



## **CITY PLANNING COMMISSION**

May 8, 2013/Calendar No. 4

N 130206(A) ZRM

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**IN THE MATTER OF** an application submitted by the Department of City Planning 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) concerning privately owned public spaces within Community District 1, Borough of Manhattan.

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The application for an amendment to the Zoning Resolution was filed by the Department of City Planning on February 28, 2013. The proposed text amendment would create a new Section 91-82 (Existing Publicly Accessible Open Areas) of the Zoning Resolution, and modify existing provisions to allow temporary amenities and events in existing privately owned public spaces until January 1, 2014. The text would modify the Special Lower Manhattan District and apply to all existing plazas, urban plazas, public plazas, arcades, indoor spaces, sidewalk widenings, and public areas provided by special permit along and near Water Street in Lower Manhattan, Community District 1, Borough of Manhattan. On March 22, 2013, pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure rules, the Department filed an application to modify the proposed amendment to the Zoning Resolution. The modified application, N 130206(A) ZRM, is the subject of this report.

### **BACKGROUND**

The Department of City Planning is proposing a modification to the Special Lower Manhattan District affecting existing privately owned public spaces along and near Water Street in Lower Manhattan. Currently, Section 37-625 (Design Changes) of the Zoning Resolution requires a certification by the Chairperson of the City Planning Commission to allow new amenities or temporary exhibitions in an existing privately owned public space. Events are not expressly permitted in privately owned public spaces, but are more commonly allowed in public spaces provided by special permit (in outdoor plazas pursuant to Section 74-91 and in indoor spaces pursuant to Section 74-87 of the Zoning Resolution). The proposed text amendment would allow new temporary amenities and events without requiring a certification, authorization, or special permit until January 1, 2014.

Privately owned public spaces (POPS) are public spaces that have been provided by a developer in exchange for a floor area bonus. The original goal of the provision was to provide additional light and air in the densest areas of New York City, and these spaces have, since 1961, come to serve as open space resources for residents, employees, and visitors, as well as provide relief from congested sidewalks. There have been many public space types that have been eligible for a floor area bonus that, depending on the public space type, are governed by certain design and procedural requirements in the Zoning Resolution. In Manhattan and parts of Brooklyn and Queens, these spaces have most commonly taken the form of plazas or arcades. Plazas are public spaces that are open and exposed to the sky and may, depending on the year it was developed, contain amenities such as seating and trees. Arcades are continuous covered areas along a building frontage that are open to a street or other privately owned public space, and are free and clear of obstructions. Plazas are permitted by certification by the Chairperson of the City Planning Commission; arcades are permitted as-of-right. Covered pedestrian spaces, which are covered (and often indoor and climate-controlled) public spaces, are permitted by special permit by the City Planning Commission. The design, locational, and dimensional requirements of plazas that are permitted today may be modified by special permit by the City Planning Commission.

The text amendment would apply to 25 blocks generally bounded by State, Pearl, Fulton, and South Streets in Lower Manhattan. To the east of this area are the East River waterfront and the Franklin Delano Roosevelt (FDR) Drive. To the south is the tip of Manhattan with the historic Battery Park, Whitehall Ferry Terminal, and Battery Maritime Building. To the north is the historic South Street Seaport area, and to the west is the historic core of Lower Manhattan. The area is located in the high-density C5-3, C5-5, C6-4 and C6-9 zoning districts within the Special Lower Manhattan District. These zoning districts permit commercial and residential uses as-of-right, and offer floor area bonuses through the provision of a POPS or transferred development rights. Land uses along Water Street include high-density commercial, Class A and B+ office buildings – several of which have been converted to residential and hotel use – some smaller residential and office buildings, and small public spaces interspersed throughout.

Within the applicable 25 blocks, there are 22 existing buildings with one or more POPS. Many of the POPS within the area were developed under the earliest guidelines for bonus plazas, which did not require the amenities that have been provided in many of the recent POPS developed in other parts of the City. The concentration of these POPS, their particular designs, and lack of amenities have failed to support the active street life originally envisioned along Water Street. These spaces have been provided through as-of-right and special permit mechanisms, and have generally taken the following forms: plaza (20), arcade (19), sidewalk widening (3), and covered pedestrian space (1).

In 2011 the City Planning Commission approved a text amendment (N 110193 ZRM) to allow tables and chairs within existing arcades by Chairperson Certification to “create the opportunity for activities that could draw pedestrians onto Water Street, improving its vitality,” as noted by the Commission. Several buildings have taken advantage of this provision since its adoption. Although the text amendment was focused on the Water Street arcades, the Commission recognized that Water Street is not used by the majority of pedestrians as their north-south route, and that the vitality of Water Street is critical to its overall success as a sustainable business district. The 2011 text amendment served as a tool to strengthen this important connection from the South Street Seaport area to the Battery.

The devastation to Lower Manhattan caused by Hurricane Sandy in October 2012 has only exacerbated the broader challenges facing Water Street. Many office tenants were forced to temporarily relocate, local businesses were shuttered, and many buildings sustained significant damage, most notably to their electrical and communications systems. At the time of consideration for this text amendment – six months following the storm – many office tenants remain displaced, local businesses remain vacant, and portable generators continue to dot the pedestrian landscape.

The text amendment is one component of an interagency effort to revitalize the Water Street and Seaport areas following the storm. In parallel with this text amendment, the New York City Economic Development Corporation (EDC) has released a Request for Expressions of Interest

(RFEI) to identify one or more groups to coordinate an appropriate calendar of events across multiple POPS. The New York City Department of Transportation (DOT) has prepared plans for new streetscape improvements and wayfinding along Water Street. In a separate program, EDC has selected a team to prepare interactive lighting displays in parts of Lower Manhattan and along the East River Waterfront. Together, with coordination from the Office of the Mayor, these initiatives are intended to attract more people to the area following a severe decline in pedestrian activity along the corridor following Hurricane Sandy.

The text amendment allows events and a wide range of temporary amenities to occupy an existing POPS as-of-right for the summer and fall of 2013, with a sunset date of January 1, 2014. The “pilot” nature of the text amendment serves two goals: (1) it allows for the immediate programming of POPS without requiring a Chairperson certification for new amenities; and (2) it allows the Department of City Planning to study the types of events, programs, and amenities that would be compatible with these spaces, which can inform strategies for longer-term improvements along and around Water Street. A maximum of 60 percent of the POPS can be occupied in aggregate by temporary amenities, and those amenities cannot be permanently affixed to the ground or within five feet of a building entrance. Events must be open to the public, and a description of proposed events must be submitted to the Mayor’s Street Activity Permit Office (SAPO) fourteen days prior to the event. If an event is anticipated to extend into City sidewalks or streets, a SAPO permit would be required. Following the sunset date of the text amendment, all POPS must be returned to a compliant state (per most-recently approved drawings and/or applicable design regulations).

#### *Creation of the Public Space Activation Area*

The application for the zoning text amendment as originally referred (N 130206 ZRM) was proposed to apply to the existing 23-block “Arcades Modification Area” of Map 8 (Public Access Modification Areas) of Appendix A (Lower Manhattan District Plan Maps) of the Special Lower Manhattan District. Furthermore, the text amendment required that event descriptions be submitted to SAPO twenty days prior to the event’s scheduled date. On March 22, 2013, the Department of City Planning filed a land use application, which is the subject of

this report, to extend the applicability of the text amendment from 23 blocks to 25 blocks and to reduce the reporting time to SAPO.

The modified application includes an amendment to Map 8 to create a new “Public Space Activation Area.” This new area includes the 23 blocks of the Arcades Modification Area, as well as two additional blocks to the west. These two additional blocks include three properties that would provide an important link between the Water Street corridor and Battery Park and the Bowling Green subway station. The modified text amendment (N 130206(A) ZRM), which is the subject of this report, would apply to the new Public Space Activation Area, and would leave the Arcades Modification Area unchanged. The modified application also reduces the SAPO review time from twenty days to fourteen days to be consistent with their current review process. All other aspects of the zoning text amendment, as originally referred, remain unchanged in the modified application.

## **ENVIRONMENTAL REVIEW**

The application (N 130206 ZRM), in conjunction with the application which is the subject of this report (N 130206(A) 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 is the City Planning Commission. The designated CEQR number is 13DCP100M.

On February 28, 2013 the application (N 130206 ZRM) was determined to be a Type II action pursuant to 6 NYCRR Part 617, Section 617.5(c)(15) which requires no further environmental review. On March 22, 2013, a revised Type II memo was issued for the subject application (N 130206(A) ZRM), which reflects the modifications to the original application.

## **PUBLIC REVIEW**

On March 4, 2013 the application (N 130206 ZRM) was referred to Community Board 1 and the Borough President in accordance with the procedure for referring non-ULURP matters. On

March 27, 2013 the modified application (N 130206(A) ZRM) was also referred to Community Board 1 and the Borough President in accordance with the procedure for referring non-ULURP matters.

### **Community Board Review**

Community Board 1 held a public hearing on the original application (N 130206 ZRM) and the modified application (N 130206(A) ZRM) on March 27, 2013, and on that date, by a vote of 26 to 0 with 0 abstentions, adopted a resolution recommending approval of the application.

### **Borough President Recommendation**

The Manhattan Borough President issued a letter supporting the modified application (N 130206(A) ZRM) dated April 10, 2013.

### **City Planning Commission Public Hearing**

On March 20, 2013 (Supplemental Calendar No. 2), the City Planning Commission scheduled April 10, 2013 for a public hearing on this application (N 130206 (A) ZRM) in conjunction with the original application (N 130206 ZRM). The hearing was duly held on April 10, 2013 (Calendar No. 22).

There were five speakers in favor and none opposed.

A representative of the Alliance for Downtown New York spoke in favor of the project, noting that creative programming will help encourage activity in spaces that have been largely dormant, despite the large residential and employment population nearby.

A representative of Community Board 1, Manhattan, reiterated the Community Board's support for the project. They requested that programmatic uses enhance, rather than compete with, local businesses, that they be notified of all events, and that the Department of City Planning report on the success of the project and consider making it permanent in the future.

A representative of the Office of the Deputy Mayor for Economic Development spoke in favor of the project and noted that the text amendment is a key component to an interagency effort to revitalize the east side of Lower Manhattan.

A representative of the Office of the Manhattan Borough President reiterated the Borough President's support and concern that the text amendment could create unintended competition with local businesses. They requested that the Commission consider limiting events to be hosted by a specific coordinator, such as the one being sought by the New York City Economic Development Corporation.

A representative of the New York City Economic Development Corporation spoke in favor of the project, noting the importance of an active and engaging pedestrian realm in ensuring the success of Water Street as a vibrant and competitive commercial corridor. They also noted the issuance of a Request for Expressions of Interest for an event coordinator to assume an organizing role for the events that will be facilitated by the text amendment.

There were no other speakers and the hearing was closed.

#### **WATERFRONT REVITALIZATION PROGRAM CONSISTENCY**

The modified application (N 130206(A) ZRM) 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 22, 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 13-046.

The City Planning Commission, acting as the City Coastal Commission, having reviewed the waterfront aspects of this action, finds that the action will not substantially hinder the achievement of any WRP policy and hereby determines that this action is consistent with WRP policies.

## **CONSIDERATION**

The Commission believes that this application for a zoning text amendment (N 130206(A) ZRM) is appropriate.

The Commission recognizes that Water Street is an important economic corridor for Lower Manhattan, and that it continues to be impacted by Hurricane Sandy many months following the storm. The Commission believes that the text amendment would facilitate programming along Water Street that will help draw pedestrians and visitors to the area, thereby aiding its economic recovery.

The Commission recognizes that the concentration of privately owned public spaces along Water Street, their particular designs, and lack of amenities have failed to support a lively and active pedestrian environment that could enhance the Water Street corridor. The Commission believes that the text amendment would facilitate the temporary activation of otherwise underused spaces, and will help the Department, building owners, and community stakeholders understand the type of activities and amenities that could be compatible with this particular urban context.

The Commission believes that, although provisions exist in the Zoning Resolution for building owners to upgrade their spaces and provide amenities, it is appropriate to temporarily suspend requirements for land use applications given the urgent need to promote economic activity, increase pedestrian activity, and help respond to any lingering negative perceptions of Water Street following Hurricane Sandy. The Commission notes that expiration of the text amendment on January 1, 2014 will facilitate programming throughout the summer, fall, and holiday seasons of this year. The Commission further believes that the expiration date is appropriate given the programmatic flexibility that is being facilitated through the text amendment and the purpose of possible consideration of long-term strategies.

The proposed text amendment would allow temporary amenities that are not permanently affixed to the ground, are not within five feet of a building entrance, and do not occupy more than 60

percent of a privately owned public space. The provision to allow only temporary amenities would allow flexibility in programming and would allow new amenities to be installed quickly for immediate use by the public. Additionally, such provision would ensure that spaces could be easily returned to their original state following the expiration of the text amendment. The Commission believes that the requirement that at least 40 percent of any public space remain free and clear of obstructions is important in balancing the needs of active programming and passive use of the space for the general public.

The Commission notes that events shall be open to the public, and that amplified sound is permitted between the hours of 9:00 am and 10:00 pm. Furthermore, the Street Activity Permit Office (SAPO) of the Office of Citywide Events Coordination and Management must be notified of events fourteen days prior to the scheduled date. SAPO notification will ensure that public resources will be available if an event is expected to extend onto a City sidewalk or street. The Commission also believes that use of a privately owned public space for the sole purpose of promoting products or services is inappropriate, and that events should be provided for the enjoyment of the public.

The Commission notes that, concurrently with the proposed text amendment, the New York City Economic Development Corporation issued a Request for Expressions of Interest (RFEI) on March 15, 2013 for an event coordinator to schedule an appropriate calendar of events across multiple spaces. The Commission believes that, although the RFEI does not preclude an owner from hosting an event on its own, the RFEI creates a structure that would help to oversee and encourage a wider range of possibilities for these spaces that may not have been conceived without additional support from the City.

The Commission believes that the text amendment is an important step toward the revitalization and recovery of Lower Manhattan and the improvement of the Water Street pedestrian realm.

## **RESOLUTION**

**RESOLVED**, that the City Planning Commission determines that the action described herein is classified as Type II (6 NYCRR Part 617, Section 617.5(c)(15)) and not subject to review pursuant to State Environmental Quality Review and City Environmental Quality Review; 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:

Matter Underlined is new, to be added;  
Matter in ~~Strikeout~~ is old, to be deleted;  
Matter within # # is defined in Section 12-10;  
\* \* \* indicate where unchanged text appears in the Zoning Resolution

## **Article IX – Special Purpose Districts**

### **Chapter 1: Special Lower Manhattan District**

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#### **91-80 PUBLIC ACCESS AREAS**

#### **91-81 Certification to Modify Existing Arcades in Certain Areas**

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#### **91-82 Existing Publicly Accessible Open Areas**

The purpose of this Section is to facilitate temporary programmatic changes to existing public

spaces to:

- (a) help address the short-term challenges facing the Water Street corridor as a result of Hurricane Sandy by encouraging increased economic activity, reinforcing community connections, creating a lively and engaging experience, and improving the corridor's pedestrian environment; and
- (b) explore new types of uses and amenities within public spaces intended to draw residents, workers, and visitors, thereby increasing the utilization and activation of the existing public spaces.

This Section, inclusive, shall be effective until January 1, 2014, at which time the provisions of this Section shall automatically expire and all #publicly accessible open areas#, as defined in Section 91-821, shall be returned to their compliant state and all temporary obstructions shall be removed.

**91-821**  
**Special provisions for #publicly accessible open areas#**

For the purposes of this Section, the definition of “publicly accessible open area” shall also include any #arcade#, #through block arcade#, or other public amenity, open or enclosed, for which a #floor area# bonus has been granted.

The provisions of this Section shall apply to all #publicly accessible open areas# existing on (effective date of amendment) within the area designated as a Public Space Activation Area on Map 8 (Public Access Modification Areas) in Appendix A of this Chapter.

Any underlying provisions, including Section 91-81 of this Chapter, restricting the placement of obstructions within #publicly accessible open areas# or restricting their use for events may be modified, as follows:

- (a) Temporary permitted obstructions

Amenities that shall be considered temporary permitted obstructions for cultural, entertainment, and #commercial uses# including, but not limited to, tables, chairs, moveable planters, stages, kiosks, food trucks, artwork, and shade structures are allowed, provided that they:

- (1) are not permanently affixed to the ground and do not cause damage to any surface of the #publicly accessible open area#;
- (2) are not located within five feet of any #building# entrance; and
- (3) do not in combination occupy more than 60 percent of the #publicly accessible

open area#.

(b) Events

Events including, but not limited to, farmers markets, holiday markets, concerts and performances, art and cultural exhibitions, and festivals are permitted. Such events may be sponsored by non-profit or for-profit entities, without limitation, and may include the sale of food, refreshments, and other event-related items, for the benefit or enjoyment of event participants. The use of #publicly accessible open area# for the promotion of products or services shall not itself qualify as an event permitted under this Section. Such events shall:

(1) be open to the public;

(2) only be permitted to use amplified sound between the hours of 9:00 am and 10:00 pm.

Nothing herein shall authorize the use of City #streets# or sidewalks in connection with an event permitted under this Section, and any such use shall be subject to all applicable provisions of law and regulation governing the use of City #streets# or sidewalks including, where applicable, the requirement to obtain a Street Activity Permit from the Street Activity Permit Office of the Office of Citywide Events Coordination and Management. No event shall be permitted pursuant to this Section unless, no later than fourteen (14) days prior to the scheduled date, the sponsor notifies the Street Activity Permit Office of the nature, size and location of the event upon a form prescribed by the Street Activity Permit Office for such purpose.

\* \* \*

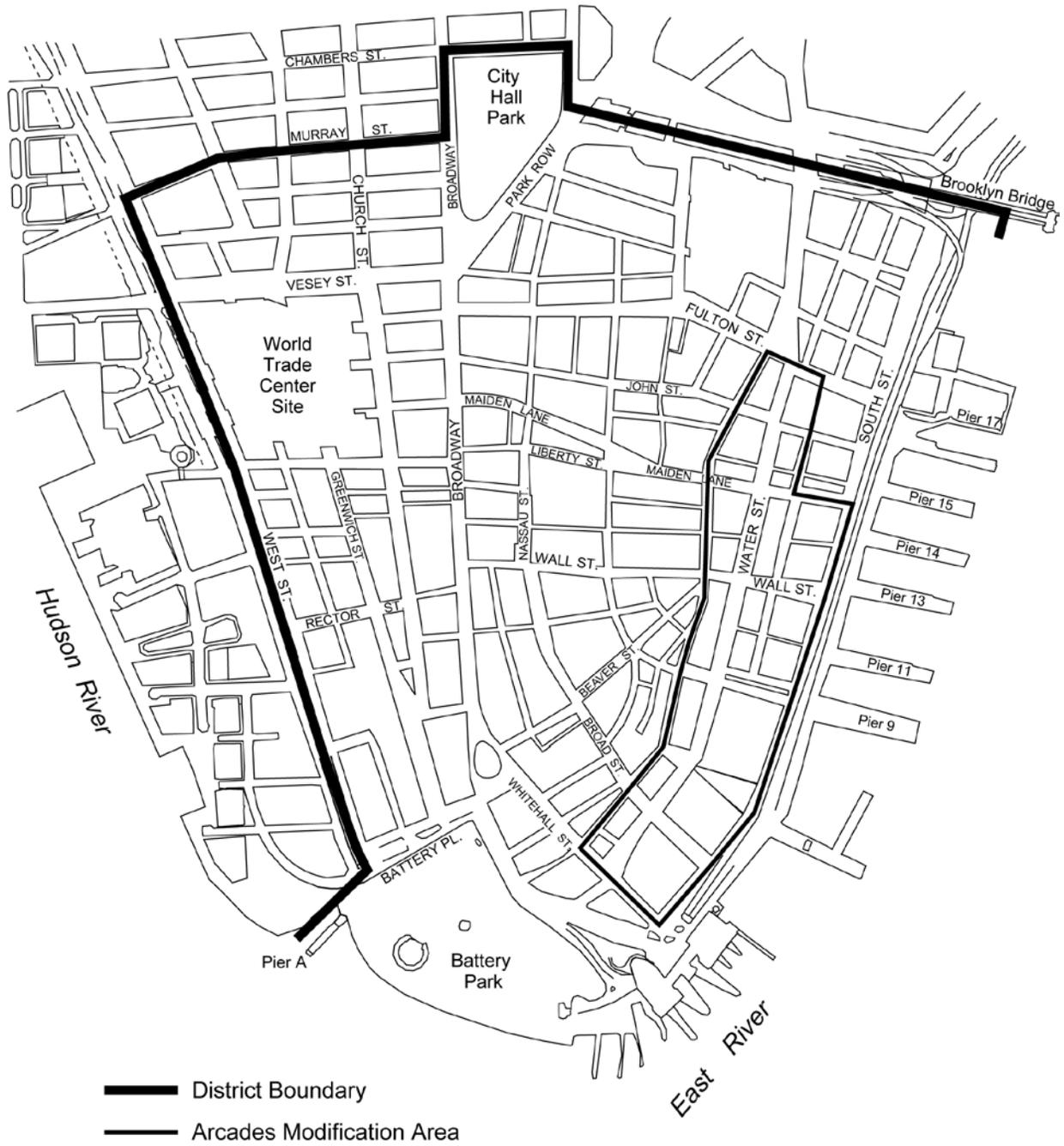
**Appendix A  
Lower Manhattan District Plan Maps**

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Appendix A

Map 8. Public Access Modification Areas

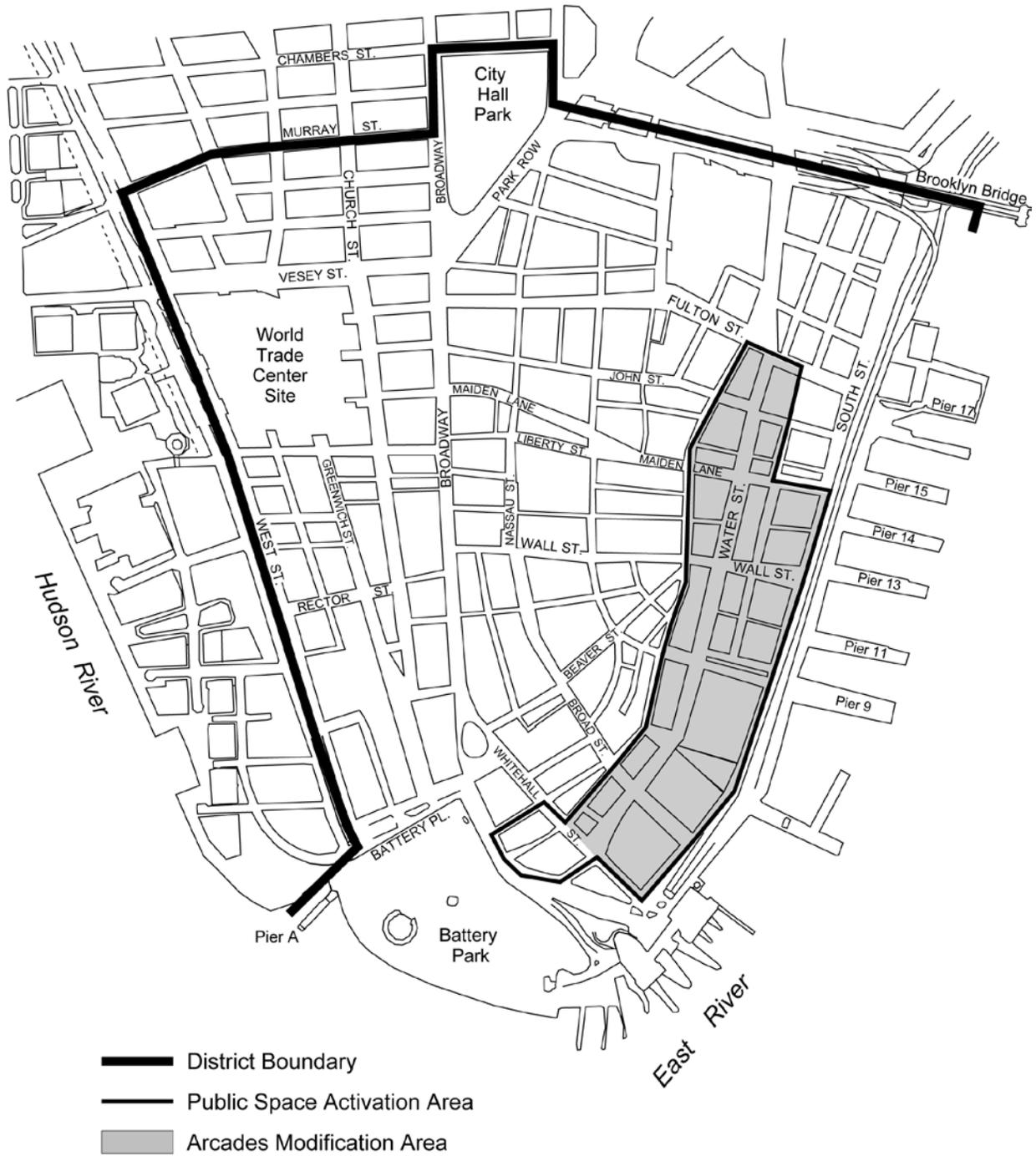
[MAP TO BE DELETED]



Appendix A

Map 8. Public Access Modification Areas

[MAP TO BE ADDED]



The above resolution, duly adopted by the City Planning Commission on May 8, 2013 (Calendar No. 4), is filed with the Office of the Speaker, City Council in accordance with the requirements of Section 195 of the New York City Charter.

**AMANDA M. BURDEN, FAICP, Chair**

**KENNETH J. KNUCKLES, ESQ., Vice Chairman**

**ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,**

**ALFRED C. CERULLO, III, BETTY Y. CHEN, MICHELLE R. DE LA UZ,**

**MARIA M. DEL TORO, JOSEPH DOUEK, ANNA HAYES LEVIN, ORLANDO MARÍN,**

Commissioners

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: MARCH 27, 2013

COMMITTEE OF ORIGIN: PLANNING

COMMITTEE VOTE: 11 In Favor 0 Opposed 0 Abstained 0 Recused  
BOARD VOTE: 26 In Favor 0 Opposed 0 Abstained 0 Recused

RE: N130206ZRM  
N130206(A)ZRM  
Water Street POPS Text Amendment

WHEREAS: The Department of City Planning has submitted an application for a zoning text amendment to the Special Lower Manhattan District to allow programming and new amenities as-of-right in existing privately owned public spaces (POPS) along the Water Street corridor for the summer, fall, and holiday season of this year, with a sunset date of January 1, 2014; and

WHEREAS: The text amendment would apply to approximately 25 blocks roughly bounded by Fulton, State, South, and Pearl Streets, within which 20 buildings have one or more privately owned public spaces (POPS); and

WHEREAS: The text amendment would apply to all existing POPS, including open spaces required pursuant to previously-approved special permits, as-of-right plazas, arcades, through-block arcades, sidewalk widenings, and covered pedestrian spaces along or near Water Street between Fulton and State Streets; and

WHEREAS: The text amendment would allow temporary programmatic changes to POPS that would help activate the open spaces along Water Street and attract residents, workers, and visitors as part of efforts to rejuvenate the Water Street corridor after Hurricane Sandy; and

WHEREAS: In 2010 Community Board 1 adopted a resolution in support of the Downtown Alliance's "New Approach" vision for Water Street; and

WHEREAS: In 2011 Community Board 1 adopted a resolution in favor of a zoning text amendment to the Special Lower Manhattan Zoning District allowing tables and chairs in existing privately-owned, publicly accessible arcades along and nearby Water Street; and

WHEREAS: Community Board 1 appreciates the efforts of the Department of City Planning staff to work with the Community Board staff and the Downtown Alliance on the proposed text change which will enhance public use of POPS, support the economic vitality of the Water Street Corridor, and be the first step in implementation of the Water Street Vision of the Downtown Alliance; now

THEREFORE  
BE IT  
RESOLVED

THAT: Community Board 1 supports the proposed zoning text amendment regarding Water Street POPS in Lower Manhattan provided that programmatic uses for the POPS enhance and are not in competition with local businesses, and that Community Board 1 is notified of all programmatic uses to occupy the POPS; and

BE IT  
FURTHER  
RESOLVED

THAT: Community Board 1 asks the Department of City Planning to report to it on the success of the POPS and plans to make it permanent in the future.



THE CITY OF NEW YORK  
**OFFICE OF THE PRESIDENT**  
BOROUGH OF MANHATTAN

**SCOTT M. STRINGER**  
BOROUGH PRESIDENT

April 10, 2013

Chair Amanda M. Burden, AICP  
City Planning Commission  
22 Reade Street  
New York, NY 10007

**Re: N 130206 (A) ZRM – Water Street POPS**

Dear Chair Burden:

I write in support of the New York City Department of City Planning's ("DCP") proposed text amendment to allow events in the publicly owned private spaces ("POPS") in the Special Lower Manhattan District of Manhattan Community District 1 through the 2013 calendar year. The text facilitates a pilot program, which would allow the area's POPS to be temporarily improved and activated. Generally, the program will create pedestrian appeal on Water Street, which will support the local businesses and bring new economic activity to the area. The program is part of a larger citywide effort to assist neighborhoods recovering from the devastating impacts of Superstorm Sandy. The text amendment will affect approximately 25 blocks with 20 POPS along Water Street bound by Battery Park to the south and Fulton Street to the north.

The proposed text amendment modifies the "public access areas" in Zoning Resolution Section 91-80, of the Special Lower Manhattan District. The amended text permits and defines the type of events that can occur in the open spaces. It requires events to be open to the public and restricts the use of amplified sound between the daily hours of 9 AM and 10 PM. In addition, it allows for amenities such as moveable planters, stages, kiosks, food trucks but restricts them from being affixed to the ground, from being located within five feet of a building entrance and from occupying more than 60 percent of the POPS. While nothing in the text permits the use of sidewalks, it does require that the Street Activity Permit Office be notified of the nature, size and location of an event 14 days prior to its commencement. The proposed text is part of a pilot program, and would only be in affect until January 1, 2014.

Community Board 1 ("CB1") voted unanimously in favor of the resolution but requested that they be notified of all events prior to their commencement. Additionally, the board requested that any programming of the POPS be done in such a way as to not compete with local businesses. Finally, CB1 requested that DCP report back to the board on the success of the



program and consider making it permanent.

In conjunction with the proposed text amendment, the Economic Development Corporation (“EDC”) has issued an RFEI for an events coordinator. The coordinator will secure the use of individual POPS and generate a program for events. However, as written, events can be run by any individual, private or non-profit and owners are not required to use the coordinator.

The proposed text allows broad definitions of: the type of amenities that can be provided, the type of event allowed, and how the operator of the event is selected. In defining the type of event and the type of amenities the text uses the phrase “including, but not limited to.” Additionally, the text states that non-profits or for-profits may sponsor the events “without limitation.” In total, the text states that events can be anything, run by anyone with any type of obstruction; provided that the event meets the restrictions delineated above and are not used solely for the promotion of products or services. Further, the proposed text does not specify whether the events are allowed to be ticketed and does not require them to be coordinated.

As this is a pilot program, the text was written with broad definitions to allow maximum flexibility. However, CB1 has rightly raised concern over potential impact on local businesses as the text has no limit on an event’s duration or type of activity in the event. Such a broad definition could create unintended competition and a negative impact on the existing local economy, which is antithetical to the intent of the proposed text and pilot program.

In order to ensure that such conflicts do not occur, the city should consider allowing events solely through a specific coordinator such as the one being sought by EDC. Such a restriction would allow for careful consideration of the events, their use and allow for coordination between multiple sites. As the program is intended to be a pilot, if it is successful, then the city could consider easing restrictions over time.

Additionally, DCP should consider removing the text’s reference to “not authorizing the use of City streets.” The text is unnecessary as zoning does not regulate the use of the streets in general.

Lower Manhattan was particularly devastated by the impact of Superstorm Sandy and any proposed program to increase activity and create greater pedestrian activity in the affected areas is welcome. Further, new programs in the otherwise barren POPS on Water Street would be a welcome addition to the neighborhood.

Therefore, I support the proposed text amendment and look forward to working with the administration on this issue.

Sincerely,



Scott M. Stringer  
Manhattan Borough President