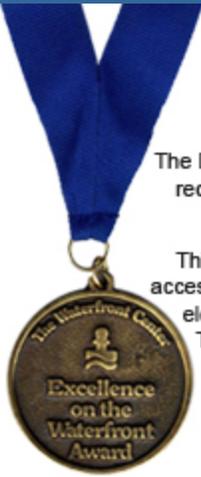




Waterfront Design Guidelines Text Amendment - **Approved!**



Award Winning

The Department of City Planning's Waterfront Text Amendment received a 2009 "Excellence on the Waterfront" award from [the Waterfront Center](#).

This initiative ensures that the city's waterfront spaces are accessible and inviting to the public, feature high quality design elements and promote the greening of the waterfront. The text amendment updates older waterfront regulations to create more vibrant and attractive destinations by allowing for greater diversity of experiences through design flexibility, and a wider variety and quality of plantings and seating.



Newtown Creek, Brooklyn steps provide direct access to water



Red Hook, Brooklyn variety of planting providing tranquil space



Hudson River Park, Manhattan shaded and social seating

Update April 22, 2009:

On April 22, 2009, the City Council adopted the Waterfront Text Amendment. The text changes are now in effect.

Download the Waterfront symbol: in  [pdf format](#) or [Adobe Illustrator format](#).

Introduction

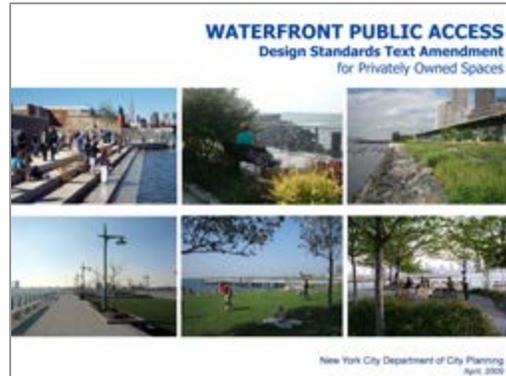
The Department of City Planning (DCP) is proposing a text amendment to the Waterfront Zoning provisions of the Zoning Resolution, primarily to the Public Access Area design regulations. This initiative will ensure the development of inviting and high quality publicly accessible spaces on waterfront properties, thereby improving the public's enjoyment of the waterfront. The proposed changes will generally apply to new residential and commercial developments in medium and high density zoning districts, and to commercial and community facility developments in lower density residential and manufacturing districts along the waterfront.

Why is this text amendment needed?

Since 1993, the Zoning Resolution has included special regulations for waterfront properties, which require new developments, except for industrial, low-density residential and City infrastructure, to build and maintain waterfront public access areas. In recent years, as a result of DCP initiatives (e.g., Greenpoint-Williamsburg) and other private waterfront redevelopment projects, these rules have successfully produced public waterfront access areas in the City. However, it has become apparent that current regulations impose design constraints and limitations.

This initiative seeks to update these design requirements in order to:

- Ensure that waterfront **public access areas are inviting to the public**;
- Facilitate **high quality design elements** including multiple types of seating;
- Ensure uninterrupted waterfront access that is **clearly open to the public**;
- **Promote the greening of the waterfront** with a variety of plant materials that provide aesthetic and ecological benefits, including trees, shrubs, and groundcover;



[View the presentation](#)

- **Facilitate a wide variety of amenities**, including access to water, boat launches and anchorages, and play areas;
- **Encourage a variety of landscape design**, including edge treatments; and
- **Activate waterfront spaces** by improving connections between the water's edge and the upland streets.

What do the changes entail?

The proposed text would replace the existing four design prototypes for shore public walkways and three existing prototypes for supplemental public access areas with a single set of flexible requirements, and would modify existing Waterfront Access Plans (WAP's) and regulations for certain Special Zoning districts on the waterfront to be consistent with the new standards. The proposal amends the existing waterfront public access regulations for shore public walkways, supplemental areas, upland connections and visual corridors, and deals with the following design aspects:

- Configuration and dimensions of upland connections and supplemental public access areas
- Grade changes at the vehicular pedestrian transition areas
- Circulation and access
- Lighting
- Planting and trees
- Permitted obstructions
- Barriers (guardrails, fences, gates and bollards)
- Seating
- Signage
- Paving

The proposal would not change the amount of public access required by existing regulations, but would improve the quality of such spaces.

Other proposed modifications include:

- Clarifying that Gowanus Canal, Dutch Kills and Bronx River up to East 172nd street are subject to waterfront regulations.
- Increasing hours of access, and expanding the opportunity for the transfer of public access areas from private owners to the Department of Parks and Recreation.
- Removing the reduced design requirements for commercial developments under 1.0 FAR in M1 districts and making them subject to the regular requirements.

- Permitting commercial uses to be located along waterfront public access areas regardless of the underlying zoning, if any portion of the zoning lot is within a commercial district
- Modifying certain height and setback regulations for towers in medium and high density districts to allow for more design flexibility
- Clarifying the provisions relating to subdivisions of waterfront zoning lots in order to assure future public access.
- Amending the provisions for authorizations to modify the public access and view corridor requirements to recognize a broader range of site constraints.
- Amending provisions for special permits to modify bulk regulations in order to facilitate better site planning in relation to waterfront access and the surrounding neighborhood.

 [View the proposed Text Amendment.](#)

Public Review

On December 15, 2008, the City Planning Commission referred the proposed text amendment (N 090239 ZRY) to waterfront community boards, and all borough boards and borough presidents for review and comment. Comments are to be submitted by February 23rd, 2009. The City Planning Commission held a public hearing on March 4th, 2009 on the proposal.

On April 1, 2009, the City Planning Commission approved the text amendment with modifications*. Read the  [modified text amendment](#). Read the  [CPC Report](#).

On April 22, 2009, the City Council adopted the Waterfront Text Amendment. The zoning changes are now in effect.

***CPC Modifications**

In response to issues raised during the public review, the Commission approved the zoning text amendment with the following modifications:

1. Consolidate all waterfront public access requirements in consecutive Sections in the Chapter.
2. Modify the proposed minimum required hours of operation:
 - in residential and community facility developments in R6 and higher: 6 A.M. to 10 P.M., between April 15 and October 31; and 7A.M. to 8 P.M. between November 1 and April 14;
 - in predominantly community facility developments in lower density districts: dawn to dusk;
 - in predominantly commercial developments: *dawn to dusk* or business closing, whichever is later. However, when the business closing is later than the required hours of operation for residential developments, the waterfront public access area would not be required to remain open beyond the hours required for residential developments.
 - Dawn and dusk have been defined as half-hour before sunrise and half-hour after sunset, respectively.
3. No "transition area" would be required for upland connections within a private drive when the waterfront zoning lot is less than 255 feet in depth and less than 260 feet in width. However, at least 10 feet must be provided between the vehicular roadbed and the public access area. In addition, no transition areas will be required when a private loop road turns within 15 feet of a shore public walkway. Only 80 percent of a supplemental public access area would be subject to the minimum width to depth ratio requirements. Clarify language on the permitted averaging of minimum dimensions.
4. "Shaded seating" has been defined as any seating located on the eastern side and within 45 feet of a shade structure or trunk of a canopy tree. References to restrictions on shade from building walls have been eliminated.
5. Tables required in relation to "social seating" have been reduced by half, from four square feet to two square feet of tables for every 3 linear feet of social seating. Furthermore, the requirement will be waived if less than 10 square feet, and a cap was established, such that no more than 150 square feet of tables would be required.
6. The screening buffer requirement is waived when a community facility use adjoins the waterfront public access area, if the same transparency requirements proposed for commercial uses are met. Furthermore, the proposed text was modified to allow this screening buffer waiver when building walls are within 15 feet of the boundary of a waterfront public access area, if the same transparency requirements are met, and the

resulting area is visually and physically connected to the waterfront public access area for at least the same length as the portion of the building wall complying with the minimum transparency requirements.

7. Clarify that not all waterfront public access areas will require a photometric analysis to demonstrate compliance with the proposed lighting standards.
8. Bicycle parking would be allowed to be located outside the waterfront public access area beyond the boundaries of the private property, on an adjacent public sidewalk.

In addition to the modifications made in response to comments made during the public review, the Commission approved the zoning text amendment with the following modifications:

1. Clarify the provisions affecting design changes for projects that have been granted a previous certification by the Chair of the City Planning Commission. To be deemed acceptable, such changes to the certified plan must not represent an increase in the degree of non-compliance with the standards of this proposal.
2. Clarify that zoning lots, other than waterfront zoning lots, are subject to underlying district yard regulations.
3. Modify the ground floor streetscape provisions applicable in medium and high density districts on waterfront blocks. Add a requirement for architectural articulation of any portion of a blank building wall with a length greater than 30 feet and higher than four feet, measured from the finished level of the adjacent sidewalk.
4. Clarify that zoning lots providing public access, when adjacent to another zoning lot which has not yet been improved with public access, must locate the main circulation path of a shore public walkway within 30 feet of the shoreline at its termination at the common zoning lot line.
5. Clarify that portions of the main circulation path as well as seating, planting, trees and other required amenities generated by shore public walkways and supplemental public access areas may be distributed among those areas, and do not need to be distributed proportionally, unless specified otherwise.
6. Under the proposed text amendment, when a supplemental public access area is required, and such area is greater than 1,875 square feet, 25 percent of the required planting area must be provided as lawn. Clarify that the 25 percent applies to the amount of planted area generated by the combined area of the shore public walkway and the supplemental.
7. Correct language inadvertently deleted, in relation to the transfer of public access area within the Greenpoint-Williamsburg WAP from the private developer to the City.
8. For waterfront public access areas that will be transferred to the Department of Parks and Recreation, clarify that the provisions governing maintenance, security and indemnification and defense do not apply in the case of property transferred to the City.
9. Correct language inadvertently deleted which allows the modification, by authorization of the CPC, of the permitted obstructions within a visual corridor.
10. Clarify the provisions affecting applicability of waterfront bulk regulations in the Special Mixed Use Districts where such districts are mapped within a waterfront block.
11. Clarify multiple cross references throughout the Chapter and the Resolution as a result of the reorganization and resulting renumbering of Sections within this Chapter.

For more information about the proposal, contact the Zoning Division of the Department of City Planning at 212-720-3691.

Related Notes

-  Items accompanied by this symbol require the [free Adobe Acrobat Reader](#).