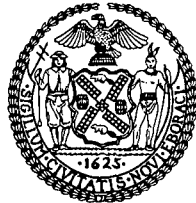


COMPREHENSIVE
CITY PLANNING CALENDAR
of
The City of New York

CITY PLANNING COMMISSION

MONDAY, OCTOBER 2, 2000

SPECIAL MEETING AT 1:00 P.M.
in
SPECTOR HALL
22 READE STREET, MANHATTAN



Rudolph W. Giuliani, Mayor
City of New York
Prepared by Rosa R. Romero, Calendar Officer

CITY PLANNING COMMISSION

22 Reade Street, New York, N.Y. 10007-1216

JOSEPH B. ROSE, *Chairman*
VICTOR G. ALICEA, *Vice-Chairman*
ALBERT ABNEY
ANGELA M. BATTAGLIA
AMANDA M. BURDEN, *A.I.C.P.*
IRWIN G. CANTOR, *P.E.*
ANGELA R. CAVALUZZI, *R.A.*
KATHY HIRATA CHIN, *Esq.*
ALEXANDER GARVIN
WILLIAM J. GRINKER
KENNETH J. KNUCKLES, *Esq.*
JOHN MEROLO
EDWARD T. ROGOWSKY, *Commissioners*
ROSA R. ROMERO, *Calendar Officer*

The regular public meetings of the Commission shall be held twice monthly on Wednesday at 10:00 a. m. in City Hall, Manhattan, unless otherwise ordered.

OCTOBER 2, 2000

I. PUBLIC HEARING OF THE FOLLOWING MATTER TO BE
SCHEDULED FOR WEDNESDAY, OCTOBER 18, 2000
STARTING AT 10:00 A.M.
IN CITY HALL
NEW YORK, NEW YORK

BOROUGH OF MANHATTAN

No. 1

(Amendment of the Zoning Resolution concerning open space in the North Residential Neighborhood of the Special Battery Park City District and modification of the Zone A regulations, including mandatory street walls and building heights.)

CD 1

N 010057 ZRM

IN THE MATTER OF an application submitted by the Battery Park City Authority, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York relating to various sections of Article VIII, Chapter 4, amending the open space provisions of the Special Battery Park City District.

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

Article VIII: Special Purpose Districts

Chapter 4
Special Battery Park City District

* * *

84-10
ZONE A GENERAL DISTRICT REGULATIONS

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

84-11
General Provisions

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

Notwithstanding any other provision of this Resolution, no #development# may be constructed in subzone A-4 except in accordance with certifications given by the City Planning Commission. #Residential open space#, in subzone A-4 shall be subject to the provisions of Sections 12-10 and 23-12 ~~Planning Commission Open Space~~ of the Zoning Resolution, and for every #room#, ~~five hundred~~ there shall be a minimum of 22.0 ~~sq~~ square feet of #open space# ~~and/or~~

~~Prohibited uses shall not be permitted in Zone A-4 unless otherwise indicated.~~ All other provisions of this Chapter with respect to Zone A shall not apply to #development# or #enlargements# in subzone A-4 unless otherwise indicated.

84-12

Use Regulations

In the areas indicated as permitted commercial locations in Appendices 2.3 and 3.3, the #use# regulations applying in a C2 District shall apply, except as provided in Sections 84-031 (Special permit use), 84-032 (Uses not permitted), 84-121 (Uses along Esplanade) and this Section.

Notwithstanding any other provisions of this Resolution, the permitted #uses# listed in Use Groups 6, 7, 8, 9 or 14 and the additional #uses# permitted hereunder shall be limited, per establishment, to 10,000 square feet of #floor area# of any #story# and shall not be located above the first #story# ceiling, except that:

- (a) in any #development# containing an #arcade# required in Section 84-134 (Mandatory arcades), any permitted #use# may be located above the first #story# ceiling and below the second #story# ceiling; and
- (b) supermarkets are permitted with no limitation on #floor area#.

Notwithstanding any other provisions of this Resolution, the #zoning lot# south of First Place and east of Battery Place may be #developed# either with #residential uses#, #transient hotel uses#, or as a #building# containing both #residential# and hotel #uses#. In the case of a #development# containing hotel #uses# on this #zoning lot#, a #physical culture or health establishment# shall ~~not~~ be permitted.

For #developments# and #enlargements# located in subzone A-4, the City Planning Commission may, upon application, authorize modification of the supplementary #use# regulations of Section 32-422 (Location of floors occupied by non-residential uses), provided the following findings are made:

- (1) that the non-#residential uses# are located in a portion of the #mixed building# that has separate access to the outside with no opening of any kind to the #residential# portion of the #building# at any #story#;
- (2) that the non-#residential uses# are not located directly over any #story# containing #dwelling units#; and
- (3) that the modifications shall not adversely affect the #residential# character of the area.

* * *

~~84-12~~

~~Use Regulations~~

~~Public open space areas located between Wilray Street and Warren Street, as indicated in Appendix 3.6, shall be improved to provide access to the public as open space of a size and to be used for recreational uses.~~

84-13

Bulk Regulations

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

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

The provisions of Section 23-533 (Required rear yard equivalents), Section 24-11 (Maximum Floor Area Ratio and Percentage of Coverage), Article VII, Chapter 8 (Special Regulations Applying to Large Scale Residential Developments), and Article VII, Chapter 9 (Special Regulations Applying to Large Scale Community Facility

Development), are not applicable.

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

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

84-131

Floor area regulations

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

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

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

84-132

Mandatory front building walls

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

- (a) Except as set forth in paragraph (d) of this Section, with respect to any 60-85 foot #mandatory front building wall line# shown in Appendix 2.1, a height of not less than 60 feet nor more than 85 feet;
- (b) With respect to any 110-135 foot #mandatory front building wall line# shown in Appendix 2.1, a height of not less than 110 feet nor more than 135 feet, provided, however, that a setback of not more than 10 feet may be provided at a height of 85 feet or more above #curb level#;
- (c) On the portion of any #zoning lot# designated as a #special height location# in Appendix 2.2, a height of not less than the otherwise applicable amount set forth in paragraphs (a) or (b) of this Section and not more than the maximum height indicated in Appendix 2.2 or in paragraph (e)(1) of Section 84-135 (Limited height of buildings);

- (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;

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#;

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;

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#;

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;

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

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

- (f) With respect to any 150-250 foot #mandatory front building wall line# shown in Appendix 3.1, a height of not less than 150 feet nor more than 250 feet; except that the height may not exceed 150 feet for more than 120 feet or 75 percent of the length of a building's #lot# western property line, whichever is less, and a setback of not less than five feet and not more than ten feet is required at a height of 150 feet.

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

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

**84-135
Limited height of buildings**

No portion of any #building or other structure# may be built to a height greater than 85 feet above #curb level#, except that:

(a) any portion of a #building# required to have an exterior wall coincident with a 110-135 foot #mandatory front building wall line#, as provided in Section 84-132 (Mandatory front building walls), may be built to a height of up to 135 feet above #curb level#;

(b) [REDACTED]

(b) portions of a #building# required to have an exterior wall coincident with a 150-250 foot #mandatory front building wall line#, as provided in Section 84-132, may be built to a height of up to 250 feet above #curb level#;

(c) on the portion of any #zoning lot# designated as a #special height location# in Appendices 2.2 or 3.2, a #building# may be built to the height above #curb level# indicated in Appendices 2.2 or 3.2, subject to the following:

(1) on any #development# south of First Place and east of Battery Place with a mandatory front building wall, the area of which, below the level of the second story ceiling, occupies 100 percent of the frontage along its #mandatory front building wall line#, a height of not more than 450 feet, provided, however, that a setback of not more than 10 feet may be provided at a height of 85 feet or more above #curb level#;

(2) on [REDACTED]

the #zoning lot# at the southeast corner of Chambers Street and North End Avenue, the #special height location# indicated in Appendix 3.2 shall apply only if such #zoning lot# is occupied by #school# and #residential uses# and the portion of the #building# above a height of 135 feet above #curb level# does not exceed a #lot coverage# of 40 percent;

[REDACTED]

(d) Sections 23-62 (Permitted Obstructions) and 33-42 (Permitted Obstructions) are hereby made inapplicable. Any portion of a #building or other structure# that exceeds an established height limit shall be subject to the following provisions:

(1) The following shall not be considered obstructions and may thus penetrate a maximum height limit:

Chimneys or flues, with a total width not exceeding 10 percent of the #width# of the street wall# of the #building# measured at any level where such penetration occurs

Elevator or stair bulkheads, roof water tanks or cooling towers [REDACTED] (including enclosures #wall#), each of which shall have a width of no more than 30 feet. [REDACTED] The sum of the products, in square feet, of the #width# widths of such walls of such obstructions [REDACTED] times their #height# heights [REDACTED] shall not exceed a figure equal to four [REDACTED] times the width [REDACTED] of the #street wall# of the #building# facing such frontage at #curb level#.

Flagpoles and aerials

Parapet walls, not more than four feet high

Wire, chain link or other transparent fences;

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

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

~~the maximum permitted size of enclosure walls surrounding elevated areas, sidewalks, ramps, stairs, and parking areas, or other structures, and may, by authorization, permit the Commission to provide the Commission finds that~~

- (i) that the width of such additional enclosure wall at each building face does not exceed 80 percent of the width of the enclosure wall ~~as allowed in paragraph (d)(2)~~ certified pursuant to paragraph (d)(2) of this Section;
- (ii) that the additional area of the enclosure wall at each ~~building~~ face of the #building# is not more than 50 percent of the area ~~permitted as set forth~~ allowed in paragraph (d)(2); and
- (iii) that the enclosure wall is compatible with the #building# and the urban design goals of the Special District and complements the design by providing a decorative top: ~~and~~

(e)(f) In #special height locations# in Appendices 2.2 and 3.2, no portion of a #building#, including permitted obstructions, shall exceed a height of 450 feet above #curb level#.

84-144

Location of curb cuts

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

- (a) for the #zoning lot# bounded to the north by a mapped public place, to the west by North Park, to the south by Chambers Street and to the east by Marginal Street, the aggregate width of all curb cuts shall not exceed 40 feet;
- (b) for the #zoning lot# bounded by Warren Street to the north, River Terrace to the west, North End Avenue to the east and Park Place West to the south, the aggregate width of all curb cuts shall not exceed 30 feet, comprised of two 15-foot curb cuts;
- (c) for the #zoning lot# bounded by Murray Street to the north, River Terrace to the west, North End Avenue to the east and Vesey Place to the south, the aggregate width of all curb cuts shall not exceed 40 feet, including a 25-foot wide curb cut as access to the #accessory# off-street parking facility; and
- (d) for the #zoning lot# south of First Place and east of Battery Place, the aggregate width of all curb cuts shall not exceed 50 feet: ~~and~~

~~for each #zoning lot# located on the east side of Warren Street between City Place and North End Avenue, the aggregate width of all curb cuts shall not exceed 40 feet.~~

* * *

Appendix 2.1 (Special Battery Park City District Mandatory Front Building Walls)
(modification of map)

Appendix 2.2 (Special Battery Park City District Special Height Locations)
(modification of map)

Appendix 2.3 (Special Battery Park City District Permitted Commercial Locations)
(modification of map)

* * *

Appendix 3.1 (Special Battery Park City District Mandatory Front Building Walls)
(modification of map)

Appendix 3.2 (Special Battery Park City District Special Height Locations)
(modification of map)

Appendix 3.3 (Special Battery Park City District Permitted Commercial Locations)
(modification of map)

* * *

Appendix 3.4 (Special Battery Park City District Permitted Commercial Locations)
(modification of map)

Resolution for adoption scheduling October 18, 2000 for a public hearing.

NOTICE

On Wednesday, October 18, 2000, at 10:00 a.m. in City Hall, a public hearing is being held by the Battery Park City Authority (BPCA), pursuant to the State Environmental Quality Review Act (SEQRA) to receive comments related to the Draft Fifth Supplement (DEIS) to the Final Environmental Impact Statement for an amendment of the Zoning Resolution of the City of New York relating to various sections of Article VIII, Chapter 4, amending the open space provisions of the Special Battery Park City District.
