



CITY PLANNING COMMISSION

February 6, 2013 / Calendar No. 14

CORRECTED N 130080 ZRM

IN THE MATTER OF an application submitted by the NYC Department of Small Business Services (SBS), 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 Article IX Chapter I, Special Lower Manhattan District, Section 91-664 related to the allowable hours of operation for waterfront public access areas associated with the South Street Seaport/Pier 17 redevelopment proposal.

This application for an amendment of the Zoning Resolution was filed by the New York City Department of Small Business Services (DSBS) on October 2, 2012. The zoning text amendment, along with its related actions, would facilitate the redevelopment of the existing Pier 17 building, a three-story retail structure on a 181,200 square-foot zoning lot on Pier 17. The project is generally located at 95 South Street (Block 73, parts of Lot 8 and Lot 10, and part of Marginal Street, Wharf or Place) in the Borough of Manhattan, Community District 1.

RELATED ACTIONS

In addition to the proposed zoning text amendment (N 130080 ZRM), which is the subject of this report, implementation of the proposed project also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

- C 130052 ZMM:** An amendment to the Zoning Map changing from a C2-8 District to a C4-6 District.
- C 130055 ZSM:** Special Permit pursuant to Section 62-834 to modify the use regulations of Section 62-241 (Uses on existing piers and platforms) and the height and setback and building length requirements of Section 62-342 (Developments on piers).
- C 130053 ZSM:** Special Permit pursuant to Section 74-743(a)(2) to modify the yard requirements of Section 62-322 (Rear yards and waterfront yards) within a Large-Scale General Development.
- C 130054 ZSM:** Special Permit pursuant to Section 74-744(c) to modify the surface area and the height of signs requirements of Sections 32-64 and 32-65 within

Large-Scale General Development.

- N 130056 ZAM:** Authorization by the City Planning Commission, pursuant to Section 62-822 (a), to modify the minimum dimension requirements of 62-50 (GENEARL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS).
- N 130057 ZAM:** Authorization by the City Planning Commission, pursuant to Section 62-822 (b), to modify the requirements of Section 62-513 (Permitted obstructions in visual corridors) and Section 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS).
- N 130058 ZAM:** Certification by the Chairperson of the City Planning Commission, pursuant to Section 62-811 for compliance with waterfront public access and visual corridor requirements.
- C 130059 PPM:** Disposition of one City-owned property (Block 73, p/o Lot 10, p/o Lot 8, and p/o Marginal Street, Wharf of Place).

BACKGROUND

A full background discussion and description of this application appears in the report for a special permit application (C 130055 ZSM).

ENVIRONMENTAL REVIEW

This application (N 130080 ZRM), in conjunction with the application for the related actions, 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 designated CEQR number is 12DME007M. The lead agency is the Office of the Deputy Mayor for Economic Development.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on August 28, 2012.

PUBLIC REVIEW

This application (N 130080 ZRM), in conjunction with the applications for the related actions (C 130055 ZSM, C 130052 ZMM, C 130053 ZSM, C 130054 ZSM, C 130059 PPM), was duly referred to Community Board 1 and the Manhattan Borough President on October 15, 2012, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Board 1 held a public hearing on this application (N 130080 ZRM), on October 4, 2012 and on November 27, by a vote of 35 in favor to 0 opposed, adopted a resolution recommending approval of the application, with conditions.

A summary of the Community Board's conditions and recommendations appears in the report on the related application for a special permit (C 130055 ZSM).

Borough President Recommendation

This application (N 130080 ZRM), in conjunction with the related actions, was considered by the President of the Borough of Manhattan, who recommended approval, with conditions, of the application on December 13, 2012.

A summary of the recommendations of the Borough President appears in the report on the related application for a special permit (C 130055 ZSM).

City Planning Commission Public Hearing

On November 28, 2012 (Calendar No. 23), the City Planning Commission scheduled December 19, 2012, for a public hearing on this application (N 130080 ZRM) application. The hearing was duly held on December 19, 2012 (Calendar No. 15) in conjunction with the public hearing on the applications for related actions (Calendar No's 10-14).

There were a number of appearances as described in the report on the related application for a special permit (C 130055 ZSM), and the hearing was closed.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY

A discussion of the WRP Consistency Review appears in the report on the related application for a special permit (C 130055 ZSM).

CONSIDERATION

The Commission believes that this application for a zoning text amendment (N 130080 ZRM), in conjunction with the application for related actions, is appropriate. A full consideration and analysis of the issues, and the reasons for approving this application appear in the report on the related application for a special permit (C 130055 ZSM).

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, 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:

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is old, to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

ARTICLE IX: SPECIAL PURPOSE DISTRICTS

Chapter 1: Special Lower Manhattan District

* * *

91-60

REGULATIONS FOR THE SOUTH STREET SEAPORT

* * *

91-66

Modification of Use and Bulk Regulations

* * *

91-664

Modification of hours of operation for waterfront public access areas

For any #zoning lot # which was the subject of application N 130058 ZCM, the hours of operation set forth in paragraph (a) of Section 62-71 (Operational Requirements) may be extended to allow public access up to 24 hours per day, and the provisions of paragraph (a)(3) of Section 62-654 (Signage) shall be modified to require any such extended hours of public access, as may change over time, to be included on the required signage. The provisions of paragraph (a)(4) of Section 62-654 shall not apply where 24 hour access is allowed. The provisions of paragraph (b) of Section 62-71 requiring rules of conduct for the #waterfront public access area# to be established with the Department of Parks and Recreation, and other provisions of this Chapter requiring a maintenance and operation agreement pursuant to Section 62-74 (Requirements for Recordation), shall not apply so long as a legal instrument acceptable to the Chairperson, in all other respects consistent with the provisions of Section 62-74, has been executed and recorded, setting forth rules of conduct and maintenance and operations requirements.

* * *

The above resolution (N 130080 ZRM), duly adopted by the City Planning Commission February 6, 2013 (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, FAICP, Chair
KENNETH J. KNUCKLES, Esq., Vice Chairman
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, BETTY Y. CHEN, MICHELLE DE LA UZ,
JOSEPH DOUEK, ANNA HAYES LEVIN, ORLANDO MARIN, Commissioners