



CITY PLANNING COMMISSION

May 20, 2009/Calendar No. 15

N 090306 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, concerning Article VII, Chapter 4 (Special Battery Park City District) relating to paragraph (e) of Section 84-144 (Location of Curb Cuts) on the east side of Battery Place between Second Place and Third Place, Borough of Manhattan, Community District 1.

The application for the amendment of the Zoning Resolution was filed by the Battery Park City Authority on January 30, 2009, to revise regulations pertaining to the permitted curb cuts for Site #3 in Battery Park City.

BACKGROUND

Battery Park City Site #3 is occupied by one building, the Visionaire, which contains 251 condominium units and 5,000 square feet of ground-floor retail space. The residential lobby is located on Little West Street. The building also holds a public parking garage, a compactor facility, and the Headquarters and Maintenance Facility for the Battery Park City Parks Conservancy, all with entrances on Second Place. The Headquarters and Maintenance Facility would consolidate all of the BPCPC's offices, workshop, and storage spaces into one facility. These uses were previously located throughout Battery Park City and have been displaced as development progresses. Maintenance workshops and offices would be located on the second and third floors of the facility, wrapped around a central atrium. The ground floor space is 25,000 square feet and is designed to include parking and recharging for the fleet of electric maintenance vehicles; storage in a 3 story highbay warehouse; loading and delivery drop off; composting; and staging for activities including stone cutting and salt mixing. There are approximately 85-100 vehicular trips a day in and out of the facility. The BPCPC maintains Battery Park City's streets and open spaces, including 36 acres of parks and gardens.

Generally, curb cuts are limited to 20 linear feet per zoning lot in Zone A of the Special Battery Park City District, as per Section 84-144 of the Zoning Resolution. This is intended to minimize conflicts for pedestrians. As per Section 84-144(e), 40 feet of curb cut are permitted for zoning lots located on the east side of Battery Place between First Place and Third Place, including the site in question. In 2001, this Section was added to facilitate mixed use developments, which could require additional curb cuts and would be appropriate on these larger sites. Currently, the

building design has three (3) curb cuts equaling 40 feet along Second Place:

- One 20 foot curb cut serving the 100 space, approximately 16,900 sf. public parking garage. The garage will serve primarily Visionaire residents but will also provide spaces for visitors to Battery Park City.
- A second 10 foot curb cut is required for access to the BPCPC's compactor room. With the NYC Department of Sanitation, the BPCPC has developed a pilot project for compacting garage that consolidates waste from multiple buildings at specific points throughout Battery Park City, including this site. A curb cut is needed for compactor removal.
- A third 10 foot curb cut services the BPCPC Headquarters and Maintenance facility, including the daily trips of the maintenance fleet, deliveries and loading, composting trucks, and other trips depending on weather conditions, season and other factors.

The requested action would facilitate the construction of one additional 10 foot curb cut to service the BPCPC Headquarters and Maintenance facility, which would also be located on Second Place. The curb cut would be used primarily when unscheduled trips, such as weather related maintenance trips or deliveries, conflict with scheduled maintenance trips and would allow for BPCPC to operate without disruption to the critical maintenance of Battery Park City.

ENVIRONMENTAL REVIEW

This application (N 090306 ZRM) was 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.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on February 24, 2009.

PUBLIC REVIEW

This application (N 090306 ZRM) was duly referred on March 2, 2009 to Community Board 1 and the Borough President, in accordance with the procedure for referring non-ULURP matters.

Community Board Review

On March 24, 2009, Community Board 1, by a vote of 42 to 0 with 0 abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

The Borough President did not submit a recommendation on this application.

City Planning Commission Public Hearing

On April 1, 2009 (Calendar No. 2), the City Planning Commission scheduled April 22, 2009, for a public hearing on this application (N 090306 ZRM). The hearing was duly held on April 22, 2009 (Calendar No. 28). There were three speakers in favor of the application and none in opposition.

The Vice President for Planning and Design from Battery Park City Authority described the different uses on the site and the need for each curb cut. The Project Architect described the different, sometimes conflicting uses on the ground floor of the Headquarters and Maintenance Facility. The Executive Director of the Battery Park City Parks Conservancy spoke about the Conservancy's mission, their operations, and the need for the curb cut in order to assure continuous maintenance.

There were no other speakers and hearing was closed.

Waterfront Revitalization Program Consistency Review

This application was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13, 1999 and by the New York State Department of State on May 28, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq.) The designated WRP number is 09-014. The action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that the application for the zoning text amendment (N 090306S ZRM), is appropriate.

The Commission believes that the text amendment will allow the Battery Park City Parks Conservancy to continue in their mission to maintain Battery Park City and its 36 acres of open space.

The Commission believes that the text amendment and additional curb cut will not generate additional vehicular trips on Second Place and that it will improve the conditions of the street by reducing pedestrian and vehicle conflicts.

RESOLUTION:

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment, and be it further

RESOLVED, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination and consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Chapter 84 Special Battery Park City District

84-144 Location of curb cuts

Curb cuts are permitted only in the areas or locations indicated in Appendices 2.6 and 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 to the #accessory# off-street parking facility;
- (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;
- (e) for each #zoning lot# located on the east side of Battery Place:
 - (1) between First Place and ~~Third~~ Second Place, the aggregate width of all curb cuts shall not exceed 40 feet;
 - (2) between Second Place and Third Place, the aggregate width of all curb cuts shall not exceed 50 feet; and
- (f) for the #zoning lot# south of First Place and west of Battery Place, the aggregate width of all curb cuts shall not exceed 24 feet.

The above resolution (N 090306 ZRM), duly adopted by the City Planning Commission on May 20, 2009 (Calendar No. 15), is filed with the Office of the Speaker, City Council, and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, FAICP, Chair

ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, AIA,
 MARIA M. DEL TORO, NATHAN LEVENTHAL, SHIRLEY A. MCRAE,
 JOHN MEROLO, KAREN A. PHILLIPS, Commissioners