



CITY PLANNING COMMISSION

November 5, 2003/Calendar No. 14

N 030536 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 Section 84-131 (Floor area regulations) and Section 84-132 (Mandatory front building walls) regarding minimum dwelling unit size requirements and set back regulations for new buildings in the Special Battery Park City District, Borough of Manhattan, Community District 1.

The application for an amendment of the Zoning Resolution was filed by the Battery Park City Authority, on June 20, 2003. The proposed zoning text amendment would change the floor area regulations and mandatory front building wall regulations of the Special Battery Park City District. The text amendment would facilitate new residential development all of which are now required to utilize environmental building technology and to provide greater flexibility in the layout of residential floor plates throughout Battery Park City.

BACKGROUND

The Special Battery Park City District

The Special Battery Park City District was established in 1973 in response to the original Master Development Plan for the 92 acre site along the Hudson River in Lower Manhattan. These regulations were substantially modified in 1981 when new regulations for the Special Battery Park City District were adopted. These regulations sought to stimulate and expedite development within Battery Park City. The special district also strove to integrate Battery Park City with the rest of Lower Manhattan, to create an active and varied waterfront, and to institute land use controls that were sufficiently flexible to adjust to future market requirements.

At present, the special regulations for Battery Park City include controls for mandatory front building walls and minimum dwelling unit size requirements. Section 84-131 (Floor area regulations) of the Zoning Resolution requires that dwelling units within Battery Park City have a minimum size of 550 square feet. This requirement was established in 1981 when the special district regulations were first revised. Section 84-132 (Mandatory front building walls)

paragraph (f) (5) of the Zoning Resolution requires that a setback of five feet be provided at the height of 210 feet on all sides of buildings within Zone A of Battery Park City. This requirement was established in 2001 when the City Planning Commission approved height increases for buildings to be developed on sites 18B, 19B, 23, and 24. At the time, the Commission believed that better articulation of the towers on these sites would be achieved through this setback.

Proposed Text Amendment

The proposed text amendment would modify the Special Battery Park City District regulations by deleting text that requires the 550 square foot minimum dwelling unit size and by deleting text that requires a setback of 5 feet at a height of 210 feet within Zone A. The proposed text change is intended to facilitate residential development in Battery Park City in two ways.

First, the elimination of the required setback is intended to facilitate residential development that incorporate environmental building technology. Since the adoption of the setback requirement in 2001, the Battery Park City Authority has instituted environmental building guidelines that require that new residential buildings meet certain design and performance objectives. These guidelines result in the creation of enlarged bulkheads which are necessary to accommodate the additional plumbing and expanding heating ventilation-air conditioning systems of “green” buildings. The increased bulkheads, while permitted, have a size which gives them the appearance of being part of the overall massing of the building that is setback. The result of this massing is that a building with two setbacks and an enlarged bulkhead has the appearance of a building with three setback.

Second, the elimination of the minimum dwelling unit size of 550 square feet is intended to provide greater flexibility to developers as they lay out residential floor plates. Eliminating the minimum requirement will allow developers to better utilize residual space by reconfiguring and reallocating entry way and alcove space. In addition, two and three bedroom units are enhanced within the development as space from studios is reallocated to enlarge these multi-room units.

Greater flexibility with respect to unit sizes will also allow developers to better respond to the market while still meeting the Battery Park City Authority's 1,000 square foot average dwelling unit size and the Authority's desire for more family size units.

ENVIRONMENTAL REVIEW

This application (N 030536 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. A technical memorandum was issued by the Battery Park City Authority on July 18, 2003 that was a minor modification of a previously approved zoning amendment to the Special Battery Park City District text.

PUBLIC REVIEW

On July 21, 2003, this text amendment was duly referred to Community Board 1 and the Borough President for information and review in accordance with the procedure for referring non-ULURP matters.

Community Board Review

On September 16, 2003, Community Board 1 adopted two resolutions in favor of the proposed text amendment. One resolution in favor of eliminating the requirement for a setback at 210 feet was approved by a vote of 38 to 1. A second resolution in favor of eliminating the minimum dwelling unit size was approved by a vote of 21 to 17 with 1 abstention.

Borough President's Review

No comment was received from the Manhattan Borough President with regard to the proposed text amendment.

City Planning Commission Public Hearing

On September 24, 2003 (Calendar No. 5), the City Planning Commission scheduled October 8, 2003, for a public hearing on this application (N 030536 ZRM). The hearing was duly held on October 8, 2003 (Calendar No. 19). There were two speakers in favor of the application and no speakers in opposition.

The first speaker in favor of the application, an attorney representing the Battery Park City Authority, described the content of the proposed text amendment as well as the the development objectives of the Battery Park City Authority. The speaker noted that the Battery Park City Authority requires that developers achieve a 1000 square foot average dwelling unit size within each new residential development within Battery Park City. The speaker also noted the Authority's commitment to creating family sized units in Battery Park City.

The other speaker in favor of the application, a representative of a developer engaged in residential projects within Battery Park City, discussed how the text amendment would impact a proposed development on Site 18B. The speaker noted that space reallocated from reduced studio apartments sizes would be used to augment other two and three bedroom unit apartments within the development. The speaker also noted that eliminating the minimum dwelling unit size would allow developers to better respond to market demand.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the proposed text amendment, to Sections 84-131 (Floor area regulations) and 84-132 (Mandatory front building walls) of the Special Battery Park City District, is appropriate.

The Commission notes that current development of buildings that strive to meet higher environmental standards necessitate substantially larger bulkheads than those generated by

conventional construction techniques. The Commission notes that these enlarged bulkheads, while permitted obstructions, have the effect of reading as a second setback atop the towers on which they sit. The Commission believes that elimination of the required setback at 210 feet will ease the development of “green” buildings while still providing the desired tower articulation through the presence of enlarged bulkheads.

The Commission also believes that the text amendment through the elimination of the minimum dwelling unit size will provide beneficial flexibility to developers of residential buildings in Battery Park City. The Commission notes that eliminating this requirement will allow developers to allocate floor space more efficiently and to appeal to a broader range of potential tenants. The Commission is encouraged by the Battery Park City Authority’s commitment to a 1,000 square foot average dwelling unit size and the higher than average number of two and three bedroom units that exist within recent Battery Park City projects. The Commission also notes that floor area transferred from studio units will be reallocated to enlarge other two and three bedroom units within the development. Finally, the Commission believes that providing such flexibility will allow Battery Park City and Lower Manhattan to remain competitive with residential development taking place in other parts of the City.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action describes herein will have no significant impact on the environment; 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:

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.

SPECIAL BATTERY PARK CITY DISTRICT REGULATIONS

2/27/01

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 minimum #floor area# contained within any #dwelling unit# shall not be less than 550 square feet.~~

10/12/01

84-132

Mandatory front building walls

Except as set forth in paragraph (g) and (i) 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# as 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. However, 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 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 (d)(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;
- (f) With respect to any 110-230 foot #mandatory front building wall line# shown in Appendix 3.1, a height of not less than 110 feet nor more than 230 feet; except that:
 - (1) the length of the mandatory front building wall along North End Avenue in excess of a

height of 135 feet shall not exceed 120 feet along any frontage;

- (2) where the length of the #mandatory front building wall line# along #street lines# intersecting North End Avenue exceeds 100 feet, the mandatory front building wall in excess of a height of 135 feet shall not exceed a length of 75 feet along North End Avenue. However, the length of the mandatory front building wall along #street lines# intersecting North End Avenue may be reduced to not less than 100 feet in order to accommodate landscaping and other improvements within or adjacent to the public open space areas shown in Appendix 3.6;
- (3) a setback of ten feet at a height of 135 feet is required along all street frontages, except Park Place West, ~~at a height of 135 feet~~; and
- (4) a setback of not less than five feet and not more than ten feet is required in other locations at a height of 135 feet, as shown in Appendix 3. 1; ~~and~~.
- ~~(5) a setback of not less than five feet is required at a height of 210 feet on all sides of the #building#, except for #special height locations# provided in Section 84-135 (Limited height of buildings) and shown in Appendix 3.2;~~
- (g) 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 either 150 feet for more than 120 feet or 75 percent of the length of the site=s 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. Where Appendix 3.1 shows a requirement for a #development# to be built to a #mandatory front building wall line# along frontage on River Terrace, any such #development# may have a mandatory front building wall coincident with and constructed along a line set back one and one-half feet from the #street line# along River Terrace to accommodate landscaping treatment as

required by the Battery Park City Authority; and

- (h) on the portion of any #zoning lot# designated as a #special height location# in Appendix 3.2, a height of not less than the applicable amount set forth in paragraphs (e), (f) or (g) of this Section and not more than the height shown in Appendix 3.2.
- (i) on the #zoning lot# south of First Place and west of Battery Place, the eastern mandatory front building wall may be located within 30 feet from the eastern #mandatory front building wall line#, and the southern mandatory front building wall may be reduced in length up to 30 feet along the southern #mandatory front building wall line# within 30 feet from the intersection with the eastern #mandatory building wall line#.

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 their 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.

* * *

The above resolution (N 030536 ZRM), duly adopted by the City Planning Commission on November 5, 2003 (Calendar No. 14), 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, AICP, Chair

KENNETH KNUCKLES, Esq., Vice-Chair

ANGELA M. BATTAGLIA, IRWIN CANTOR, P.E., R.A.,

ANGELA R. CAVALUZZI, R.A., RICHARD W. EADDY, ALEXANDER GARVIN,

JANE D. GOL, JOHN MEROLO, DOLLY WILLIAMS, Commissioners