

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: MARCH 22, 2016

COMMITTEE OF ORIGIN: PLANNING

COMMITTEE VOTE: 15 In Favor 0 Opposed 1 Abstained 1 Recused
BOARD VOTE: 19 In Favor 11 Opposed 7 Abstained 1 Recused

RE: Water Street Upgrades Text Amendment N 160166 ZRM

WHEREAS: The Alliance for Downtown New York (ADNY), the New York City Economic Development Corporation (NYCEDC) and the New York City Department of City Planning (DCP) are proposing a zoning text amendment to the Special Lower Manhattan District of the New York City Zoning Resolution to allow the infill of existing arcades for retail use and the improvement of existing plazas by certification and authorization along and near Water Street (the “Proposed Action”); and

WHEREAS: The proposed text amendment would also allow as-of-right public events and programs and the placement of publicly accessible tables and chairs within plazas and arcades, and would continue to allow cafes within arcades by certification; and

WHEREAS: The amendment is intended to enhance the pedestrian experience along a street that is characterized by limited ground floor retail and a high concentration of privately owned public spaces (POPS) lacking in amenities, and to implement one of the resiliency initiatives identified for Southern Manhattan in *A Stronger, More Resilient New York*; and

WHEREAS: The plazas (POPS) affected by this proposal were built with their corresponding buildings primarily in the 1960s and 1970s. At that time, the design requirements for POPS were minimal. Today’s zoning has much improved design requirements for POPS, and the existing POPS built according to previous design guidelines are non-compliant. Not much has changed in the past five decades and building owners have not chosen to improve the plazas on their own initiative; and

WHEREAS: Community Board 1 (CB1) has been supportive of past initiatives and zoning text amendments to improve the pedestrian and plaza environments on Water Street, such as:

- Participating in ADNY’s Water Street study group in 2009;
- Adopting a resolution supporting ADNY’s ‘Water Street: A New Approach’ report in 2010;
- Adopting a resolution in support of the April 2011 zoning text amendment to allow cafes, tables and chairs in existing arcades

- Adopting a resolution in support of the May 2013 zoning text amendment to allow temporary programming and amenities in plazas for the summer, fall and holiday seasons of 2013
- Adopting a resolution to support EDC’s permanent streetscape design project in 2015; and

WHEREAS: In the past few years the NYC Department of Transportation (DOT), in partnership with other City agencies, has been working to implement streetscape improvements along Water Street; and

WHEREAS: The Project Area is located along Water Street and is generally bounded by Fulton Street to the north, South Street to the east, Whitehall Street to the south, and Pearl Street and South William Street to the west. Water Street spans more than one-half-mile from Whitehall Street to Fulton Street; and

WHEREAS: The affected properties in the Project Area house both plazas and arcades. Arcades are continuous covered areas set back to the street or a plaza. Plazas are open, uncovered areas accessible to the public at all times; and

WHEREAS: The Proposed Action would allow horizontal enlargements (“infill”) within underperforming arcades for retail and lobby uses as part of comprehensive upgrades to building ground floors; and

WHEREAS: Permitted uses for developments located within arcade infill would be restricted to retail uses typical of streets such as Fulton Street and Broadway, but intended primarily to serve nearby residents and employees. Restaurants, clothing stores, drug stores, and art galleries are among the various types of permitted uses that could be located within arcade infill; and

WHEREAS: The average size of the arcades eligible for infill is approximately 5,000 square feet, which would be appropriate for small business owners, which we encourage; and

WHEREAS: There are successful precedents for arcade infill in New York City, such as the Sony Building at 550 Madison Avenue; and

WHEREAS: As a condition to allowing arcade infill, the Proposed Action would require property owners to make significant improvements to existing plazas, either adjacent to the arcade or located [elsewhere/nearby]. Plazas would be upgraded to a standard aimed at meeting current design standards for new public plazas. Useful public amenities such as trees, planting, fixed and moveable seating, drinking fountains, lighting, public space signage and bicycle racks would all be potential elements of such upgrades; and

WHEREAS: As a condition to *allowing* building owners across 20 affected properties to infill approximately 100,000 square feet of currently underperforming public arcade space, the Proposed Action would *require* owners to significantly upgrade approximately 250,000 square feet of plaza space that would permanently remain as publicly accessible amenities. The attached chart details each affected property and its respective arcade infill and plaza areas; and

WHEREAS: The Proposed Action would facilitate more activity in plazas and arcades along Water Street by allowing free, non-ticketed events as-of-right, and would allow moveable public seating to be placed within the plazas and arcades as-of-right; and

WHEREAS: To facilitate the Proposed Action, the Zoning Map of the Special Lower Manhattan District would be modified to eliminate the existing “Public Space Activation Area” and “Arcades Modification Area” to create a single, simplified “Water Street Subdistrict;” and

WHEREAS: The proposed zoning text will allow arcade infill by City Planning certification and authorization. A new text map will be added to Appendix A of the special district that will delineate which portions of the Water Street arcades may infill by certification (Area A), those that may infill by authorization (Area B), and those that would not be permitted to infill by either certification or authorization (Area C); and

WHEREAS: If no plazas exist on the zoning lot, the provision of an indoor public space or an off-site public space could satisfy the requirement for a compensating amenity (e.g., 7 Hanover Square, 110 Wall Street, and 175 Water Street do not have plazas or urban plazas available for upgrade); and

WHEREAS: As a condition to permitting the arcade infill, the Proposed Action would also require buildings to implement new flood-proofing strategies for their ground floors to ensure they are resilient against flooding and damage from storms; and

WHEREAS: As the fourth anniversary of Superstorm Sandy approaches, there are still plazas along Water Street that remain in disrepair and blocked off after suffering damage from that storm; and

WHEREAS: While arcade infills would allow owners to use underutilized arcades to build smaller retail spaces, those retail spaces would still be required to meet all other rules, codes, ordinances and laws (e.g., the retail spaces could not be used for banks, as banks are not permitted to face plazas); and

WHEREAS: No changes would be permitted to the use of any plazas without a full permitting process that includes Community Board review procedures; and

WHEREAS: DCP referred the proposed text amendment on January 19, 2016 and the 60-day review period for zoning text amendments under the City Charter began to run on that date, now

THEREFORE
BE IT
RESOLVED

THAT: CB1 supports Water Street Upgrades Text Amendment N 160166 ZRM, provided that:

- 1) A referral mechanism is incorporated into the zoning text to require a 60-day period of Community Board review and comment, on a site-by-site basis, of any request to infill any arcade space within the Proposed Area, whether it is

- by certification (Area A), authorization (Area B), or by any other process or mechanism whatsoever that may be promulgated in the future;
- 2) Because building owners/landlords are potentially realizing substantial value as a result of the repurposing of these public amenities (no matter how underutilized), the community's needs for various types of facilities located within the future infilled arcades must be considered and encouraged, including but not limited to schools (including pre-kindergarten centers), libraries, senior centers, ice skating rinks and other recreation, *etc.*;
 - 3) Certifications or authorizations by the City Planning Commission (CPC) or CPC Chairperson should strongly consider the community's view that small, independent retail establishments are preferred over chain stores in any such infill spaces;
 - 4) Due consideration for affordability should also be taken into account (whether through rent regulation or other appropriate means) so as to avoid vacancies;
 - 5) During the Community Board review for each application for the 17 buildings with arcades, the applicant must be made responsible for explaining the specific community offset and benefit that will be provided in exchange for the arcade infill;
 - 6) When an arcade infill triggers a plaza upgrade, plazas must also be built to a resiliency standard that could withstand future extreme weather events;
 - 7) Owners of properties similar to 200 Water Street, where the benefit to the property owner clearly outweighs the community benefit from plaza upgrades, should be required to provide benefits in addition to the plaza upgrade, such as enhancements to surrounding sidewalks and the nearby Pearl Street Playground. CB1 requests that the arcade infill at 200 Water Street not be used just to expand the existing large box retail, and prefers retail that positively activates Fulton Street;
 - 8) In cases of infill where no plazas exist on the zoning lot where the provision of an indoor public space or an off-site public space could satisfy the requirement for a compensating amenity, CB1 requests that property owners also improve their sidewalks and not use public funds to do so;
 - 9) ADNY, EDC and DCP shall return to CB1 after the first three projects or the first year after the zoning amendment, whichever comes first, to report on progress and assess the success of the program (with a potential for making appropriate changes as necessary based on experience with the program to date); and

BE IT
FURTHER
RESOLVED

THAT: CB1 requests that particular attention is paid to the issue of lighting on Water Street. Improved lighting along Water Street will enhance safety and encourage more people to visit the area; and

BE IT
FURTHER
RESOLVED

THAT: CB1 requests that ADNY, EDC and DCP work together with property owners and the NYC Department of Education and NYC School Construction Authority to create suitable locations for schools and pre-kindergarten centers within the infill spaces; and

BE IT
FURTHER
RESOLVED

THAT: CB1 requests that DCP include in the zoning text language requiring (or at least encouraging) the use of environmentally friendly construction methods in connection with all arcade infill development projects.

**WATER STREET ZONING TEXT AMENDMENT N160166ZRM
WATER STREET SUBDISTRICT - AFFECTED PROPERTIES**

Building Address	Arcade Infill (Certification + Authorization)	Total Plaza Area	Other Required Open Areas	Total Plaza/Open Area
1 New York Plaza	11,180.00	40,839.00		40,839.00
2 New York Plaza	3,656.00	21,009.00		21,009.00
4 New York Plaza	3,124.00	7,573.00		7,573.00
7 Hanover Square	12,816.19	-		-
55 Water Street	13,794.00	74,793.00		74,793.00
86 Water Street / 10 Hanover Square	-	3,416.00		3,416.00
77 Water Street	14,986.00	4,956.00		4,956.00
32 Old Slip	12,004.00	5,887.00	1,406.00	7,293.00
111 Wall Street	4,589.00	10,883.00		10,883.00
95 Wall Street	2,446.00	1,963.00		1,963.00
75 Wall Street	5,179.25	7,017.50		7,017.50
110 Wall Street	3,163.00	-		-
100 Wall Street	2,518.00	5,933.20		5,933.20
88 Pine Street	-	9,907.00		9,907.00
175 Water Street	3,242.00	4,974.00	1,143.00	6,117.00
180 Water Street	1,630.00	3,949.00	785.00	4,734.00
160 Water Street	2,575.00	3,658.74		3,658.74
200 Water Street	3,222.00	4,010.00		4,010.00
85 Broad Street	12,930.00	9,630.00	3,600.00	13,230.00
TOTAL	113,054.44	220,398.44	6,934.00	227,332.44
180 Maiden Lane*	-	36,276.80		36,276.80
TOTAL + 180 Maiden Lane	113,054.44	256,675.24		263,609.24

Retail Infill of Arcades

- Infill allowed by certification**
- Infill allowed by authorization**
- No infill allowed**

