



CITY PLANNING COMMISSION

August 8, 2007 | Calendar No. 22

C 070046 PPM

IN THE MATTER OF an application submitted by the Department of Small Business Services, pursuant to Section 197-c of the New York City Charter, for the disposition of city-owned property on Pier 36 (Block 241, Lot 13), as well as portions of Marginal Street, Wharf or Place, adjacent to Block 241, Lot 13, Community District 3, Borough of Manhattan, pursuant to zoning.

The application (C 070046 PPM) was filed by the New York City Department of Small Business Services (DSBS) on August 7, 2006, for the disposition of city-owned property.

RELATED ACTIONS

In addition to the disposition that is the subject of this report (C 070046 PPM), implementation of the proposed development also requires action by the City Planning Commission on the following applications being considered concurrently with this application:

- N 070047 ZAM: An authorization to modify the waterfront public access and visual corridor regulations pursuant to Section 62-722; and
- N 070048 ZCM: Certification by the Chairperson pursuant to Section 62-711 that a site plan has been submitted showing compliance with the waterfront zoning regulations for the portion of the site.

BACKGROUND

DSBS submitted an application for the disposition of city-owned property including a portion of a lot currently occupied by an existing pier structure and one-story shed building and surrounding area. The subject site is located at Pier 36, at South Street and Montgomery Street (Block 241, Lot 13) in Community District 3 in the Borough of Manhattan. The proposed disposition would facilitate the development of a new recreational facility for Basketball City East. The proposed project would include conversion of a 64,000 square foot portion of the existing building to create six indoor basketball courts, accessory workout and locker room facilities, a small administration

office, community rooms, approximately 26,000 s.f. of at-grade parking for approximately 75 cars and waterfront public access area totaling approximately 15,600 s.f.

The proposed site, on the existing Pier 36 platform structure near the intersection of South Street and Montgomery Street, is on a City-owned waterfront lot between the F.D.R. Drive and the East River. It is located within an M1-4 zoning district, on a block bounded by South Street, Montgomery Street, Clinton Street and the East River. A one-story, approximately 33'-high shed building occupies much of the existing platform structure at Pier 36 and houses the Office of Emergency Management (OEM) in the eastern portion and the Department of Sanitation (DOS) in the western portion.

The Basketball City East facility would occupy only the portion of the shed building currently occupied by OEM, roughly one-third of the existing structure. DOS would remain in the western portion and maintain its own separate entrance and parking area, and its operations would be unaffected by the proposed project. The site also includes an ambulance station used by the Fire Department and a police precinct, in separate buildings to remain, adjacent the DOS-occupied portion of the building, and which would also be unaffected by the proposed project.

The site is a proposed new location for Basketball City, which until the fall of 2006 had occupied a similar facility at Chelsea Piers on the Hudson River, at Pier 63. That location was closed in order to accommodate improvements related to the Hudson River Park, and Basketball City currently does not have an operating facility.

REQUIRED ACTIONS

In order to facilitate the proposed project, the following actions are necessary:

Disposition (C 070046 PPM)

DSBS applied for the disposition of city-owned property, consisting of a portion of a lot currently occupied by an existing pier structure and one-story shed building. DSBS intends to enter into a long-term lease for the property with Basketball City, LLC.

Authorization for modification of Public Access Requirements (N 070047 ZAM)

The applicant seeks an authorization pursuant Section 62-722 to allow modification of the waterfront public access and visual corridor requirements. Section 62-722 provides that the City Planning Commission may so authorize modifications of the Section 62-40 requirements (REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AND VISUAL CORRIDORS) and, in conjunction therewith, the Section 62-332 requirements (Rear Yards and Waterfront Yards), conditional upon the applicable finding that 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”.

As set forth in Section 62-40(a)(3) and Section 62-415(b), the proposed development would be required to provide supplemental public access area equal to 15% of the total 404,166 s.f. of lot area, or 60,625 s.f. However, because only a portion of the existing zoning lot, the existing building on that lot and its associated walkway is proposed for redevelopment, it is unfeasible in this case to meet the supplemental public access area requirement. The applicant instead proposes to provide a maximum of 15,600 s.f. of supplemental public access area (approximately 14% of the area subject to disposition), all of which would be provided as a waterfront viewing area.

Certification of Waterfront Public Access and View Corridors (N 070048 ZCM)

The applicant requests a Certification by the Chair of the City Planning Commission pursuant to Section 62-711 that a site plan has been submitted showing compliance with the provisions of

Section 62-40 (REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AND VISUAL CORRIDORS) and 62-60 (DESIGN STANDARDS FOR THE WATERFRONT AREA). The site plan shows compliance with the provisions of Section 62-40 and 62-60 as modified by the authorization pursuant to Section 62-722 described above.

ENVIRONMENTAL REVIEW

This application (C 070046 PPM), in conjunction with the applications for the related actions (N 070047 ZAM 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 lead agency is the Department of Small Business Services. The designated CEQR number is 05SBS002M.

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

UNIFORM LAND USE REVIEW

This application (C 070046 PPM) was certified as complete by the Department of City Planning on March 26, 2007, and was duly referred to Community Board 3 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), and in conjunction with the related non-ULURP authorization (N 070047 ZAM) and certification (N 070048 ZCM) applications, which were referred for review and comment.

Community Board Public Hearing

Community Board 3 held a public hearing on this application (C 070046 PPM) on May 10, 2007,

and voted on May 29, 2007, by a vote of 35 in favor and two opposed with three abstentions, to adopt a resolution recommending approval of the application with the following condition:

Manhattan Community Board #3 approves the disposition of city-owned property at the eastern end of Pier 36 as a basketball facility to be leased by Basketball City with the understanding that the lease agreement will be presented to Community Board #3 for its consideration, and, further, that maximum community access to the waterfront behind the Pier 36 structure will be assured.

Borough President Recommendation

This application was considered by the Manhattan Borough President, who issued a recommendation approving the application on June 29, 2007.

City Planning Commission Public Hearing

On June 20, 2007 (Calendar No. 11), the City Planning Commission scheduled July 11, 2007 for a public hearing on this application (C 070046 PPM). The hearing was duly held on July 11, 2007 (Calendar No. 41). There were three speakers in favor and none in opposition.

A representative of EDC and the President of Basketball City, LLC, appeared in favor of the project. The Manhattan Borough President's Director of Land Use reiterated the Borough President's support for the proposal.

There were no other speakers on the application and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application, in conjunction with the applications for the related actions (N 070047 ZAM and N 070048 ZCM), was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), adopted by the Board of Estimate on September 30, 1982 (Calendar No. 17), pursuant to the New York State Waterfront

Revitalization and Coastal Resources Act of 1981 (New York State Executive Law 910 *et seq.*). The designated WRP number is 06-026.

The 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 disposition of city-owned property at Pier 36, South Street and Montgomery Street (Block 241, Lot 13 and p/o Marginal Street, Wharf or Place), Borough of Manhattan, Community District 3, in conjunction with the applications for the related authorization and certification actions, is appropriate.

The subject property (Block 241, Lot 13 and p/o Marginal Street, Wharf or Place) includes a portion of an existing shed building and surrounding area located in an M1-4 zoning district. The property is currently under the jurisdiction of the Department of Small Business Services (DSBS) and occupied by the Office of Emergency Management.

The subject application would facilitate the development of a recreational basketball facility and surrounding waterfront access area. The Commission believes that approval of this project would bring the site to productive use and revitalize the surrounding area by creating an appropriate transition between nearby residential neighborhoods and the planned open space improvements in connection with the East River Esplanade and Piers project, directly adjacent to the disposition site.

In response to the Community Board's comment that the proposed development should maximize community access to the waterfront behind the full length of the existing shed structure of Pier 36, the Commission notes that DSBS is not disposing the portion of the waterfront lot that extends the

full length of the existing waterfront walkway. The Commission further notes that Basketball City, the project sponsor, will provide 15,600 s.f. of supplemental public access area at the site, including the extent of the waterfront walkway behind its portion of the existing shed building, and all of which would be provided as a waterfront viewing area.

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 197-c of the New York City Charter, that the disposition of city-owned property on Pier 36 (Block 241, Lot 13), as well as portions of Marginal Street, Wharf or Place, adjacent to Block 241, Lot 13, in the Borough of Manhattan, Community District 3, proposed in an application by the Department of Small Business Services, dated August 7, 2006, is approved.

The above resolution (C 070046 PPM), duly adopted by the City Planning Commission on August 8, 2007 (Calendar No. 22), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

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