



CITY PLANNING COMMISSION

August 8, 2007 | Calendar No. 23

N 070047 ZAM

IN THE MATTER OF an application submitted by the NYC Department of Small Business Services and Basketball City, LLC for the grant of an authorization pursuant to Section 62-722 of the Zoning Resolution to modify the requirements of Sections 62-40 (REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AND VISUAL CORRIDORS) to facilitate the conversion of a portion of an existing building to a commercial use on property located at Pier 36, at the corner of South Street and Montgomery Street (Block 241, Lot 13, and p/o Marginal Street, Wharf or Place), Community District 3, Borough of Manhattan.

WHEREAS, the City Planning Commission has received an application (N 070047 ZAM) dated August 7, 2006, from the Department of Small Business Services (DSBS) and Basketball City, LLC requesting an authorization pursuant to Section 62-722 of the Zoning Resolution to modify the requirements of 62-40 (REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AND VISUAL CORRIDORS) to facilitate the development of a recreational basketball facility located at Pier 36, at the corner of South Street and Montgomery Street (Block 241, Lot 13, and p/o Marginal Street, Wharf of Place), Community District 3, Borough of Manhattan; and

WHEREAS, implementation of the project also requires the related approvals of the disposition of city-owned property located at Pier 36, at the corner of South Street and Montgomery Street (Block 241, Lot 13, and p/o Marginal Street, Wharf of Place) (C 070046 PPM); and a Chairperson's certification (N 070048 ZCM) pursuant to ZR Section 62-711 showing compliance with waterfront public access and visual corridor regulations; and

WHEREAS, detailed descriptions of this and the related actions are provided in the Commission

report for the related disposition application (C 070046 PPM); and

WHEREAS, this application (N 070047 ZAM), in conjunction with the applications for the related actions (C 070046 PPM and N 070048 ZCM) 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 05SBS002M. The lead agency is the Department of Small Business Services.

After a study of the potential environmental impact of the proposed action, a negative declaration was issued on November 17, 2005; and

WHEREAS, this application (N 070047 ZAM) was referred to Community Board 3 and the Borough President, in conjunction with the application for the related action (C 070046 PPM), which was certified as complete by the Department of City Planning on March 26, 2007, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b); and

WHEREAS, a summary of the recommendations of the Community Board and the Borough President may be found in the report on the related disposition action (C 070046 PPM); and

WHEREAS, 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.*) and determined that it was consistent with the policies of the WRP. The designated WRP number is 06-026; and

WHEREAS, the City Planning Commission hereby makes the following finding pursuant to Section 62-722(a)(1) of the Zoning Resolution:

that the regulations would result in an unfeasible development due to the presence of existing buildings or other structures or unique shoreline conditions such as wetlands; and

WHEREAS, the Commission has determined that the application warrants approval and therefore adopts the following 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, that based on the environmental determination described in this report, the application submitted by the NYC Department of Small Business Services and Basketball City, LLC for the grant of an authorization pursuant to Section 62-722 of

the Zoning Resolution to modify the requirements of Sections 62-40 (REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AND VISUAL CORRIDORS) to facilitate the conversion of a portion of an existing building to a commercial use on property located at Pier 36, at the corner of South Street and Montgomery Street (Block 241, Lot 13, and p/o Marginal Street, Wharf or Place), Community District 3, Borough of Manhattan, is approved subject to the following terms and conditions:

1. The properties that are the subject of this application (N 070047 ZAM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications, and zoning computations indicated on the following plan, prepared by Saratoga Associates, and filed with this application and incorporated in this resolution:

Drawing No.	Title	Date
L-001	Area Map	March 8, 2007
L-002	Subject of Disposition Plan	March 8, 2007
L-003	Waterfront Zoning Lot Plan	March 8, 2007
L-004	Waterfront Public Access Plan	March 8, 2007
L-005	Visual Corridor Plan	March 8, 2007
L-101	Interim Site Plan	March 8, 2007
L-501	Site Details	March 8, 2007
L-502	Site Details	March 8, 2007

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plan listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction and maintenance.
4. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign or legal

representative of such party to observe any of the restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the authorization hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said authorization. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission or of any agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission to disapprove any application for modification, cancellation or amendment of the authorization.

5. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this authorization.

The above resolution, duly adopted by the City Planning Commission on August 8, 2007 (Calendar No. 23) is filed with the Office of the Speaker, City Council in accordance with Section 62-722(a) of the Zoning Resolution.

AMANDA M. BURDEN, AICP, Chair
KENNETH J. KNUCKLES, Esq., Vice Chairman
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III,
BETTY CHEN, LISA A. GOMEZ, JOHN MEROLO, DOLLY WILLIAMS, Commissioners