.

84-10 ZONE A GENERAL DISTRICT REGULATIONS

84-11

General Provisions

Except as expressly modified by the provisions of this Chapter, the regulations applying in an R10 district shall apply in sub-zones 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 sub-Zone A except in accordance with certifications given by the City Planning Commission. Residential open space in sub-Zone A-4 shall be subject to the provision of Sections 12-10 and 23-12 of the Zoning Resolution, and for every room, there shall be a minimum of 22.0 square feet of open space. All other provisions of this Chapter with respect to Zone A shall not apply to development or enlargements in sub-Zone a-4 unless otherwise indicated.

84-12

Use Regulations

In the areas indicated as commercial overlay in the Zone A District Plan in Appendix 2.3 and Appendix 3.3, the use regulations applying in a C2 district shall apply, except as provided in Sections 84-121 (Special Permit Uses), 84-122 (Uses Not Permitted), 84-123 (Uses Along Esplanade), and this Section.

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

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 84-13 (Mandatory Arcades), any permitted use may be located above the first story ceiling and below the second story ceiling;
- (b) Supermarkets are permitted with no limitation on floor area. Theaters shall comply with the waiting space requirements set forth in Section 32-17; and
- (c) Automobile rental establishments are permitted with a capacity of up to 100 cars.

For developments and enlargements located in sub-Zone a-4, the City Planning Commission may, upon application, authorize modification of supplementary use regulations of Section 32-422 (Location of Floors Occupied by Non-Residential Uses) provided the following findings are made:

- (a) 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;
- (b) That the non-residential uses are not located directly over any story containing dwelling units; and
- (c) That the modifications shall not adversely affect the residential character of the area.

84-121

Special Permit Uses

The following uses are permitted only by special permit of the City Planning Commission and the Board of Estimate:

Electrical or gas utility sub-stations, open or enclosed pursuant to Section 74-61.

Public parking garages as provided for in C5 zones pursuant to Section 74-52.

As a condition precedent to the granting of such special permit, the City Planning 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 sub-stations, 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.

Physical Culture Establishments in sub-Zone 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.

84-122

Uses Not Permitted

The following uses shall not be permitted:

A. TRANSIENT ACCOMMODATIONS

Hotels, transient
Motels or tourist cabins or boatels

B. RETAIL OR SERVICE ESTABLISHMENTS

Electrical, glazing, heating, painting, paper hanging,
plumbing, roofing or ventilating contractors establishments
Exterminators
Funeral establishments
Lumber stores
Monument sales establishments
Moving or storage offices
Pawn shops
Printing establishments
Refreshment stands, drive-in
Sign painting shops
Taxidermist shops
Trade emblamers
Upholstering shops
Window cleaning contractors establishments, including floor
waxing and other similar building maintenance services

C. WHOLESALE ESTABLISHMENTS

Wholesale establishments

D. AUTOMOBILE SERVICE ESTABLISHMENTS

Automobile service stations
Automobile glass and mirror shops
Automobile seat cover or convertible top establishments
Tire sales establishments

E. PUBLIC SERVICE ESTABLISHMENTS

Prisons

84-123

Uses Along Esplanade

Except as set forth in this Section and in Section 84-12, uses fronting on the *esplanade* shall be limited to the uses listed in Use Groups 2, 3 and 4 as set forth in Section 22-12 except that in the areas indicated as retail overlay in the Zone A District Plan 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, set forth in Section 32-15.

84-124

Interim Uses

On application to and with the permission of the Battery Park City Authority, any open use listed in Use Groups 1 through 16, as set forth in Section 32-11 through 32-25, is permitted if such use is in an interim use which will not obstruct, interfere with, or be incompatible with the general purposes and overall development of the *Special Battery Park City District*, and if such use is not prohibited by the Settlement Agreement dated June 6, 1980 between the City of New York, the State of New York and various agencies and instrumentalities thereof. The Authority may prescribe appropriate conditions and safeguards in order to minimize adverse effects on surrounding land uses.

84-13

Mandatory Arcades

Any development located on a zoning lot upon which the Zone A District Plan in Appendix 2.4 requires an arcade shall contain an arcade as defined in Section 12-10, 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 the Zone A District Plan; 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.

84-20 MODIFICATIONS OF BULK REQUIREMENTS IN ZONE A

Residential and community facility bulk regulations otherwise applicable in R10 district are modified in Zone A of the *Special Battery Park City District* to the extent set forth in this Section and Sections 84-21 through 84-23.

The height and setback regulations otherwise applicable in R10 districts are superseded by the regulations set forth in Sections 84-21, 82-22, and 84-23.

The provisions of Section 23-533 (Required Rear Yard Equivalents), Section 24-11 (Maximum Floor Area Ratio and Percent 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 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.

84-21

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 sub-Zones A-1 and A-5 shall not exceed 12.0 and in sub-Zones A-2, A-3 and A-6 shall not exceed 8.0.

The *bulk* of any *development* or *enlargement* on a *zoning lot* in sub-Zone A-2 is further limited by the height regulations set forth in Section 84-23 (Limited Height of Buildings).

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

The provisions of Sections 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.

84-22

Required Building Walls

Where the Zone A District Plan in Appendix 2.1 or Appendix 3.1 shows a requirement for 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*, which shall rise without setback for a height above *curb level* not less nor more than the amount specific below:

(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 the Zone A District Plan 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 the Zone A District Plan in Appendix 2.1 and Appendix 3.1, 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*. For the parcels fronting on North End Avenue between Murray Street and Park Place West, a setback shall be provided at a height of not less than 60' and not more than 85', to a depth of 20', for that portion of the parcel that extends beyond the *mandatory front building wall line*.

(c) On the portion of any *zoning lot* designated as a *special height location* in the Zone A District Plan in Appendix 2.2, a height of not less than the otherwise applicable amount set forth in paragraph (a) or paragraph (b) of this Section and not more than 400 feet, except that for 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*.

(d) With 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) With 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 150-250 [220] 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 150 feet for more than 120 feet or 75% of the length of a building's western property line, whichever is less, and a setback of not less than 5 feet and not more than 10 feet is required at a height of 150 feet.

(g) On the portion of any zoning lot designated as a *special height location* in the Zone A District Plan in Appendix 3.2 a height of not less than the otherwise applicable amount set forth in Paragraphs e or f of this Section and not more than the height shown in Appendix 3.1 and 3.2.

Subject to the provisions of Section 84-221 (Front Wall Recesses), the mandatory front building wall requirements set forth above shall also apply to all development along all street lines within 50 feet of their intersection with any mandatory front building wall line. For any part of 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.

84-221

Front Wall Recesses

Front wall recesses for architectural or decorative purposes are permitted, except in an arcade required in Section 84-13 (Mandatory Arcades), provided that the aggregate area of all such recesses at the level of any story shall not exceed 20 percent of the aggregate area of the mandatory front building wall at that story, and provided further that the depth of such recess does not exceed 10 feet. At any story above the level of the second story ceiling, additional recesses amount of 25 percent of the aggregate area of the wall at each story are permitted, provided the depth of any such additional recess does not exceed 10 feet. All recess shall be subject to the applicable provisions of Section 23-84 (Outer Court Regulations).

84-23

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 84-22 (Required Building Walls) may be built to a height of up to 135 feet above curb level.

(b) Portions of a building required to have an exterior wall coincident with a 150-250 [220] foot mandatory front building wall [line], as provided in Section 84-22 (Required Building Walls), may be built to a height of up to 250 [220] feet above curb level.

(c) On the portion of any zoning lot designated as a *special height location* in the Zone A District Plan in Appendix 2.2 and Appendix 3.2, a building may be built to a height of up to 400 feet or 320 feet above curb level.

(d) Sections 23-62 and 33-42 (Permitted Obstruction) 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) In the Battery Park City Special District the following shall not be considered obstructions and may thus penetrate a maximum height limit:

- i) Chimneys or flues with a total width not exceeding 10 percent of the width of the *street wall* of the *building* at any level where such penetration occurs.
- ii) Elevator or stair bulkheads, roof water tanks or cooling towers (including enclosures) each of which shall have a width of no more than 30 feet. The sum of the products, in square feet of the widths of such obstructions times their heights shall not exceed a figure equal to four times the width of the *street wall* of the *building* facing such frontage at *curb level*.
- iii) Flagpoles and aeriis
- iv) Parapet walls not more than four feet high
- v) 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, subparagraph 1 of this Section to be concealed by an enclosure wall. An enclosure wall, for the purposes of this Section, is a vertical structure which 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 wisth 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, subparagraph 1 of this Section 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:

- 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 certified pursuant to paragraph d, subparagraph 2 of this Section;
- ii) that the additional area of the enclosure wall at each face of the *building* is not more than 50 percent of the area allowed in paragraph d, subparagraph 2 of this Section; and,
- iii) that the enclosure wall is compatible with the *building* and the urban design goals of the special district and compliments the design by providing a decorative top.

(e) In special height locations in the Zone A District Plan in Appendix 2.2 and Appendix 3.2, no portion of a *building*, including permitted obstructions, shall exceed a height of 450 feet above curb level.

84-31

Accessory Off-Street Parking Spaces

Accessory off-street parking spaces may be provided only for *residential uses* subject to the provisions of this Section. The ownership requirement for accessory off-street parking is satisfied by an interest commensurate with the interest of the principal use. Such accessory parking spaces shall be *completely enclosed* and if above grade level, may be located only in the locations indicated in the Zone A District Plan Appendix 2.5 and 3.4.

No portion of any accessory parking facility may be constructed at a height of more than 23 feet above curb level. Except as otherwise provided in this Section no accessory off-site parking shall be permitted.

Parking facilities accessory to *residential uses* on a *zoning lot* shall contain no more than 200 off-street parking spaces or a number of spaces equal to 20 percent of the number of *dwelling units* on such *zoning lot*, whichever is less. The size in square feet of an accessory off-street parking facility, exclusive of entrance and exit ramps, shall not exceed 200 times the number of parking spaces provided.

Accessory parking facilities shall be constructed so that no exhaust vents open onto any *street* or park or onto the *esplanade* and so that not portion of the facility, other than entrances and exits, is visible from adjoining *zoning lots*, *streets*, or parks or the *esplanade*.

The City Planning Commission may, upon application, authorize permitted accessory off-street parking spaces to be located anywhere within Zone A without regard for *zoning lot* lines, provided that the Commission shall make the following findings:

- (a) that the accessory off-street parking spaces and required curb cuts are located within sub-Zones A-1, A-2 or A-3 for *zoning lots* within sub-Zones A-1, A-2 or A-3 or within sub-Zones A-5 or A-6 for *zoning lots* in sub-Zones A-5 or A-6, as indicated in the Zone A District Plans in Appendix 2 and Appendix 3, Permitted Parking Locations in Appendix 2.5 and 3.4 and Permitted Curb Cut Locations in Appendix 2.6 and 3.5 of the Battery Park City Special District;
- (b) that such accessory off-street parking spaces will be conveniently located in relation to the *residential* buildings to which such off-street spaces are accessory, and provided that all such spaces shall not be further than 600 feet from the nearest boundary of the *zoning lot* occupied by the residences to which they are accessory;
- (c) that such location of accessory off-street parking spaces will permit better site planning;
- (d) that the accessory off-street parking facility will not create or contribute to traffic congestion or unduly inhibit vehicular and pedestrian movement; and
- (e) that the accessory off-street parking facility is located so as to draw a minimum of additional vehicular traffic to and through local *residential* streets.

Whenever off-street parking spaces are authorized to be located without regard to *zoning lot* lines in accordance with the provisions of this section, the number of spaces generated by each building shall be recorded in that building's Certificate of Occupancy (Temporary and Permanent). In addition, any Certificate of Occupancy for the accessory off-street parking facility shall state the number of parking spaces authorized to be relocated from each *zoning lot*.

84-32

Off-street Loading

Enclosed accessory off-street loading berths shall be provided in conformity with the requirements set forth in the following table and under rules and regulations promulgated by the Commissioner of Buildings, for the uses listed in the table.

REQUIRED OFF-STREET LOADING BERTHS

Type of Use	For floor area (in square feet)	Required Berths
Supermarkets	First 8,000	None
	Next 17,000	1
	Next 15,000	1
	Each additional 15,000 or fraction thereof	1

All required off-street loading berths shall have a minimum length of 33 feet, a minimum width of 12 feet, and a minimum vertical clearance of 14 feet.

84-33

Location of Curb Cuts

Curb cuts are permitted only in the areas or locations indicated in the Zone A District Plan 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 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 65 feet including a 25-foot curb cut as access to the accessory off-street parking facility.

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

(c) for the zoning lot bounded by Murray Street in the north, River Terrace in 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.

Resolution for adoption scheduling January 20, 1988 for a public hearing.