



CITY PLANNING COMMISSION

August 25 / Calendar No. 11

N 040481 ZRY

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 VI, Chapter 2, concerning the definition of a waterfront block and waterfront zoning lot.

The application for an amendment to the New York City Zoning Resolution was filed by the Department of City Planning June 2, 2004, to address the issues of overdevelopment, parking and inappropriate development on the waterfront. The proposed text change would require that a street be built and improved for the purposes of determining a waterfront block.

Related Actions

In addition to the amendment to the Zoning Resolution which is the subject of this report, implementation of proposal also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

1. N 040479 ZMX Zoning map amendment
2. N 040480 ZRY Zoning text amendments establishing a new C3A zoning designation
3. N 040482 ZRX Zoning text amendments to the Lower Density Growth Management (LDGM) provisions and the Special City Island District.

BACKGROUND

A full background discussion and description appears in the report on the related application for an amendment of the Zoning Map, Section Nos. 4b, 4d, 7a, and 7c (C 040479 ZMX).

ENVIRONMENTAL REVIEW

This application (N 040481 ZRY), in conjunction with the applications for the related actions (C 040479 ZMX), (N 040480 ZRY) and (N 040482 ZRX), 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 CEQR number is 04DCP0S0X. The lead agency is the City Planning Commission.

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on June 7, 2004.

PUBLIC REVIEW

On June 7, 2004 this application (N 040481 ZRY) in conjunction with the related applications, (N 040480 ZRY) and (N 040482 ZRX), was duly referred to the borough presidents and community boards, for information and review in accordance with the procedure for referring non-ULURP matters.

Community Board Review

Bronx Community Board 10 held a public hearing on this application on June 17, 2004, and on June 17, 2004, by a vote of 29 to 0 with 0 abstentions, adopted a resolution recommending approval of the application.

Staten Island Community Board 3 issued a letter recommending approval of the application.

Borough President Review

The Bronx Borough President held a public hearing on this application on June 29, 2004 and issued a recommendation approving the application on July 8, 2004.

City Planning Commission Public Hearing

On July 28, 2004 (Calendar No. 5), the City Planning Commission scheduled August 11, 2004 for a public hearing on this application, in conjunction with the related applications, (C 040479 ZMX), (N 040480 ZRY) and (N 040482 ZRX). The hearing was duly held on August 11, 2004 (Calendar No. 10).

A full discussion and description of the hearing appears in the report on the related application for an amendment of the Zoning Map (C 040479 ZMX).

Waterfront Revitalization Program Consistency Review

This application (N 040481 ZRY), in conjunction with the applications for the related actions (C 040479 ZMX), (N 040480 ZRX) and (N 040482 ZRX), 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 28, 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 04-044.

This action was determined to be consistent with the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that the proposed text amendment is appropriate.

A full consideration and analysis of the issue, and reasons for approving this application, appear in the report on the related application for amendment of the Zoning Map (C 040479 ZMX).

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, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of the 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 VI Special Regulations Applicable to Certain Areas

Chapter 2

Special Regulations Applying in the Waterfront Area

* * *

62-11

Definitions

Definitions specially applicable to this Chapter are set forth in this Section. The definitions of other defined terms are set forth in Section 12-10 (DEFINITIONS).

* * *

Waterfront block, waterfront public park or waterfront zoning lot

A "waterfront block", "waterfront public park" or "waterfront zoning lot" is a #block#, #public park# or #zoning lot# in the #waterfront area# having a boundary at grade coincident with or seaward of the #shoreline#. For the purposes of this Chapter:

- (a) a #block# within the #waterfront area# shall include the land within a #street# that is not improved or open to the public, and such #street# shall not form the boundary of a #block#;
- (b) a #block# within the #waterfront area# that abuts a #waterfront public park# shall be part of a #waterfront block#; and
- (c) a #zoning lot# shall include the land within any #street# that is not improved or open to the public and which is in the same ownership as that of any contiguous land.

~~For the purposes of this Chapter,~~ a Any #zoning lot#, the boundaries of which were established prior to November 1, 1993, and which is not closer than 1,200 feet from the #shoreline# at any point and which does not abut a #waterfront public park#, shall be deemed outside of the #waterfront block#.

* * *

62-711

Waterfront public access and visual corridors

No excavation or building permit shall be issued for any #development# on a #waterfront block#, or any other #block# included within a Waterfront Access Plan, until the Chairperson of the City Planning Commission certifies to the Department of Buildings or Department of Business Services, as applicable, that:

- (a) there is no waterfront public access or #visual corridor# requirement for the #development# due to the following:
 - (1) the #development# is exempt pursuant to Sections 62-41 (Requirements

for Waterfront Public Access) or 62-42 (Requirements for Visual Corridors); or

- (2) the waterfront public access or #visual corridor# requirement has been waived pursuant to Section 62-80 (WATERFRONT ACCESS PLANS); or
- (b) a site plan has been submitted showing compliance with the provisions of Section 62-40 (REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AND VISUAL CORRIDORS) and 62-60 (DESIGN STANDARDS FOR THE WATERFRONT AREA); or
- (c) a site plan has been submitted showing compliance with the provisions of Section 62-80; or
- (d) for #developments# listed in Section 62-40, paragraph (a)(1), on a #zoning lot# containing a public access area established prior to October 25, 1993 meeting the terms of Section 62-415, paragraph (c) by restrictive declaration, lease agreement, maintenance and operation agreement or other agreement with a public entity, which public access area is required to be provided for a period not less than the anticipated life of the new #development#, a copy of such restrictive declaration or agreement and a site plan indicating the location, area and design of the required public access area and showing substantial compliance with the provisions of the first paragraph of Section 62-415 (Requirements for supplemental public access areas), paragraph (b), have been submitted; or
- (e) for the #development# of a park, a site plan and all other applicable data have been submitted showing compliance with the provisions of Section 62-416 (Special regulations for zoning lots that include parks).

A certification pursuant to paragraphs (b) or (c) of this Section shall be granted on condition that an acceptable restrictive declaration is executed and filed pursuant to Section 62-14 (Requirements for Recordation).

~~No waterfront public access is required for any #development# on a #zoning lot# that is separated from the #shoreline# by a #street#, #public park# or other tract of land constituting the boundary of a #block#.~~

Within 45 days of receipt of a complete application, the Chairperson shall either certify that the proposed #development# complies with the requirements of this Section or disapprove such application, citing the nature of any failure to comply. Failure to certify or disapprove such application within the 45 day period will release the Department of Buildings or the Development of Business Services from any obligation to withhold the excavation or building permit and authorize such agency to determine compliance with the provisions of this Section.

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The above resolution (N 040481 ZRY), duly adopted by the City Planning Commission on August 25, 2004 (Calendar No. 11), 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 J. KNUCKLES, ESQ., Vice Chairman

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

ANGELA R. CAVALUZZI, R.A., **RICHARD W. EADDY**,

CHRISTOPHER KUI, **KAREN A. PHILLIPS**, **DOLLY WILLIAMS**,

Commissioners