



CITY PLANNING COMMISSION

February 5, 2014 / Calendar No. 7

N 140099 ZRK

IN THE MATTER OF an application submitted by the New York City Economic Development Corporation pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, pertaining to the regulations governing ferry and water taxi docking facilities in Community District 1 in the Borough of Brooklyn.

This application for an amendment of the Zoning Resolution was filed by the New York City Economic Development Corporation (NYCEDC) on October 4, 2013 to establish a non-discretionary Chairperson certification process to increase the capacity of ferry vessels permitted to dock in R6-R10 Residence Districts, as well as all Commercial and Manufacturing Districts along the Brooklyn Community District 1 waterfront. The proposed certification also would waive parking and drop-off/pick-up requirements, and would require that applicants meet site design standards to ensure harmonious interaction between ferry docks and waterfront public access areas.

BACKGROUND

In 2011, the applicant, the New York City Economic Development Corporation (NYCEDC), began a pilot program to establish East River Ferry service between Manhattan, Brooklyn and Queens. The frequent daily service offers commuters and recreational users in quickly growing communities in Brooklyn and Queens supplemental transportation options for both inter-borough and Manhattan connections.

Over the duration of the pilot program, the East River Ferry has experienced considerable success and has exceeded projected ridership totals by nearly 50 percent. To meet this additional demand, NYCEDC sought a zoning override from the Mayor in 2012 to permit ferries with capacities larger than that permitted under the zoning regulations at certain ferry landing locations. This zoning override will expire in 2016. In order to ensure continued operation in the future at the scale and locations currently used in the pilot, NYCEDC is applying to amend the Zoning Resolution to reflect the current operational needs of the East River Ferry.

NYCEDC is proposing a zoning text amendment which will create a Chairperson certification that will apply to ferry landings along the Brooklyn waterfront in Community District 1, including the area where zoning overrides are currently applicable. The proposed Chairperson certification will allow vessels with a capacity of 399 passengers to dock in R6-R10 Residence Districts, as well as all Commercial and Manufacturing Districts, as-of-right and would waive

parking and drop-off/pick-up requirements, provided that the ferry landing meets certain site design standards. Applicants would need to delineate space on the site plan for amenities such as passenger queuing, bicycle parking and trash receptacles. The site plan would need to demonstrate that pedestrian connections to the shore public walkway and other public access areas would not be impeded. Additionally, other passenger amenities, such as queuing shelters and ticketing machines, would be permitted subject to design standards to ensure that visual connections to the waterfront and important vistas are maintained.

Three separate, but related, applications for Chairperson certifications under the proposed text amendment have been submitted to the Department of City Planning and are being considered concurrently with this application. These actions would bring currently operating facilities at the Schaefer Landing / South Williamsburg (SWB) ferry landing (**N 140100 ZCK**), the India Street / Greenpoint (Greenpoint) ferry landing (**N 140101 ZCK**), and the N. 6th Street / North Williamsburg (NWB) ferry landing (**140102 ZCK**), into zoning conformance.

The proposed text amendment would affect all waterfront zoning lots within Brooklyn Community District 1, which are located within the neighborhoods of Williamsburg and Greenpoint in North Brooklyn. Waterfront zoning lots located within Williamsburg generally span the area between the Brooklyn Navy Yard and North 15th Street, within which the NWB and SWB landings are located. Greenpoint waterfront zoning lots, span the distance between North 15th Street and the south edge of Newtown Creek (at the border with Queens), within which the Greenpoint ferry landing is located,

Land use patterns surrounding the Greenpoint-Williamsburg waterfront are generally undergoing a transition from a predominantly manufacturing and mixed use area to a predominantly residential and mixed use area, some of which has been facilitated by the Greenpoint-Williamsburg Rezoning. The rezoning changed districts from manufacturing to predominantly residential and mixed manufacturing/residential in order to create new opportunities for residential and mixed-use development.

Industrial and manufacturing uses that remain in the area are generally light-intensity and include a variety of business types. Development along the waterfront is generally comprised of low-rise, high lot coverage buildings that vary in their placement upon lots, as well as loft buildings of four to six stories. Some waterfront areas have recently experienced a wave of new development, including residential development and conversion. Proposed and new residential and mixed-use developments tend to range from six to approximately thirty stories in height.

A specific waterfront access plan (WAP) is established for the portion of the Greenpoint and Williamsburg located north of the Williamsburg Bridge, pursuant to ZR §62-931 (WAP BK-1). This WAP was adopted as part of the Greenpoint-Williamsburg Rezoning, and is intended to

tailor public access requirements of waterfront zoning to the unique conditions of specific geographic areas. Within the Greenpoint and Williamsburg neighborhoods, WAP BK-1 identifies specific locations for required waterfront public access areas on private development parcels; establishes requirements for widened shore public walkways, parks, and plazas; allows flexibility for different shore treatments and quality landscape design; and establishes parameters for consistency of design along this area of the Brooklyn waterfront.

Currently, docks for water taxis (Use Group 6C and 14A) with a vessel capacity of 99 passengers and docks for ferries (Use Group 6C and 14A) with a vessel capacity of 150 passengers per half hour are allowed in R3 – R10 residence districts by special permit, pursuant to ZR §62-832 and are allowed in all commercial and manufacturing districts as-of-right. WAP BK-1 slightly modifies these underlying regulations to allow docks for water taxis with a maximum capacity of 99 passengers (Use Group 6C) on any parcel within the WAP, as-of-right, pursuant to ZR §62-291. In C1, C2, C3 and C7 commercial districts, unlimited passenger ferry docks are permitted by authorization, pursuant to ZR §62-821, and are permitted as-of-right in C4, C5, C6, and C8 commercial districts as well as all manufacturing districts.

During the 2011 summer season, when the East River Ferry experienced record ridership, a Mayoral Zoning Override was sought to permit 399-passenger ferries on summer weekends at the Greenpoint, NWB and SWB landings. Since these landings are located within residence districts, there is currently no mechanism to permit a vessel of this capacity without amending the Zoning Resolution.

Pursuant to ZR §62-43, docking facilities for ferries are required to provide accessory off-street parking at a rate determined by the total ferry passenger load of the dock (using weekday hours between 6:00 AM and 9:00 AM, as determined by the NYC Department of Transportation). Where docking facilities are permitted in residential zoning districts pursuant to the CPC special permit in ZR §62-832, parking is required as well. Parking spaces are required for 30 percent of the total ferry passenger load of the dock in R3 through R5 districts, 20 percent in R6, R7-1, R7A, R7B, and R7D districts, 15 percent in R7-2, R7-3, and R7X districts, 10 percent in R8 and R9 districts, and are not required in R10 districts. Pursuant to ZR §62-462, pick-up/drop-off spaces are required at a rate of 1 space for every 50 passengers and no bus spaces are required for docks serving ferries with a capacity of greater than 100 passengers. Currently, these parking or pick-up/drop-off requirements may be reduced or waived only through the authorization of the City Planning Commission, pursuant to ZR §62-821.

All waterfront zoning lots are governed by Special Regulations Applying in the Waterfront Area (Article VI, Chapter 2, of the Zoning Resolution), which address the form, size and location of new development and apply special bulk and use regulations to developments on waterfront

blocks, as well as to piers, platforms and floating structures. Specific bulk controls are also established to encourage the provision of affordable housing along certain portions of the Greenpoint and Williamsburg waterfront, pursuant to ZR §62-35.

Most new residential and commercial development along the waterfront also necessitates the creation of a waterfront public access area pursuant to the provisions set forth in ZR §62-50 and 62-60. These standards have recently been amended in 2009 and have robust requirements to facilitate the safe and enjoyable public use of the waterfront by setting forth provisions for mandatory shore public walkways, upland connections and visual corridors. These public spaces are enhanced by requirements for several amenities, including planting, seating, lighting, bike parking, trash receptacles, guardrails, way-finding signage and ample space for pedestrian circulation.

ZR §62-52 establishes uses and types of development which trigger the waterfront public access requirements. While upland development is usually the trigger for waterfront public access area requirements, the provision of certain Water-Dependent (WD) Uses, as listed in ZR §62-20, also triggers the requirement. Developments comprised exclusively of the provision of a water taxi dock would be exempted from the public access requirements, but developments comprised of ferry docks would be subject to waterfront public access requirements. While these are a lesser standard than that required for moderate to higher density new construction, these requirements could be substantial, and would include the provision of pedestrian circulation areas, planting areas, as well as amenities like seating, guardrail and lighting requirements through certification from the Chairperson of the City Planning Commission. The shift in rigor in these provisions has proved problematic for a burgeoning ferry service that, in its short duration, has already shifted maximum capacity (and zoning use categorization) from a water taxi to a ferry by going from 99 to 399 passengers.

Proposed Text Amendment

The primary intent of the proposed text amendment is to provide a more permanent zoning solution for the currently operating ferry landings located in Brooklyn Community District 1 so that the East River Ferry service can continue past 2016, and on a long-term basis, when the Mayoral Zoning Override allowing the larger capacity ferries expires. The proposed text amendment provides clear and consistent standards for new docking facilities in Brooklyn Community District 1, irrespective of vessel size or the presence of upland development. These guidelines can serve as a model to be applied to other appropriate areas in the future.

A number of actions are necessary in order to facilitate the proposed project. These actions include modifications to numerous elements of the zoning text, which are discussed in the sections below.

Permitted Vessel Capacity

In order to provide a more permanent zoning solution to the current operational needs of the East River Ferry, the following docking capacities would be permitted in Brooklyn Community District 1 pursuant to the proposed Chairperson certification in ZR §62-813:

- Operation of water taxis with a vessel capacity of up to 99-passengers (Use Group 6C and 14A) in R6- R10 Residence Districts, as well as all Commercial, and Manufacturing districts of Brooklyn Community District 1.
- Operation of ferries with a vessel capacity of up to 399-passengers (Use Group 6C and 14A) in R6-R10 Residence Districts, as well as all Commercial, and Manufacturing Districts of Brooklyn Community District 1.
- Operation of ferries with an unlimited capacity (Use Group 10A) in C4, C5, C6 and C8 Commercial Districts, as well as all Manufacturing Districts of Brooklyn Community District 1.

In conjunction with this increased vessel capacity, the proposed Chairperson certification would require that all docking facilities provide certain ferry-related amenities. Required and permitted amenities and their proposed standards are discussed below.

Parking and Drop-off / Pick-up Areas

A ferry-rider survey was conducted in the summer of 2012 which indicated that most users were walking, biking, or taking public transit to access the ferry and therefore not generating significant parking or traffic demand. Accordingly, the Mayoral Overrides obtained to increase vessel capacity at certain ferry landings also waived the parking requirements of ZR §62-43 and the drop-off requirements of §62-462. The text amendment proposes waiving these requirements in conjunction with the proposed Chairperson certification for increasing vessel capacity. The existing authorization to reduce or eliminate such requirements in ZR §62-821 would remain applicable for vessels in excess of 399 passengers.

Required and Permitted Amenities

Many of the existing ferry landings are located within, or are anticipated to be located within, a waterfront public access area. These public areas are typically required through zoning along the waterfront in conjunction with upland development, and already have rigorous open space and amenity standards to ensure high quality open spaces along the waterfront. Since ferry landings will typically overlay onto this framework, it is critical that ferry usage can interact harmoniously with these public areas so that waterfront open space and amenities are not overwhelmed by ferry users.

Certification by the Chairperson for docking facilities in Brooklyn Community District 1 (ZR §62-813) would require that all docking facilities provide certain ferry-related amenities, namely passenger queuing areas, bicycle parking and trash receptacles. The certification also establishes design standards for passenger queuing shelters and ticketing machines, where they are provided. All applications would be required to include a site plan and any other material needed to demonstrate compliance with the applicable dimensional and locational standards.

Queuing Space

Requiring queuing space ensures that passengers have adequate space when waiting for the ferry that is separate from required pedestrian circulation paths within waterfront public access areas. With an increased number of potential passengers waiting to board at a given landing, there is a real need to ensure that space is allocated so that on summer days when the demand for service is high, the line to board the vessel does not impede people walking, biking and jogging along the shore public walkway, and that seating provided for the general public is not monopolized by ferry passengers.

The proposed text amendment would require that a minimum of four square feet of queuing space per passenger be provided on the waterfront zoning lot for 40 percent of the U.S. Coast Guard certified passenger capacity of the largest vessel proposed to dock at such facility. Forty percent of passenger capacity is a conservative number, which is derived from the average percentage of passengers boarding at the busiest landings for the 10 busiest summer days of 2012. Since passengers wait for vessels to arrive in different ways, this queuing space may be provided as either standing space or seating space, and can be open to the sky or provided within a passenger queuing shelter. All queuing space will need to be provided within 150 feet of the dock.

Bicycle Parking

Requiring bicycle parking ensures that passengers have access to secure parking space that is provided in close proximity to the vessel. The 2012 Summer Survey conducted by NYCEDC indicated that 7% of riders and 9% of commuters access the ferry by bicycle. Adding additional space will help ensure that bicycle parking provided as part of a waterfront public access area is not overwhelmed by ferry-related bike parking.

The proposed text amendment requires a minimum of four bicycle parking spaces be provided on the waterfront zoning lot, that must comply with the standards established for bicycle parking in ZR §62-657 (Bicycle racks). Unlike other amenities, bicycle riders can pose a conflict with slower moving pedestrians. For this reason, the proposed text amendment does not stipulate a minimum distance racks should be placed from the landing. In waterfront public access areas, these spaces will need to be provided beyond 20' of the shoreline pursuant with the existing standards of paragraph (c) of ZR §62-611 (Permitted obstructions). Like other amenities, the proposed text amendment requires bike racks to be placed clear of required pedestrian circulation paths.

Trash Receptacles

Requiring trash receptacles on docking facilities ensures that ferry riders will have access to a trash receptacle that is within close proximity to the vessel.

The proposed text amendment would require that one trash receptacle be provided on the waterfront zoning lot within the 25 feet of the landward terminus of the gangway leading to the docking facility. The trash receptacle must comply with the existing dimensional standards for trash receptacles set forth in ZR §62-658 and may not be placed within a required pedestrian circulation path.

Passenger Queuing Shelters

Passenger queuing shelters benefit ferry riders by providing shelter during inclement weather and general protection from the elements. A shelter, if designed poorly however, could unintentionally block views to the water, interrupt pedestrian flow or be incompatible with existing public access area amenities.

In order to minimize the visual impact of shelters along the waterfront, shelters would be subject to a new set of designs standards which establish:

- Overall maximum dimensions regulating the width, length and height of the structure;
- Limitations on the number of walls as well as the number, size and location of vertical and horizontal structural members;
- Maximum thickness, angle and/or curvature of the roof structure;
- Maximum amounts of ferry-related signage;
- Requirements for materials, including glazing and metallic finishes for support structures; and
- Location and orientation requirements with regard to the docking facility and the shoreline, respectively.

Additionally, the text amendment is proposing a new City Planning Commission authorization in ZR §62-824 to allow larger shelters than those permitted by the certification process, provided that the proposed shelter design meets criteria that ensures the shelter will maintain a high level of quality and complement the waterfront public access area.

Ticketing Machines

The provision of ticketing machines allows for greater efficiency during ferry boarding, as passengers need not purchase tickets solely when boarding the boat. Like shelters however, these amenities could unintentionally block waterfront views or be haphazardly placed so as to obstruct pedestrian movement on the shore public walkway.

Ticketing machines would be subject to a maximum footprint of 12 square feet and would need to be located within 100 feet of the end of the gangway to ensure that, to the degree feasible, ferry-related amenities are clustered and not haphazardly scattered along the waterfront.

Provisions for Adding Docking Facilities to a Waterfront Public Access Area

The proposed text amendment establishes provisions for locating docking facilities or other ferry related amenities within an existing or proposed waterfront public access area. Currently any modification to an approved waterfront public access area requires a new waterfront public access certification by the Chairperson, pursuant to ZR §62-811. The addition of new docking facilities or other ferry related amenities to an existing waterfront public access area would thus ordinarily require a new certification, even if the modification was simply the addition of a trash can or a few benches for passenger queuing. In order to avoid this complex certification process for modifications that are considered minor, the proposed text amendment would not require a new waterfront certification for minor design changes to an existing waterfront access plan. Instead, the proposed Chairperson certification in ZR §62-813 will act in its place, and ensure that passenger queuing and other ferry amenities are well-integrated into an existing waterfront

public access area. Major modifications to open space, such as a new phase of development, would continue to require a new waterfront public access certification.

The proposed Chairperson certification specifies that ferry amenities like seating, trash receptacles and bicycle parking should match or be comparable to those provided within a waterfront public access area, will not encroach upon minimum circulation paths and are provided in excess of minimum requirements. Conversely, existing amenities provided in excess of minimum requirements may be counted towards docking facility requirements.

Modifications of Certified Docking Facilities

The proposed text amendment would allow modification to certified docking facilities. This provision is necessary to ensure that modifications of certified docking facilities continue to ensure the successful long-term operation of the East River Ferry service while harmoniously connecting ferry amenities to existing or future waterfront public access areas. This is especially important in Brooklyn Community District 1 as a growing ferry service located within a growing community along a continuously changing waterfront will undoubtedly necessitate changes to the certified facilities. The proposed Chairperson certification would establish parameters when a new certification would be required. Additionally, if a docking facility ceases to exist, the text amendment would require that repairs be made to the waterfront public access area that would restore it to its previous condition, though additional seating and bike racks could remain.

Applicability of Waterfront Public Access Area Requirements

Where ferry service pre-dates waterfront development on the upland parcel, the new water-dependent use may trigger a lesser, but still rigorous provision of waterfront public access requirements. The provision of this amount of public amenity, before construction of upland development, may be unnecessarily burdensome, as the required waterfront public access area amenities would be provided for few actual continuous users outside of ferry users. It also may limit the complicated staging and phasing sequences often required for upland development. Finally, as observed in East River Ferry service, this requirement could also unintentionally limit the flexibility of ferry operations to test new routes and station locations, as the threshold between exemption and requirement at 99 passengers was quickly surpassed.

The text amendment proposes eliminating this requirement for developments comprised exclusively of ferry docks. These docks will rely on the amenities provided as part of the proposed Chairperson certification in the interim duration before upland development. Any subsequent development on such zoning lot that is not comprised exclusively of docks for ferries (or another exempted use) will trigger the waterfront public access area requirements. At the

time of this upland development, amenities would need to be provided for both the waterfront public access area and the docking facility.

Waterfront Access Plan BK-1 Modifications

In WAP BK-1, specialized design standards were established to create harmonious and consistent standards along the publicly accessible portions of the shoreline. These reference standards in ZR §62-931(c) include universal design guidelines for guardrails, seating, lighting and paving. After several years using the current standards there are a few minor modifications that are being proposed based on lessons learned.

The current railing profile has proved too costly as it can only be made from custom materials. It also curves inwards and occupies considerable space on a pier or walkway. The text amendment proposes to replace this railing standard with a very similar, but straightened design, which can be created with standard materials. The profile also has a slimmer overall width.

Similarly, the current bench design is manufactured by a very limited number of establishments, and the quality and durability of some of these fabrications has proved unsatisfactory. Furthermore, the New York City Department of Parks and Recreation typically is given jurisdiction over waterfront public access areas, and they have several appropriate bench standards to choose from. The proposed text amendment therefore will eliminate the bench standard from the requirements of WAP BK-1.

ENVIRONMENTAL REVIEW

This application (N 140099 ZRK) 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 13DME009Y. The lead is the Mayor's Office of Environmental Coordination.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on October 16, 2013.

PUBLIC REVIEW

This application (N 140099 ZRK) was duly referred on October 21, 2013 to Brooklyn Community Board 1 and the Brooklyn Borough President, in accordance with the procedure for referring non-ULURP matters.

Community Board Review

On December 10, 2013, Community Board 1 voted in support of the application by a vote of 27 in favor, 1 opposed and no abstentions; subject to the condition that the text be modified according the following:

1. The zoning text will mandate illuminated shelters within 100' of the boat docks, and
2. The zoning amendment will mandate an upgrade in and around the docking areas of any lighting that does not meet the city's current safety standards for areas of public usage.

Borough President Review

On December 30, 2013, the Borough President of Brooklyn recommended approval of the zoning text amendment subject to the following conditions:

That ZR §62-813 (Docking facilities for ferries or water taxis in certain waterfront areas) be modified according to the following:

1. That docking facilities, with its queuing areas and gangways, be governed by the lighting standards of ZR §62-60 (Design Requirement for Waterfront Public Access Areas) Public Access Design Reference Standards for lighting (ZR § 62-653).
2. That signage indicating ferry schedules and routes shall also incorporate contact information for the entity responsible for site maintenance (snow and waste removal, physical repairs, etc).

Be it further resolved that:

1. The applicant for Certification, prior to filing such docking facility application, should take steps to consult with the entity responsible for the upland area in proximity to the gangway to achieve a passenger queuing shelter pursuant to ZR §62-813 (c), (Permitted Amenities).

2. The Department of City Planning, pending the outcome of subsequent analysis undertaken by the Economic Development Corporation regarding bike usage, should consider if it is warranted to proceed with a zoning text amendment to increase the minimum bike rack parking space requirement to be more in line with observed usage and, if warranted, require plans filed for the requested Certification to note location of docking facility bike racks and route of bicycles from the street to the bike rack and gangway.
3. The Department of Parks and Recreation, in regards to the area upland of the gangway at Schaeffer Landing, should take action to seek upgrading of the lighting along such passageways between the gangway and Kent Avenue, consistent with the lighting standards of ZR §62-60 (Design Requirement for Waterfront Access Areas) Public Access Design Reference Standards for Lighting (ZR § 62-653).
4. The City Planning Commission, when considering application for Certification of Docking Facilities for ferries or water taxis in waterfront areas in Community District 1, should make recommendation to the Department of Transportation, where it deems it appropriate for the following:
 - a. Installation of a bus shelter at a specific bus stop in proximity to the ferry docking facility.
 - b. Installation of bike share stations at specific locations that would be complimentary to ferry docking facilities.

City Planning Commission Public Hearing

On December 18, 2013 (Calendar No. 2), the City Planning Commission scheduled January 8, 2014, for a public hearing on this application (N 140099 ZRK). The hearing was duly held on January 8, 2007 (Calendar No. 27). There were three speakers in favor of the application and none in opposition.

The applicant's primary representative, a Senior Vice President at NYCEDC, described the needs and benefits of the proposed text amendment and addressed the issues of operations, lighting, subsidy and maintenance of docking facilities. A representative of the New York City Council Member for District 33 and a representative of the Metropolitan Waterfront Alliance spoke in favor of the application.

There were no other speakers and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application 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 13-003. This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that the application for the zoning text amendment (N 140099 ZRK), is appropriate.

The Commission believes the proposed text amendment supports many of the goals for the East River Ferry. Permitting larger capacity vessels supports the transition of the East River Ferry from a pilot program to a more permanent transportation alternative for Brooklyn, Queens and Manhattan Residents. This sustainable and reliable means of transportation supplements transit options and underpins the rapid growth of Brooklyn and Queens waterfront communities. The future success of the East River Ferry service will continue to make strides towards the goals of enhancing mobility around the harbor for residents and tourists that have been set forth in both PlaNYC and the WAVES policy initiatives. Finally, the inherent flexibility and nimbleness of ferry service has proved invaluable in moving people in the wake of emergencies such as Superstorm Sandy.

The Commission believes that the proposed text amendment also has made appropriate consideration for the interaction of ferry docking facilities with waterfront public access areas. The additional amenities required of docking facilities will work to ensure that waterfront amenities are not overwhelmed, and the provision of distinct queuing areas will work to prevent ferry passengers from obstructing pedestrian circulation paths. Where provided, ferry-related infrastructure, like ticketing machines and shelters, will be governed by standards that will ensure their harmonious incorporation into public open space.

The Commission received recommendations from both Brooklyn Community Board 1 and the Brooklyn Borough President regarding passenger queuing shelters. Community Board 1 recommends that illuminated passenger queuing shelters should be required as part of the text

amendment rather than permitted. While the Commission agrees that an illuminated passenger queuing shelter is an ideal component of every ferry landing, the Commission notes that requiring a shelter is out of scope of this text amendment. The Commission also observes that the robust standards proposed in the text amendment for shelter design might constitute a significant expense to the ferry operator or property owner. Since the ferry service is still in its infancy and the Brooklyn waterfront is undergoing tremendous change, the Commission believes it onerous to require a permanent shelter when operational changes or upland development might necessitate a change in docking or amenity locations. As upland development is completed, and ferry service becomes more permanent, passenger shelters of the standard described in the text amendment should be phased into all the Brooklyn ferry landings in Community Board 1. The Brooklyn Borough President recommends that applicants for a ferry docking facility consult with the upland property owner to locate a site for a passenger shelter, out of concern that if a reasonable location for a shelter were outside of the control of the applicant, it might deter a shelter from being incorporated into a proposal. The Commission recognizes the complexity of ownership and management jurisdictions in most waterfront zoning lots, and already requires applicants (if they are not the owner) to obtain authorization from any upland owner of a parcel that is affected by a proposal. The applicant for a certification for a ferry docking facility under the proposed text amendment would need to consult with the upland owner if locating required amenities such as a bike rack or queuing space on an upland parcel would be outside the applicant's jurisdiction. If desired by the applicant, this consultation could also be used to broach locating a passenger shelter on their upland parcel.

The Commission received recommendations from both Brooklyn Community Board 1 and the Borough President regarding lighting in and around the ferry docks. The Community Board recommends that the zoning text amendment be modified to mandate an upgrade in lighting standards in and around docking areas that do not meet the city's current safety standards for areas of public usage. Similarly, the Borough President recommends that docking facilities, including queuing areas and gangways, be governed by the lighting standards of ZR § 62-653 (Public Access Design Reference Standards for Lighting). While the Commission agrees that all publicly accessible spaces should be well-lit and provide an additional measure of safety, the Commission notes that adding this requirement would be out of scope of this text amendment. The Commission also observes that rigorous lighting standards are already required for waterfront public access areas, as set forth in ZR § 62-653, and would apply to the portion of docking facilities located within waterfront public access areas, including shore public walkways and piers leading to the gangway. Providing lighting beyond the end of the pier, such as along the gangway or on floating piers for water-dependent uses, is not required as extending electrical wiring to these temporary, removable structures may prove overly difficult and costly. These limitations notwithstanding, a representative of the applicant testified at the public hearing that a minimum standard of lighting is required by NYCEDC to be provided for the ferry docks in its

contractual agreement with the ferry operator. The Commission also observes that the lighting regulations, for portions of the lot within a waterfront public access area, were recently improved as part of the 2009 Waterfront Design Guidelines Text Amendment. Whereas lighting provided under the old standard could be mounted on posts a maximum of 40 feet apart, the current text requires minimum levels of illumination throughout all walk-able areas. These new standards are currently required to be demonstrated through a photometric analysis that is submitted along with the site plan at the time of certification of a waterfront public access area. The 2009 text amendment made waterfront spaces non-complying that provided lighting under the old standard, and any further modification of the waterfront open space could require existing lighting to be improved to the new standard. Beyond this, requiring 'grandfathered' properties to improve to the new standards absent an enlargement or new development, would be an uncharacteristic burden imposed by new zoning regulations, and may unfairly penalize owners who complied with the standards in place at the time of development. The Borough President also recommended that the Department of Parks and Recreation should upgrade the lighting along public passageways at the Schaeffer Landing / South Williamsburg (SWB) ferry landing, between Kent Avenue and the gangway. This recommendation is out of the purview of the City Planning Commission.

The Commission received a recommendation from the Brooklyn Borough President that signage indicating ferry schedules and routes should incorporate contact information for the entity responsible for site maintenance. The Commission notes that during the public hearing for this text amendment a representative for the applicant explained that maintenance issues are currently collected through the operator and disbursed to the entity with jurisdiction for the applicable maintenance issue. The applicant has found this method of utilizing a single point of contact to be beneficial. East River Ferry-related signage at all ferry landings include phone and email contact information for the operator's customer service hotline. The Commission believes that the current method of maintenance issue collection and disbursement utilized by the operator is appropriate.

The Commission received a recommendation from the Brooklyn Borough President that, pending the outcome of subsequent analysis by the NYCEDC regarding bike usage, the Department of City Planning should consider a zoning text amendment to revise the ferry-related bike requirements, if necessary. The Borough President also recommended requiring the certification applicant to consider and designate the route of the bicycle to the rack and to the gangway of the vessel (where passengers are taking their bicycle onto the vessel). The Commission will continue to work with NYCEDC, and if the demand and utilization observed in subsequent analysis is inconsistent with the current requirements, a future zoning text amendment could address these issues.

The Commission received a recommendation from the Brooklyn Borough President that when the Chairperson is processing a ferry docking application under the proposed text amendment, the agency could use this opportunity to recommend to the Department of Transportation potential locations opportunities for bus shelters and bike share racks, where appropriate. The Department of City Planning has been in the process of adopting internal procedures for processing applications such as certifications under its Business Process Reform (BluePrint). Incorporating these measures as standards in the process of reviewing and approving an application should be considered by the Department of City Planning.

The Commission has carefully considered the recommendations and comments received during the public review of the application for the zoning text amendment (N 140099 ZRK), and believes that the proposed zoning text, as modified for grammatical errors, is appropriate.

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 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 to be deleted;

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

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

Article II

Residence District Regulations

* * *

Chapter 2
Use Regulations

* * *

22-00
GENERAL PROVISIONS

In order to carry out the purposes and provisions of this Resolution, the #uses# of #buildings or other structures# and the open #uses# of #zoning lots#, or portions thereof, have been classified and combined into Use Groups. A brief statement is inserted at the start of each Use Group to describe and clarify the basic characteristics of that Use Group. Use Groups 1, 2, 3, ~~and 4~~ and 6, including each #use# listed separately therein, are permitted in #Residence Districts# only as indicated in Sections 22-11 to ~~22-14~~ 22-15, inclusive.

The following chart sets forth the Use Groups permitted in the #Residence Districts#.

* * *

Whenever a #use# is specifically listed in a Use Group and also could be construed to be incorporated within a more inclusive #use# listing, either in the same or another Use Group, the more specific listing shall control.

The #uses# listed in the various Use Groups set forth in Sections 22-11 to ~~22-14~~ 22-15, inclusive, are also listed in alphabetical order in the Index at the end of this Resolution for the convenience of those using this Resolution. Whenever there is any difference in meaning or implication between the text of these Use Groups and the text of the Index, the text of these Use Groups shall prevail.

* * *

22-10
USES PERMITTED AS-OF-RIGHT

* * *

22-15
Use Group 6C

R6 R7 R8 R9 R10

In the districts indicated, when located within Community District 1 in the Borough of Brooklyn, Use Group 6C, as set forth in Section 32-15 (Use Group 6), shall be limited to docks for ferries, other than #gambling vessels#, with a vessel capacity of up to 399 passengers, and docks for water taxis, with a vessel capacity of up to 99 passengers, provided that such docks are certified by the Chairperson of the City Planning Commission, pursuant to Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas). Vessel capacity is the U.S. Coast Guard certified capacity of the largest vessel using a dock.

* * *

22-20

USES PERMITTED BY SPECIAL PERMIT

* * *

22-22

By the City Planning Commission

In the districts indicated, the following #uses# are permitted by special permit of the City Planning Commission, in accordance with standards set forth in Article VII, Chapter 4, or as otherwise indicated in this Section.

R3 R4 R5 R6 R7 R8 R9 R10

Docks for ferries or water taxis as listed in Use Group 6 pursuant to Section 62-832 (Docks for ferries or water taxis in Residence Districts), except in R6 through R10 Districts in Community District 1 in the Borough of Brooklyn.

* * *

Article III

Commercial District Regulations

* * *

Chapter 2
Use Regulations

* * *

32-10
USES PERMITTED AS-OF-RIGHT

* * *

32-15
Use Group 6
C1 C2 C4 C5 C6 C8

* * *

C. Retail or Service Establishments

* * *

Clothing rental establishments, limited to 10,000 square feet of #floor area# per establishment [PRC-B]

Docks for ferries, other than #gambling vessels#, limited to an aggregate operational passenger load, per #zoning lot#, of 150 passengers per half hour. In Community District 1 in the Borough of Brooklyn, docks for ferries with a vessel capacity of up to 399 passengers shall be allowed, provided that such docks are certified by the Chairperson of the City Planning Commission pursuant to Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas).The maximum dock capacity is the U.S. Coast Guard certified capacity of the largest vessel using the dock. [PRC-H]

Docks for water taxis, with a vessel capacity of up to 99 passengers. ~~with vessel capacity limited to 99 passengers~~ In Community District 1 in the Borough of Brooklyn, such docks shall be certified by the Chairperson of the City Planning Commission pursuant to Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas). The maximum dock capacity is the U.S. Coast Guard certified capacity of the largest vessel using the dock.

Docks or mooring facilities for non-commercial pleasure boats [PRC-H]

* * *

32-19

Use Group 10

C4 C5 C6 C8

* * *

A. Retail or Service Establishments

* * *

Depositories for storage of office records, microfilm or computer tapes, or for data processing [PRC-G]

Docks for ferries, other than #gambling vessels#, with no restriction on passenger load. In Community District 1 in the Borough of Brooklyn, such docks shall be certified by the Chairperson of the City Planning Commission, pursuant to Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas). [PRC-H]

Dry goods or fabric stores, with no limitation on #floor area# per establishment [PRC-B]

* * *

32-23

Use Group 14

C2 C3 C7 C8

Use Group 14 consists of the special services and facilities required for boating and related activities.

(a) Retail or Service

* * *

Candy or ice cream stores [PRC-B]

Docks for ferries, other than #gambling vessels#, limited to an aggregate operational passenger load, per #zoning lot#, of 150 passengers per half hour. In Community District 1 in the Borough of Brooklyn, docks for ferries with a vessel capacity of up to 399 passengers shall be allowed, provided that such docks are certified by the Chairperson of the City Planning Commission pursuant to Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas). [PRC-H]

Docks for sightseeing, excursion or sport fishing vessels, other than #gambling vessels#, limited to the following aggregate dock capacities per #zoning lot#:

200 in C2, C3 Districts; 500 in C7, C8-1, C8-2, C8-3 Districts; 2,500 in C8-4 Districts.

"Dock capacity" is the U.S. Coast Guard certified capacity of the largest vessel using a dock. "Aggregate dock capacity" is the sum of the dock capacities of all docks on the #zoning lot#.

Docks for water taxis, with a vessel capacity of up to 99 passengers. ~~with vessel capacity limited to 99 passengers~~ In Community District 1 in the Borough of Brooklyn, such docks shall be certified by the Chairperson of the City Planning Commission pursuant to Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas). The maximum dock capacity is the U.S. Coast Guard certified capacity of the largest vessel using the dock.

Docks or mooring facilities for non-commercial pleasure boats [PRC-H]

* * *

Article VI
Special Regulations Applicable To Certain Areas

Chapter 2
Special Regulations Applying in the Waterfront Area

* * *

62-50
GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS

* * *

62-52

Applicability of Waterfront Public Access Area Requirements

Waterfront public access shall be provided for all #waterfront zoning lots# with a #lot area# of at least 10,000 square feet and a #shoreline# of at least 100 feet that are #developed#, and for all #developments# on #floating structures#, in accordance with the provisions of the following Sections:

* * *

- (b) #Waterfront public access areas# required in conjunction with the following #developments# shall be subject to the minimum #waterfront public access area# set forth in the table in Section 62-57 and the requirements of Section 62-58 (Requirements for Water-Dependent Uses and Other Developments):
 - (1) #developments# comprised #predominantly# of the following WD #uses#: docks for non-commercial pleasure boats, ferries, sightseeing, excursion or sport fishing vessels, #boatels# or commercial beaches;
 - (2) #developments# on #piers# or #platforms# that involve existing #buildings or other structures# that are either New York City-designated landmarks or have been calendared for consideration, or are listed or eligible to be listed in the National or New York State Registers of Historic Places; or
 - (3) changes of #use# or #extensions# within #buildings# existing on October 25, 1993, which involve, in aggregate, an amount of #floor area# that is less than 30 percent of the maximum #floor area# permitted on the #zoning lot# for either #commercial# or #residential use#, whichever is greater.

In Community District 1 in the Borough of Brooklyn, on #zoning lots# with #developments# comprised exclusively of docks for ferries with a vessel capacity of up to 399 passengers, and #accessory# amenities for such docking facilities, such #zoning lots# shall be exempt from the waterfront public access requirements of this Section, provided that such docking facilities are certified by the Chairperson of the City Planning Commission, pursuant to Section 62-813 (Docking facilities for ferries or water taxis in

certain waterfront areas). However, for any subsequent #development# on such #zoning lot# that is not comprised exclusively of docks for ferries, the public access requirements of this Section shall apply, and any public access exemptions for such docks for ferries shall no longer apply.

* * *

62-60

DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS

* * *

62-611

Permitted obstructions

#Waterfront public access areas# shall be unobstructed from their lowest level to the sky except that the obstructions listed in this Section shall be permitted, as applicable. However, no obstructions of any kind shall be permitted within a required circulation path.

(a) In all areas

* * *

(c) Beyond 20 feet of the #shoreline#

Tot-lots, playgrounds, dog runs, public telephones, toilets, bicycle racks.

(d) In Community District 1 in the Borough of Brooklyn

In Community District 1 in the Borough of Brooklyn, any amenity #accessory# to docking facilities for ferries or water taxis shall be considered a permitted obstruction only where such amenity is certified by the Chairperson of the City Planning Commission in conjunction with the docking facility, pursuant to Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas).

* * *

62-63

Design Requirements for Public Access on Piers and Floating Structures

62-631

Design requirements for public access on piers

The design requirements of this Section shall apply to #waterfront public access areas# on #piers#, pursuant to Section 62-54.

(a) Circulation and access

At least one circulation path having a minimum clear width of ten feet shall be provided throughout the public access area required on the #pier#.

(b) Permitted obstructions

In addition to permitted obstructions pursuant to Section 62-611, #pier# public access areas may include one freestanding open or enclosed public pavilion, provided such structure does not exceed one #story#, is no taller than 30 feet and has an area no larger than 1,600 square feet. At least 50 percent of the perimeter wall area on all sides, up to a height of 15 feet, shall consist of clear or glazed materials which may include #show windows#, glazed transoms, glazed portions of doors or latticework. Such structures shall be exempt from #building# spacing requirements on #piers# provided they maintain a spacing of at least 12 feet from other #buildings# and from any water edge of the #pier#, except that when a #pier# is 30 feet or less in width, a pavilion may abut one water edge.

In Community District 1 in the Borough of Brooklyn, any amenity #accessory# to docking facilities for ferries or water taxis shall be considered a permitted obstruction only where such amenity is certified by the Chairperson of the City Planning Commission in conjunction with the docking facility, pursuant to Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas).

(c) Seating

At least one linear foot of seating is required for every 100 square feet of #pier# public access area, subject to the provisions of paragraphs (a) through (d) of Section 62-652.

* * *

62-80
SPECIAL REVIEW PROVISIONS

* * *

62-81
Certifications by the Chairperson of the City Planning Commission

* * *

62-813
Docking facilities for ferries or water taxis in certain waterfront areas

In Community District 1 in the Borough of Brooklyn, docking facilities for ferries or water taxis set forth in paragraph (a) of this Section shall be permitted, provided that the Chairperson of the City Planning Commission certifies to the Commissioner of the Department of Buildings that such docking facilities comply with the standards for required amenities set forth in paragraph (b) of this Section and, where provided, the standards for permitted amenities set forth in paragraph (c) of this Section. In conjunction with such certification, parking and drop-off and pick-up area requirements for docking facilities with a vessel capacity of up to 399 passengers shall be waived, as applicable. Where such docking facilities are proposed within a #waterfront public access area#, such docking facilities shall also comply with the provisions of paragraph (d) of this Section. Where modifications to a docking facility certified pursuant this Section are made, including the amount or configuration of docking facility amenities, establishment of, or modification to, #waterfront public access areas# on the same #waterfront zoning lot#, or the cessation of ferry or water taxi service to such docking facility, the provisions of paragraph (e) of this Section shall apply.

The amount of amenities permitted or required pursuant to paragraphs (b) and (c) of this Section shall be calculated for each docking facility on the #waterfront zoning lot# and not according to the number of vessels a single docking facility can accommodate.

(a) Docking facilities

The following docking facilities are subject to the certification provisions of this Section:

- (1) docks for water taxis, with a vessel capacity of up to 99 passengers, as listed in Use Group 6C, when located within R6 through R10 Districts, or C1, C2, C4, C5, C6 or C8 Districts, and as listed in Use Group 14A, when located in C2, C3, C7 or C8 Districts and #Manufacturing Districts#;
- (2) docks for ferries, other than #gambling vessels#, with a vessel capacity of up to 399 passengers, as listed in Use Group 6C, when located within R6 through R10 Districts or C1, C2, C4, C5, C6 or C8 Districts, and as listed in Use Group 14A, when located in C2, C3, C7 or C8 Districts and #Manufacturing Districts#; and
- (3) docks for ferries with an unlimited capacity, as listed in Use Group 10A, in C4, C5, C6, C8 Districts and #Manufacturing Districts#.

(b) Required amenities

Passenger queuing space, bicycle parking and a trash receptacle shall be provided in accordance with the applicable provisions of this paragraph, (b), inclusive. All applications shall include a site plan denoting the location of each required amenity, dimensioned plans and elevations of individual amenities, as applicable, as well as any other material required to demonstrate compliance with such provisions.

(1) Passenger queuing space

Passenger queuing space shall be provided in accordance with the provisions of this paragraph, (b)(1), inclusive.

(i) Amount

A minimum of four square feet of queuing space per passenger shall be provided on the #waterfront zoning lot# for 40 percent of the U.S. Coast Guard certified passenger capacity of the largest vessel proposed to dock at such facility. Queuing space may be either standing space or seating space, and may be either open to the sky or provided within a sheltered space for passengers in accordance with the provisions of paragraph (c)(1), inclusive, of this Section.

(ii) Standing space

All standing queuing space shall be contiguous and clear of obstructions, except for any interruption by circulation paths required for access to docking facilities through a gangway, or pier access thereto. However, such standing queuing space may be non-contiguous and temporary dividers may be permitted as obstructions within such queuing space where the applicant signs an affidavit, or provides materials demonstrating in a manner that is satisfactory to the Chairperson, that an attendant will manage queues whenever such measures are implemented.

(iii) Seating space

A minimum of ten percent of required queuing space shall be provided as seating, and up to 50 percent of required queuing space may be provided as seating. However, no seating shall be required within a previously approved #waterfront public access area#. For the purpose of applying seating towards the queuing requirement, one linear foot of seating shall equal one square foot of queuing space.

All seating provided for queuing space shall comply with the applicable dimensional criteria of Section 62-652 (Seating), but need not comply with the percentage requirements for different types of seating required pursuant to such Section. However, moveable chairs shall not constitute seating for queuing.

Any seating space provided pursuant to this Section within an existing or proposed #waterfront public access area# shall not count towards the maximum amount of seating permitted to be located seaward of the #shore public walkway# pursuant to paragraph (b) of Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas).

(iv) Location

Queuing space shall be provided on the #waterfront zoning lot# within 150 feet of the landward terminus of the gangway leading to the docking facility.

(2) Bicycle parking

Bicycle racks sufficient to provide at least four bicycle parking spaces shall be provided on the #waterfront zoning lot#. Such bicycle racks shall comply with the standards of Section 62-657.

(3) Trash receptacle

One trash receptacle shall be provided on the #waterfront zoning lot# within 25 feet of the landward terminus of the gangway leading to the docking facility. Such trash receptacle shall comply with the standards of Section 62-658.

(c) Permitted amenities

Passenger queuing shelters and ticketing machines may be provided only in accordance with the applicable standards of this paragraph, (c), or, where applicable, the authorization provisions set forth in Section 62-824 (Modifications to passenger queuing shelters for ferry or water taxi docking facilities).

All applications shall include a site plan denoting the location of such amenities, dimensioned plans and elevations of individual amenities, as well as any other material required to demonstrate compliance with the following standards:

(1) Passenger queuing shelter

Where provided, passenger queuing shelters shall comply with the provisions of this paragraph, (c)(1), inclusive. All heights are measured from adjoining grade.

(i) Maximum dimensions and permitted enclosing walls

The maximum height of a shelter shall be ten feet. Below a height of seven feet, the maximum width shall be four feet, and above a height of seven feet, the maximum width shall be eight feet. The maximum length of a shelter shall not exceed 16 feet, except that where a ticketing machine provided pursuant to paragraph (c)(2) of this Section is located within such shelter, such maximum length may be increased to 20 feet.

Shelters shall be permitted a total of three enclosing walls, one along the long dimension of the shelter, and one along each narrow end.

(ii) Support structures below the roof

A maximum of two vertical columns may support the enclosing walls and the roof of a shelter, except that where a ticketing machine provided pursuant to paragraph (c)(2) of this Section is located within such shelter, an additional column shall be permitted. The maximum width and depth of such columns shall not exceed twelve inches. All such columns shall be aligned so that when viewed in elevation view along the narrow end of the shelter, only one column shall be visible.

Below a height of 30 inches, one horizontal structural element shall be permitted along the long dimension of the shelter. The maximum depth and height of such structural element shall not exceed twelve inches. Between a height of 30 inches and seven feet no horizontal structural elements shall be permitted, and above a height of seven feet, horizontal structural elements shall be considered part of the roof structure.

Additional support structures needed to support glazing in the enclosing walls are permitted, provided that such structures are to the minimum amount necessary.

(iii) Roof structure

The roof of the shelter, including all associated structural elements and materials, shall be located above a height of seven feet.

The maximum depth of the roof, including all associated structural elements and materials, shall not exceed twelve inches, as measured perpendicular to the roof surface. In addition, within six inches of the edge of any portion of the roof that cantilevers over passenger queuing space, as viewed in elevation along the narrow end of the shelter, the depth of the roof shall be limited to three inches.

No slopes or curves shall be permitted in the roof along the long dimension of the shelter. Along the narrow end of the shelter, slopes not to exceed fifteen degrees and curves with a radius of at least ten feet shall be permitted. Where two slopes are provided, in no event shall both portions of the roof angle downward from the same point.

(iv) Materials, lighting and permitted signage

On each narrow end of the shelter, the enclosing wall or associated vertical support column may accommodate up to six square feet of way-finding ferry #signs#, with a width not to exceed twelve inches. In addition, the enclosing wall on the long end of the shelter or a face of a ticketing machine provided in accordance with paragraph (c)(2) of this Section may accommodate up to six square feet of materials related to ferry operations, including maps and schedules of ferry service. No #advertising signs# shall be permitted.

All structural elements shall be composed of unpainted, metallic materials. The entire surface area of all enclosing walls shall be composed of untinted, transparent materials, except for transparency distraction markers and any support structures or signage permitted pursuant to this paragraph, (c)(1). A minimum of 50 percent of the surface area of the roof shall be composed of translucent materials, except that any portion occupied by solar panels shall be excluded from such calculation. Benches provided within a shelter shall either match or complement such shelter materials.

Where lighting is provided within a shelter, the luminaire shall be shielded so the light source is not visible.

(v) Location and orientation

Shelters shall be provided on the #waterfront zoning lot# within 100 feet of the landward terminus of the gangway leading to the docking facility.

The long dimension of the shelter shall be oriented so as to be within 15 degrees of being perpendicular to the shoreline or, where located on a pier, within 15 degrees of being parallel to such pier.

Where a shelter is provided within a previously approved #waterfront public access area#, the Chairperson may modify the location and orientation provisions of this Section, to the minimum extent necessary, where site limitations would make compliance with such provisions infeasible.

(2) Ticketing machines

Ticketing machines provided in conjunction with a docking facility shall comply with the provisions of this paragraph, (c)(2).

(i) Maximum square footage

The maximum area of all ticket machines, as measured in plan around the furthest extent of such machines, shall not exceed 12 square feet.

(ii) Location

Ticketing machines shall be provided on the #waterfront zoning lot# within 100 feet of the landward terminus of the gangway leading to the docking facility.

Where a passenger queuing shelter is provided in conjunction with the ferry or water taxi docking facility pursuant to paragraph (c)(1) of this Section, ticketing machines shall be located either within, or immediately adjacent to the upland portion of such shelter.

Any ticketing machine not placed within a passenger queuing shelter shall be placed in a location open to the sky.

Ticketing machines shall either front directly upon a required circulation path or shall be connected thereto by a walkway with an unobstructed minimum clear width of at least five feet.

Where a ticketing machine is provided within a previously approved #waterfront public access area#, the Chairperson may modify the location provisions of this Section, to the minimum extent necessary, where site limitations would make compliance with such provisions infeasible.

(d) Provisions for adding amenities for docking facilities to a #waterfront public access area#

Docking facilities proposed within a previously approved #waterfront public access area# or in conjunction with a certification for such approval, pursuant to Section 62-811 (Waterfront public access areas and visual corridors), shall comply with the applicable provisions of this paragraph, (d).

(1) Permitted obstructions

In no event shall amenities provided pursuant to paragraphs (b) or (c) of this Section be permitted to encroach upon the minimum circulation paths required pursuant to the applicable provisions of Sections 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas), 62-63 (Design Requirements for Public Access on Piers and Floating Structures), and 62-64 (Design Requirements for Upland Connections).

(2) Providing amenities in previously approved #waterfront public access areas#

All seating, bicycle parking and trash receptacles provided for docking facilities in accordance with the provisions of paragraph (b) of this Section, within a previously approved #waterfront public access area#, shall be provided in addition to the amount of seating, bicycle parking, or trash receptacles required for such #waterfront public access area# pursuant to the applicable provisions of Section 62-60 (DESIGN REQUIRMENTS FOR WATERFRONT PUBLIC ACCESS AREAS). Where excess seating, bicycle parking or trash receptacles have been provided within such previously approved #waterfront public access areas#, such additional amenities may be applied towards compliance with the provisions for docking facilities of this Section, provided that such amenities comply with the applicable provisions of paragraph (b) of this Section. Where previously approved #waterfront public access areas# are #non-complying# as to the provision of required amenities, in no event shall the minimum amount of amenity provided for docking facilities pursuant to paragraph (b) reduce the degree of #non-compliance# of such #waterfront public access area#.

All seating, bicycle parking and trash receptacles provided in accordance with the provisions of paragraph (b) of this Section in an existing #waterfront public access area# shall either match or shall be comparable with such existing amenities, with regard to quality, materials, finishes, and form.

Modifications to a previously approved #waterfront public access area# in order to accommodate amenities to be provided for a docking facility in accordance with paragraphs (b) or (c) of this Section shall not constitute a design change to such #waterfront public access area#, and shall not necessitate a new certification pursuant to Section 62-811, provided that the applicant demonstrates to the Chairperson of the City Planning Commission that such modifications are to the minimum extent necessary in order to accommodate the amenities being provided for such docking facility.

(3) Providing amenities in conjunction with a new #waterfront public access area#

All amenities provided for docking facilities in accordance with the provisions of paragraph (b) of this Section shall be provided in addition to all required seating, bicycle parking, or trash receptacles for a #waterfront public access area# being #developed# in conjunction with the provision of a docking facility. All such proposed amenities for the docking facility shall complement the proposed amenities for such #waterfront public access area#.

(e) Modifications of certified docking facilities

Any modification to a docking facility certified pursuant to this Section, shall comply with the applicable provisions of this paragraph, (e).

(1) Modification of amenities

Any modification of the required or permitted amenities for a docking facility certified pursuant to this Section, including the configuration of such amenities, shall be subject to a new certification pursuant to this Section.

Any ferry or water taxi service modification resulting in a reduction of passenger capacity of the largest vessel docking at such facility shall not be subject to a new certification provided that the amount of queuing space required at the time of approval, pursuant to paragraph (b) of this Section, is not diminished.

(2) Establishment of or modifications to #waterfront public access areas#

Any establishment of a #waterfront public access area# or modification to a previously approved #waterfront public access area# where a docking facility certified pursuant to this Section is located, shall require a new certification, pursuant to this Section, in conjunction with the certification set forth in Section 62-811 (Waterfront public access areas and visual corridors).

(3) Cessation of ferry or water taxi service

Where ferry or water taxi service ceases operations to a docking facility certified pursuant to this Section, and ferry docking infrastructure is removed from the

#waterfront zoning lot# which would preclude further service, the following shall apply:

- (i) Passenger queuing shelters and ticketing machines provided pursuant to paragraph (c) of this Section shall be removed from the #waterfront public access area#;
- (ii) Seating, bicycle racks, and litter receptacles provided pursuant to paragraph (b) of this Section need not be removed; and
- (iii) any breach in a guardrail along a #pier# or along the #shore public walkway# to accommodate a gangway to a docking facility shall be repaired and shall match the adjacent guardrail.

* * *

62-82

Authorizations by the City Planning Commission

62-821

Modification of requirements for ferries and sightseeing, excursion or sport fishing vessels

- (a) In C1, C2, C3 and C7 Districts, the City Planning Commission may authorize modification of the #use# regulations of Section 32-10 (USES PERMITTED AS-OF-RIGHT) in order to allow docks for ferries with an operational passenger load greater than 150 passengers per half hour, or in Community District 1 in the Borough of Brooklyn, a vessel capacity larger than 399 passengers, provided the Commission finds that:
 - (1) such facility will not create serious pedestrian or vehicular traffic congestion that would adversely affect the surrounding area;
 - (2) the #streets# providing access to such facility will be adequate to handle the traffic generated thereby; and
 - (3) such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in adjoining residential areas.

* * *

62-824

Modifications to passenger queuing shelters for ferry or water taxi docking facilities

In Community District 1 in the Borough of Brooklyn, the City Planning Commission may authorize a ferry passenger queuing shelter exceeding the dimensions set forth in paragraph (c)(1) of Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas), provided that the Commission finds that:

- (a) the public benefit derived from the proposed shelter merits the larger dimensions authorized;
- (b) the proposed shelter utilizes the design standards set forth in paragraph (c)(1) of Section 62-813 regarding permitted support structures, materials, signage and roof construction to the greatest extent feasible;
- (c) any modification to such provisions of Section 62-813 will not unduly limit views from the #waterfront public access area#; and
- (d) the design of the proposed shelter will result in a quality structure that complements the #waterfront public access area# or the publicly accessible area of a #waterfront zoning lot# accommodating the ferry or water taxi docking facility.

62-83

Special Permits by the City Planning Commission

* * *

62-832

Docks for ferries or water taxis in Residence Districts

In all #Residence Districts#, except R1 and R2 Districts, and except within Community District 1 in the Borough of Brooklyn, where the certification provisions of Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas) shall apply, the City Planning Commission may permit docks for ferries or water taxis as listed in Use Group 6-, provided that:

~~As a condition for granting a special permit, the Commission shall find that:~~

- (a) such facility will not create serious pedestrian or vehicular traffic congestion that would adversely affect surrounding residential #streets#;
- (b) such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in the adjoining residential area;
- (c) there is appropriate landscaping along #lot lines# to enable such #use# to blend harmoniously with the adjoining residential area;
- (d) #accessory# off-street parking spaces are provided in accordance with Section 62-43 (Parking Requirements for Commercial Docking Facilities) and the entrances and exits for such #accessory# parking facilities are so located as to not adversely affect #residential# properties fronting on the same #street#; and
- (e) such #use# will not impair the character or the future use or development of the surrounding residential area.

The Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area and to protect #residential# properties which are adjoining or across the #street# from the facility. Such additional conditions and safeguards may include provisions for temporary parking of vehicles for passenger drop-off and pick-up, additional #accessory# off-street parking spaces and limitations on lighting and signage.

* * *

**62-90
WATERFRONT ACCESS PLANS**

* * *

**62-93
Borough of Brooklyn**

The following Waterfront Access Plans are hereby established within the Borough of Brooklyn. All applicable provisions of Article VI, Chapter 2, remain in effect within the areas delineated by such plans, except as expressly set forth otherwise in the plans:

BK-1: Greenpoint-Williamsburg, as set forth in Section 62-931.

62-931

Waterfront Access Plan BK-1: Greenpoint-Williamsburg

Maps BK-1a through BK-1c in paragraph (f) of this Section show the boundaries of the area comprising the Greenpoint-Williamsburg Waterfront Access Plan and the location of certain features mandated or permitted by the Plan. The plan area has been divided into parcels consisting of tax blocks and lots and other lands as established on May 11, 2005, as follows:

* * *

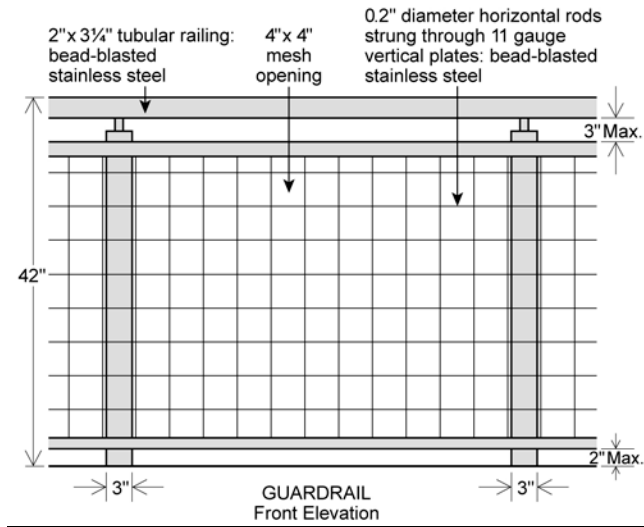
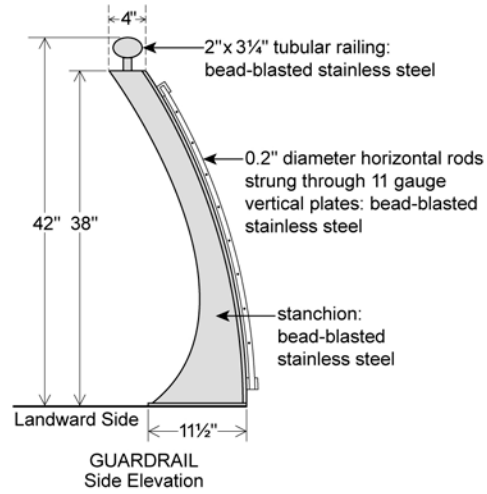
- (c) Public access design reference standards

Section 62-65 is hereby modified by the following provisions.

- (1) Guardrails

In addition to the provisions of paragraph (a) of Section 62-651 (Guardrails, gates and other protective barriers), guardrails shall comply with Illustration A1 of this Section.

[DELETE EXISTING ILLUSTRATION]



[REPLACE WITH THIS ILLUSTRATION]

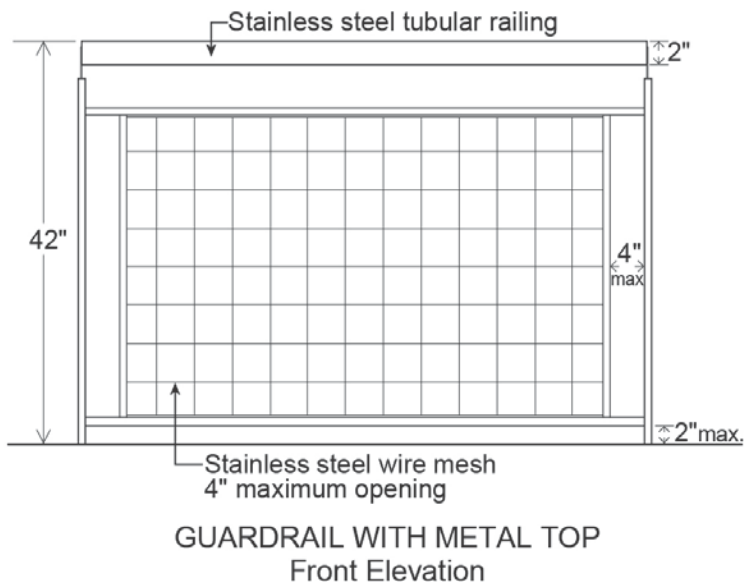
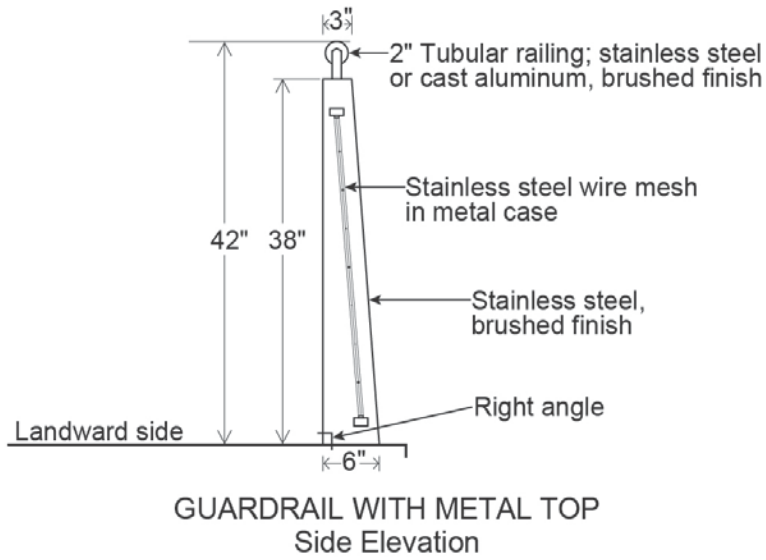


Illustration A1

All guardrail components and hardware shall be in No. 316 Stainless Steel, passivated and bead blasted.

(2) Seating

In addition to the provisions of Section 62-652, at least 50 percent of the required seating along any shore public walkway or supplemental public access area shall comply with Illustration B1 or B2 in this Section.

[DELETE EXISTING ILLUSTRATIONS]

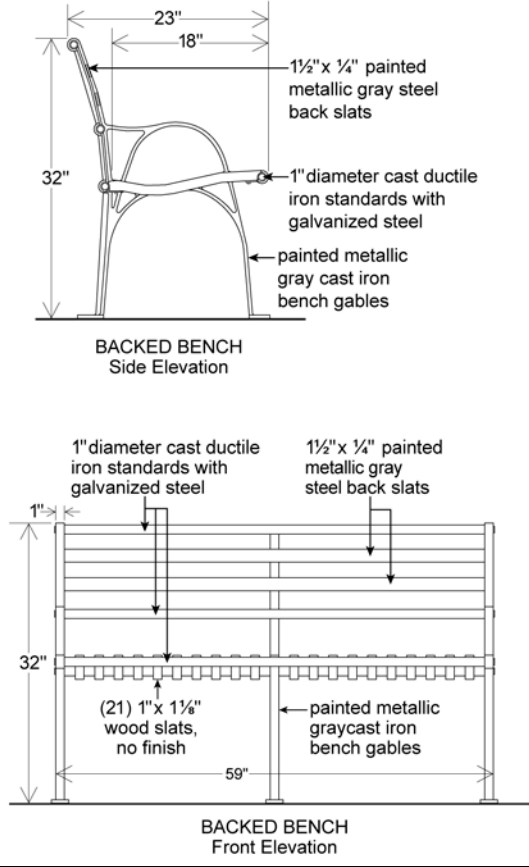


Illustration B1

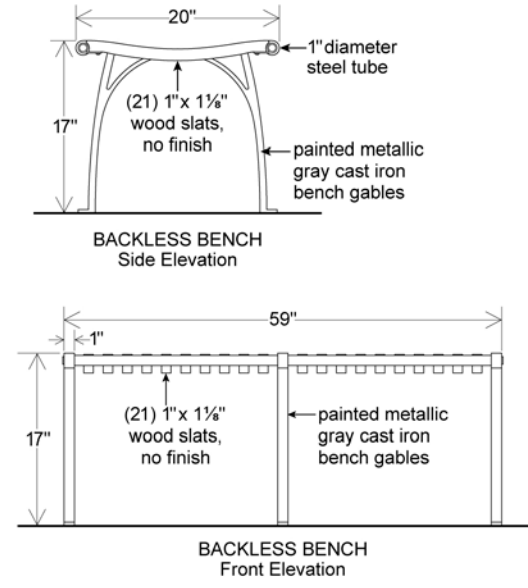


Illustration B2

~~All wood boards shall be made of domestically grown non-tropical hardwoods, such as American White Oak (*Quercus alba*), and be treated for external use without stain or varnish.~~

~~(3)~~(2) Lighting

In addition to the illumination provisions of Section 62-653, the required lighting along any public access area shall comply with Illustration C1 in this Section.

* * *

~~(4)~~(3) Paving

In addition to the provisions of Section 62-656, the paving for the required clear path within the #shore public walkway# shall be gray. At least 50 percent of all other paved areas within the #shore public walkway# and #supplemental public access areas# shall be paved in the same color range.

* * *

The above resolution (N 140099 ZRK), duly adopted by the City Planning Commission on February 5, 2014 (Calendar No. 7), 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.

KENNETH J. KNUCKLES, ESQ., Vice Chairman
ANGELA M. BATTAGLIA, RAYANN BESSER, ALFRED C. CERULLO, III,
BETTY Y. CHEN, MICHELLE R. DE LA UZ, MARIA M. DEL TORO,
JOSEPH I. DOUEK, RICHARD W. EADDY,
ANNE HAYES LEVIN, Commissioners



COMMUNITY BOARD No. 1

435 GRAHAM AVENUE - BROOKLYN, N.Y. 11211-2429

PHONE: (718) 389-0009

FAX: (718) 389-0098

Email: bk01@cb.nyc.gov

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HON. MARTY MARKOWITZ
BROOKLYN BOROUGH PRESIDENT



RABBI JOSEPH WEBER
FIRST VICE-CHAIRMAN

DEL TEAGUE
SECOND VICE-CHAIRPERSON

STEPHEN J. WEIDBERG
THIRD VICE-CHAIRPERSON

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FINANCIAL SECRETARY

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CHRISTOPHER H. OLECHOWSKI
CHAIRMAN

GERALD A. ESPOSITO
DISTRICT MANAGER

HON. STEPHEN T. LEVIN
COUNCILMEMBER, 33rd CD

HON. DIANA REYNA
COUNCILMEMBER, 34th CD

December 11, 2013

Commissioner Amanda Burden
Department of City Planning
NYC City Planning Commission
22 Reade Street
New York, NY 10007

Dear Commissioner Burden:

Community Board No. 1 held a public hearing on November 13, 2013 regarding the following item:

NYC DEPARTMENT OF CITY PLANNING (# N 140099 ZRK, # N 140100 ZCK, # N 140101 ZCK, N 140102 ZCK) EAST RIVER FERRY TEXT AMENDMENT- The New York City Economic Development Corporation (NYCEDC) is proposing a zoning text amendment to the New York City Zoning Resolution that would be applicable to Brooklyn Community District 1, and would support the continuation of East River Ferry service. NYCEDC launched the East River Ferry service pilot program in June 2011, which is currently operated by New York Waterway and offers frequent daily service.

Subsequently, CB #1's Land Use, ULURP and Landmarks Committee met on November 25, 2013 to further review the proposal and present its report to the full board.

Kindly be advised that the committee's report (attached) was submitted to the full board on December 10, 2013. The members of the board voted to support the proposal with the conditions. The resolution is as follows:

Resolution - The proposed amendment will allow the ferry service to continue to maintain its current level of service, including the employment of ferries that accommodate 399 passengers,

instead of the 99 passenger ferries that are currently allowed as of right. Community Board No.1 recognizes the need for ferry service in general, and specifically for the employment of the larger ferries. However, Community Board No. 1 notes that the proposed amendment does not satisfactorily address the public safety need for adequate lighting and illuminated shelters at the docking areas.

Accordingly, the members of Community Board No. 1 voted unanimously to approve the proposal with the following conditions:

- 1- The zoning text will mandate illuminated shelters within 100' of the boat docks.
- 2- The zoning amendment will mandate an upgrade in and around the docking areas of any lighting that does not meet the city's current safety standards for areas of public usage.

The vote was as follows: 27 "YES"; 1 "NO"; 0 "ABSTENTIONS"; 0 "RECUSALS".

Working for a Better Greenpoint-Williamsburg.

Sincerely,



Christopher H. Olechowski
Chairman

CHO/mbw
Attachment: 1

**Brooklyn Borough President
Recommendation**

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
FAX # (212) 720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representatives as indicated on the Notice of Certification.

APPLICATION # 140099 ZRK

East River Ferry Project

In the matter of an application submitted by the Economic Development Corporation (EDC) pursuant to Sections 200 and 201 of the New York City Charter for the amendment of the Zoning Resolution:

To allow ferry docks serving vessels up to 399 passengers to continue to operate along the Brooklyn Community District 1 waterfront. The amendment would allow ferries up to this size to berth as-of-right in R-6 through R-10 residential districts, as well as in all commercial and manufacturing districts in CD1.

COMMUNITY DISTRICT NO.

1

BOROUGH OF BROOKLYN

RECOMMENDATION

Zoning Map Amendment:

APPROVE
 APPROVE WITH
MODIFICATIONS/CONDITIONS

DISAPPROVE
 DISAPPROVE WITH
MODIFICATIONS/CONDITIONS



BOROUGH PRESIDENT

December 30, 2013

DATE

RECOMMENDATION FOR THE FOLLOWING PROPOSED ACTIONS: AMENDMENT OF THE ZONING TEXT

This application by the Economic Development Corporation (EDC) seeks to allow ferry docks serving vessels up to 399 passengers to continue to operate along the Brooklyn Community District 1 (CD1) waterfront. The amendment would allow ferries up to this size to berth as-of-right in R-6 through R-10 Residential Districts, as well as in all commercial and manufacturing districts in CD1. The text amendment would support ferry service to the immediate waterfront area and to the growing residential and commercial uses in the upland neighborhoods of Greenpoint and Williamsburg.

Public Hearing

Representatives from EDC responded to a number of the Brooklyn Borough President's concerns regarding adequacy of requirements for amenities in the ferry terminals. EDC recognizes that they must plan to avoid potential conflict between the public utilizing the waterfront esplanades and ferry users using the terminals, since they are adjacent to each other. EDC acknowledges that plans must ensure that ferry lines do not obstruct the paths of walkers, bikers and joggers in shore public walkway as well as similarly, that bicycle parking and trash receptacles are appropriately placed for both ferry and public space users.

One of the Borough President's concerns was a lack of specified responsibility for upkeep of the to-be-designated ferry landings. In response, EDC clarified that upland property owners made commitments to maintain ferry landings, though the negotiation was not outlined in the certification.

Consideration

Community Board 1 voted to approve the zoning map amendment with conditions regarding lighting and sheltering accommodations.

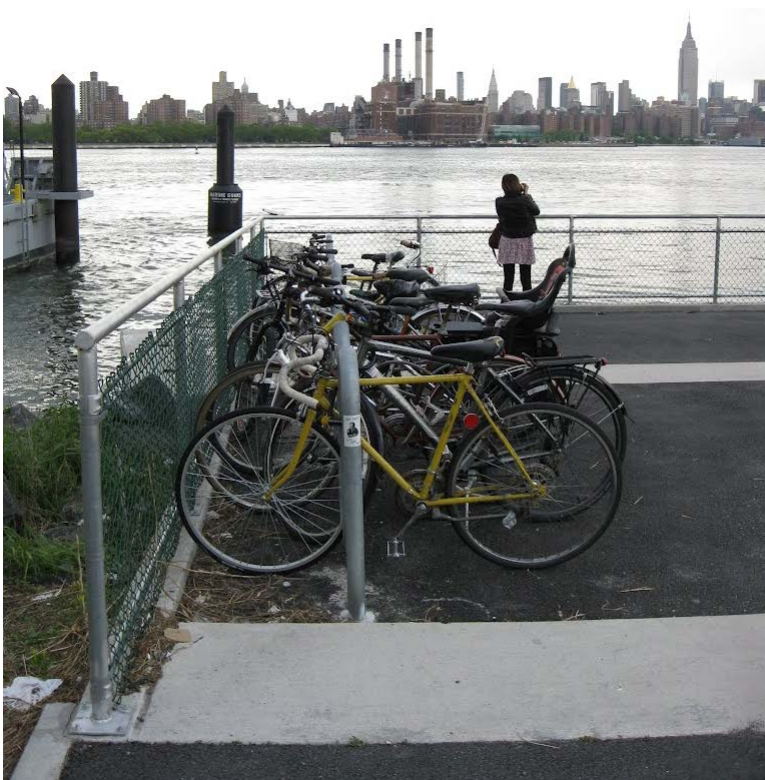
In 2011, EDC began a pilot program for East River ferry service connecting Manhattan, Brooklyn and Queens, serving commuters, tourists and recreational users. Since 2011, the ferry has exceeded projected ridership totals by nearly fifty percent. To meet rising demand, EDC received a zoning override from the Mayor to permit ferries with capacities larger than that permitted under zoning at certain ferry landing locations. This zoning override expires in 2016 and therefore, EDC seeks to make permanent zoning allowances for the 399-person capacity ferries to continue to operate.

The proposed certification standards take into consideration an EDC survey undertaken in 2012 that determined that nearly 70 percent of riders were commuters, over 80 percent of riders walk to the ferry, and 73 percent walk from the ferry to their final destination. Seven percent bike to the ferry and five percent use the subway to and from the ferry. The high percentage of walkers and bikers accessing the ferry provide the rationale for the elimination of all parking and pick-up/drop-off areas associated with the terminals for the proposed amendment to ferry docks.

The certification standards would require that all docking facilities provide certain ferry-related amenities, namely passenger queuing areas, bicycle parking and trash receptacles. Queuing space would be either standing space or seating space. Seating would be provided for at least ten percent of the total queuing space and would not account for more than fifty percent of the total space. The queuing space may be either open to the sky or provided within a sheltered space.

Design standards would be established for the optional amenities of passenger shelters and ticketing machines.

In considering the proposal, staff of the Borough President visited the three ferry locations serving CD 1. India Street Pier and its gangway and dock were sufficiently lighted. The pier contained an unlit shelter that seated four and could accommodate more than ten persons standing and unsheltered seating for twelve people. At the dead-end of India Street were four bike-rack fixtures designed to accommodate eight bikes. Six were found to be in use. A trash receptacle was near the gangway and multiple receptacles were near the landward end of the pier. At North 6th Street, the upland, gangway and dock were sufficiently lighted but for the area containing 25 bike parking spaces. An unlit shelter without seating was noted well beyond the proposed standard of 100 feet, though nearby benches seat 16 persons. While merely two bikes were witnessed parked the evening of a morning snow accumulation, an internet photograph search (see image below) indicates significant utilization at some unknown date. In addition, the ease of locating the bike parking was dependent on where the rider crossed Kent Avenue, as signage was not evident from the nearby bike path. A trash receptacle exists on the dock. At Schaefer Landing, which apparently is maintained in conjunction with the Parks Department, the ferry dock and gangway were locked, with access provided where ferries were docked. The upland area adjacent to the gangway had no lighting and received little illumination from the nearest fixture from the waterfront public access area. The shelter, which was unlit, exceeded the proposed standard for location in proximity to the gangway, and was not visible from the gangway due to the height of plantings in between. A ticketing machine was further away, at Kent Avenue. A bike rack in proximity to the gangway had four spaces, with two spaces utilized.



The Borough President supports enhancing transportation opportunities between Brooklyn and Manhattan and between points in Brooklyn. He supports the ongoing East River ferry service and applauds EDC's efforts to assure that service will continue for years to come. As the operation continues, the Borough President would like to see service become more frequent – which would be achieved by adding an additional ferry to the route -- and to see additional northern Brooklyn ferry berths at the former Domino Sugar site and at Greenpoint Landing as those developments are occupied.

The Borough President believes that it is appropriate to for the Zoning Resolution to more closely reflect the size of ferries that serve riders living, working or exploring northern Brooklyn. He concurs that standards for parking and drop-off and pick-up requirements for docking facilities should be waived given the high

percentage of riders walking to and from the ferry. He expects the percentage of walkers will increase with new high rise developments going up in the neighborhood, including a high-rise development adjacent to the North 6th Street landing, a development expected to flank Schaeffer Landing at the former Kedem site, the to-be-constructed Rose Plaza, and buildings at the former Domsey site. The zoning in place extending from the India Street Pier also promises more foot traffic.

The Borough President believes that standards are necessary to ensure that ferry users do not overwhelm public space amenities in the waterfront public access area (including pedestrian circulation areas, seating, trash receptacles and bike parking accommodations on the waterfront zoning lot).

Subsequent to the hearing, the Senior Vice President for Planning of EDC submitted a letter (attached) to the Borough President, dated December 19, 2013, responding to concerns raised by the Brooklyn Borough President's Office in regards to bicycle use and maintenance responsibilities.

The Borough President does share the concerns of CB 1 regarding lighting and sheltering accommodations. Still, he understands that certain aspects might be beyond the area governed by the docking facility itself and, therefore, require coordination with other parties to address.

It is important that ferry queuing areas contribute to the desirability of ferry usage. As ferry commute peak hours seasonally overlap sunset, for both security and as an amenity, areas not adequately governed by the lighting standards of the design requirements for Waterfront Public Access Areas should be addressed. In regards to lighting for that docking facility, included its queuing areas on the docking platform, and gangways, the Borough President believes these areas should be governed by the lighting standards of ZR 62-60 (Design Requirement for Waterfront Access Areas) Public Access Design Reference Standards for Lighting (ZR 61-653).

As access to these ferries is subject to the weather conditions, the Borough President believes that riders waiting to board should be given adequate shelter from intense sun, excessive wind and rain. Therefore, he believes that shelters should be provided and adequately lit. Given that the property where shelters would be placed are likely not under the control of the anticipated application seeking Chair Certification to permit a docking facility, it might be infeasible to incorporate a shelter as part of the application seeking Chair Certification. However, the Borough President believes that prior to filing a docking facility application, steps should be taken to consult with the entity responsible for the upland area in proximity to the gangway to achieve a passenger queuing shelter.

As for addressing that snow and ice are adequately cleared from pathways and queuing areas, the December 19 letter from EDC notes that responsible parties for maintenance at ferry stops varies, with Billy Bey Ferry Company having the responsibility at India Street, while EDC has the responsibility for the ferry landing and the other two stops and with the upland having the Parks Department responsible at the North Williamsburg site and the homeowners association being responsible at Schaeffer Landing. In order to support ridership, the Borough President believes that pathways and queuing areas should be clear of snow and ice in a timely manner. Though, if that were not to be the case, riders should find it to be easy to identify the responsible party. Therefore, the Borough President believes that the signage indicating ferry schedules and routes should incorporate contact information for the entity responsible for maintenance of both the ferry dock and upland.

Another concern of the Borough President's is transit integration. While the Borough President would prefer that ferry service allow free or reduced transfer to MTA bus and subway service, unfortunately this is not current possible. It also remains very important to best integrate ferry ridership with bicycle ridership. The Borough President believes that the current plan for four biking spaces is deficient based on, observed conditions at both India Street and North Sixth Street ferry stops.

Pertaining to bikes, the Borough President believes that there must be an upper limit to the distance between bike racks and the gangway. As proposed, bike racks can be anywhere on the waterfront zoning lot. The waterfront lot of the anticipated Domino site extends approximately 600 feet in both directions from the suggested docking facility. Bike parking several hundred feet from a gangway location is a problem, though it is a possibility at the Domino and Greenpoint Landing sites in the current plan. Also under the bicycle requirement, there is no distinction between bike parking for ferry riders versus park users. This could result in ferry riders using more than their fair share of this amenity. EDC plans should accommodate both groups of bike rack users. A final question on bikes is capacity. It is best to have excess capacity to promote timely boarding of scheduled ferry service.

Apparently, there is concern that encouraging bike parking near the gangway would lead to conflicts between bike riders and other users of the public access areas. It must be noted that a significant number of riders do take their bicycles on the ferry – so keeping bike racks far from the gangway is not a solution for preventing bicycle riders from conflicting with other users. Another way to avert this potential conflict would be through designated routes for bikes to both the bike racks and the gangway with signage placed to direct bicycle riders to dismount.

In response to the concerns of the Borough President, in the letter from EDC, it was stated that "...EDC will continue to monitor the demand for bicycle parking near ferry landings seeking to better understand how bicycle use varies amongst ferry riders... and ...will work with the Department of City Planning (DCP) and other interested agencies... ..to assure that bicycle parking is optimally situated near the ferry landings." The Borough President believes that pending the outcome of such subsequent analysis, DCP should consider if it is warranted to proceed with a zoning text amendment to increase the minimum bike rack parking space requirement to be more in line with observed usage and, if warranted, require plans filed for the requested Certification to note location of docking facility bike racks and route of bicycles from the street to the bike rack and gangway.

The Borough President recognizes that ferry commute peak hours seasonally overlap sunset. From the perspective of security, areas upland from the gangway that are not adequately governed by the lighting standards of the design requirements for Waterfront Public Access Areas should be addressed. The one area with questionable lighting, Schaeffer Landing, is regulated by the Department of Parks and Recreation, through a Maintenance and Operations Agreement with the entity owning the Schaeffer Landing property. The Parks Department conducts inspections at least annually to determine if the site is opened and being maintained acceptable according to the agency manual. He believes that the agency should take action to facilitate the upgrading of the lighting along such passageways between the gangway and Kent Avenue, where it has jurisdiction, consistent with the lighting standards of ZR 62-60 (Design Requirement for Waterfront Access Areas) Public Access Design Reference Standards for Lighting (ZR 61-653).

Furthermore, while not directly related to determining Certification standards for docking facilities, the City Planning Commission should look for opportunities to promote connectivity between ferry usage with bus and bike riders. Given that it is impossible to have seamless service between

the ferry with the bus, providing a shelter would improve the commuter experience during periods of rain, snow or excessive wind. The "Citi Bike" initiative is intended to provide complimentary means of travel and to optimize this initiative, it is important to consider integration with ferry service. Specifically, the Commission should advise the Department of Transportation whether there is a need to install a bus shelter at the bus stop that serves as a connection to the ferry stop and whether there is a location to establish a "Citi Bike" docking station that would serve to complement ferry docking facilities.

RECOMMENDATION

Be it resolved that the Borough President of Brooklyn, pursuant to section 200 and 201 of the New York City Charter, recommends that the City Planning Commission and City Council **approve** the zoning map and text amendment proposal subject to the following **conditions**:

That ZR 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas) be modified according to the following:

1. That docking facilities, with its queuing areas and gangways, be governed by the lighting standards of ZR 62-60 (Design Requirement for Waterfront Access Areas) Public Access Design Reference Standards for lighting (ZR 61-653).
2. That signage indicating ferry schedules and routes shall also incorporate contact information for the entity responsible for site maintenance (snow and waste removal, physical repairs, etc.).

Be it Further Resolved, that:

1. The applicant for Certification, prior to filing such docking facility application, should take steps to consult with the entity responsible for the upland area in proximity to the gangway to achieve a passenger queuing shelter pursuant to ZR 62-813©, (Permitted Amenities).
2. The Department of City Planning, pending the outcome of subsequent analysis undertaken by the Economic Development Corporation regarding bike usage, should consider if it is warranted to proceed with a zoning text amendment to increase the minimum bike rack parking space requirement to be more in line with observed usage and, if warranted, require plans filed for the requested Certification to note location of docking facility bike racks and route of bicycles from the street to the bike rack and gangway.
3. The Department of Parks and Recreation, in regards to the area upland of the gangway at Schaeffer Landing, should take action to seek upgrading of the lighting along such passageways between the gangway and Kent Avenue, consistent with the lighting standards of ZR 62-60 (Design Requirement for Waterfront Access Areas) Public Access Design Reference Standards for Lighting (ZR 61-653).
4. The City Planning Commission, when considering application for Certification of Docking Facilities for ferries or water taxis in waterfront areas in Community

District 1, should make recommendation to the Department of Transportation, where it deems it appropriate for the following:

- a) Installation of a bus shelter at a specific bus stop in proximity to the ferry docking facility.
- b) Installation of bike share stations at specific locations that would be complimentary to ferry docking facilities.

December 19, 2013

The Honorable Marty Markowitz
Brooklyn Borough President
209 Joralemon St.
Brooklyn, NY 11201

Dear Mr. Borough President;

Thank you for your consideration of the East River Ferry Text Amendment application (N 140099 ZRK), which works to support the continuation of East River Ferry service at the Greenpoint, North Williamsburg and South Williamsburg ferry landings located in Brooklyn's Community District (CD) 1.

As you know, NYCEDC announced the East River Ferry service in June 2011 as part of a three year pilot program. While we anticipated ridership in the first year of the pilot to be approximately 410,000 passengers, by July 2012 the East River Ferry had already served over one million passengers. In response to this high demand, Mayor Bloomberg approved a temporary zoning override for the ferry landings in Brooklyn CD 1, which allowed us to use 399-passenger ferries instead of the 99-passenger water-taxis that are allowed as of right under the current zoning. That override is set to expire in 2016.

To ensure that we can continue to provide East River Ferry service its current level, NYCEDC is seeking a zoning text amendment which would, among other things, allow continued use of 399-passenger ferries and would require amenities such as passenger queuing areas, trash cans, and bicycle parking near the landings. In addition, the text amendment would include design standards for shelters and ticket machines.

We appreciate your office's commitment to ensuring that the East River Ferry service provides adequate amenities to all passengers. NYCEDC, in consultation with the Department of City Planning, arrived at the recommendation for four additional bike parking spaces through an analysis of passenger data gathered in the summer of 2012, during peak ferry demand. However, we understand that your office is concerned that these four additional spaces, which would be required near ferry landings as part of this zoning text amendment, may not sufficiently address demand. Therefore, NYCEDC will continue to monitor the demand for bicycle parking near ferry landings seeking to better understand how bicycle use varies amongst ferry riders.

As such, future ferry passenger surveys (the next of which is anticipated in summer, 2014) will include questions to ascertain general bicycle use and behavior patterns. Additionally, we will work with the Department of City Planning and other interested agencies, including the Department of Parks and Recreation and the Department of Transportation, to ensure that bicycle parking is optimally situated near the ferry landings.

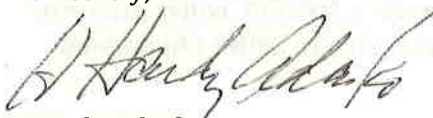
Your office also requested information on which entities are responsible for maintenance at the ferry stops in Community District 1. The following chart describes these responsibilities for both the ferry landings and the adjacent upland properties, and includes contact information for the public:

<u>Location</u>	<u>Upland Jurisdiction</u>	<u>Ferry Landing Jurisdiction</u>
Greenpoint/India Street	Billy Bey Ferry Company (on behalf of Stiles, LLC) <i>1-800-53-FERRY (1-800-533-3779)</i> <i>wecare@nywaterway.com</i>	Billy Bey Ferry Company (on behalf of Stiles, LLC) <i>1-800-53-FERRY (1-800-533-3779)</i> <i>wecare@nywaterway.com</i>
North Williamsburg	NYC Department of Parks and Recreation (DPR) <i>311 or 212- NEW-YORK (212-639-9675)</i>	NYC Economic Development Corporation <i>212-312-3800</i> <i>OPSCenter@nycedc.com</i>
South Williamsburg/Schaefer Landing	Kent Waterfront Homeowners Association (on behalf of DPR) <i>718-519-6900</i>	NYC Economic Development Corporation <i>212-312-3800</i> <i>OPSCenter@nycedc.com</i>

Again, thank you for your consideration of this Zoning Text Amendment, and for your continued support of the East River Ferry service.

If you have any further questions, please do not hesitate to contact NYCEDC's Assistant Vice President for Government & Community Relations, Lydia Downing, at 212.312.4281, or at ldowning@nycedc.com.

Sincerely,



Hardy Adasko
Senior Vice President, Planning
New York City Economic Development Corporation