



CITY PLANNING COMMISSION

April 1, 2009 / Calendar No. 22

N 090239 ZRY

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to modifications of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) , and various related Sections of the Zoning Resolution.

An application for an amendment to the Zoning Resolution, N 090239 ZRY, was filed by the Department of the City Planning on December 11, 2008 to revise and update design and operational standards and review procedures related to waterfront public access areas.

BACKGROUND

The New York City Department of City Planning is proposing text amendments that would revise provisions related to the design and operation of mandated public access areas in new developments on the waterfront, and update administrative requirements for such developments. The proposed amendment also includes changes to bulk regulations applicable on waterfront blocks. The new design guidelines would encourage the design, construction and operation of high-quality public spaces on waterfront sites undergoing development. These open spaces provide valuable public access to the city's shoreline. The proposed action would ensure that these spaces can be designed to reflect the varied character and configuration of the city's waterfront and provide meaningful open space amenities that can be enjoyed by the general public. The proposed text amendments would apply to all developments in medium and high-density districts, as well as commercial and community facility developments in lower density districts on waterfront blocks, citywide.

In 1993 Article VI, Chapter 2 (Special Regulations Applying to the Waterfront Area) of the *Zoning Resolution* was adopted to implement the Department's *New York City Comprehensive Waterfront Plan* of 1992. The Plan outlined a framework for redevelopment of waterfront sites

which, due to the absence of guidelines specifically geared to the unique conditions and significance of waterfront land, had frequently resulted in building forms and site plans that were inconsistent with adjoining neighborhood character, and that obstructed public views and access to the shoreline. To address these problems, the zoning regulations, which resulted from the Comprehensive Waterfront Plan, included specific requirements for the construction and maintenance of waterfront public access areas and visual corridors as a condition of development in certain districts, as well as special bulk and use regulations for waterfront blocks in all districts. Since their adoption, these regulations have created public access areas and visual access to the waterfront, successfully opening the city's valuable waterfront resources to public enjoyment. However, experience in applying these regulations to specific sites has revealed that limited flexibility in the regulations has made it difficult for projects to respond well to the substantial local variation in shoreline conditions, topography and land use. In addition, the existing regulations do not adequately address certain common conditions, such as the need for a transition from vehicular to pedestrian circulation areas at the intersection of streets and pedestrian-oriented public open space, which also need to accommodate the requirements for access of emergency vehicles imposed by the New York Fire Department (FDNY). Other shortcomings include outdated criteria for appropriate amenities for the public open spaces, and design specifications that prohibit certain sustainable landscape practices.

EXISTING ZONING REGULATIONS

Article VI, Chapter 2 of the Zoning Resolution currently regulates where waterfront public access areas and visual corridors are required and the quantity of public access area required; the design standards for the various components and types of waterfront public access by location (i.e. on land and platforms, piers and in relation to floating structures); hours of operation of such public access areas; open-air cafés and kiosks; processes for Chairperson certification of site plan compliance with the size and design requirements, and for waterfront zoning lot subdivisions, processes including authorizations and special permits for modification and waiver of minimum area, design requirements and phased development. The existing regulations also control land use, bulk, height and setback requirements, and parking requirements for developments adjoining

the waterfront; however, these provisions are generally not affected by the proposed text amendment.

Applicability of Waterfront Public Access Area Requirements

Waterfront public access areas (shore public walkways, upland connections and supplemental public access areas) and visual corridors are required within the Waterfront Area as defined in Section 12-10 of the *Zoning Resolution*. These public access areas are required in medium- to high-density residential, commercial and manufacturing districts as well as commercial and community facility developments in lower density districts citywide; while visual corridors are required in all districts except R1 and R2.

Public Access Area and Design Requirements

Requirements for waterfront public access areas are currently located in Section 62-40, REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AND VISUAL CORRIDORS, while the specific design standards and operational requirements are in Section 62-60, DESIGN STANDARDS FOR THE WATERFRONT AREA. The total public access area required varies by zoning district:

- 15% of lot area in districts with an FAR of 4.0 or less (e.g. R6, R7-2, R7A, R7B, R8B and equivalent commercial and manufacturing districts)
- 20% of lot area in districts with an FAR of above 4.0 (e.g., R9 – R10 districts, other R7 and R8 districts and equivalent commercial and manufacturing districts)

All public access areas must comply with ANSI standards for persons with physical disabilities. The following are the design regulations for applicable developments in all zoning districts where waterfront public access area is required.

Shore Public Walkways

The minimum required width of shore public walkways (SPW) varies by district but is generally 40 feet wide in medium and high density districts, and 30 feet wide in lower density districts. All SPW are divided into a single pedestrian circulation zone adjoining the shoreline and a buffer zone planted with trees and ground cover adjoining the private development.

Additional design regulations apply to the SPWs, depending upon the density of the applicable zoning district. Two prototypes apply to the standard 40-foot-wide shore public walkway: the “esplanade” and “moderate-intensity walkway,” described below. A third prototype, “low-intensity walkway” applies to a 30-foot-wide walkway and is described in the in the Public Access in Lower Density Districts section below.

Esplanade

The “esplanade” is required in R9 and R10 districts and commercial districts governed by R9 and R10 bulk regulations; it is optional in all other districts. The “esplanade” is formal and linear, based on areas of Battery Park City, and was intended to provide ample pedestrian circulation and shaded seating under a substantial tree canopy. The pedestrian circulation and buffer zones are 30-foot-wide and 10-foot-wide, respectively. Two pedestrian circulation paths separated by a continuous tree pit are required. One path must be at least 12-foot-wide and located along the shoreline, and the second path must be at least 10-foot-wide and located further upland. The two paths must be connected at least every 100 feet along the walkway.

One linear foot of seating for every 50 square feet of SPW is required, and may be located within the planted areas adjoining the paths. The continuous tree pit must be planted with groundcover and shade trees 25 feet on center. However, at entrances to buildings, in front of commercial uses or where subsurface conditions interfere, the trees can be planted in individual tree pits or in raised planters. In addition one small or ornamental tree for every 750 square feet of SPW must be planted in the buffer zone.

Moderate-intensity walkway

The “moderate-intensity walkway” is less formal and linear with more planted area, and half the required seating. Moderate-intensity walkways are permitted in all but those districts where the “esplanade” is mandatory. The “moderate-intensity walkway” pedestrian circulation and buffer zones are 25 feet and 15 feet wide, respectively. The single required 12-foot-wide circulation path must be located within 10 feet of the shoreline throughout.

One linear foot of seating per 100 square feet of the SPW is required with at least 60 percent of the seating located upland of the pedestrian path. One row of shade trees is required; these must also be located upland of the pedestrian path, either in the pedestrian circulation or buffer zone. In addition, one small or ornamental tree is required for every 750 square feet of SPW, and must be planted in the buffer zone.

Upland Connections

An upland connection is an outdoor pedestrian way connecting SPWs to an upland street, park or other public place at a maximum interval of 600 feet measured along the SPW. The upland connection may be entirely pedestrian or incorporated into a private drive. A minimum of 24 linear feet of seating is required in any upland connection that is longer than 100 feet.

Regulations for Upland Connection as Pedestrian Way:

When an upland connection is not incorporated within a private drive, its minimum width must be 30 feet, with a 16 feet wide pedestrian circulation path. Two seven feet wide planted buffer zones, one along each side of the path, are also required. No additional planting is required.

Regulations for Upland Connections within a Private Drive:

When an upland connection is incorporated within a private drive, two sidewalks must be provided along each side of the roadbed. The minimum width of each sidewalk is 12 feet, each one consisting of a 6-foot-wide pedestrian circulation path, and a 6-foot-wide planted area, which includes a row of shade trees.

Supplemental Public Access Areas

Supplemental public access areas (SPAAs) are additional, open, landscaped areas provided to augment the SPWs areas for viewing the water and passive recreation. They are required only when the area of the SPW and upland connection, when added together, is less than the total public access area requirement, except when this amount is less than 750 square feet, in which case the SPAA is waived.

Supplemental Public Access Area prototypes:

SPPAs vary in size and character and, accordingly, are separated into three prototypes. These are “waterview plaza,” “waterview park” and “waterview sitting area.” Each consists of a pedestrian circulation zone and a planted buffer zone, which must be 15 feet wide and located between the pedestrian circulation zone and the adjoining private areas of the zoning lot. An SPAA must adjoin a SPW along its longer dimension, and may also adjoin an upland connection or street. The minimum distance between “waterview plazas” and “waterview parks” on a single zoning lot is 400 feet; however, when located on adjacent zoning lots, they must be located side by side to maximize the size of these open spaces along the SPW.

For “waterview plazas” and “waterview parks,” the pedestrian circulation zone must be at least fifty percent of the plaza area, of which the major portion (70 percent) must be configured as a square or a rectangle with a length no greater than twice its width. The main circulation path is required to be at least ten feet wide throughout the SPAA and secondary paths, when provided, must be at least 6-foot-wide. Seating requirements vary slightly between the two prototypes with one linear foot for every forty square feet required in plazas and one linear foot for every 50 square feet for parks. Two shade trees and two ornamental trees are required for both prototypes with a requirement of one additional tree for every 750 square feet above 2,500 square feet of SPAA. “Waterview parks” require lawn grasses for 35 percent of the planted area.

The three prototypes can be used in any zoning district; however, the “waterfront sitting area” is applicable only where the required area is less than 2,500 square feet and for certain water-dependent uses and commercial developments, described below. For developments with a SPAA

requirement greater than 2,500 square feet, a fourth option called a “residual public access area,” is permitted; it is added to, and widens, the SPW along its seaward edge.

Visual Corridors

Visual corridors are open areas similar to yards which provide a view to the water from an upland vantage point within a public street, public park or other public place. Visual corridors are not required to be publicly accessible but due to their spacing requirements they frequently coincide with upland connections; therefore their design regulations are coordinated with those for upland connections.

Visual corridors are required as extensions of the existing upland street grid, with flexibility provided so that, on average, every other street may be dropped out; however, all mapped streets that extend into waterfront blocks must be maintained as visual corridors. The width of a visual corridor is equal to the width of the street of which it is an extension but, in no case, less than 50 feet. The maximum interval permitted between any two visual corridors is 600 feet, measured along the upland street. This maximum interval rule is mostly relevant only in undeveloped or newly developing areas where there are few mapped city streets.

The lowest level of a visual corridor is set by the plane that connects the two points at curb level of the upland street to those at the shoreline. Above this level, the visual corridor may contain only permitted obstructions such as landscaping, seating and other street furniture, automobiles and fencing. Shade trees, however, are not permitted within the 30-foot-wide area running down the center of the visual corridor, in order to maintain clear sight lines.

Public Access in Lower Density Districts (R3 – R5, C1 and C2 in R1 – R-5 Districts, and C3 and C4-1 Districts)

The requirements for commercial and community facility developments in lower density districts are similar in their composition (i.e. SPW, upland connection and SPAA) to those for developments in moderate and higher density districts; however, the width of the SPW and

upland connection are reduced to 30 and 20 feet, respectively (compared to 40 and 30 feet, respectively, in higher density districts). An additional design prototype, the “low-intensity walkway,” is available in these districts, with regulations that encourage more informal designs. The minimum circulation path is narrower (10-foot-wide) and the area is required to be highly planted (70 percent of the pedestrian circulation zone plus the 10- foot-wide buffer zone). Trees are not required to be planted on a row and the quantity is slightly less than in higher density districts. Seating is required for every 250 square feet of SPW. SPAA’s are regulated in the same way but they are only required on sites with a minimum size of 1.5 acres and 600 feet of shoreline.

Regulations for Certain Water-dependent Uses and Commercial Developments; Certain Developments in M1 Zones; and Existing Development on Piers or Limited Development on Land or Platforms

Ferry terminals, non-commercial marinas and similar water-dependent uses; existing development on piers as well as changes of use or extensions of buildings, limited to residential or commercial use, that do not exceed 30 percent of the permitted floor area; and commercial developments of less than a floor area ratio of one (1 FAR) in M1 districts, are not subject to SPW, upland connection or SPAA requirements. These developments have a minimum total amount of public access area required.

The required public access area is limited to an area equaling 15 percent to 20 percent of the lot area, depending on the zoning district. The public access area can be located anywhere on the zoning lot, including within buildings, as long as they connect to a public street, park or way and provide a direct view of the water from at least 50 percent of the required area. This area is required to be improved as a “waterfront viewing area.” Design requirements are limited to guardrails, vehicular access, seating and signage. The required seating is one linear foot per 100 square feet of required “waterfront viewing area”; there is no planting, tree or lighting requirement.

Developments on Piers and Pier Public Access

The required public access area consists of open areas at the landward and seaward ends of the pier with perimeter areas connecting them. The required landward area extends across the entire width of the pier and must be continuously open to the adjoining SPW or public street or park for a minimum depth of 40 feet. The required seaward access comprises an open area that is equal to the width of the pier with a length equal to 25 percent of the pier's length. A building on this area's landward edge may partially project into the seaward access to accommodate irregular building forms. Additionally, this area may contain a publicly accessible pavilion, open or enclosed, no greater than 30 feet high and 1,600 square feet in floor area. The perimeter access area must be at least 15-foot-wide, generally running continuously along each side of the pier; however, these areas can be aggregated on one side of the pier or distributed unevenly between two opposite sides; however, in no case may any perimeter area that is provided be less than 10-foot-wide. A 10-foot-wide circulation path is the minimum required to provide access to all public access areas on piers.

Seating is required at one linear foot per 100 square feet of public access area. There are no planting or tree requirements.

Public Access for Developments on Floating Structures

Most floating structures are permitted only by City Planning Commission (CPC) special permit and for these floating structures, the design of the public access area is determined on a case by case basis. As-of-right floating structures must provide a minimum 30-foot-wide SPW with a minimum 10-foot-wide circulation path. Fifty percent of this public access area must be planted, including a continuous row of shade trees upland from the circulation path; there is no seating requirement.

PROPOSED ZONING REGULATIONS

The proposed text would modify existing standards to allow for greater design flexibility in response to the highly varied conditions along the city's waterfront, improve the quality and utility of public access areas, promote clear public accessibility to the waterfront and add new provisions to address safety concerns resulting from the potential conflict between pedestrian and vehicular users, and integrate design requirements with other local laws and regulations, such as those related to fire safety. The Department also proposes additional changes: including the organization of the zoning text for greater clarity; more effective requirements for the maintenance and operation of these privately owned public access areas; greater detail to clarify intent of the Chairperson's Certifications for public access area compliance and zoning lot subdivisions; more flexible and comprehensive findings for the City Planning Commission authorization for modification of public access area and design requirements and for phased development as well as for the special permit for modification of bulk, height and setback regulations; the coordination of Section 62-80, Waterfront Access Plans (WAPs) special area regulations with other proposed text changes; and to update references to the waterfront zoning regulations throughout the *Zoning Resolution*.

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

- Ensure uninterrupted waterfront access that is clearly open to the public;
- Promote the greening of the waterfront area with a variety of plant materials that provide aesthetic and ecological benefits, including trees, shrubs, and groundcover;
- Balance the needs of pedestrians, bicycles, and automobiles on upland connections;
- Facilitate a wide variety of amenities, including access to water, boat launches and anchorages, and play areas;
- Encourage a variety and quality of landscape design, including edge treatments; and
- Activate waterfront spaces by improving connections between public access areas, water uses, and upland uses.

To further the goals of this text amendment and for consistency, the Department also proposes changes to the Special Review Provisions, bulk regulations, Waterfront Access Plans and Special Districts, and maintenance and operation provisions.

There would be no change to the amount of the minimum required waterfront public access area, except for a small increase of the minimum area of an upland connection with vehicular access, in order to improve pedestrian safety when emergency vehicular turnarounds are adjacent to the public access area.

Shore Public Walkways and Supplemental Public Access Areas

The design prototypes for SPWs and SPAAs are eliminated in the proposal to promote integrated waterfront open space and to permit greater design flexibility. The four design prototypes, while mandating many detailed differences, nonetheless resulted in essentially similar designs with limited flexibility to respond to varying site conditions. The proposal will create a single set of flexible regulations that would apply to both SPWs and SPAAs; however some additional regulations would apply to SPAAs to accommodate more diverse programming and layout.

The following requirements are applicable to both SPWs and SPAAs and can be distributed anywhere between those public access areas unless specifically provided otherwise.

Location and dimensions

The SPW minimum width requirements remain unchanged, keeping it 40-foot-wide for medium and high density districts, and 30-foot-wide for lower density districts.

Under the proposal, the minimum dimensions and configuration of SPAAs would be modified to allow greater site planning flexibility. Currently SPAA's are required along SPWs, and may or may not adjoin an upland connection or a street. The proposal keeps these locations but fine-tunes the depth to width ratios and allows required minimum proportions to be averaged to ensure that these areas provide ample views of the water. Additionally, SPAA may be used to widen the SPW if a minimum increased width of 10 feet is provided between two points of access to the SPW. New provisions would also be added to accommodate a separate dedicated bike path or a sidewalk with street trees within the SPAA, when adjoining a waterfront street.

Circulation and access

The current rules for pedestrian circulation vary, prescribing one or two primary paths of 10 or 12 feet in width, depending on the applicable design prototype. The proposal would establish a single requirement of one primary circulation path with a minimum width of 12 feet for 40-foot-wide SPWs. The required minimum width of a path within a 30-foot-wide SPW would remain the same as before, at 10 feet. In the proposal, any secondary path provided would have a minimum required width of 6 feet. The primary path must be within 10 feet of the shoreline for at least 20 percent of its length.

Planting requirements

General Planting: Under the proposed text amendment, the minimum required planted area would be 50 percent of the combined area of a SPW and SPAA in moderate and high density districts, and 40 percent of such area in lower density districts. To encourage active uses on the waterfront certain planting reductions are permitted; however, in no event may the required planted area be less than 25 percent of the combined area of a SPW and SPAA.

Screening Buffer: The current regulations differentiate between general planting and a landscaped “buffer zone” with restrictions on access and amenities along the boundary between the publicly accessible and private areas of the development. Under the proposed text, the “buffer zone” would be replaced by a “screening buffer” area that would be included within the overall minimum planting requirement and it would be reduced from 15 feet, as required in some prototypes under the current regulations, to 10 feet; however, evergreen screening plants would now be prescribed. These proposed changes would assure effective year round buffering between public and private areas while increasing general landscape design flexibility.

Trees and other planting: The current regulations require a row of shade trees to be planted in the SPWs. To allow for greater flexibility and a balance of shaded and sun-lit areas, the proposed regulations would require one shade tree per 2,000 square feet of SPW and SPAA. The additional planting requirement is changed from one ornamental tree for every 750 square feet to a two-caliper-inch requirement for every 1,250 square feet of SPW and SPAA. This caliper

requirement could be satisfied with shade trees, ornamental trees, multi-stemmed shrubs, planting beds or accessible lawn areas to allow for variety of landscape design.

Seating

The proposal would modify the requirements for seating within SPWs and SPAAAs both quantitatively and qualitatively. Seating requirements were found to be excessive in some prototypes and not adequate in others. The proposal would require 1 linear foot of seating per 75 square feet of SPW and SPAA, supplemented by qualitative requirements relating to comfort, configuration (to encourage social interaction), and different types.

Additional requirements for Supplemental Public Access Areas (SPAA)

For SPAAAs of 1,875 square feet or greater, an accessible lawn area would be required equal to 25 percent of the overall planting requirement (i.e., the combined planting area of the SPW and SPAA)

A reduction in planting is allowed to accommodate and encourage playgrounds for SPAAAs greater than 7,500 square feet in area which provide a playground of at least 3,500 square feet. One square foot of required planting area may be reduced per every five square feet of playground area provided.

Upland Connections

The current regulations for upland connections consist of minimal requirements consisting of circulation paths, landscape area and some seating, but do not address specific design challenges within private drives in upland connections particularly when there are specific FDNY regulations. In addition, to be effective as a public space, the design of the upland connection must provide visual signals of its public nature; it must invite people into the space. The proposed text amendment would adjust the design requirements to address these issues. The proposed text continues to allow the two types of upland connection permitted by the current regulations (upland connection as pedestrian way and upland connection within a private drive),

but renames them as “single pedestrian walkway” (Type 1), and “two pedestrian walkways” (Type 2), respectively.

Regulations for Single Pedestrian Walkway (Type 1)

The proposal maintains the minimum 30-foot-wide requirement for an upland connection, but reduces the minimum width of the main circulation path from 16 feet to 12 feet. To achieve design flexibility, planting would be required as a percentage of the area of the upland connection (40 percent), rather than two identical planted areas on each side of the circulation path. The proposal would also require a minimum of six-caliper-inches of ornamental trees or their equivalent in multi-stemmed plants for every 100 linear feet of upland connection. Seating is proposed to be increased proportional to the length of the upland connection, requiring twelve linear feet of seating for every 100 linear feet of upland connections.

In the rare circumstance when an upland connection does not coincide with a visual corridor, an open space of 20 feet, in aggregate, must be provided along the upland connection, as if there were a visual corridor. This space would not be required to be publicly accessible.

To address the entrance to the network of waterfront public access areas and make it more inviting, the proposal establishes an “entry area” that is 50 feet wide for the first 15 feet of the upland connection. This area has special requirements for seating, signage and a balance of paved and planted area to ensure accessibility and reinforce the public identity of the upland connection.

Where Type 1 upland connections abut a private drive, a row of trees is required to be planted between the circulation path within the upland connection and the roadbed. Where such an upland connection abuts an open parking lot, the planting requirements of Section 37-921 (Perimeter Landscaping) apply.

Regulations for Two Pedestrian Walkways (Type 2)

The existing and proposed regulations would require two walkways, one to either side of the roadbed; however, the proposed regulations would increase the minimum width of each walkway

from 12 feet to 13 feet, and the minimum width of each pedestrian circulation paths within each walkway from 6 to 8 feet. When adjoining an emergency vehicle turn-around, the walkway must be at least 10 feet, and be entirely provided as a circulation path. The proposal will continue to require a row of shade trees along each walkway, similar to a typical city sidewalk, but would further require those trees to be planted in a tree pit that is a continuous planted strip with a minimum width of 5 feet. This would retain the appearance of a public city street while increasing the permeable surface, consistent with sustainability goals, and providing a visible transition to the more landscaped environment of the SPW and SPAAs beyond.

The existing requirements do not effectively address the transition between vehicular and pedestrian circulation areas within Type 2 upland connections, particularly at the end of an emergency vehicles access area. The proposed text would establish a “transition area” within the upland connection seaward of such vehicular turnaround or turn, which would extend 40 feet beyond the end of the roadbed, with a minimum width equal to the combined width of the roadbed and the Type 2 upland connection.

Additional design requirements would be established for the “transition area” to increase pedestrian/vehicular safety and increase the permeable surface in this largely paved area. These requirements include that:

- the grade level of the roadbed, within a turnaround or turning area, must be raised to meet the grade level of the adjacent sidewalk, with bollards or other protective barriers installed at the roadbed edge (see illustration 1, below);
- asphalt pavement within a turnaround is limited to the width of the roadbed leading to it, and the remaining paved area must be of a similar material to that of the adjoining pedestrian circulation path;
- forty percent of the transition area must be planted;
- a minimum of two shade trees or their equivalent in caliper inches of ornamental trees or multi-stemmed plants must be provided; and
- a minimum of 24 linear feet of seating must be provided.

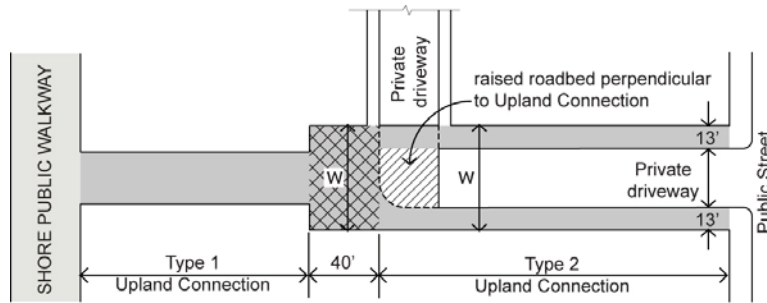


ILLUSTRATION 1: UPLAND CONNECTION WITH ROADBED TURN

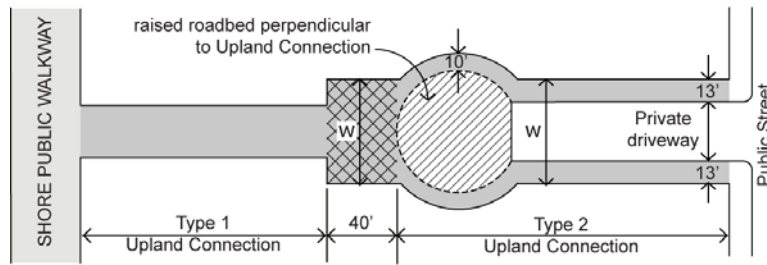


ILLUSTRATION 2: UPLAND CONNECTION WITH VEHICULAR TURN-AROUND

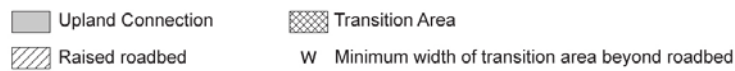


Illustration 1

Public Access Areas on Piers

In the existing regulations, piers greater than 80 feet in width are subject to a proportional increase in public access area requirements along the edges (other than the seaward and landward edges) of such pier. In addition, such requirement may be aggregated, while requiring the minimum width along one side to be at least 10 feet. The proposal would increase this requirement to a minimum 15-foot-wide area.

Public Access Areas on Floating Structures

The proposal would eliminate the requirement for planting area within floating structures and add a seating requirement of one linear foot of for every 100 square feet of public access area.

Visual Corridors

The proposal does not change the existing requirements, except as required to accommodate upland connections when they are located coincident with a visual corridor.

Public Access Area Design Reference Standards

The proposal would amend the general design standards for seating, lighting, planting, guardrails, paving and other open space amenities to bring them up to current standards with respect to durability and functionality, based on existing, successful public open spaces in New York City, as well as to make them more consistent with other city agency standards and policies. The proposal includes a generally applicable modification with respect to materials, and it would prohibit the use of Polyvinyl Chloride (PVC) or similar plastic materials as the finish coat on guardrails, fences, trash receptacles or other similar furniture within a waterfront public access area.

Guardrails, gates and other protective barriers

In general, the proposal would minimize barriers to allow for more inviting and accessible waterfront public access areas.

Guardrails

The requirements for guardrails along the shoreline are proposed to be optional, in order to maximize opportunities for direct access to the water, such as “get-downs” and boat ramps, and to promote waterside activities for the public. When provided, guardrails would be required to have a maximum height of 42 inches, or, as an alternative to guardrails, a solid low wall not to

exceed 21 inches in height may be provided. Guardrails would have a minimum transparency of 70 percent and may be mounted on a 6-inch solid curb.

Bollards

Under the proposed text, bollards will continue to be permitted along the shoreline as an alternative to guardrails. In addition, bollards will be permitted along a zoning lot boundary adjacent to, and limiting access from, an upland street as a substitute to gates and fences.

Gates

Gates are and will continue to be permitted along the boundary of a waterfront public access area and a public street, park or other public place. Within commercial and community facility developments, gates would continue to be permitted as-of-right. In residential developments, where there will be more eyes on the street, and a greater need for access, gates would be permitted only by CPC authorization. The Commission must find that such gates would be necessary to address security concerns due to the isolation or remoteness of such development from other residential uses.

Permitted gates would be limited to a maximum height of 48 inches and at least 70 percent of it must have openings, as opposed to being composed entirely of an opaque material. Any permitted gates must remain open during the minimum required hours of operation of the waterfront public access areas, and when open, the gates must not obstruct any portion of the circulation path, and must not intrude into any adjacent planting area.

Fences and Walls

Fences are permitted along the boundaries of a waterfront public access areas and the remaining private property. Within a public access area, fences and walls are limited to around playgrounds, tot-lots and dog runs; around Water-Dependant uses; and along any grade change of 30 inches or more. To reduce visual clutter, in the proposal, fences would no longer be permitted along the perimeter of a planting area, where only low curbs and/or stanchions would be permitted. To integrate an open air café or other seating areas within the public access area

and avoid their privatization, no fences or walls would be permitted along the perimeter of the café or seating areas.

Fences must be at least 70 percent open with a maximum height of 36 inches, and may be mounted on a 6-inch solid curb. As an alternative to fences, walls are permitted, with a maximum height of 21 inches, and may be fully opaque.

Seating

Seating constitutes an essential part of the public access area, and comfortable seating is vital to its success. The proposed standards seek to ensure comfort and usability for people of all ages and abilities.

Seating with backs

The proposed text would keep the requirement for at least 50 percent of the required seating to be provided with backs, and would add that such backs must be at least 14 inches high and designed for comfort.

Dimensions for all types of seating

As in the existing regulations, seating higher than 36 inches or lower than 12 inches from an adjacent grade level, would not qualify towards the required seating. Similarly, at least 75 percent of the required seating shall comply with the following dimensional standards:

- Seating must have a height of at least 16 inches and may not exceed a high of 20 inches, measured from the adjoining grade.
- Seating with or without backs must have a depth of at least 18 inches; and seating with backs must not be deeper than 20 inches.
- Seating with at least 36 inches in depth, and accessible from both sides, may be counted as double seating.
- Seating on a planter ledge, must be at least 22 inches in depth.

Seating may be mounted on a 6-inch curb above the level of the adjacent walking surface.

Clearances

The minimum clearance between a seat and a circulation path or a guardrail shall be 22 inches; except that benches without backs fronting on a guardrail are only required a minimum clearance of 12 inches.

Alternative types of seating

To promote creativity and variety, at least two types of seating are required in SPWs and SPAAs. Variety requirements may be satisfied by: moveable seating, fixed individual seats, fixed benches with backs, fixed benches without backs, lounging chairs and design-feature seating such as seat walls, planting walls, or seating steps. No stairs or seating in open air cafés shall qualify towards seating requirements.

Social seating and tables:

To facilitate social interaction, at least 25 percent of required seating shall be social seating, consisting of seats that are placed in close proximity and at angles to one another or in facing configurations. A minimum of four square feet of tables shall be required for every three linear feet of social seating.

Shaded seating:

At least 40 percent of required seating shall be in shade during the hours of noon and 4 P.M., between April and October. Shade may be provided by a canopy tree, a shade structure of a building wall, except that no more than 20 percent of such shade may be cast by a building wall.

Lighting

Well-designed lighting can transform a waterfront public access area. To ensure visibility and avoid any excessive lighting, an average maintained level of illumination of not less than one horizontal foot candle is required through all walking and seating areas and a minimum level of illumination of not less than 0.2 horizontal foot candles for all other areas. The proposed text would modify the hours of illumination, currently not specified, to ensure that adequate light levels are maintained from at least half hour before sunset to half hour after sunrise. The

proposed text would also require that all light sources mounted on building walls adjacent to the public access area must be shielded from direct view. This would prevent direct floodlighting, which can actually impair visibility and compromise the sense of safety.

The proposed text would also allow the lighting levels to be achieved by a variety of fixtures, instead of a requirement for light posts in the current regulations.

The proposed regulations will require documentation of the proposed lighting schedule, including fixtures, wattage and locations of fixtures and a diagram of light level distribution.

Signage

The provision of clear, visible and readable signage is essential to identify the waterfront public access areas, and to provide important information to all users, including the hours of operation and the entity responsible for the upkeep and maintenance of the area. The New York City Waterfront Symbol Plaque will continue to be used to direct the public to the public access areas and identify its entry points. Current regulations for signage do not adequately ensure that signs are readable or are placed so that they do not obstruct views of the waterfront. The proposed text would standardize the design guidelines for fonts, colors, materials, and size of the sign to address these issues. All required signage would have to be constructed of highly durable materials such as metal or stone that are fully opaque and non-reflective.

Planting and Trees

Trees and other planted areas are essential components of successful and enjoyable public spaces. The proposed text will amend these standards to accommodate greater design flexibility and would specify irrigation and drainage requirements for plantings in order to ensure their survival. The Waterfront Plant List, currently Appendix A of Section 62-80, and minimum required spacing of trees would be eliminated to encourage flexibility. To assure quality of landscape design, a Registered Landscape Architect would be required to submit the plans for

certification. Additionally, the proposed text would promote the selection of diverse plant species suitable for waterfront areas, in coordination with the Department of Parks and Recreation.

Tree Pits

The proposal modifies the minimum requirements from a 6-foot by 6-foot area for a single tree pit to a minimum of 5-foot width in any direction, and a 30 square foot area, maintaining the minimum depth of 3 feet 6 inches.

Screening

Blank walks resulting from flood plain requirements or topographical grade changes can significantly hamper the experience of the public space. The proposed text would require blank walls higher than five feet to be screened with a combination of evergreen trees, vines or climbing shrubs, and an architectural treatment such as stone rustication, grills or sculptural features.

Paving

The proposed text recognizes that there are evolving technologies for storm water management, as well as a vast range of new technologically efficient paving materials. The paving palette would be expanded in comparison to the current regulations to allow for permeable paving. The proposed text will continue to allow unit pavers, wood (other than tropical hardwood), wood substitutes, such as plastic lumber, and other durable material for main paths. Other areas may be improved with belgian blocks, crushed stone, wood chips, gravel and other similar materials.

Trash Receptacles

The proposal introduces requirements for trash receptacles. In the SPWs and SPAAs, one trash receptacle would be required for every 4,000 square feet, to be located in visible and convenient locations. In upland connections, one trash receptacle is required at the “entry area” and one at the end of such upland Connection. Receptacles shall be located within 50 feet of required seating.

Bicycle Parking

The proposal introduces requirements for bicycle parking. At least four bicycle parking spaces would be required for every waterfront public access area up to 8,000 square feet. For each additional 2,000 square feet, two additional bicycle parking spaces would be required. Bicycle racks would not be permitted within 20 feet of the shoreline.

Maintenance and Operational Requirements

Operational Standards

Hours of Operation: The proposal would extend the minimum required hours of operation, currently from dawn to dusk, to:

- in residential and community facility developments in R6 and higher: 6 A.M. to 11 P.M., between April 15 and October 31; and 7A.M. to 8 P.M. between November 1 and April 14.
- in predominantly community facility developments in R3 – R5: 6 A.M. to 8 P.M., between April 15 and October 31; and 7 A.M. to 6 P.M. , between November 1 and April 14.
- in predominantly commercial developments: 6 A.M. to 8 P.M or business closing, whichever is later, between April 15 and October 31; and 7 A.M. to 6 P.M or business closing, whichever is later, between November 1 to April 14. However, when the business closing is later than the required hours of operation for residential developments, the waterfront public access area would not be required to remain open beyond the hours required for residential developments.

Rules of conduct

The proposal introduces a requirement to post applicable rules of conduct at the entrances of the public access areas, as established in the maintenance and operation agreement between the property owner and the Department of Parks and Recreation.

Performance and Maintenance Obligations

Transfer of Public Access Areas

The opportunity to request a transfer of a completed privately owned waterfront public access area to the Department of Parks and Recreation for its maintenance, with funding provided by the owner, currently applies only within Waterfront Access Plan BK-1. This provision would be extended to apply to all developments in waterfront areas.

Certifications, Authorizations, and Special Permits

Certification for Waterfront Zoning Lot Subdivision

The proposed text would strengthen and clarify the existing requirement for a Chair's certification for the subdivision of an existing waterfront zoning lot. The certification prevents subdivisions that would reduce or eliminate required public access areas. In particular, the proposed text would mandate that required public access areas and visual corridors be identified at the time of subdivision, and clarifies that public access improvements must be constructed on the resulting zoning lots at the time of the first non-exempt development. The proposal would also allow the public access area to be completed at a later time by Commission authorization.

Authorizations to modify amount, location or design of waterfront public access areas or Visual Corridors, and for phased development

Currently, to grant an authorization to modify a waterfront public access area and visual corridor requirements, the Commission must determine that the subject site has certain unique conditions or constraints. These narrow findings do not reflect the diverse conditions and characteristics of waterfront areas throughout the city and do not allow modification of the requirements based on superior design. The findings required for modification of the public access area and design requirements are proposed to be changed to allow modification of these requirements in a wider range of circumstances, provided that the modifications would provide equivalent or superior design of the public access areas. Additionally, while the proposed text amendment will continue to allow phased development of public access on an existing zoning lot, the proposal would also

allow, by Commission authorization, the partial improvement of public access areas on a subdivided waterfront zoning lot. However, the public access requirements for the original zoning lot would still be in effect.

Special permit for modification of bulk regulations

Similar to the findings for the authorizations described above, the existing findings for the current special permit to modify the bulk regulations do not sufficiently reflect the variety of conditions on waterfront sites. The proposal would broaden the required findings to allow bulk modification if they would (a) produce a better configuration of bulk on the zoning lot, or (b) be necessary to address unusual site conditions.

Applicability

Waterfront Area

The waterfront area is currently limited to areas adjacent to water bodies of which no portion downstream is less than 100 feet in width. However, there are certain water bodies that generally meet this standard except for areas that are narrowed by bridge abutments, bulkheads or other structures. The proposal would amend the definition of Waterfront Area in Section 12-10 to include water bodies that would meet the current requirements but for the presence of man-made structures: such as the Gowanus Canal north of Hamilton Avenue; Dutch Kills; and the portion of the Bronx River located south of the prolongation of East 172th Street.

Design standards for commercial developments less than 1.0 FAR in M1 districts

The reduced design and location standards for waterfront public access area required for retail developments of less than 1.0 FAR in M1 districts would be eliminated and these developments would be subject to the requirements and design standards for other commercial developments.

Use Regulations

In order to promote the location of commercial and community facility uses in the vicinity of the waterfront public access areas, and therefore reinforce their perception of a public space, in R6 or higher residential districts, where a zoning lot is located partially within a commercial overlay district, commercial uses of not more than 10,000 square feet in area would be allowed outside the commercial overlay if located adjacent to a waterfront public access area, with the floor area of such use limited to two percent of the floor area permitted on the zoning lot.

Height and Setback

The proposal would change the tower-top articulation regulations. Such regulations allow buildings to rise up to four stories taller than the “maximum height limit,” in R6 to R10 districts, if each story above that limit provides a setback. Currently all setbacks can be placed on one side of the building which can result in tower walls without articulation. The proposed amendment to this rule would only require one setback for the upper four stories but that setback would be required on each tower face ensuring that the tower top is articulated on all sides.

The proposal would also eliminate a current requirement that a setback be provided for all buildings at a height of 150 feet. This applies to buildings in R7-3 to R10 and equivalent commercial districts which currently have maximum height limits of 185 feet and higher. The modified tower-top articulation rule will, instead, ensure that tall buildings will be appropriately articulated.

ENVIRONMENTAL REVIEW

This application (N 090239 ZRY) 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 09DCP035Y. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on December 15, 2008.

PUBLIC REVIEW

This application (N 090239 ZRY) was duly referred on December 15, 2008, to Community Boards 1, 2, 4, 5, 6, 7, 8, 9 and 10, Borough of the Bronx; Community Districts 1, 2, 5, 6, 7, 10, 11, 13, 15 and 18, Borough of Brooklyn; Community Districts 1, 2, 3, 4, 6, 7, 8, 9, 10, 11 and 12, Borough of Manhattan; Community Districts 1, 2, 3, 5, 7, 10, 11, 13 and 14, Borough of Queens; Community Districts 1, 2 and 3, Borough of Staten Island; the Bronx, Brooklyn, Manhattan, Queens and Staten Island Borough Presidents; and the Bronx, Brooklyn, Manhattan, Queens and Staten Island Borough Boards for information and review.

Community Board Review

Brooklyn

On February 10, 2009 Community Board 1 voted in support of the zoning application by a vote of 40 in favor, 0 opposed, and no abstentions “provided the following actions are taken:

1. Provide stronger language to make clear that the supplemental public access areas must be located adjacent to the shore public walkways;
2. Provide the same extended hours of operation for all waterfront developments, regardless of when they were certified;
3. DCP must provide notification to affected property owners within CB #1.”

Manhattan

On January 27, 2009 Community Board 1 voted in support of the zoning application by a vote of 33 in favor, 1 opposed, and no abstentions.

Community Board 4 sent a letter on February 23, 2009, in support of the proposed text amendment. The letter expressed concerns in relation to hours of operation, maintenance and operations and tower-top articulation regulations. The Board also recommended the placement of recycling receptacles, in addition to trash receptacles.

Queens

On January 20, 2009, Community Board 1 voted to disapprove the application by a vote of 28 in favor, 1 opposed and 1 abstention. In a letter dated February 9 the CB stated that “The Board noted that the concept of providing more accessible space is good; however, the burden of responsibility falls primarily on the developer with no zoning bonuses or tax incentives. These changes will cause an adverse effect with economic development, particularly at this time. Our Board believes the public sector (Federal/State/City) should share in either the cost and/or maintenance of the waterfront property.”

On February 5, 2009, Community Board 2 voted to approve the application by a vote of 20 in favor, 2 opposed and 1 abstention with the Chair present and not voting.

On February 11, 2009, Community Board 11 sent a letter of support of the proposed text amendment. The CB did not hold a hearing since the proposed text amendment does not affect their district.

On February 12, 2009, Community Board 14 voted in support of the proposed text amendment.

Staten Island

In a letter dated February 27, 2009, the Chairman Community Board 3 related a discussion that occurred at their meeting “regarding the many streets leading to the waterfront that are not owned by the City of New York, or are not Final Mapped as well as homeowners living adjacent to the waterfront who do not allow access to the beach by the public.” The Board voted unanimously 32-0-0 in favor “to approve the Waterfront Zoning Text Amendment working with the Department of Transportation to access the waterfront by final mapping and obtaining possession to streets leading to the waterfront.”

BRONX

No recommendations were received from any Bronx Community Boards.

Borough President Review

This application was considered by the Brooklyn Borough President, who issued a recommendation approving the application on February 27, 2009. A recommendation was made for the Department of City Planning to implement a policy capturing pre-certified developments to comply with the proposed extended hours of operations (ZR 62-631(a), and the new Signage

requirements (ZR 62-624) to assure continuity of access in adjacent waterfront public access areas.

No recommendations were received from the Bronx, Manhattan, Queens or Staten Island Borough Presidents.

Borough Board Review

No recommendations were received from the Bronx, Brooklyn, Manhattan, Queens and Staten Island Borough Boards.

City Planning Commission Public Hearing

On February 18, 2009 (Calendar No.1), the City Planning Commission scheduled March 4, 2009, for a public hearing on this application (N 090239 ZRY). The hearing was duly held on March 4, 2009 (Calendar No. 18). There were three speakers in favor of the application and no speakers in opposition.

A representative from the Real Estate Board of New York (REBNY) testified in favor of the proposal stating it represents a much needed update to the design regulations implemented in 1993. The Board also expressed that the proposal does not go far enough in addressing coordination issues among City and State agencies with jurisdiction over different aspects of a development in the waterfront. They also expressed that the proposal goes too far in certain design aspects, such as imposing limitations on shadows projected by a building over the open space.

A representative from the Metropolitan Waterfront Alliance (MWA) testified in favor of the proposal. The coalition represented by the MWA recommended including requirements for maritime infrastructure, such as cleats, bollards, operable guardrails, and ladders in order to promote access from the water's side. Recommendations were made to also implement policies to protect the maritime working waterfront.

A speaker representing the American Institute of Architects (AIA), New York Chapter, the American Society of Landscape Architects (ASLA), New York Chapter, and the American Planning Association (APA), NY Metro Chapter, delivered a joint testimony in favor of the proposal. The speaker stated that these amendments are a significant step towards improving the built environment along our city's edge. In addition, they expressed that the revisions present an opportunity to further address emerging waterfront concerns, such as climate change and rising sea levels. They also stated that a greater effort should be made in coordinating overlapping issues and contradictory approval processes of the multiple City and State agencies regulating waterfront areas. The testimony also raised concerns about some design standards, including "shaded seating," the impact of seating requirements when extrapolated to larger sites, the restrictions on heights of fences and gates to private property, the expanded hours of operation with regard to security , and the continued requirement for overly-specific building articulation.

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 08-117. 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 090239 ZYR), as modified, is appropriate.

The Commission believes that the proposed text amendment would result in a substantial improvement in the quality of new waterfront public access areas created through future

development, thereby ensuring that waterfront access areas will be inviting, uninterrupted and comfortable, and will improve the public's enjoyment of the waterfront.

The Commission also believes that the proposed text amendment will promote the greening of the waterfront with a variety of plant materials that provide aesthetic and ecological benefits, including trees, shrubs, and groundcover; encourage a variety of landscape design, including edge treatments; facilitate a wide variety of amenities, including play areas and access to the water through boat launches and anchorages; and activate waterfront spaces by improving connections between the water's edge and the activity of upland development and streets.

As a result of comments received during the public review of the application the Commission is making modifications to the text amendment that was referred on December 15, 2008, as follows:

- Testimony from the Real Estate Board of New York (REBNY) requested that this opportunity be used to reorganize the Chapter in order to make it more user-friendly. In response, the Commission has modified the proposed text to consolidate all waterfront public access requirements in consecutive Sections from 62-50 to 62-80. This reorganization would allow for a progressive description of the requirements, without interruption by the parking regulations, from the most general to the more detailed, including the Special Review Provisions and special area wide modifications implemented through Waterfront Access Plans in a manner consistent with other Chapters of the Zoning Resolution.
- In response to comments related to the proposed extension of the minimum required hours of operation, the Commission modified Section 62-71(a) to replace the proposed minimum hours for community facility developments from 6 A.M. to 8 P.M. between April 15 and October 31, and 7 A.M. to 6 P.M. between November 1 and April 14, with the existing requirement from dawn to dusk, year-round. Further, the Commission modified the Chapter to define dawn and dusk as a half-hour before sunrise and a half-hour after sunset, respectively. Considering that in lower density districts, only

predominantly community facility and commercial developments will trigger waterfront public access area requirements, the Commission considers that it is appropriate to establish within lower density neighborhoods minimum hours of access that include only daylight hours. In addition, for residential developments in medium and high density districts, the Commission modified the minimum required hours of operation from 6 A.M. to 11 P.M. between April 15 and October 31, to 6 A.M. to 10 P.M. during the same period. Furthermore, the Commission noted that the proposed requirements for extended hours of operation for commercial districts would similarly be reduced to be consistent with the community facility and residential districts required hours of operation.

- The Commission modified the rules for the “transition area.” When a Type 2 upland connection is provided (as sidewalks on either side of a roadbed within a private drive), a “transition area” is required on the seaward side and adjacent to the termination of the roadbed. Such “transition areas” must extend seaward for at least 40 feet. Planting, seating and trees are required amenities within such area. The Commission has modified Section 62-51(b) to waive the requirement of the “transition area” for zoning lots that are less than 255 feet in depth and less than 260 feet in width, in order to alleviate potential site planning constraints. However, in order to establish a safe buffer between the vehicular roadbed and the waterfront public access area, a smaller area that must extend seaward from the vehicular access area for at least 10 feet, with no specific design standards is required. In addition, no “transition areas” will be required when a private loop road turns, within 15 feet of a SPW.
- In response to testimony concerning the location and dimension requirements for SPAAs, the Commission modified Section 62-571(a) to require only 80 percent of a SPPA, instead of the entire amount, to be subject to the minimum width to depth ratio requirements. The Commission considers that this modification would allow greater design flexibility in a larger range of irregularly shaped waterfront sites. In addition, the Commission has modified the text to clarify the dimensional requirements language.

- The Commission received testimony expressing concerns that the proposed requirements for “shaded seating” would require a cumbersome shading analysis of the waterfront public access area. In response, the Commission has modified Section 62-652(g) to define “shaded seating” to make it easy to ascertain if such shaded seating has been provided: any seating will be considered shaded if located on the eastern side and within 45 feet of a shade structure or trunk of a canopy tree. In addition, the Commission eliminates references to restrictions on shade from building walls, noting that such a restriction is unnecessary to achieve an attractive and inviting public access area.
- The Commission received testimony expressing concerns regarding the amount of tables required to meet the “social seating” requirement, particularly on sites with large public access areas. The proposed requirement for tables would be proportional to the percentage of seating required to be provided for social interaction, or “social seating”. In response, The Commission modified the provisions of Section 62-652(f) to reduce by half the proposed requirements from four square feet to two square feet of tables for every 3 linear feet of social seating. Furthermore, the Commission has modified the text to waive the table requirement if it is less than 10 square feet, and establishes a cap, such that no more than 150 square feet of tables would be required on larger sites.
- The Commission recognizes that waterfront public access areas are enlivened by the activity generated by buildings bounding or located in its proximity. The proposed screening buffer requirements, which separates the public access area from the private development on the same zoning lot, are waived when a commercial use is located adjoining a waterfront public access area, if the building façade complies with a minimum transparency requirement. The Commission has modified the proposed text to also allow the waiver of the screening buffer when a community facility use adjoins the waterfront public access area, if the same transparency requirements are met. Furthermore, the Commission modified the proposed text to allow this screening buffer waiver when building walls are within 15 feet of the boundary of a waterfront public access area, if the same transparency requirements are met, and the resulting area is visually and physically connected to the waterfront public access area for at least the

same length as the portion of the building wall complying with the minimum transparency requirements.

- In response to received testimony, the Commission modified Sections 62-653 and 62-80 to clarify that not all waterfront public access areas will require a photometric analysis to demonstrate compliance with the proposed lighting standards.
- The Commission received testimony requesting that required bicycle parking be allowed to be located outside the waterfront public access area beyond the boundaries of the private property, on an adjacent public sidewalk. Because the purpose of outdoor bicycle parking would be equally well served by bicycle racks on adjacent public sidewalks, the Commission modified Section 62-62(d) to add adjacent public sidewalks as an acceptable location for required bicycle parking.

In addition to the modifications made in response to comments made during the public review, the Commission is also making the following modifications to the text amendment that was referred on December 15, 2008, as follows:

- The Commission modified the proposed Section 62-12(c) to further clarify the provisions affecting design changes for projects that have been granted a previous certification by the Chair of the City Planning Commission. The Commission clarified that, to be deemed acceptable, such changes to the certified plan must not represent an increase in the degree of non-compliance with the standards of this proposal.
- The Commission modified Section 62-33 to clarify that zoning lots, other than waterfront zoning lots, are subject to underlying district yard regulations.
- The Commission amended Section 62-341(c)(6) to modify the ground floor streetscape provisions applicable in medium and high density districts on waterfront blocks. The Commission believes the clarification is necessary for the ground floor streetscape provisions along public streets and waterfront public access areas, in order to account for

grade level differences that result from flood plain requirements. Furthermore, the purpose of the ground floor streetscape provision is to avoid blank walls or unattractive uses extending the entire length of the street wall. In order to avoid this possibility, the Commission added a requirement for architectural articulation of any portion of a blank building wall with a length greater than 30 feet and higher than four feet, as measured from the finished level of the adjacent sidewalk.

- For a zoning lot providing public access that is adjacent to another zoning lot which has not yet been improved with public access, the Commission modified Section 62-62(a)(1) to clarify that the first zoning lot to provide a SPW must located its main circulation path within 30 feet of the shoreline when it terminates at the common zoning lot line, to assure continuity of the main circulation paths between such public access areas.
- The Commission modified Section 62-62 to clarify that portions of the main circulation path as well as seating, planting, trees and other required amenities generated by SPWs and SPAAs may be distributed among those areas in the same zoning lot, and do not need to be distributed proportionally within the public access component that generated the requirement, unless specified otherwise.
- Under the proposed text amendment, when a SPAA is required, and such area is greater than 1,875 square feet, 25 percent of the required planting area shall be provided as a lawn. The Commission modified Section 62-62 to clarify that the 25 percent applies to the amount of planted area generated by the combined area of the SPW and the SPAA, and not by the planted area generated only by the SPAA.
- The Commission modified Section 62-74 (Requirements for Recordation) to correct language inadvertently deleted, in relation to the transfer of public access area within the Greenpoint-Williamsburg WAP from the private developer to the City. The Commission noted that this language clarifies that any instrument necessary to effectuate such transfer shall supersede the maintenance and operation agreement described in such Section.

- For waterfront public access areas that will be transferred to the Department of Parks and Recreation, the Commission modified Section 62-73 to clarify that the provisions of Section 62-72 governing maintenance security and indemnification and defense do not apply in the case of property transferred to the City under Section 62-73. Those provisions continue to apply with regard to waterfront access areas that remain in private ownership.
- The Commission modified Section 62-822 (b) to correct language inadvertently deleted which allows the modification, by authorization of the CPC, of the permitted obstructions within a visual corridor.
- The Commission modified several Sections in the Special Mixed Use Districts to further clarify the provisions affecting applicability of waterfront bulk regulations where a special mixed use district is mapped within a waterfront block.
- Finally, the Commission modifies multiple cross references throughout the Chapter and the Resolution as a result of the reorganization and resulting renumbering of Sections within this Chapter.

The Commission has carefully considered other recommendations being made during the public hearing. In response to the comments of Brooklyn Community Board 1 and the Brooklyn Borough President Office concerning the applicability of the proposed extended hours of operations to developments that have already been granted a certification, the Commission noted that such a change would be beyond the scope of this application. In response to comments of Staten Island Community Board 3, the Commission noted that the mapping and acquisition of private property are beyond the scope of this application.

The Commission received comments concerning the City's policy in relation to climate change, including the potential threat of rising sea levels, storm water surge, flood and ecological protection, and sustainability goals for waterfront areas. The Commission noted that the Department is participating in several multi-agency task forces, including the Climate Change

Adaptation Task Force, tasked with identifying strategies for adaptation to climate change. The Commission noted that the proposal introduces flexibility for a range of shoreline treatments and grading of public access areas near the water's edge, and that improvements in tidal wetlands and their adjacent areas are also subject to permitting by the State Department of Environmental Conservation.

The Commission received testimony suggesting the implementation of mandatory storm water management techniques as part of this proposal. The Commission recognizes the importance of storm water management throughout the city, and noted that the proposal has incorporated flexibility into the requirements for paving and planting, in order to accommodate a wide and growing range of advanced storm water management techniques, including many identified in the City's recently released Sustainable Stormwater Management Plan.

The Commission noted that the request to more efficiently coordinate regulations of City and State agencies with jurisdiction over waterfront developments is procedural in nature, and that changes to the jurisdiction of various agencies would be beyond the scope of this application. However, the Commission also noted that the proposal allows greater flexibility within the requirements for waterfront public access areas, in part to reduce the potential for conflict between zoning requirements and those of other City or State agencies.

Lastly, the Commission received comments concerning the restriction on the heights of gates, which are permitted to limit the access between a public place, such as a street or park, and the waterfront public access area. The Commission noted that restricting the use of overly large gates is meant to promote inviting and welcoming spaces to the public, while preventing the unauthorized closing of such areas. The Commission believes that the proposed limits for the height of gates is appropriate to address security concerns and protect private property owners while at the same time making it clear that waterfront public access areas are intended to be open to the public.

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 I
General Provisions**

**Chapter 2
Construction of Language and Definitions**

* * *

**12-10
DEFINITIONS**

* * *

Waterfront area

The "waterfront area" is the geographical area comprising all #blocks# between the pierhead line and a line 800 feet landward from the #shoreline#. Where such line intersects a #block#, the

entire #block# shall be included and the #waterfront area# boundary shall coincide with the centerline of the landward boundary #street# or other #block# boundary. Notwithstanding the above, any #zoning lot#, the boundaries of which were established prior to November 1, 1993, and which is not closer than 1,200 feet from the #shoreline# at any point and which does not abut a waterfront public park shall not be included in the #waterfront area#.

For the purposes of this definition, only #blocks# along waterways that have a minimum width of 100 feet between opposite #shorelines#, with no portion downstream less than 100 feet in width, shall be included within the #waterfront area#. However, #blocks# bounding the Gowanus Canal north of Hamilton Avenue, as shown on the City Map, Dutch Kills, and the portion of the Bronx River located south of the prolongation of East 172th Street, shall be included within the #waterfront area#.

* * *

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 ~~62-732~~ 62-832

* * *

25-31
General Provisions

* * *

Docks for ferries
Parking requirement, as provided in Section ~~62-53~~ 62-43

R3 R4 R5 R6 R7 R8 R9 R10

* * *

32-32
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.

* * *

C2 C3 C4 C5 C6 C7 C8

Docks for #gambling vessels#, pursuant to Section ~~62-737~~ 62-837

* * *

36-21

General Provisions

C1 C2 C3 C4 C5 C6 C7 C8

* * *

Docks for non-commercial pleasure boats; rental boats; ferries; sightseeing, excursion or sport fishing vessels; passenger ocean vessels; or vessels not otherwise listed (~~for parking requirement~~ —see Section ~~62-53~~ 62-43 for parking requirement)

* * *

42-32

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.

* * *

M1 M2 M3

Docks for #gambling vessels#, pursuant to Section ~~62-737~~ 62-837

* * *

44-21

General Provisions

* * *

Docks for non-commercial pleasure boats; rental boats; ferries; sightseeing, excursion or sport fishing vessels; passenger ocean vessels; or vessels not otherwise listed (~~for parking requirement~~ —see Section ~~62-53~~ 62-43 for parking requirement)

* * *

Article VI
Special Regulations Applicable to Certain Areas

Chapter 2
Special Regulations Applying in the Waterfront Area

Table of Contents

GENERAL PURPOSES.....62-00

GENERAL PROVISIONS.....62-10

Definitions.....62-11

Applicability to Developments in the Waterfront Area.....62-12

Applicability of District Regulations.....62-13

~~Requirements for Recordation.....62-14~~

Integration of Waterfront Access Plans.....~~62-15~~14

~~Requirements for Applications.....62-16~~

SPECIAL USE REGULATIONS.....62-20

Classification of Uses in the Waterfront Area.....62-21

Commercial Docking Facilities.....62-22

Accessory Residential Docking Facilities.....62-23

Uses on Piers and Platforms.....62-24

Uses on Floating Structures.....62-25

Special Use Regulations for Public Parking Facilities.....62-26

Special Use Regulations for ~~Public Parks~~, Playgrounds or Private Parks.....62-27

Special Sign Regulations.....62-28

Special Use Regulations for ~~Waterfront Access Plan BK-1~~ in R6, R7, R8, R9 and R10
Districts.....62-29

SPECIAL BULK REGULATIONS.....62-30

Bulk Computations on Waterfront Zoning Lots.....62-31

Maximum Floor Area Ratio and Lot Coverage
on Waterfront Blocks.....62-32

Special Yard Regulations on Waterfront Blocks.....62-33

Height and Setback Regulations On Waterfront Blocks.....	62-34
Special Bulk Regulations in Certain Areas Within Community District 1, Brooklyn.....	62-35

<u>REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AND VISUAL CORRIDORS.....</u>	<u>62-40</u>
Requirements for Waterfront Public Access.....	62-41
Requirements for Visual Corridors.....	62-42

SPECIAL PARKING AND LOADING REGULATIONS.....	62-5040
Special Regulations for Accessory Residential Parking Facilities.....	62-5141
Special Regulations for Accessory Non-Residential Parking Facilities.....	62-5242
Parking Requirements for Commercial Docking Facilities.....	62-5343
Parking and Loading Requirements for Floating Structures.....	62-5444
Supplementary Regulations for All Parking Facilities.....	62-5545
Supplementary Regulations for Loading Facilities.....	62-5646
Special Parking and Loading Regulations for Waterfront Access Plan BK-1.....	62-5747

<u>GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS</u>	<u>62-50</u>
.....	62-50
<u>Applicability of Visual Corridor Requirements</u>	<u>62-51</u>
<u>Applicability of Waterfront Public Access Area Requirements.....</u>	<u>62-52</u>
<u>Requirements for Shore Public Walkways.....</u>	<u>62-53</u>
<u>Requirements for Public Access on Piers.....</u>	<u>62-54</u>
<u>Requirements for Public Access on Floating Structures.....</u>	<u>62-55</u>
<u>Requirements for Upland Connections</u>	<u>62-56</u>
<u>Requirements for Supplemental Public Access Areas.....</u>	<u>62-57</u>
<u>Requirements for Water-Dependant Uses and Other Developments</u>	<u>62-58</u>
<u>Special Regulations for Zoning Lots that include Parks.....</u>	<u>62-59</u>

<u>DESIGN STANDARDS-REQUIREMENTS FOR THE WATERFRONT PUBLIC ACCESS AREAS.....</u>	<u>62-60</u>
<u>Design Options and Methodology General Provisions Applying to Waterfront Public Access Areas</u>	<u>62-61</u>
<u>General Design Requirements for Shore Public Walkways and Supplemental Public Access Areas.....</u>	<u>62-62</u>
<u>Specific Design Requirements for Public Access Prototypes on Piers and Floating Structures.....</u>	<u>62-63</u>
<u>Design Requirements for Upland Connections and Visual Corridors.....</u>	<u>62-64</u>
<u>Design Requirements for Public Access on Piers-Design Reference Standards.....</u>	<u>62-65</u>
<u>Design Requirements for Floating Structure Public Access.....</u>	<u>62-66</u>
<u>Public Access Design Reference Standards.....</u>	<u>62-67</u>
<u>Maintenance and Operation Requirements for Waterfront Public Access Areas.....</u>	<u>62-70</u>
<u>Operational Requirements.....</u>	<u>62-71</u>

Performance and Maintenance Requirements.....62-72
 Transfer of Title to Waterfront Public Access Areas62-73
 Requirements for Recordation.....62-74

SPECIAL REVIEW

PROVISIONS.....62-7080
Certifications by the Chairperson of the City Planning Certifications.....62-7181
 Authorizations by the City Planning Commission.....62-7282
 Special Permits by the City Planning Commission.....62-7383

WATERFRONT ACCESS PLANS.....62-8090
 General Provisions.....62-8191
 Borough of The Bronx.....62-8292
 Borough of Brooklyn.....62-8393
 Borough of Manhattan.....62-8494
 Borough of Queens.....62-8595
 Borough of Staten Island.....62-8696
 Multi-Borough Plans.....62-8797

~~Appendix A – Waterfront Plant List~~

* * *

**62-10
 GENERAL PROVISIONS**

**62-11
 Definitions**

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

* * *

Pier

A "pier" is a structure at the water's edge, not otherwise defined as a #platform#, that is:

- (a) a pile-supported overwater structure, or a portion thereof, that projects from a #shoreline#, bulkhead or #platform#; or
- (b) a solid-core structure, or a portion thereof, constructed for the docking of water-borne vessels, that projects from the land or from a #platform#.

Projections from #platforms# shall be considered #piers# if their length, measured from the portion of the #platform# from which they project, exceeds 50 percent of their width at such portion. Any further extensions from such projections shall be considered #piers# regardless of their configuration (see illustration).

(Illustration)

Pier, existing

An “existing pier” is a #pier# where at least 75 percent of its surface is visible in the April 1988 Lockwood, Kessler and Bartlett aerial photographs of New York City.

Pier, new

A “new pier” is any #pier# other than an #existing pier#.

Platform

A "platform" is a pile-supported or solid-core structure at the water's edge, or a portion thereof, that:

- (a) is permanently connected to the land; and
- (b) has a seaward dimension that does not exceed 50 percent of its dimension along the land to which it is connected (see illustration).

(Illustrations)

Platform, existing

An “existing platform” is a #platform# where at least 75 percent of its surface is visible in the April 1988 Lockwood, Kessler and Bartlett aerial photographs of New York City.

Platform, new

A “new platform” is any #platform# other than an #existing platform#.

* * *

Supplemental public access area

A "supplemental public access area" is a ~~waterview plaza, waterview park, waterview sitting area or residual public access~~ area provided on a #waterfront zoning lot#, in addition to other required public access areas, in order to fulfill the required #waterfront public access area# requirements. A #supplemental public access area# shall not include a #shore public walkway# or an #upland connection#.

Upland connection

An "upland connection" is a pedestrian way which provides a public access route from a #shore public walkway# ~~or a #supplemental public access area#~~ to a public sidewalk within an open and accessible public #street#, #public park# or other accessible public place.

* * *

Water coverage

"Water coverage" is the portion of a #zoning lot# seaward of the #shoreline# that, when viewed directly from above, would be covered by a #pier#, #platform# or #floating structure#, including portions of #buildings or other structures# projecting over the water from such structures. #Water coverage# shall not include docking or navigational appurtenances which may project from the aforementioned structures.

~~For the purpose of applying #water coverage# to any provision of this Resolution relating to #lot area#, a #pier# or #platform# shall be structurally sound and physically accessible directly from the shore, with a surface capable of lawful occupancy. However, in no event shall the #water coverage# of a #building or other structure# projecting over the water from a #pier# or #platform# be included in #lot area#.~~

Waterfront block, ~~waterfront public park~~ or waterfront zoning lot

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

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

However, any #block# or #zoning lot# in the #waterfront area# having a boundary within or coincident with the boundaries of the Gowanus Canal, as shown on the City Map, shall be a #waterfront block# or #waterfront zoning lot#, respectively.

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

Waterfront public access area

A “waterfront public access area” is the portion of a #zoning lot# improved for public access. It may include any of the following: a #shore public walkway#, #upland connection#, #supplemental public access area# or public access area on a #pier# or #floating structure#.

* * *

62-12

Applicability to Developments in the Waterfront Area

Within the #waterfront area#, all #developments# on #zoning lots# within #waterfront blocks# shall be subject to all provisions of this Chapter, unless stated otherwise. #Developments# on other #zoning lots# within the #waterfront area# shall be subject to the regulations of this Chapter only when part of a large-scale #development#, any portion of which is within a #waterfront block#, or when on #zoning lots# located in an area designated as part of a Waterfront Access Plan in accordance with Section ~~62-80~~ 62-90 (WATERFRONT ACCESS PLANS). The provisions of this Chapter shall not be deemed to supersede or modify the regulations of any State or Federal agency having jurisdiction on affected properties.

- (a) Any #development# approved by special permit or authorization of the City Planning Commission or any #zoning lot# subject to a restrictive declaration in conjunction with a land use action by the Commission and the City Council, or former Board of Estimate, as applicable, prior to October 25, 1993, may be started or continued pursuant to such special permit authorization or the terms of such restrictive declaration.

Notwithstanding the provisions of this Chapter, except as set forth in paragraphs (a)(1) through (a)(6) of this Section, the Commission may authorize modifications of such special permit or authorization, or the terms of a restrictive declaration may be modified by the Commission and, if applicable, the City Council, provided such modifications do not:

- (a1) increase the height or #lot coverage# of any #building# in a #waterfront block# beyond the maximum set forth in Section 62-30 (SPECIAL BULK REGULATIONS);

- (b~~2~~) extend the location of the exterior walls of any #building# within a #waterfront block# above the maximum base height for the district, as set forth in Section 62-34 (Height and Setback Regulations on Waterfront Blocks);
 - (e~~3~~) increase the total #floor area# on any #zoning lot# within a #waterfront block# beyond the amount approved prior to October 25, 1993;
 - (d~~4~~) result in the obstruction of a required #visual corridor# or increase any existing obstruction of such #visual corridor#;
 - (e~~5~~) increase the size of a #pier# or #platform# or the size of any #building or other structure# on a #pier# or #platform# approved prior to October 25, 1993; or
 - (f~~6~~) involve a change that would create a requirement for public access or #visual corridors# without providing such public access or #visual corridors# in accordance with the provisions of Section ~~62-40~~62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS AND VISUAL CORRIDORS).
- (b) #Developments# for which an application for certification pursuant to this Chapter was filed prior to (effective date of amendment) may be continued pursuant to the regulations of this Chapter in effect at the time of such filing.
 - (c) Design changes to a previously certified application, including applications certified pursuant to paragraph (b) of this Section, may be made only upon further certification by the Chairperson of the Commission that such changes would not increase the degree of non-compliance or would result in a greater level of compliance with this Chapter.
 - (d) #Developments# for which an application for authorization or special permit pursuant to this Chapter was filed prior to (effective date of amendment) may be continued pursuant to the regulations of this Chapter in effect at the time of such filing.
 - (e) #Developments# for which an application for an authorization or special permit, other than an authorization or special permit pursuant to this Chapter, was filed prior to (effective date of amendment), may be continued pursuant to the terms of such authorization or special permit and, to the extent not modified under the terms of such authorization or special permit, shall be subject to the regulations of this Resolution that were in effect at the time such authorization or special permit was granted.

~~In addition to the provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT), construction involving the alteration of existing #buildings# authorized pursuant to a building permit issued by the Departments of Buildings or Business Services for any #development# for which an application, with complete plans and specifications for the entire construction and not merely a part thereof, was filed and pending with the Departments of Buildings or Business Services as of May 12, 1993, may be continued~~

after October 25, 1993, provided that an application pursuant to Section 62-70 (SPECIAL REVIEW PROVISIONS) is filed with the Department of City Planning within 30 days from October 25, 1993. Construction thereafter may continue for a period of one year after October 25, 1993, during which period either the Chairperson of the City Planning Commission certifies pursuant to Section 62-711 (Waterfront public access and visual corridors) that there is compliance with the public access and #visual corridor# requirements of this Chapter or the City Planning Commission acts pursuant to Section 62-72 (Authorizations by the City Planning Commission) or 62-73 (Special Permits by the City Planning Commission) to approve a modification. If the Commission does not approve a modification, then the #development# shall comply with the requirements of Sections 62-40 (REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AND VISUAL CORRIDORS) and 62-60 (DESIGN STANDARDS FOR THE WATERFRONT AREA).

* * *

62-131
Applicability of ~~Chapter 3~~ of Article VII, Chapter 3

* * *

Section 73-49 (Roof Parking) shall be applicable, except for those provisions expressly modified by Section ~~62-50~~ 62-40 (SPECIAL PARKING AND LOADING REGULATIONS).

* * *

62-132
Applicability of ~~Chapters 4, 8 & 9~~ of Article VII, Chapters 4, 8 and 9

* * *

The following special permits by the City Planning Commission shall be applicable on #waterfront blocks# only as modified in the following Sections:

* * *

Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas) shall be applicable subject to the provisions of Section 62-26 (Special Use Regulations for Public Parking Facilities) and the special permit provisions of Section ~~62-735~~ 62-835 (Public parking facilities on waterfront blocks).

Section 74-53 (Accessory Group Parking Facilities for Uses in Large-Scale Residential Developments or Large-Scale Community Facility Developments or General Large-Scale Developments) shall be applicable, except that

finding (d), relating to roof parking, shall not apply. In lieu thereof, the provisions of Sections ~~62-511~~ 62-411 (Accessory residential roof parking) and 62-521 (Accessory non-residential roof parking) shall apply.

* * *

Section 74-79 (Transfer of Development Rights from Landmark Sites) shall be applicable, except that permissible modifications shall also include all ~~bulk~~ regulations set forth in Section 62-30 (SPECIAL BULK REGULATIONS), except for paragraph (a) of Section 62-31 and maximum ~~floor area ratio~~ for the applicable district set forth in Section 62-32. Modifications may also include public access and ~~visual corridor~~ requirements set forth in Sections ~~62-40~~ 62-50 and 62-60.

* * *

Section 74-922 (Certain large retail establishments) shall be applicable except that, on ~~existing piers~~, the provisions of Section 62-241 (Uses on existing piers and platforms) shall also be applicable.

* * *

The large-scale ~~development~~ provisions of Section 74-74 and Article VII, Chapters 8 and 9, shall be applicable, except that:

* * *

(c) Any height and setback modifications within a ~~waterfront block~~ shall be subject to an additional finding that such modifications would result in a site plan with ~~physical and visual~~ and, where required, physical public access to the waterfront in a way that is superior to that which would be possible by strict adherence to the regulations of Section 62-341 (Developments on land and platforms).

* * *

(e) Modification of public access and ~~visual corridor~~ requirements shall be subject to the authorization provisions of Section ~~62-722~~ 62-822. In lieu of making the findings in paragraphs (a) or (b) of this Section, the Commission may find that the proposed site plan would result in better achievement of the goals set forth in Section 62-00 than would otherwise be possible by strict adherence to the regulations of Sections ~~62-40~~ 62-50 and 62-60.

62-133 Applicability of the Quality Housing Program

* * *

However, all other requirements of the Quality Housing Program set forth in Article II, Chapter 8 shall apply except that #developments# that provide a #shore public walkway#, in accordance with the requirements of Section 62-60 (~~DESIGN STANDARDS~~ REQUIREMENTS FOR THE WATERFRONT PUBLIC ACCESS AREAS), shall be deemed to have met the requirements for recreation space specified in Section 28-30 (RECREATION SPACE AND PLANTING AREAS). Also, for the purposes of Section 28-33 (Planting Areas), the boundary of an #upland connection# located within a private drive shall be considered a #street line#.

* * *

~~62-14~~ (moved to 62-74)

~~Requirements for Recordation~~

~~62-15~~

62-14

Integration of Waterfront Access Plans

Waterfront Access Plans shall be set forth in Section ~~62-80~~ 62-90 of this Chapter. Such plans shall supersede, supplement or modify certain provisions of this Chapter. Except as expressly stated otherwise in the plan, all provisions of this Chapter remain in effect in the area subject to such plan.

* * *

~~62-16~~ (moved to 62-80, revised)

~~Requirements for Applications~~

* * *

62-20

SPECIAL USE REGULATIONS

* * *

62-211

~~WD uses (Water-Dependent)~~

Water-Dependent (WD) uses

* * *

62-212

~~WE uses (Waterfront-enhancing)~~

Waterfront-Enhancing (WE) uses

* * *

From Use Group 4:

Community centers

Houses of worship

*Ice skating rinks, outdoor

*Non-commercial clubs, with restrictions

~~**#Public parks# or p~~ Playgrounds or private parks

Recreation centers, non-commercial

*Philanthropic or non-profit institutions without sleeping accommodations, excluding ambulatory diagnostic or treatment health care facilities listed in Use Group 4

Golf courses

*Tennis courts, outdoor

* * *

62-22

Commercial Docking Facilities

Commercial docking facilities are listed in Use Groups 6, 9, 10, 14 and 17 in Sections 32-10 and 42-10. Such #uses# are permitted as-of-right in all districts set forth in the Use Groups and are subject to the #accessory# off-street parking and passenger loading requirements of Sections ~~62-53~~ 62-43 and ~~62-562~~ 62-462 of this Chapter.

62-231

Rental of accessory berths to non-residents

* * *

(b) except in Manhattan Community Boards 1 through 8, an additional off-street parking space, in a location adjacent to the docking facility, or off-site in accordance with the provisions of Section ~~62-512~~ 62-412 (Accessory residential off-site parking), is provided for each berth or mooring so occupied;

* * *

62-24

Uses on Piers and Platforms

~~#Piers# and #platforms# shall be classified as either existing or new for the purposes of the #waterfront area# regulations. A #pier# or #platform# shall be classified as existing only if at least 75 percent of the surface of such pile-supported or solid-core structure is visible in the aerial photographs of New York City flown by Lockwood, Kessler and Bartlett in April 1988.~~

#Uses# on #existing #piers# or #existing #platforms# shall be subject to the provisions of Section 62-241. #Uses# on #new #piers# or #new #platforms# shall be subject to the provisions of Section 62-242.

62-241

Uses on existing piers and platforms

The #use# of an #existing #platform# may be continued or such #use# may be changed, #enlarged# or #extended# in accordance with the #use# regulations of the applicable district.

The #use# of an #existing #pier# may be continued or such #use# may be changed, #enlarged# or #extended# in accordance with the #use# regulations of the applicable district provided that any #use# within a #building or other structure# on the #pier# meets one of the following requirements:

* * *

Any #use# on an #existing #pier# not permitted by the foregoing provisions of this Section shall only be allowed by special permit of the City Planning Commission pursuant to Section ~~62-734~~ 62-834 (Developments on piers or platforms).

62-242

Uses on new piers and platforms

#New #piers# and #new #platforms# shall be limited to WD #uses# or to the following WE #uses#: ~~#public parks# or playgrounds~~ or publicly accessible private parks. Conversions from these #uses# to any other WE #use# are permitted only by special permit, pursuant to Section ~~62-734~~ 62-834 (Developments on piers or platforms).

62-25

Uses on Floating Structures

* * *

- (b) Other #uses# shall be permitted on #floating structures# only by special permit pursuant to Section ~~62-733~~ 62-833.

* * *

**62-26
Special Use Regulations for Public Parking Facilities**

* * *

In C8 Districts and #Manufacturing Districts#, public parking facilities shall be permitted in accordance with the applicable district regulations. In other districts, public parking facilities shall be permitted within #waterfront blocks# only by special permit pursuant to Section ~~62-735~~ 62-835. The requirement for such special permit shall be in addition to any special permit or authorization requirements of the applicable district.

**62-27
Special Use Regulations for ~~Public Parks, Playgrounds or~~ Private Parks**

~~#Public parks#, p~~Playgrounds and private parks shall be a permitted #use# in M2 and M3 Districts within the #waterfront area# in Community Districts 1, 2 and 4 in the Borough of Manhattan.

* * *

**62-29
Special Use Regulations for ~~Waterfront Access Plan BK-1~~
Special Use Regulations in R6, R7, R8, R9 and R10 Districts**

All Use Group ~~6 and 9~~ #uses# delineated in Section ~~62-212~~ (Waterfront enhancing uses) not otherwise permitted, shall be a permitted #uses# on any parcel identified in Waterfront Access Plan ~~BK-1~~, provided that:

- (a) ~~such #use# is limited to not more than 10,000 square feet of #floor area# per establishment;~~
- (b) ~~the total amount of #floor area# used for such #uses# does not exceed two percent of the total amount of #floor area# permitted on such parcel; and~~
- (c) ~~such #uses# are located below the level of the first #story# ceiling of a #building# or are located on a #pier# or #platform#.~~

~~Additionally, docks for water taxis and docks or mooring facilities for non-commercial pleasure boats (Use Group 6) shall be a permitted #uses# on any parcel identified in Waterfront Access Plan BK-1.~~

R6 R7 R8 R9 R10

In the districts indicated, any Use Group 6 or 9 #use#, listed in Section 62-212 (Waterfront-enhancing (WE) uses), shall be a permitted #use# anywhere on the #zoning lot#, provided such #zoning lot# is partially located within a #Commercial District#, and further provided that:

- (a) such #uses# have a public entrance fronting on a #waterfront public access area# or a #street# that provides public access to a #shore public walkway#;
- (b) such #uses# are limited to not more than 10,000 square feet of #floor area# per establishment;
- (c) the total amount of #floor area# used for such #uses# does not exceed two percent of the total amount of #floor area# permitted on such #zoning lot#; and
- (d) such #uses# are located below the level of the first #story# ceiling of a #building#, on a #pier# or #platform#, or in a kiosk within a #waterfront public access area# in accordance with the provisions for kiosks set forth in paragraph (e) of Section 62-611 (Permitted obstructions).

62-291
Special Provisions in Waterfront Access Plan BK-1

Docks for water taxis and docks or mooring facilities for non-commercial pleasure boats, listed in Section 32-15 (Use Group 6), shall be permitted #uses# on any parcel identified in Waterfront Access Plan BK-1.

62-30
SPECIAL BULK REGULATIONS

* * *

Modification of the #bulk# regulations of Sections 62-31, 62-32, 62-33 or 62-341 shall only be allowed by authorization or special permit of the City Planning Commission pursuant to Sections ~~62-736~~ 62-836, 74-711, 74-74, 74-79, 78-00 or 79-00.

* * *

62-31
Bulk Computations on Waterfront Zoning Lots

On #waterfront zoning lots#, the areas of the #upland lot# and the #seaward lot# shall be computed separately.

(a) Upland lot

All #bulk# regulations pertaining to the #upland lot# shall be satisfied entirely on such portion of the #zoning lot#. All #floor area#, #dwelling units# or #rooming units# generated by such portion shall be located within the #upland lot# and all #lot coverage# computations shall be based solely on the area of the #upland lot#.

(b) Seaward lot

Within the #seaward lot#, only the #water coverage# of #piers# or #platforms# that are structurally sound and physically accessible directly from the shore, with a surface that is capable of lawful occupancy, shall be deemed to be #lot area# for the purposes of determining allowable #floor area#, #dwelling units# or #rooming units# ~~on such structures~~, or to satisfy any other #bulk# regulations, unless expressly stated otherwise. In no event shall the #water coverage# of a #building or other structure# projecting over the water from a #pier# or #platform# be included in #lot area#. #Lot coverage# provisions shall not apply to the #seaward lot#.

Except where all #piers#, #platforms# or #floating structures# are occupied #predominantly# by WD #uses#, the maximum #water coverage# permitted on a #zoning lot# shall not exceed 50 percent and the #water coverage# of an #existing #pier# or #platform# may not be increased by more than ten percent.

~~(b)~~(c) Special provisions for bulk distribution

#Floor area#, #dwelling units# or #rooming units# generated by #existing #piers# or #platforms# within the #seaward lot# may be located anywhere on the #zoning lot# provided the amount on the #upland lot# does not exceed the maximum for the district on such portion of the #zoning lot# by more than 20 percent. No #bulk# distribution from the #seaward lot# shall be permitted for #new #piers# or #platforms#, except within Waterfront Access Plan BK-1. Such #bulk# distribution shall be permitted for new portions of #piers# located within Waterfront Access Plan BK-1, provided that such new portion of the #pier# is accessed from a portion of an #existing #pier# containing not less than 25 percent of the #water coverage# of such #existing #pier# and that the #water coverage# of the new and existing portions of the #pier# does not exceed the #water coverage# of the #existing #pier#.

* * *

**62-33
Special Yard Regulations on Waterfront Blocks**

#Yard# regulations for #zoning lots# within #waterfront blocks# shall be governed by the provisions of this Section. For #developments# containing WD #uses# or, in C8 or #Manufacturing Districts#, #developments# comprised predominantly of #uses# in Use Groups 16, 17 or 18, or for #developments# on #zoning lots# that are not #waterfront zoning lots#, #yards# shall be provided in accordance with the applicable district regulations. For all other #developments#, #yards# shall be provided in accordance with the provisions of Sections 62-331 (Front yards and side yards) and 62-332 (Rear yards and waterfront yards), except that no #yard# regulations shall be applicable on #piers# or #floating structures# nor may #piers# or #floating structures# be used to satisfy any #yard# requirements.

* * *

62-332 Rear yards and waterfront yards

* * *

No #building or other structure# shall be erected above the lowest level of a #waterfront yard#. Permitted obstructions in #waterfront yards# in all districts shall ~~be limited to those allowed for public access areas located~~ include improvements within such #waterfront yards public access areas,# or for #rear yards# and permitted obstructions as listed in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), except that ~~the following #rear yard# obstructions shall not be permitted~~ enclosed #accessory# off-street parking spaces and walls exceeding four feet in height shall not be permitted:

In addition, the following #rear yard# obstructions shall not be permitted except when #accessory# to #single-# or #two-family residences# in #detached#, #semi-detached# or #zero lot line buildings# ~~the following #rear yard# obstructions shall not be permitted:~~

- ~~*-Balconies, unenclosed;~~
- ~~*-Greenhouses, non-commercial, #accessory#;~~
- ~~*-Parking spaces, off-street, open ~~or enclosed~~, #accessory#;~~
- ~~*-Swimming pools, #accessory#;~~
- ~~*-Terraces or porches, open-;~~
- ~~Walls, exceeding four feet in height.~~

~~* — except when #accessory# to #single # or #two family residences# in #detached#, #semi-detached# or #zero lot line buildings#. Only open #accessory# off-street parking spaces shall be permitted.~~

* * *

**62-34
Height and Setback Regulations on Waterfront Blocks**

* * *

**62-341
Developments on land and platforms**

* * *

- (a) For the purposes of applying the height and setback regulations of this Section, the following provisions shall apply:

* * *

- (2) #Initial setback distance#

For the purposes of paragraph (c) of this Section, an #initial setback distance# shall be a horizontal distance measured for a depth of 15 feet from a #narrow street line# and ten feet from a #wide street line#. However, an #initial setback distance# shall have a depth of 30 feet from the boundary of a #shore public walkway#. Wherever a #supplemental public access area# is provided as a widened #shore public walkway#, such widened area shall be included in the #initial setback distance#.

* * *

- (4) Permitted obstructions

* * *

- (ii) ~~A penthouse portion of a #building or other structure# shall be permitted to exceed a maximum building height specified in Table A of this Section only if the gross area of any #story# within such portion located either partially or wholly above such height does not exceed 80 percent of the gross area of the #story# directly below. No such portion of a #building or other structure# shall exceed the maximum building height in Table A by more than 40 feet.~~

A penthouse portion of a #building# shall be permitted to exceed the applicable maximum building height, specified in Table A of this Section, by not more than 40 feet, only if the gross area of any #story# within such portion has a #lot coverage# of at least 50 percent and not more than 85 percent of the highest #story# that is located entirely below the maximum

building height. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the penthouse portion, where at least one setback on each face has a depth of at least four feet and a width that, individually or in the aggregate, is equal to at least ten percent of the width of such respective face. For the purposes of this paragraph, (a)(4)(ii), the penthouse portion shall have four faces, with each face being the side of the rectangle within which the outermost walls of the highest #story# located entirely below the maximum building height have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each penthouse portion face. Required setback areas may overlap.

* * *

(b) Lower Density Districts

* * *

(c) Medium and High Density Non-Contextual Districts

R6 R7 R8 R9 R10

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C4-2 C4-3 C4-4 C4-5 C4-6 C4-7 C5 C6 C7 C8-2
C8-3 C8-4

M1-2 M1-3 M1-4 M1-5 M1-6 M2 M3

Except for medium and high density contextual districts listed in paragraph (d) of this Section, in the districts indicated, and in C1 and C2 Districts mapped within such #Residence Districts#, the height and setback regulations of Sections 23-60, 24-50, 33-40, 35-24 and 43-40 shall not apply. In lieu thereof, the height and setback regulations set forth in this Section shall apply.

* * *

(5) ~~Additional setback provisions for high #buildings#~~

~~A setback is required for all #buildings# that exceed a height of 150 feet. Such setback may be provided in any manner, provided any #story# of a #building# located entirely above a height of 150 feet does not exceed 85 percent of the gross area of the highest #story# of the same #building# located entirely below a height of 150 feet. Such setback areas may be penetrated by dormers provided that the setback is at least six feet in depth and extends across the entire face of the #building#. On any building face, the aggregate length of all dormers at a height of 150 feet shall not exceed 60 percent of the length of the building face at such level. At any higher level, the length of a dormer shall be decreased by one percent for every foot that such level of dormer exceeds 150 feet.~~

(65) Maximum length of walls facing #shoreline#

* * *

(76) Ground floor streetscape provisions

For the purposes of this Section, “ground floor level” shall mean the floor of a #building#, the level of which is located within five feet of the finished level of the adjacent sidewalk.

~~At least 50 percent of the frontage length of any #street wall# facing and within 50 feet of a #shore public walkway#, #upland connection#, #supplemental public access area#, #waterfront public access area# or public #street# shall be occupied by #floor area# at the ground floor level. This provision shall not apply to any such #street wall# less than 50 feet in length.~~

For #street walls# that are more than 50 feet in length and within 50 feet of a #waterfront public access area# or #street#, the following rules shall apply:

(i) at least 50 percent of the length of such #street walls# shall be occupied by floor area at the ground floor level, and

(ii) where such #street walls# do not contain windows with sill levels lower than four feet above the adjacent sidewalk for a continuous distance of at least 30 feet, such #street walls# shall be articulated with rustication or decorative grills, or screened with plant material, to a minimum height of four feet.

Parking garages that occupy the ground floor frontage along any #street# or private drive which is also an #upland connection# shall be screened in accordance with the planting requirements of paragraph (a)(7)(iii) of Section 62-675-62-655.

* * *

62-342

Developments on piers

* * *

(b) Building length and spacing regulations on #piers#

* * *

Permitted obstructions above the #base plane# within such required open areas between #buildings or other structures# shall be limited to those allowed above the lowest level of

a #visual corridor# pursuant to Section ~~62-642~~ 62-513 (~~Design requirements for Permitted obstructions in~~ visual corridors), except that free-standing #accessory buildings or other structures# shall also be permitted provided they do not exceed a height of 30 feet and a total area, in aggregate, of 900 square feet. A minimum spacing of 15 feet shall be provided between such #accessory buildings or other structures# and any other #building or other structure# on the #pier#.

(c) Modification of #pier bulk# regulations

Modification of the regulations of this Section involving the height and setback or length and spacing of #buildings or other structures# on #piers# shall only be allowed by special permit of the City Planning Commission pursuant to Section ~~62-734~~ 62-834 (Developments on piers and platforms), Section 74-711 (Landmark preservation in all districts) or Section 74-79 (Transfer of Development Rights from Landmark Sites).

62-343
Developments on floating structures

* * *

#Developments# permitted as-of-right pursuant to Section 62-25 shall not exceed a height of 23 feet. #Developments# on #floating structures# pursuant to the special permit provisions of Section ~~62-733~~ 62-833 shall not exceed the height limits set forth in Column A of the following table except for navigational vessels being converted to #floating structures# in accordance with such special permit provisions. Converted vessels shall be subject to the height limits set forth in Column B of the following table.

* * *

62-35
Special Bulk Regulations in Certain Areas Within Community District 1, Brooklyn

* * *

62-353
Special floor area, lot coverage and residential density distribution regulations

Within any parcel identified in Section ~~62-831~~ 62-931 (Waterfront Access Plan BK1: Greenpoint-Williamsburg), and with respect to any such parcels that are adjacent to each other and that are under single-fee ownership and with respect to which each party having any interest therein is a party in interest (as defined in paragraph (e) of the definition of a #zoning lot# in Section 12-10) or with respect to which each party in interest (as defined in paragraph (f)(4) of the definition of a #zoning lot# in Section 12-10) has executed a declaration declaring that the properties are to be developed as a single parcel or has waived its right to execute such declaration, the total #lot coverage# permitted pursuant to Section 62-322, the total #floor area#

permitted pursuant to Sections 62-351 or 62-352 and the residential density permitted pursuant to Section 23-22, may be located anywhere within such parcel or between such parcels without regard to #zoning lot lines# or district boundaries provided that such location of #floor area#, #lot coverage# or #residential# density complies with Sections 62-31 (Bulk Computations on Waterfront Lots) and 62-34 (Height and Setback Regulations on Waterfront Blocks), as modified by Section 62-354 (Special height and setback regulations).

62-354 Special height and setback regulations

Within Waterfront Access Plan BK-1, the provisions of Section 62-341 (Developments on land and platforms) are modified as follows:

* * *

- (b) Paragraph (c)(2) (Maximum building height) shall not apply. In lieu thereof, the provisions of this paragraph, (b), shall apply:
- (1) The maximum building height in an R6 District shall be 65 feet or six #stories#, whichever is less, within 100 feet of Commercial Street, West Street, Dupont Street, Franklin Street and Kent Avenue. Beyond 100 feet of such #streets# and any other portions of an R6 District, the maximum building height shall be 110 feet. In R8 Districts, the maximum building height shall be 190 feet, except that for #zoning lots developed# with multiple #buildings# or portions of #buildings# that exceed a height of 180 feet, not more than half of such #buildings# or portions of #buildings# may exceed a height of 190 feet, to a maximum building height of 290 feet. Such maximum building heights of 110 feet, 190 feet and 290 feet may be exceeded by a penthouse portion of a #building#, pursuant to the provisions of paragraph (b)(3) of this Section. ~~, provided any #story# of a #building# within such penthouse portion does not exceed 85 percent of the gross area of the highest #story# of the same #building# entirely below a height of 110 feet, 190 feet or 290 feet, as applicable, and the maximum height of such penthouse portion does not exceed 40 feet.~~
 - (2) For #developments# that provide #lower income housing# pursuant to Section 62-352 (Inclusionary ~~h~~Housing), the increased #floor area# permitted for such #developments# may exceed the height limits of an R8 District set forth in paragraph (b) of this Section, provided that the maximum building height shall be 260 feet, except that for #zoning lots developed# with multiple #buildings# or portions of #buildings# that exceed a height of 200 feet, not more than half of such #buildings# or portions of #buildings# may exceed a height of 260 feet to a maximum building height of 360 feet. Such maximum building heights of 260 feet and 360 feet may be exceeded by a penthouse portion of a #building#, pursuant to the provisions of paragraph (b)(3) of this Section. ~~provided any~~

~~#story# of a #building# within such penthouse portion does not exceed 85 percent of the gross area of the highest #story# of the same #building# entirely below a height of 260 feet or 360 feet, as applicable, and the maximum height of such penthouse portion does not exceed 40 feet.~~

- (3) The maximum building height may be exceeded by a penthouse portion of a #building# with a height of not more than 40 feet, only if the gross area of any #story# within such portion has a #lot coverage# of at least 50 percent and not more than 85 percent of the highest #story# that is located entirely below the applicable maximum building height. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the penthouse portion, where at least one setback on each face has a depth of at least four feet and a width that, individually or in the aggregate, is equal to at least ten percent of the width of such respective face. For the purposes of this paragraphs (b)(1) and (b)(2) of this Section, the penthouse portion shall have four faces, with each face being the side of the rectangle within which the outermost walls of the highest #story# located entirely below the maximum building height have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each penthouse portion face. Required setback areas may overlap.

- (c) Paragraphs- (c)(3) (#Floor area# distribution) and (e)(5) (~~Additional setback provisions for high #buildings#~~) shall not apply.

* * *

N.B. Section 62-40 (REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AND VISUAL CORRIDORS, et seq.,) has been revised and renumbered as 62-50. Section 62-50 (SPECIAL PARKING AND LOADING REGULATIONS) has been renumbered as 62-40, et seq.

~~62-50~~ 62-40

SPECIAL PARKING AND LOADING REGULATIONS

~~62-51~~ 62-41

Special Regulations for Accessory Residential Parking

The applicable district regulations pertaining to permitted or required off-street parking facilities #accessory# to #residential uses# shall apply to all #developments# on #waterfront blocks# except as modified in this Section or in Section ~~62-55~~ 62-45 (Supplementary Regulations for All Parking Facilities).

~~62-511~~ 62-411

Accessory residential roof parking

* * *

- (c) trees are provided in accordance with Section ~~62-675~~ 62-655 (Planting and trees) at the rate of one tree for each ten parking spaces for parking areas at grade;

* * *

~~62-512~~ 62-412

Accessory residential off-site parking

* * *

- (e) in #Residence Districts#, no parking spaces are located within a required #front yard# or within four feet of any #lot line#. #Front yards# shall be planted and screening shall be provided along any #lot lines# in accordance with Section ~~62-675~~ 62-655 (Planting and trees);

* * *

- (g) in all districts, trees shall be provided in accordance with Section ~~62-675~~ 62-655 at the rate of one tree for each ten parking spaces for on-site facilities within a #waterfront block#.

~~62-413~~ (*Delete entire Section*)

~~Public access requirements for floating structures~~

* * *

~~62-414~~ (*Delete entire Section*)

~~Requirements for upland connections~~

* * *

~~62-415~~ (*Delete entire Section*)

~~Requirements for supplemental public access areas~~

* * *

~~62-416~~ (*Delete entire Section*)

~~Special regulations for zoning lots that include parks~~

* * *

~~62-52~~ 62-42

Special Regulations for Accessory Non-Residential Parking Facilities

The applicable district regulations pertaining to permitted or required off-street parking facilities ~~#accessory#~~ to non-~~#residential uses#~~ shall apply to all ~~#developments#~~ on ~~#waterfront blocks#~~ except as modified in this Section or in Section ~~62-55~~ 62-45.

~~62-521~~ 62-421

Accessory non-residential roof parking

On ~~#waterfront blocks#~~, parking spaces ~~#accessory#~~ to non-~~#residential uses#~~ may be located on the roof of a non-~~#residential building#~~ or a non-~~#residential#~~ portion of a ~~#building#~~ containing ~~#residential use#~~ provided that they comply with Section ~~62-511~~ 62-411 (Accessory residential roof parking) paragraphs (a) through (e).

~~62-522~~ 62-422

Accessory non-residential off-site parking

* * *

~~62-53~~ 62-43

Parking Requirements for Commercial Docking Facilities

* * *

In addition, passenger drop-off and pick-up areas shall be provided as set forth in Section ~~62-562~~ 62-462.

~~#Accessory#~~ off-street parking or drop-off/pick-up area requirements for docking facilities serving ferries or sightseeing, excursion or sport fishing vessels may be modified by City Planning Commission authorization pursuant to the provisions of Section ~~62-721~~ 62-821.

* * *

~~62-54~~ 62-44

Parking and Loading Requirements for Floating Structures

* * *

62-55 62-45

Supplementary Regulations for All Parking Facilities

* * *

62-551 62-451

Parking spaces on floating structures

No #accessory# parking spaces shall be located on a #floating structure# except in conjunction with a special permit pursuant to Section ~~62-733~~ 62-833 (Uses on floating structures).

* * *

62-552 62-452

Off-site parking in public parking facilities

* * *

62-553 62-453

Screening requirements for parking facilities on waterfront blocks

- (a) ~~All open parking areas on #waterfront blocks# shall be screened from all adjoining #zoning lots#, and from any public access area on the #zoning lot# pursuant to Section 62-675 (Planting and trees). Open parking areas shall also be screened from all #zoning lots# situated across a #street# pursuant to Section 62-675, except where the provisions of Section 37-921 (Perimeter landscaping) apply. Open parking areas on #waterfront blocks# shall be screened from all adjoining #zoning lots# pursuant to Section 62-655 (Planting and trees), paragraph (a)(7)(iii), or from a #street# or an #upland connection# pursuant to Section 37-921 (Perimeter landscaping). Screening may be interrupted only by vehicular or pedestrian entrances.~~
- (b) All parking garages that occupy the ground floor frontage along any #street# or ~~private drive which is also an~~ #upland connection# shall be screened in accordance with the planting requirements of Section ~~62-675~~ 62-655.

* * *

62-56 62-46

Supplementary Regulations for Loading Facilities

* * *

~~62-561~~ 62-461

Screening requirements for loading facilities on waterfront blocks

All open off-street loading berths on #waterfront blocks# shall be screened from all adjoining #zoning lots#, including such #zoning lots# situated across a #street# and from all public access areas on the #zoning lot# pursuant to Section ~~62-675~~ 62-655 (Planting and trees). Screening may be interrupted only by vehicular or pedestrian entrances.

* * *

~~62-562~~ 62-462

Passenger drop-off and pick-up areas for docking facilities

* * *

~~62-57~~ 62-47

Special Parking and Loading Regulations for Waterfront Access Plan BK-1

Within Waterfront Access Plan BK-1, the special parking and loading regulations of this Section are further modified as follows:

- (a) The provisions of Sections ~~62-511~~ 62-411 and ~~62-521~~ 62-421 shall not be applicable.

* * *

N.B. Section 62-50 (SPECIAL PARKING AND LOADING REGULATIONS) et seq. has been renumbered as 62-40, et seq.; Section 62-40 (REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AND VISUAL CORRIDORS), et seq., has been revised and renumbered as 62-50, et seq.:

~~62-40~~ 62-50 (modified)

GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS AND VISUAL CORRIDORS

All #developments# on #zoning lots# within #waterfront blocks# shall be subject to the provisions of this Section and ~~the review provisions of Section 62-71~~ 62-81 (Certifications by the Chairperson of the City Planning ~~Certifications~~ Commission).

For the purpose of determining requirements for ~~waterfront public access areas~~, pursuant to Section 62-41 or ~~visual corridors~~ pursuant to Section 62-42, the ~~lot area~~ of ~~waterfront zoning lots~~ shall be deemed to be the area of the ~~upland lot~~ and ~~water coverage~~ of ~~structurally sound piers~~ and ~~platforms~~ within the ~~seaward lot~~.

All ~~waterfront public access areas~~ and ~~visual corridors~~, including those required pursuant to paragraph (b) of Section 62-51 (Applicability of Waterfront Public Access Area Requirements), shall comply with the provisions of 62-60 (DESIGN STANDARDS REQUIREMENTS FOR THE WATERFRONT PUBLIC ACCESS AREAS), except as modified by:

- (a) authorization of the City Planning Commission, pursuant to Section 62-822 (Modification of waterfront public access area and visual corridor requirements);
- (b) special permit of the City Planning Commission, pursuant to Sections 62-833 (Uses on floating structures), 62-834 (Developments on piers and platforms) or 74-79 (Transfer of Development Rights from Landmark Sites); or
- (c) the establishment of a Waterfront Access Plan, pursuant to Section 62-90.

(portions of following text moved to 62-52(b))

- a) ~~as set forth otherwise in Section 62-415, paragraph (b), for public access areas in conjunction with developments that are:~~
 - (1) ~~comprised predominantly of the following WD uses: docks for non-commercial pleasure boats, ferries, sightseeing, excursion or sport fishing vessels; boats; or commercial beaches; or~~
 - (2) ~~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, and which involve, in aggregate, an amount of floor area less than 30 percent of the maximum floor area permitted on the zoning lot for either commercial or residential use, whichever is greater; or~~
 - (4) ~~commercial developments comprising, in aggregate, a floor area ratio of less than 1.0 in M1 Districts; or~~

(b) ~~However, the design of~~ portions of ~~waterfront public access areas~~ located within New York State-designated wetlands or their adjacent regulated areas, ~~where the design of such portions~~ shall be in accordance with an approval from the New York State Department of Environmental Conservation; ~~or~~

(c) ~~as set forth otherwise in a Waterfront Access Plan in Section 62-80.~~

In the event of a conflict between the provisions of this Section and a Waterfront Access Plan, the Plan shall control.

~~62-42~~ 62-51

Requirements for Applicability of Visual Corridors Requirements

* * *

In the event the #visual corridor# requirement imposed on the #zoning lot# exceeds 50 percent of the #lot width#, or there is no way to provide a #visual corridor# in compliance with Section ~~62-424~~ 62-511, no #visual corridors# shall be required.

* * *

~~62-424~~ 62-511

Location of visual corridors

* * *

~~62-422~~ 62-512

Dimensions of visual corridors

* * *

No obstructions are permitted within a #visual corridor#, except as set forth in Sections 62-513 and 62-60 (DESIGN REQUIREMENTS STANDARDS FOR THE WATERFRONT PUBLIC ACCESS AREAS), inclusive, when a #visual corridor# coincides with an #upland connection#.

* * *

~~62-642~~ 62-513 (modified)

Design requirements for Permitted obstructions in visual corridors

The requirements of this Section shall apply to all #visual corridors#. ~~When a #visual corridor# coincides with an #upland connection#, the provisions of Section ~~62-641~~ (Design requirements for upland connections) shall also apply.~~

No #building or other structure# shall be erected within the width of a #visual corridor# above its lowest level, as established pursuant to Section ~~62-492~~ 62-512 (Dimensions of visual corridors), except as provided in this Section. Permitted obstructions within #visual corridors# in all districts

shall be limited to those allowed for #waterfront yards# listed in Section 62-332, except that the following obstructions shall also be permitted:

- (a) boats, ships or other vessels, and #floating structures# permitted ~~as of right~~ by paragraph (a) of Section 62-25;
- (b) any moving or parked vehicles or street furniture, including but not limited to, benches, seats, kiosks, carts and open display booths, lighting fixtures, flagpoles, trash receptacles, drinking fountains and public telephones;
- (c) guardrails and fences and other protective barriers, provided they comply with the design standards of Section ~~62-671~~ 62-651, ~~except that fences may be eight feet high~~;
- (d) planting areas, provided that no shade trees are planted within a ~~15-30~~ 15 foot wide area, with 15 feet of such area located along both each sides of the centerline of the #visual corridor#, except that shade trees shall be a permitted obstruction when provided within an open surface parking lot; and
- (e) swimming pools, provided no portion projects more than 18 inches above the lowest level of a #visual corridor#.

~~62-41~~ 62-52 (modified)

Requirements for Applicability of Waterfront Public Access Area Requirements

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

- Section 62-53 Requirements for Shore Public Walkways
- Section 62-54 Requirements for Public Access on Piers
- Section 62-55 Requirements for Public Access on Floating Structures
- Section 62-56 Requirements for Upland Connections
- Section 62-57 Requirements for Supplemental Public Access Areas.

However, #developments# listed in paragraph (a) of this Section shall be exempted from #waterfront public access area# requirements; #developments# listed in paragraph (b) of this Section shall provide a #waterfront public access area# only as referenced therein.

- (a) The following shall be exempted from #waterfront public access area# requirements:

airports, heliports and seaplane bases;

#developments# comprising #predominantly# WD #uses#, except for the following #uses# as provided for in Section ~~62-415~~, paragraph (b): docks for non-commercial

~~pleasure boats; ferries; sightseeing, excursion or sport fishing vessels; #boatels#; or commercial beaches;~~

#developments# comprised of #predominantly# WD #uses#, except as set forth in paragraph (b)(1) of this Section;

~~#developments# in C8 or #Manufacturing Districts# comprising #predominantly uses# in Use Groups 16, 17 or 18, except for docks serving sightseeing, excursion or sport fishing vessels as provided for in Section 62-415, paragraph (b);~~

#developments# in C8 or #Manufacturing Districts#, comprised of #predominantly# Use Group 16, 17 or 18 #uses#, as listed in Article III, Chapter 2, and Article IV, Chapter 2, except as set forth in paragraph (b)(2) of this Section;

#developments# in R1 or R2 Districts;

#developments# comprised ~~ing~~ of #single-# or #two-family residences# within #detached#, #semi-detached# or #zero lot line buildings#, in any district;

~~#developments# comprising #predominantly residential use# in R3, R4, R5, C3 or C4-1 Districts and in C1 or C2 Districts mapped within R1 through R5 Districts;~~

#developments# in R3, R4, R5, C3 or C4-1 Districts and in C1 or C2 Districts mapped within R1 through R5 Districts, comprised of #predominantly residential uses#;

~~#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, which shall be subject only to the provisions of Section 62-415, paragraph (b);~~

#enlargements# which in aggregate involve an increase in #floor area# (or for open #uses#, #lot area#) of less than 50 percent of the amount existing on October 25, 1993, and not more than 20,000 square feet;

#extensions# which in aggregate involve an increase in the amount of #floor area# occupied by such existing #uses# of less than 50 percent of the amount existing on October 25, 1993, and not more than 20,000 square feet;

changes of #use#, ~~provided that if such changes involve changes~~ from exempt #uses#, as listed in this Section, to non-exempt #uses#, where the aggregate amount of #floor area# or #lot area# involved is less than 50 percent of the amount existing on October 25, 1993, and not more than 20,000 square feet.

~~changes of #use# or #extensions# that exceed the 50 percent or 20,000 square foot threshold above, but are within #buildings# existing on October 25, 1993, and which~~

involve, in aggregate, an amount of #floor area# less than 30 percent of the maximum #floor area# permitted on the #zoning lot# for either #commercial# or #residential use#, whichever is greater. Such changes of #use# or #extensions# shall be subject only to the provisions of Section 62-415, paragraph (b); and

commercial #developments# comprising, in aggregate, a #floor area ratio# of less than 1.0 in M1 Districts. Such #developments# shall be subject only to the provisions of Section 62-415, paragraph (b).

(from 62-40(a), modified)

(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.

~~62-411~~ 62-53 *(modified)*

Requirements for sShore public wWalkways

(a) ~~Except for #developments# subject to the provisions of Section 62-415, paragraph (b), all #developments# on #waterfront zoning lots# meeting the criteria set forth in the following table or on #floating structures# shall provide a #shore public walkway# along the entire length of the #shoreline#, including the water edge perimeter of a #platform# projecting from a portion of the #shoreline#. Such #shore public walkway# shall be:~~

All #developments# on #waterfront zoning lots# meeting the criteria set forth in Section 62-52 (Applicability of Waterfront Public Access Area Requirements), or for #floating structures#, shall provide a #shore public walkway#, which shall comply with the following requirements:

(1) ~~located along the~~ Such #shore public walkway# shall have a seaward edge contiguous with the seaward edge of the #waterfront yard# as established in

Section 62-332 (Rear yards and waterfront yards), with a minimum width measured from such edge as set forth in ~~the following table~~ paragraph (a)(2) of this Section, or for ~~floating structures~~, as set forth in Section ~~62-413-62-55~~, unless relocation or modification of width is permitted pursuant to this Section ~~or Section 62-60 (DESIGN STANDARDS FOR THE WATERFRONT AREA)~~;

- (2) ~~permitted to be reduced in width on shallow portions of the #zoning lot# or narrow portions of #platforms# using the same method as set forth for #waterfront yards# in Section 62-332, except that a reduction shall be permitted below a 150 foot dimension in lieu of the dimensions set forth in Section 62-332, paragraphs (a) and (b). The reduction factor, in all cases, shall be one foot for each two feet that the dimension is less than 150 feet, provided no #shore public walkway# is reduced to less than ten feet; and~~

Such #shore public walkway# shall have a minimum width of 30 feet for #predominantly community facility# or #commercial uses# in R3, R4, R5 and C3 Districts, and in C1 and C2 Districts mapped within R1 through R5 Districts. The minimum width for a #shore public walkway# provided for a #development# in all other districts, other than R1 and R2 Districts, shall be 40 feet.

SHORE PUBLIC WALKWAY WIDTH

#Developments# in the Following Districts	#Zoning Lot# Threshold	Required #Shore Public Walkway# Width
In R3, R4, R5 Districts; C1 or C2 in R1 thru R5 Districts; and C3 Districts	#Lot area# of 10,000 sq. ft. and #shoreline# length of 100 ft	30 ft.
In all other Districts; (except R1 and R2)	#Lot area# of 10,000 sq. ft. and #shoreline# length of 100 ft	40 ft.

- (3) The minimum width of the #shore public walkway# set forth in paragraph (a)(2) of this Section may be reduced at the following locations provided no #shore public walkway# is reduced to less than 10 feet:
 - (i) on shallow portions of #zoning lots# that are less than 150 feet in depth, the minimum width of a #shore public walkway# may be reduced by one foot for every two feet that the lot dimension, measured from such edge, is less than 150 feet;

(ii) on narrow portions of #platforms# that are less than 150 feet in depth between the water edges located perpendicular to the landward edge of such #platform#, the minimum width of such #shore public walkway# along each opposite edge may be reduced by one foot for every two feet that the #platform# dimension is less than 150 feet.

(3) ~~at a level not higher than the level of the #waterfront yard#.~~

- (b) In the case of a natural #shoreline# within New York State-designated wetlands, the #shore public walkway# shall be permitted to be relocated using either of the following methods:
- (1) further landward within the designated wetlands or its adjacent regulated area, in accordance with an approval from the New York State Department of Environmental Conservation, in which case its width and design shall be determined by such agency; or
 - (2) immediately adjacent and contiguous to the landward boundary of the wetlands area and any State-regulated adjacent area at the same elevation, in which case its width shall be measured from the seaward edge, as relocated;
- (c) ~~#Shore public walkways# on a #zoning lot# shall be accessible from a public sidewalk within a public #street#, #public park# or other accessible open public place, in accordance with~~ according to the provisions of Section ~~62-414~~ 62-56 (Requirements for upland connections). ~~Such #Shore public walkways# shall also connect with #shore public walkways# on adjoining #zoning lots#.~~
- (d) Whenever a #zoning lot# is divided by a boundary between districts, each portion of the #shore public walkway# shall be governed by the width specified for the district in which it is located. However, the total area of required #shore public walkway#, in square feet, may be distributed anywhere in the #waterfront yard#, provided that the #shore public walkway# is at no point narrower than the lesser of the widths required by each district.

62-412 62-54 (modified)

Requirements for Public Access on Piers

- (a) All #developments# on #zoning lots# containing #piers# shall provide #waterfront public access areas# that meet in accordance with the provisions of this Section.

#Waterfront public access areas# on #piers# shall consist of the following:

- (a-1) ~~an area along the seaward edge of the #pier#, having a depth measured from such edge equal to 25 percent of the overall length of the #pier#. However, building projections into the required public access area are permitted provided that the aggregate width of all projections at the level of any #story# does not exceed 50~~

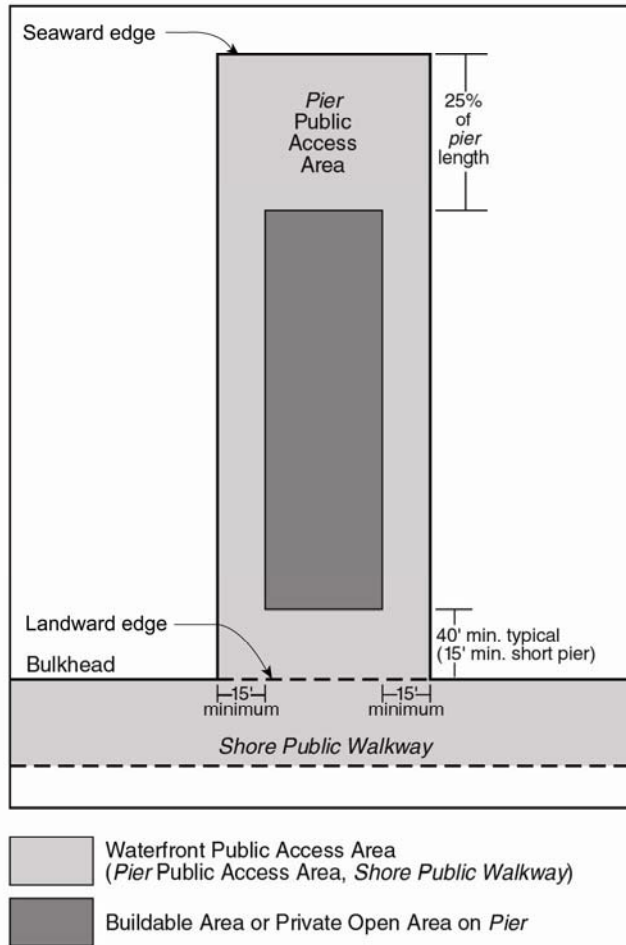
~~percent of the aggregate width of the #building#. Any such projection shall not reduce the depth of the required area by more than 20 percent and shall not be included in the computation of public access area provided on the #pier#. In no event shall the depth of the public access area be less than 15 feet; an area along the seaward edge of the #pier# having a depth measured from such seaward edge equal to at least 25 percent of the overall length of the #pier#. Portions of #buildings# may project into the required #waterfront public access area#, provided that the aggregate width of all such projections at the level of any #story# does not exceed 50 percent of the aggregate width of the #building#. The depth of the required #waterfront public access area# may be reduced by no more than 20 percent; such projections shall not be included in the computation of #waterfront public access area# provided on the #pier#. In no event shall the depth of the public access area be less than 15 feet;~~

(b-2) ~~an area along the landward portion of the #pier# having a depth of at least 40 feet, measured seaward from the bulkhead, stabilized or natural #shoreline#, or #platform# edge from which the #pier# projects. However, ~~the~~ the depth of such area, however, need not exceed 25 percent of the length of the #pier#. In no event shall the depth of such area be reduced to less than 15 feet; ~~and or~~~~

(e-3) ~~an area along all other water edges of the #pier#, having a depth of at least 15 feet measured from such edges. For portions of #piers# wider than 80 feet, the depth along the edges of such portion shall be increased by three inches for each additional foot of #pier# width over 80 feet, but need not exceed a total of 60 feet, in aggregate, for both all other edges. Such areas along water edges which are directly opposite each other may be aggregated so that the entire area is along one edge. Alternatively, the required area may also be allocated to such opposite edges so that the total aggregate depth is maintained with a minimum ~~40~~ 15 foot depth along any edge.~~

(b) Notwithstanding the ~~preceding~~ requirements of paragraph (a) of this Section, when a #pier# is #developed predominantly# with the following ~~WE #uses#~~: a #public park# or playground or private park, the #waterfront public access area# requirement on the #pier#, pursuant to Sections ~~62-41~~62-52 and Section 62-60 (DESIGN STANDARDS REQUIREMENTS FOR ~~THE~~ WATERFRONT PUBLIC ACCESS AREAS), inclusive, shall be deemed to be satisfied by such #use#.

~~#Pier# public access areas shall be directly accessible from a #shore public walkway#, #upland connection# #waterfront public access area#, public sidewalk within an open #street#, #public park# or other accessible public place, or other public access area. For those #pier# public access areas provided pursuant to the preceding paragraph #piers# #developed predominantly# with a playground or private park, the minimum width of such connection shall be equal to at least 50 percent of the width of the #pier# width where it projects from the bulkhead, stabilized or natural #shoreline# or #platform# edge.~~



PUBLIC ACCESS REQUIREMENTS ON FOR PIERS DEVELOPMENT
(new graphic –existing graphic deleted)

62-413 62-55

Public access rRequirements for pPublic aAccess on fFloating sStructures

All #developments# on #floating structures# permitted as-of-right, pursuant to Section 62-25, shall provide #waterfront public access areas# in accordance with the provisions of this Section. #Developments# subject to a special permit pursuant to Section ~~62-733~~ 62-833 shall provide public access in accordance with a plan established pursuant to such special permit.

- (a) Public access in conjunction with a #development # on a #floating structure# shall consist of a 30 foot wide #shore public walkway# along the entire length of the #shoreline#, including the water edge perimeter of a #platform# projecting from any portion of the #shoreline# in accordance with the provisions of Section ~~62-411~~ 62-53. In the event that

there is additional #development# on the #zoning lot# requiring a 40 foot width, the greater width shall be provided.

- (b) When the primary entrance to a #floating structure# is located on a #pier#, and there is no other #development# on the #pier# that would require #pier# public access, a 15 foot wide public access area shall be provided in addition to the #shore public walkway#, along the full length of one of the longer water edges of the #pier#. Such public access area shall be directly connected to the #shore public walkway#.

62-414 62-56

Requirements for #Upland eConnections

~~(a) All #waterfront public access areas# provided pursuant to Sections ~~62-411 62-53~~ (Requirements for #Shore pPublic w-Walkways), ~~62-412 62-54~~ (Requirements for #Public aAccess on #Piers) or ~~62-413 62-55~~ (Public access #Requirements for #Public aAccess on #Floating sStructures) shall be accessible from an open public #street#, #public park# or other public place at intervals along the #shore public walkway# not to exceed 600 feet by means of either:—a direct connection or, where no direct connection exists, an #upland connection# between the #shore public walkway# and an adjoining public sidewalk within an open public #street#, #public park# or other public place.~~

- ~~(1) — a direct connection between the public access area and an adjoining public sidewalk or other pedestrian area within a public #street#, #public park# or other public place; or~~
- ~~(2) — a publicly traversable way through the #zoning lot# or adjoining #zoning lots# directly connecting with a public sidewalk or other pedestrian area within a public #street#, #public park# or other public place.~~

~~(b) — #Upland connections# provided through a #zoning lot# shall meet the following requirements:~~

- ~~(1) — The required width of the connection shall be as set forth in Column A of the following table. Such width may be reduced on #zoning lots# having a #lot width# less than 150 feet by an amount equal to one foot for each two feet that the #lot width# is less than 150 feet. However, in no event shall the width be less than the minimum width specified in Column B of the table.~~

~~As an alternative, a private drive on the #zoning lot# may be used for all or a portion of an #upland connection#. For the purpose of computing the area of an #upland connection# within a private drive, the vehicular roadway shall be excluded.~~

- ~~(2) — Where there is an intervening #zoning lot# that would prevent compliance with paragraph (a) of this Section, the #upland connection# interval may be increased~~

to a greater distance. Such increase shall be the minimum necessary to clear the intervening #zoning lot#. In the event there is no way to provide the #upland connection# without encroaching on an intervening #zoning lot#, the #upland connection# shall not be required.

Where there is an intervening #zoning lot# that would prevent compliance with the maximum interval, such interval may be increased to the minimum necessary to clear the intervening #zoning lot#. In the event there is no way to provide the #upland connection# without encroaching on an intervening #zoning lot#, the #upland connection# shall not be required.

- (3) — ~~Where an #upland connection# traverses portions of a #zoning lot# located in districts in which different width requirements apply, in accordance with the following table, the width of the #upland connection# shall be computed as the weighted average based on the length of the #upland connection# in each district.~~

~~WIDTH REQUIREMENTS FOR UPLAND CONNECTIONS THROUGH ZONING LOTS~~

Districts	Column A Basic Minimum	Column B #Narrow Lot# Reduction Minimum
R3 R4 R5	20 ft.	12 ft.
C1, C2 mapped in R1 thru R5 Districts; C3 Districts	20 ft.	12 ft.
All other Districts (except R1 and R2)	30 ft.	16 ft.

62-561

Types of upland connections

#Upland connections# shall be provided as a single pedestrian walkway pursuant to paragraph (a) of this Section or as two pedestrian walkways pursuant to paragraph (b) of this Section.

- (a) Single pedestrian walkway (Type 1)

- (1) The minimum width of an #upland connection# provided in the form of a single pedestrian walkway (hereinafter referred to as “Type 1”) shall be as set forth in the table in this Section. Such widths shall be increased by 20 feet within 15 feet

of a #street#, #public park# or other public place, hereinafter referred to as an “entry area”.

Such widths may be reduced on #zoning lots# having a #lot width# less than 150 feet; the minimum width of a single pedestrian walkway may be reduced by an amount equal to one foot for each two feet that the lot is less than 150 feet. However, in no event shall the width be less than the reduced minimum width specified in the table.

(moved/modified from 62-56)

MINIMUM WIDTH FOR TYPE 1 UPLAND CONNECTIONS

<u>Districts</u>	<u>Minimum width (in feet)</u>	<u>Reduced minimum width (in feet)</u>
<u>R3 R4 R5 C1 C2 mapped in R1 thru R5 C3</u>	<u>20</u>	<u>12</u>
<u>R6 R7 R8 R9 R10 C1 C2 C4 C5 C6 C7 C8 M1 M2 M3</u>	<u>30</u>	<u>16</u>

(2) Where an #upland connection# does not coincide with a #visual corridor#, a 20 foot wide open area shall be required seaward of the “entry area”, and shall extend along the entire remaining length of the #upland connection# but need not be publicly accessible. This open area may be located on either side of the #upland connection# or aggregated in any combination, so that the total width of the open area, at any point along the #upland connection#, is 20 feet. Such increased widths may be modified in accordance with the reduced minimum width provisions in paragraph (a)(1) of this Section.

(3) Where an #upland connection# traverses portions of a #zoning lot# located in districts in which different width requirements apply, the width of the #upland connection# shall be computed as the weighted average based on the length of the #upland connection# in each district.

(b) Two pedestrian walkways (Type 2)

(1) The minimum width of an #upland connection# provided in the form of two pedestrian walkways, one on each side of the roadbed of a private driveway (hereinafter referred to as “Type 2”), shall be 13 feet for each such walkway.

However, where a private driveway terminates in a vehicular turn-around, the minimum width of the #upland connection# abutting such turn-around shall be ten feet.

- (2) In addition, a “transition area” shall be provided which shall have a width equal to the combined width of the Type 2 #upland connection# and the roadbed, and shall extend for a distance of 40 feet measured from the termination of such roadbed in the direction of the #shore public walkway#, as shown in Illustrations 1 and 2 in this Section, for roadbeds that turn and roadbeds that terminate in a turn-around, respectively.
- (3) Such “transition area” is not required for roadbeds that turn and are located within 15 feet of a #shore public walkway#, or for #waterfront zoning lots# that are less than 255 feet in depth and 260 feet in width. However, for #waterfront zoning lots# that are less than 255 feet in depth and 260 feet in width, an area of at least 10 feet in width shall be provided between the edge of the roadbed and the upland boundary of the #shore public walkway#, as shown in Illustration 3 of this Section.

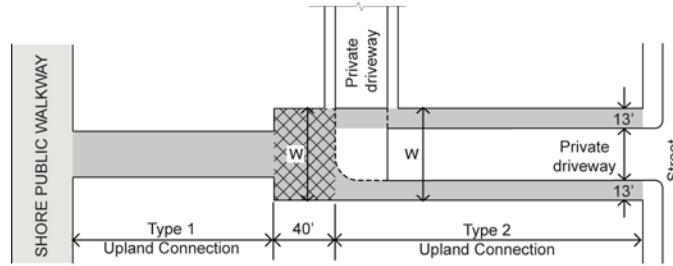


ILLUSTRATION 1: UPLAND CONNECTION WITH ROADBED TURN

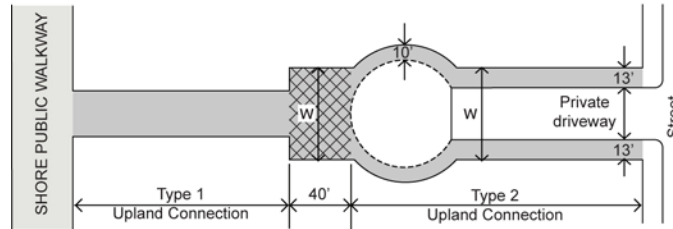


ILLUSTRATION 2: UPLAND CONNECTION WITH VEHICULAR TURN-AROUND

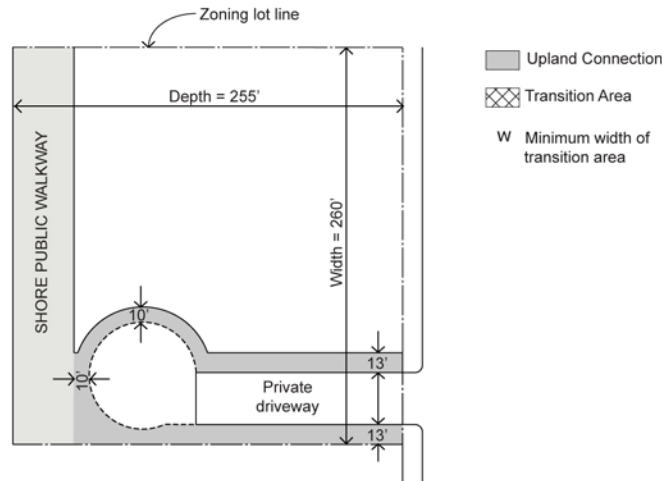


ILLUSTRATION 3: MAXIMUM ZONING LOT DIMENSIONS TO WAIVE TRANSITION AREA

62-415 62-57

Requirements for Supplemental Public Access Areas

- (a) If the aggregate area of the required shore public walkways, upland connections, public access areas on piers, and public access areas in conjunction with floating structures on the zoning lot, is less by 750 square feet or more than the amount of waterfront public access area required by the following table in this Section, then supplemental public access areas shall be provided in order to meet the total amount of waterfront public access area required by the table. However, when a zoning lot is developed predominantly with the following WE uses: a public park or as a playground or publicly accessible private park, the requirements of this Section shall be deemed to be satisfied by such use.

- (b) Where ~~supplemental public access areas~~ are required within New York State-designated wetlands or adjacent State-regulated areas, the area requirements and the design standards for such ~~supplemental public access areas~~ may be reduced or modified by the New York State Department of Environmental Conservation.

~~Supplemental public access areas~~ shall not be required where the total area of such designated wetlands and adjacent State-regulated areas on the ~~zoning lot~~ is equal to or greater than the total ~~supplemental public access area~~ requirement and the Department of Environmental Conservation determines that public access to such areas is not permitted.

(moved to 62-58)

- ~~(e) For ~~developments~~ listed in Section 62-40 paragraph (a)(1), on ~~zoning lots~~ containing a public access area established prior to October 25, 1993, by restrictive declaration, lease agreement, maintenance and operation agreement, or other agreement with a public entity, which public access area is required to be provided for a period not less than the anticipated life of the new ~~development~~, the requirement for public access shall be met if the established public access area is substantially in compliance with the provisions of the first paragraph of paragraph (b) of this Section.~~

- (~~dc~~) Whenever a ~~zoning lot~~ is divided by a boundary between districts in which different thresholds apply pursuant to the table in this Section, the ~~waterfront public access area~~ requirement shall be met for the entire ~~zoning lot~~, and if provided that:

- (1) the ~~lot area~~ or length of ~~shoreline~~ in either district is less than the minimum threshold for which there is a total ~~waterfront public access area~~ requirement; and
- (2) the total ~~lot area~~ or length of ~~shoreline~~ for the entire ~~zoning lot~~ is greater than the lowest threshold in either district for which there is a total ~~waterfront public access area~~ requirement; ~~then,~~

~~the waterfront public access area requirement shall be met for the entire ~~zoning lot~~. Each portion of the ~~zoning lot~~ shall generate a total waterfront public access area requirement based on the percentage of public access area required in the table for the district in which it is located. All public access areas on the ~~zoning lot~~, regardless of their location, may be used to satisfy the total requirement for the ~~zoning lot~~ and ~~supplemental public access areas~~ may be located anywhere on the ~~zoning lot~~ in accordance with the provisions of Section 62-60.~~

Each portion of the ~~zoning lot~~ shall generate a total ~~waterfront public access area~~ requirement based on the percentage required in the table for the district in which it is located.

WATERFRONT PUBLIC ACCESS AREA REQUIREMENTS

#Developments# in the Following Districts	#Zoning Lot# Threshold	Total #Waterfront Public Access Area# Requirement as a Percentage of #Lot Area#
In R3 R4 R5 Districts C1 or C2 in R1 through R5 Districts C3 C4-1 Districts	#Lot area#: of 10,000 <u>65,340</u> sq. ft. and #sShoreline# length: of 600 ft.	15
In R6 7-1 R7-2 R7A R7B R7D R8B Districts and in #Commercial Districts# governed by the #bulk# regulations of such #Residence Districts#.	#Lot area#: of 10,000 <u>20,000</u> sq. ft. and #sShoreline# length: of 100 ft.	15
In a All other #Commercial# or #Manufacturing Districts# with a permitted commercial FAR of 4.0 or less		
In o Other R7 R8 R9 and R10 Districts and in #Commercial Districts# governed by the #bulk# regulations of such #Residence Districts#.	#Lot area#: of 10,000 <u>20,000</u> sq. ft. and #sShoreline# length: of 100 ft.	20
In a All other #Commercial# or #Manufacturing Districts# with a permitted commercial FAR above 4.0		

A #supplemental public access area# shall also be subject to the provisions of Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas).

62-571

Location and area requirements for supplemental public access areas

#Supplemental public access areas# shall adjoin a #shore public walkway# in accordance with the requirements of this Section, except as modified by paragraphs (a) and (b) of Section 62-57, and the provisions of this Section:

- (a) The minimum area of the #supplemental public access area#:
 - (1) when located at the intersection of a #shore public walkway# and an #upland connection# or #street#, shall be 750 square feet, have a minimum width to depth ratio of 1:1 and a maximum width to depth ratio of 3:1. The longest side shall adjoin the #shore public walkway#; or
 - (2) when located adjoining a #shore public walkway# without adjoining an #upland connection# or #street#, shall be 1,875 square feet and have a minimum width to depth ratio of 3:1. The minimum depth perpendicular to the #shore public walkway#, as a weighted average, shall be 25 feet.

The width to depth requirements of paragraphs (a)(1) and (a)(2) of this Section may be satisfied with weighted average dimensions. The minimum angle between the two boundary lines of a #supplemental public access area# coinciding with the private portion of the #zoning lot# shall be 90 degrees.

- (b) A #supplemental public access area# may be provided:
 - (1) to widen the #shore public walkway#, with a minimum width of 10 feet running continuously along the #shore public walkway# between any two of the following: an #upland connection#, open #street#, #public park# or other public place;
 - (2) as a pedestrian sidewalk area abutting a roadbed running along the #shoreline#, provided such sidewalk has a minimum width of 13 feet and complies with the provisions for a Type 2 #upland connection# pursuant to Section 62-64. Any additional #supplemental public access area# shall comply with the requirements of this Section; or
 - (3) as a dedicated bicycle path if such path connects at each end to an open #street#. The minimum width of a bicycle path shall be 10 feet, with an additional two foot clearance on each side along the entire length of the path. There shall be a planted area between a bicycle path and a paved area for pedestrian use, pursuant to the requirements of paragraph (c) of Section 62-62.

~~62-415~~ 62-58 (modified)

Requirements for supplemental public access areas Water-Dependent Uses and Other Developments

~~#Developments#~~ on ~~#waterfront zoning lots#~~ listed in paragraph (b) of Section ~~62-41~~ 62-52 (Applicability of Waterfront Public Access Area Requirements) shall provide a minimum amount of ~~#waterfront public access area#~~ in accordance with the table in Section ~~62-57~~ (Requirements for Supplemental Public Access Areas).

(62-415(b), revised)

The total ~~#waterfront public access area#~~ requirement in such table shall be provided in any manner that will enable the public to access a waterfront viewing area on the ~~#zoning lot#~~ from a public sidewalk within a ~~#street#~~, ~~#public park#~~ or other public place. Such viewing area shall provide an unobstructed view of the water and comprise at least 50 percent of the total ~~#waterfront public access area#~~ required on the ~~#zoning lot#~~. One linear foot of seating shall be provided for every 100 square feet of viewing area.

~~#Waterfront public access areas#~~ improved in accordance with this Section shall comply with the provisions of Sections ~~62-61~~ (General Provisions Applying to Waterfront Public Access Areas) and ~~62-65~~ (Public Access Design Reference Standards).

(62-415(c), modified)

For ~~#developments listed in Section 62-40~~ paragraph (a)(1) of Section ~~62-52~~, on ~~#zoning lots#~~ containing a public access area established prior to October 25, 1993, by restrictive declaration, lease agreement, maintenance and operation agreement, or other agreement with a public entity, which public access area is required to be provided for a ~~period not less than the anticipated~~ the life of the ~~new~~ ~~#development#~~, the requirements for ~~#waterfront public access area#~~ shall have been met if the established public access area is substantially in compliance with the provisions of ~~the first paragraph of paragraph (b) of this Section~~.

~~62-416~~ 62-59 (modified)

Special rRegulations for zZoning lLots that iInclude pParks

- (a) In M2 and M3 Districts ~~as permitted in~~ pursuant to Section 62-27 (Special Use Regulations for Playgrounds or Private Parks), where a ~~#zoning lot#~~ or adjoining ~~#zoning lots#~~ are ~~#predominantly developed#~~ as a park, the requirements of Sections ~~62-41~~ 62-50, inclusive, and ~~Section 62-60, inclusive~~, shall be deemed satisfied for that portion of the ~~#zoning lots#~~ occupied by such park ~~#use#~~, provided that:

* * *

- (7) ~~#visual corridors#~~ shall be provided in accordance with Section ~~62-42~~ 62-51 (Requirements for Applicability of Visual Corridors).

* * *

The filing of such declaration, where required, shall be a precondition to certification pursuant to paragraph (e) of Section ~~62-711~~ 62-811.

Any portion of a #zoning lot# that is not #developed# for a park #use# shall be subject to all of the requirements of Sections ~~62-40~~ 62-50 and 62-60. For purposes of determining obligations pursuant to this Section, such portions of a #zoning lot# not used for park purposes shall be treated as a separate #zoning lot# or separate #zoning lots#, except that the entire #zoning lot#, including the portion used for park purposes, shall be considered in determining #lot area# for purposes of Section ~~62-411~~ 62-53 (Requirements for sShore pPublic wWalkways).

- (b) In order to implement the East River Waterfront Esplanade and Piers Project described in the Final Environmental Impact Statement (FEIS) dated May 18 2007, of the Lower Manhattan Development Corporation and the record of decision (ROD) adopted by such corporation on November 7, 2007 (the ERW Project), in C2-8, C4-6, C6-4 and M1-4 Districts located in Manhattan Community Districts 1 and 3, for #zoning lots predominantly developed# as publicly accessible open space under the ERW Project, the Chairperson shall allow for the phased implementation of such publicly accessible open space, and the requirements of Sections ~~62-40~~ 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS AND VISUAL CORRIDORS), inclusive, and 62-60 (DESIGN STANDARDS REQUIREMENTS FOR THE WATERFRONT PUBLIC ACCESS AREAS), inclusive, shall be deemed satisfied, provided that:

- (1) the application for certification pursuant to Section ~~62-711~~ 62-811 for any such phase(s) includes a report demonstrating that:

* * *

No excavation or building permit shall be issued for #development# under any phase for publicly accessible open space under the ERW Project certified pursuant to Section ~~62-711~~ 62-811 in accordance with this paragraph, (b), until all applicable Federal, State and local permits and approvals have been received with respect to such phase, including, without limitation, permits and approvals of the New York State Department of Environmental Conservation.

62-60
DESIGN STANDARDS REQUIREMENTS FOR THE WATERFRONT PUBLIC ACCESS AREAS

62-61 (*portions of 62-62, 62-625, 62-627, modified*)
Design Options and Methodology General Provisions Applying to Waterfront Public

Access Areas

(from 62-62(c))

- (a) All waterfront public access areas shall be unobstructed from their lowest level to the sky, except as set forth in Section 62-~~626-611~~ (Permitted obstructions). The lowest level of any portion of a waterfront public access system area ~~on a zoning lot~~ shall be determined by the elevation of the adjoining portion ~~of the system~~ on the same or an adjoining zoning lot or the public sidewalk to which it connects. Reference elevations shall be established from the public sidewalks, waterfront yard levels and the elevations previously established by adjoining zoning lots at lot line intersections of a waterfront public access network, as applicable.
- (b) The minimum required circulation path shall be connected and continuous through all waterfront public access areas on adjacent zoning lots.

(from 62-62(a))

- (c) Waterfront public access areas shall be accessible to ~~the handicapped persons with~~ physical disabilities in accordance with the Americans with Disabilities Act and the American National Standards Institute (ANSI) design guidelines.

(from 62-625)

- (d) All waterfront public access areas improved for public access shall meet the following regulations for site grading:
- (1) ~~Pedestrian circulation zone~~ In required circulation paths
 - (i) ~~for cross-sectional grading regulations for circulation paths~~ for cross-sectional grading regulations for circulation paths (perpendicular to the general direction of pedestrian movement), ~~the~~ the minimum slope of a required circulation path shall be one and one-half percent (~~1.5%~~) to allow for positive drainage and the maximum slope shall be three percent (~~3.0%~~). ~~Steps, and stairways and ramps accommodating a cross-sectional grade change are only permitted in a pedestrian circulation zone outside of the required circulation path(s) and in compliance with the regulations for handicapped accessibility.~~
 - (ii) ~~for longitudinal grading controls for circulation paths~~ for longitudinal grading controls for circulation paths (parallel to the general direction of pedestrian movement), ~~Longitudinal~~ Longitudinal grade changes ~~are~~ shall be permitted along the length of a required circulation path by means of steps or ramps in compliance with the requirements for handicapped accessibility.
 - (3) ~~Transition zones~~

~~No steps shall be permitted in a required pedestrian circulation path within the boundaries of a transition zone.~~

(b2) Buffer zones In required planting areas, including screening buffers

Within five feet of the boundary line of a pedestrian circulation zone edge of any planting area, the grade level of the buffer zone such planting area shall ~~not~~ be no more than 18 inches higher or lower than the adjoining level of the pedestrian circulation ~~zone~~ path.

(from 62-627)

(e) Vehicle and emergency access

Vehicular access is prohibited within #waterfront public access areas# except for emergency and maintenance vehicular access. Parking areas, passenger drop-offs, driveways, loading berths and building trash storage facilities are not permitted within, or allowed to be accessed or serviced through, a #waterfront public access area#, except for: ~~(a)~~ vehicular access to drop-offs and other required services #accessory# to docking facilities; ~~or (b)~~ vehicular access to #development# on a #pier# or #floating structure#.

Such vehicular ways shall be used only to provide access across the #shore public walkway#. No single driveway shall exceed a width of 25 feet. ~~Paving and~~ Bollards shall be installed in accordance with Section ~~62-674~~ 62-651. ~~There shall be a minimum four inch and maximum seven inch grade change between the driveway and any adjoining pedestrian circulation zone, satisfied by a curb or sloped paving surface. Curbs shall have a minimum width of six inches. When a sloped surface is provided, a~~ A minimum 12 inch paved border shall be installed ~~within~~ along the driveway boundaries where the slope terminates. Curbs and paved borders shall have a color distinct from the paving of the adjoining ~~pedestrian circulation zone~~ paved surface.

Vehicular roadways are permitted as part of an #upland connection# in accordance with the regulations of Section ~~62-64~~ 62-56.

Any vehicular roadway crossing a required #waterfront public access area# shall comply with the requirements for paving in Section ~~62-676~~ 62-656.

62-611 (based on 62-626, revised)

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

(1) Trees and other plant materials, including grasses, vines, shrubs and flowers, watering equipment, arbors, trellises, observation decks, retaining walls;

- (2) Seating, litter receptacles, drinking fountains, other outdoor furniture;
- (3) Fountains, reflecting pools, waterfalls, sculptures and other works of art, temporary exhibitions;
- (4) Open air cafes and kiosks, in accordance with the provisions of paragraph (e) of this Section;
- (5) Lights and lighting stanchions, flag poles, bollards and guardrails, exercise and other recreational equipment.

(b) In screening buffers

- (1) Paved entrances to #buildings# fronting upon a screening buffer, including awnings and canopies over such entrances, seating located within 42 inches of an adjacent paved area, bike racks within six feet of the sidewalk of an open accessible #street# or within ten feet of an #upland connection#;
- (2) Service equipment necessary for maintenance of #waterfront public access areas# or the functioning of adjacent structures such as watering equipment, sheds for tool storage, ~~and~~ electrical transformers or other mechanical or electrical service devices, provided all such equipment covers no more than 100 square feet in any location and has a maximum height of ten feet. Such obstructions shall be screened in accordance with Section 62-655 (Planting and trees);
- (3) Exhaust vents located on building walls fronting on the screening buffer, only if the bottom of such vent is a minimum of ten feet above the adjacent ground level and projects no more than four inches from the building wall.

(c) Beyond 20 feet of the #shoreline#

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

(d) Guardrails, gates and other protective barriers, in accordance with Section 62-651.

(e) Kiosks and open air cafes

Where a kiosk is provided, it shall occupy an area no greater than 150 square feet, including roofed areas. A kiosk may be freestanding or attached on only one side to a building wall. Any area occupied by a kiosk shall be excluded from the definition of #floor area#, and may only be occupied by news or magazine stands, food stands, flower stands, bicycle rental stands, information booths or #uses accessory# to permitted WD #uses#, as permitted by the applicable district #use# regulations or as modified by Section 62-29.

Open air cafes shall be permanently unenclosed except that they may have a temporary fabric roof. No kitchen equipment shall be installed within an open air cafe. Kitchen equipment may be contained in a kiosk adjoining the open air cafe.

Notwithstanding the provisions of Section 32-41 (Enclosure Within Buildings), outdoor eating services or #uses# occupying kiosks may serve customers on a #waterfront public access area# through open windows.

62-62 *(delete existing text)*

General Design Requirements for Shore Public Walkways and Supplemental Public Access Areas

The design requirements of this Section shall apply to #shore public walkways#, and #supplemental public access areas#, except as modified by Section 62-57 (Requirements for Supplemental Public Access Areas).

(a) Circulation and access

- (1) A #shore public walkway# shall provide a circulation path with a minimum clear width of 12 feet, except that in R3, R4, R5, C1, C2 and C3 Districts, and in C1 or C2 Districts mapped within R1 through R5 Districts, for #developments# comprised of #predominantly commercial# or #community facility uses#, the minimum clear width shall be 10 feet.

Such path shall be located within 10 feet of the #shoreline# for at least 20 percent of the length of such shoreline, and the remainder of the path may be located anywhere within the #shore public walkway# or #supplemental public access area#. Secondary paths, when provided, shall be at least six feet wide. When two circulation paths are parallel to each other, they shall be connected by other paths or accessible lawn at intervals not to exceed 200 feet. In order to facilitate the future connection of pedestrian circulation paths, where a #shore public walkway# is on a #zoning lot# that is adjacent to a #zoning lot# without a #shore public walkway#, the portion of the circulation path that terminates at the common #zoning lot line# shall be located within 30 feet of the #shoreline#.

- (2) A #supplemental public access area# shall provide at least one circulation path with a minimum clear width of six feet that provides access throughout the #supplemental public access area#. This requirement may be met by a circulation path of the #shore public walkway# that traverses the #supplemental public access area#;

(b) Seating

One linear foot of seating shall be provided for every 75 square feet of #shore public walkway# and #supplemental public access area#. Such seating may be located anywhere within such public access areas and shall comply with the standards of Section 62-652.

In addition, up to 25 percent of required seating may be located seaward of the #shore public walkway# and shall be subject to the provisions of Section 62-652, paragraph (h).

(c) Planting

(1) Planting areas

An area equal to at least 50 percent of the area of the #shore public walkway# and #supplemental public access area# shall be planted, except that in R3, R4, R5, C1, C2 and C3 Districts, and in C1 or C2 Districts mapped within R1 through R5 Districts, for #developments# comprised of #predominantly commercial# or #community facility uses#, such area shall be equal to at least 40 percent.

In addition, the following conditions shall apply:

- (i) Where a #supplemental public access area# is greater than 1,875 square feet, at least 25 percent of the required planting area of the #shore public walkway# and #supplemental public access area#, combined, shall be provided as lawn;
- (ii) Up to 15 percent of the required planting area may be located seaward of a #shore public walkway# and shall be measured in plan view and not along the planted slope; or
- (iii) When a dedicated bicycle path is provided within a #supplemental public access area#, a planting area with a width of at least five feet shall be provided between the bicycle path and any paved area for pedestrian use. For the purpose of calculating planting requirements, the area of the bicycle path may be deducted from the combined area of the #shore public walkway# or #supplemental public access area#.

Such planting areas in this paragraph (c), may be located anywhere within the #shore public walkway# or #supplemental public access area# and shall comply with the standards of Section 62-655,

(2) Screening buffer

- (i) A screening buffer shall be provided within the #shore public walkway# or the #supplemental public access area#, running along the entire upland boundary of such area where it abuts non-publicly accessible areas of the #zoning lot#, except as waived pursuant to paragraph (c)(2)(iii) of this

Section. Any screening buffer provided pursuant to this Section may be used to meet the planting requirement of paragraph (c)(1) of this Section.

- (ii) The minimum width of the screening buffer shall be 10 feet. On shallow lots where the width of the #shore public walkway# may be reduced pursuant to Section 62-53, the width of the screening buffer may be reduced proportionally but shall not be less than four feet.
- (iii) No screening buffer shall be required:
 - (a) adjacent to a private drive, a #street# or at the entrances to buildings; or
 - (b) for a #commercial# or #community facility use# where at least 70 percent of the area of the building façade, within a height of 10 feet, located within a distance of 15 feet from the sidewalk or #waterfront public access area#, is glazed with windows, transoms or glazed portions of doors. Not less than 50 percent of the entire area of such #commercial# or #community facility use# shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials.

(3) Trees and additional planting

- (i) A minimum of one canopy tree shall be provided for every 2,000 square feet of #shore public walkway# and #supplemental public access area#. In no event may a #shore public walkway# have less than two canopy trees for every 100 feet of #shoreline#.
- (ii) In addition to the trees required pursuant to paragraph (c)(3)(i) of this Section, for every 1,250 square feet of #shore public walkway# and #supplemental public access area#, one of the following must be provided: a canopy tree, an ornamental tree or a multi-stemmed equivalent, 60 square feet of planting beds or 110 square feet of accessible lawn.

Trees and additional planting areas may be located anywhere within the #shore public walkway# or #supplemental public access area# and shall comply with the standards of Section 62-655.

(4) Reduction in minimum required planting area

The minimum planting area, required by paragraph (c)(1) of this Section, may be reduced by 10 square feet for every linear foot of:

- (4i) #shoreline# improved for boat launching or mooring or designed with architectural features to facilitate direct access to the water, such as steps

or other forms of “get-downs,” except that rip-rap used as stabilized shore shall not qualify for a planting reduction; or

(2ii) WE #uses# with frontage adjoining, and having a public entrance on, the #shore public walkway# or #supplemental public access area#, provided that the screening buffer for such #shore public walkway# or #supplemental public access area# is waived pursuant to the conditions of paragraph (c)(2)(iii) of this Section.

However, where a #supplemental public access area# having an area of least 7,500 square feet containing a playground of at least 3,500 square feet in area and improved in accordance with the standards of the Department of Parks and Recreation is provided, the required minimum planting area may be reduced by one square foot for every five square feet of playground area. The playground area may be located anywhere within the #waterfront public access area# that is beyond 20 feet of the #shoreline#.

In no event shall the reduced planting area be less than 25 percent of the combined area of the #shore public walkway# and #supplemental public access area#.

(d) Bicycle parking

Bicycle racks sufficient to provide at least four bicycle parking spaces shall be provided within a #waterfront public access area#.

Furthermore, when the combined area of the #shore public walkway# and #supplemental public access area# is greater than 8,000 square feet, two additional bicycle parking spaces shall be provided for every additional 2,000 square feet of #shore public walkway# or #supplemental public access area#.

Bicycle racks shall be adjacent to a circulation path and at least 20 feet from the #shoreline#. Such bicycle racks may be located in public sidewalks adjacent to the #zoning lot#. All bicycle racks shall comply with the standards of Section 62-657.

(e) Trash receptacles

One trash receptacle shall be provided for every 4,000 square feet of #shore public walkway# and #supplemental public access area#, and all trash receptacles shall be located in visible and convenient locations. All trash receptacles shall comply with the standards of Section 62-658.

~~62-621~~

Shore public walkways

~~62-622~~

~~Upland connections~~

~~62-623~~

~~Supplemental public access areas~~

~~62-624~~ (moved to 62-71, 62-72, 62-73, revised)

~~Maintenance and operation of waterfront public access areas~~

~~62-625~~ (moved to 62-61(d), revised)

~~Grading controls~~

~~62-626~~ (moved to 62-611, revised)

~~Permitted obstructions~~

~~62-627~~ (moved to 62-61(e), revised)

~~Vehicle and emergency access~~

62-63

Specific Design Requirements for Public Access on Piers and Floating Structures

Prototypes

~~62-65- 62-631~~

~~Shore public walkway – Prototype I: Esplanade~~

~~Design requirements for public access on piers~~

~~Public access areas on #piers# shall be improved in accordance with the provisions of this Section. The entire public access area on a #pier# shall be considered a pedestrian circulation zone.~~

~~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#. ~~Within a transition zone, the aggregate clear width of circulation path shall be equal to 50 percent of the length of the intersection between two public access areas.~~

(b) Permitted obstructions

In addition to permitted obstructions ~~permitted within pedestrian circulation zones~~ pursuant to Section ~~62-626-62-611~~, #pier# public access areas may include one free-standing open or enclosed public pavilion, provided such structure does not exceed one #story#, a maximum height of is no taller than 30 feet or a maximum area of 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 ~~lightly tinted transparent material~~ 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 15 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.

(c) Seating

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

62-66 62-632

Shore public walkway – Prototype II: Moderate-intensity walkway
Design requirements for public access on Ffloating Sstructures Public Access

The ~~following~~ design requirements of this Section shall apply to #shore public walkways# provided in conjunction with as-of-right #development# on #floating structures#, pursuant to Section ~~62-413~~ 62-55.

(a) Circulation and access

~~The entire #shore public walkway# required pursuant to Section 62-413 shall be considered a pedestrian circulation zone. Within such zone, a~~ A circulation path shall be provided with a minimum clear width of ten feet. On shallow portions of #zoning lots# where the width of the #shore public walkway# may be reduced in accordance with Section ~~62-411~~62-53, the minimum clear width of the path may be reduced to a minimum of six feet when the #shore public walkway# is less than 16 feet. The circulation path reduction shall be made to comply with the planting requirements of paragraph (b) of this Section

(b) Seating

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

(c) Planting and Screening

~~A minimum of 50 percent of the pedestrian circulation zone, excluding the required clear path, shall be planting area. A single row of shade trees shall be provided landward of the circulation path within the planting area of any portion of a pedestrian circulation zone having a width equal to or greater than 12 feet.~~

~~Any service areas located within the pedestrian circulation zone, such as that used for equipment storage or similar purposes, shall be screened from the circulation path in accordance with the standards for screening in Section ~~62-675~~ 62-655 (Planting and trees).~~

~~62-633~~

~~Shore public walkway – Prototype III: Low-intensity walkway~~

~~62-634~~

~~Shore public walkway – Prototype IV: Open recreation walkway~~

~~62-635~~

~~Supplemental public access area – Prototype I: Waterview plaza~~

~~62-636~~

~~Supplemental public access area – Prototype II: Waterview park~~

~~62-637~~

~~Supplemental public access area – Prototype III: Waterview sitting area~~

~~62-64~~

~~Design Requirements for Upland Connections and Visual Corridors~~

~~(delete existing text)~~

~~#Upland connections# shall be improved in accordance with the provisions of this Section.~~

(a) Circulation and access

(1) For Type 1 #upland connections# provided in accordance with the provisions of paragraph (a) of Section 62-561, there shall be at least one circulation path linking an open #street#, #public park# or other public place with a #shore public

walkway#. Such path shall have a minimum clear width of twelve feet. Any secondary paths shall have a minimum clear width of six feet.

- (2) For Type 2 #upland connections# provided in accordance with the provisions of paragraph (b) of Section 62-561, each pedestrian walkway shall have a circulation path with a minimum clear width of eight feet linking an open #street#, #public park# or other public place with a #shore public walkway#. However, when a turn-around is provided, the entire required area shall be provided as a circulation path.
- (3) For “transition areas,” a circulation path with a width of at least twelve feet shall connect each circulation path of the Type 2 #upland connection# with a circulation path of a #shore public walkway#, #supplemental public access area# or Type 1 #upland connection#, whichever is applicable.

(b) Paving

- (1) For Type 1 #upland connections, at least 40 percent but not more than 65 percent of the “entry area” shall be paved. Such paving shall include a five foot wide area along at least 70 percent of the frontage adjoining a public sidewalk.
- (2) Where any #upland connection# is interrupted by a private driveway, the full width of the required #upland connection# shall traverse the roadbed without a drop in level, and paved with materials distinct from the roadbed. Such portion of the #upland connection# shall not count towards fulfilling a minimum required amount of #waterfront public access area#.

In addition, for Type 2 #upland connections#, the area of the roadbed between both circulation paths, within which lines perpendicular to the #upland connection# traversing the roadbed can be drawn or the portion of the roadbed within a vehicular turn-around, shall be raised to be flush with the level of such adjoining #upland connections# (see Illustration).

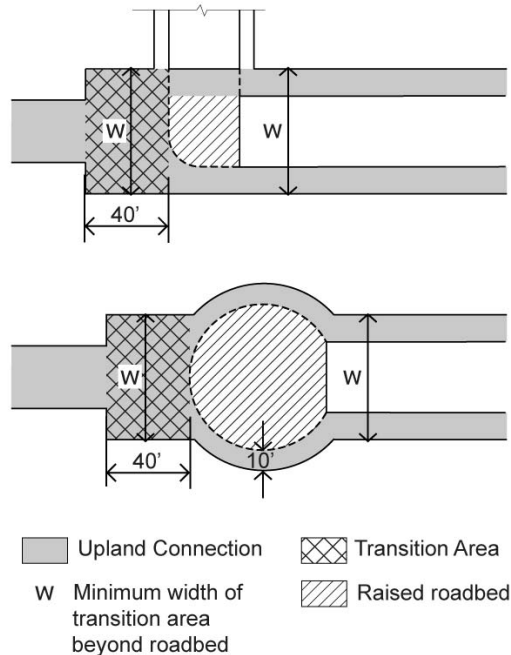


ILLUSTRATION: TYPE 2 UPLAND CONNECTION

- (3) The roadbed paving material of a private driveway leading to a vehicular turn-around may be extended into the turn-around provided the area of the turn-around paved with such material is not wider than the roadbed leading to the turn-around. The remaining portions of the turn-around shall be paved with distinct materials to facilitate pedestrian usage. In addition, the level of the area within the turnaround shall be raised to be flush with the level of adjoining circulation paths.

(c) Planting

- (1) For Type 1 #upland connections#, at least forty percent of the area of the #upland connection# shall be planted in accordance with the provisions set forth in Section 62-655 (Planting and trees).

In addition, the following rules shall apply:

- (i) where such #upland connections# do not abut open parking lots or private driveways, six caliper inches of ornamental trees or their equivalent in multi-stemmed plants shall be required for every 100 linear feet of #upland connection#.
- (ii) where such #upland connections# abut an open parking lot, screening shall be provided within the #upland connection# along the curb of such parking lot in accordance with Section 37-921 (Perimeter landscaping).
- (iii) where such #upland connections# abut a private driveway, a continuous

tree pit shall be provided within the #upland connection# along the curb of the driveway. Such tree pit shall meet the minimum planting requirements set forth in Section 62-655, and in addition, shall be planted with one tree for every 25 feet of private driveway frontage.

(iv) where such #upland connections# do not coincide with a #visual corridor#, at least 30 percent of the required open area along the length of the #upland connection# shall be planted, and the requirement of Section 62-513 (Permitted obstructions in visual corridors) shall apply within such open areas.

(2) For Type 2 #upland connections#, a continuous tree pit shall be provided within the #upland connection# along the curb of the private driveway. Such tree pit shall meet the minimum planting requirements set forth in Section 62-655, and in addition, shall be planted with one tree for every 25 feet of private driveway frontage. Portions of the continuous tree pit may be paved with permeable paving such as Belgian block or similar unit pavers in order to accommodate any required amenities, such as benches or bike racks, or other permitted obstructions in accordance with the provisions of Section 62-611. However, no continuous tree pit shall be required where an #upland connection# abuts a portion of a roadbed that is required to be raised pursuant to paragraphs (b)(2) or (b)(3) of this Section.

(3) For “transition areas”, at least forty percent of such area shall be planted. In addition, a minimum of two canopy trees or their equivalent in caliper inches of ornamental trees or multi-stemmed plants are required.

(d) Seating

At least 12 linear feet of seating shall be provided for every 100 linear feet of #upland connection#, excluding the length of any “entry” or “transition areas” and the first 50 feet of a Type II #upland connection#. Such excluded areas shall have at least 24 linear feet of seating.

(e) Trash receptacles

One trash receptacle shall be provided within 15 feet of a #street#, #public park# or other public place and one receptacle shall be provided where the #upland connection# adjoins a #shore public walkway# or #supplemental public access area#, pursuant to Section 62-658

62-65
Public Access Design Reference Standards

The standards of this Section, inclusive, shall be applicable to all #waterfront public access areas# and #visual corridors#.

No hollow plastic material, such as PVC (polyvinyl chloride) or similar material shall be permitted in guardrails, fences, seating, trash receptacles or other similar furniture within a #waterfront public access area#. However, high-density polyethylene shall be permitted.

62-651

Guardrails, gates and other protective barriers

(delete existing text)

~~The requirements of this Section shall not supersede other applicable government regulations or safety codes.~~

(a) Guardrails

For the purposes of this paragraph, (a), the term "guardrail" shall refer only to fencing or similar structures provided along a bulkhead, stabilized shore or the water edges of a #pier# or #platform#.

When a guardrail is provided, it shall have a maximum height of 42 inches measured from the adjoining grade level, and shall be at least 70 percent open. Guardrails may be mounted on a solid curb not higher than six inches.

A guardrail may be substituted for a wall, pursuant to paragraph (c)(1)(iii) of this Section.

(b) Bollards

(1) Bollards shall be limited to the following locations:

(i) along the bulkhead, stabilized shore or the water edges of a #pier# or #platform#;

(ii) along a #zoning lot line# adjacent to, and limiting access from an upland #street#; and

(iii) along the boundaries of a roadway within an #upland connection#.

(2) Bollards shall not exceed 30 inches in height and shall be between six and fifteen inches in width. The top of bollards shall not consist of any sharp edges. The minimum clearance between two bollards shall be five feet.

(c) Fences and walls

(1) Fences and walls, when provided, shall be limited to the following locations:

- (i) along the boundary of a #waterfront public access area# and an adjoining private area on the #zoning lot#;
 - (ii) around the perimeter of a playground, tot-lot or dog-run;
 - (iii) adjoining WD #uses#;
 - (iv) within a #visual corridor#; and
 - (v) along any grade level change of 30 inches or greater.
- (2) Fences shall have a maximum height of 36 inches measured from the adjoining grade level, and be at least 70 percent open. Fences may be mounted on a solid curb not higher than six inches.
- (3) Walls shall not exceed a height of 21 inches, and may be fully opaque.
- (4) Chain link fencing or barbed or razor wire shall not be permitted.

(d) Gates

Gates attached to fences and walls that limit physical access to #waterfront public access areas# from #streets#, #public parks# or other public ways, or from adjacent #waterfront public access areas# on adjoining #zoning lots#, shall comply with the provisions of this paragraph, (d). Such gates shall be permitted only at the boundaries of #waterfront public access areas# and such adjacent publicly accessible areas, except that in Type 1 #upland connections# gates may be located at the seaward boundary of the “entry area”. Gates shall not intrude into any planting area. Gates may be closed only pursuant to Section 62-71 (Operational requirements).

The maximum height of a gate shall be four feet above the adjoining grade level. Gates shall be no more than 30 percent opaque.

When opened for access, 70 percent of the total width, in aggregate, of the #waterfront public access area# shall be free of obstructions associated with the gate, and there shall be a minimum clear distance of at least 16 feet between any two obstructions of the gate.

In addition, in its open position, the gate and its support structures shall not obstruct:

- (1) any circulation path;
- (2) 25 percent of the width of the “entry area” of an #upland connection# along each side of the centerline of such “entry area”; and
- (3) at least 50 percent of the width of the #shore public walkway# closest to the #shoreline#.

~~62-672- 62-652~~

Seating

All required seating shall comply with the following standards:

(a) Seating with backs

At least 50 percent of the required seating shall have backs, and at least 50 percent of such seating shall face in the general direction of the water. Seat backs shall be at least 14 inches high. Walls located adjacent to a seating surface shall not count as seat backs. All seat backs must either be contoured in form for comfort or shall be reclined from the vertical between 10 to 15 degrees.

(~~a~~) Depth

~~Seating without backs shall have a minimum depth of 16 inches. Seating with backs shall comprise at least 50 percent (50%) of the required seating. Such seating shall have a minimum depth of 14 inches, a maximum depth of 22 inches and backs shall be at least 12 inches high. Seating 30 inches or more in depth and accessible from both sides may be credited as double seating.~~

Seating with or without backs shall have a depth of not less than 18 inches, and for seating with backs, such depth shall not be greater than 20 inches. Seating with a depth of at least 36 inches, and accessible from both sides, may be credited as double seating. When seating is provided on a planter ledge, such ledge must have a minimum depth of 22 inches.

(~~b~~) Height

~~At least 75 percent (75%) of the required seating shall have a height not less than 16 inches nor greater than 20 inches above the level of the adjacent walking surface grade. Seating higher than 36 inches or lower than 12 inches shall not qualify toward the seating requirements. Seating may be mounted on a solid curb not higher than six inches.~~

(d) Clearance

Seating shall be set back located a minimum of 22 inches three feet from any circulation path or permitted obstruction along its the accessible side of such seating, except that seating without backs may be as close to a guardrail as 12 inches.

(e) ~~Alternative~~ Types of seating

~~Tops of walls that are flat and smooth with at least one inch radius rounded edges, including those bounding planting beds, fountains and pools shall qualify as seating, provided they comply with the standards of this Section. Moveable chairs, excluding those in open air cafes, may be credited as 18 inches of linear seating per chair; however, not more than 50 percent (50%) of required linear seating may be in moveable seats. No steps, stairs or seating in open air cafes shall qualify towards seating requirements.~~

In #shore public walkways# and #supplemental public access areas#, at least two of the following types of seating are required: moveable seating, fixed individual seats, fixed benches with backs, fixed benches without backs, lounging chairs and design feature seating.

(i) Design feature seating

Planter ledges, seating walls, and seating steps may be provided, and shall be limited to 25 percent of the required seating. Walls and planter ledges shall be flat and smooth with at least one inch radius rounded edges.

(ii) Moveable seating

Moveable chairs, excluding those in open air cafes, may be credited as 18 inches of linear seating per chair; however, not more than 50 percent of required linear seating may be in moveable chairs. Moveable chairs may be placed in storage outside of the required hours of operation, pursuant to Section 62-71, paragraph (a). All moveable chairs must have backs. Moveable chairs shall not be chained, fixed, or otherwise secured while the #waterfront public access area# is open to the public.

(iii) Seating steps

Seating steps shall not include any steps intended for circulation and must have a height not less than 12 inches nor greater than 30 inches and a depth not less than 18 inches.

(iv) Lounge chairs

Lounge chairs shall allow for a reclined position supporting the back as well as the legs. Lounge chairs may be credited as 36 inches of linear seating per chair.

(f) Social seating and tables

At least 25 percent of required seating shall be social seating, consisting of seats that are placed in close proximity and at angles to one another or in facing configurations that facilitate social interaction. A minimum of two square feet of tables shall be required for every three linear feet of social seating. However, any requirement for tables that, in total,

is less than 10 square feet shall be waived, and no more than 150 square feet of tables shall be required in any site.

(g) Shaded seating

At least 20 percent of required seating shall be shaded. Seating shall be considered shaded if it is located under a canopy tree or shade structure, or on the eastern side and within 45 feet of the trunk of a canopy tree or of a shade structure.

(h) Seaward seating

Up to 25 percent of required seating may be located seaward of the #shore public walkway# provided it is designed as:

(i) a generally smooth and flat surface within a stabilized natural #shoreline#, in the form of rock, stone, wood or other solid material that measures at least 15 inches in width and depth and is between 12 and 30 inches high measured from the adjoining accessible surface; or

(ii) steps, with a depth and height between 12 and 30 inches, that facilitate access to the water.

Seaward seating shall not be subject to the provisions of paragraphs (a) through (g) of this Section.

Seating in open air cafes or stairs shall not qualify towards seating requirements. All seating located within a planting area shall be on permeable pavement and secured for stability.

~~62-673- 62-653~~

Lighting

All waterfront public access areas shall provide lighting in accordance with the following requirements:

(a) Lighting fixtures

~~Light posts shall be spaced at a maximum distance of 40 feet. The light center of the fixture shall be mounted at a minimum height of 12 feet and a maximum height of 15 feet above the adjacent circulation path. Lighting shall be located within five feet of a circulation path.~~

(b) Light source and illumination level

~~Luminaires shall have type III photometric distribution as described in the Illuminating Engineering Society's (IES) Handbook. Glare shall be controlled to a semi-cutoff standard (not more than five percent of peak footcandle intensity radiating above 90~~

~~degrees and 20 percent (20%) of peak intensity above 80 degrees). The luminaire shall be equipped with lamps with color temperature range of 3000 2000 K to 4100 4000 K with a minimum color rendering index of 65. The performance standard for illumination shall be a minimum of 0.5 horizontal footcandles along both the paved portion of the walkway and seating areas. The average illumination to minimum footcandle uniformity ratio shall be no greater than 4.0 to 1.0 within such paved and seating areas. All lenses and globes shall be polycarbonate or equivalent.~~

An average maintained level of illumination of not less than one horizontal foot candle (lumens per foot) throughout all walkable areas, and a minimum level of illumination of not less than 0.2 horizontal foot candles (lumens per foot) throughout all other areas, shall be required. Such level of illumination shall be maintained from one-half hour before sunset to one-half hour after sunrise.

The average illumination to minimum foot candle uniformity ratio shall be no greater than 10:1 within a #waterfront public access area#.

Glare shall be controlled to a semi-cutoff standard (not more than five percent of peak foot candle intensity radiating above 90 degrees and 20 percent of peak intensity above 80 degrees). The luminaire shall be equipped with lamps with a color temperature range of 3000 K to 4100 K with a minimum color rendering index of 65.

All lenses and globes shall be polycarbonate or equivalent.

All lighting sources that illuminate a #waterfront public access area# and are mounted on or located within #buildings# adjacent to the #waterfront public access area# shall be shielded from direct view. In addition, all lighting within the #waterfront public access area# shall be shielded to minimize any adverse effect on surrounding #residential buildings#.

62-674 62-654

Signage

(delete existing text)

The provisions of this Section shall apply to signs required in #waterfront public access areas#. All such signs shall be located in directly visible locations, without any obstruction at any time. Such signs shall be fully opaque, non reflective and constructed of permanent, highly durable materials, such as metal or stone. All lettering shall be in a clear, sans-serif, non-narrow font such as Arial, Helvetica, or Verdana, solid in color with a minimum height of one-quarter inch, unless otherwise specified in this Section, and shall highly contrast with the background color.

Drawings documenting the size, format, and orientation of all required signs shall be included in the application for certification, pursuant to Section 62-80. Such drawings shall include detailed information about dimensions of the sign, lettering size, color and materials.

(a) Entry signage

All #waterfront public access areas# shall contain an entry sign mounted on a permanent structure. Such sign shall be located within five feet of the boundary of the entrance from a #street#, #public park# or other public way. Required signage shall contain:

- (1) the New York City waterfront symbol, 12 inches square in dimension, as provided in the “The New York Waterfront Symbol Standards and Specifications” (published by the Department of City Planning, April 1989, and as modified from time to time);
- (2) lettering at least one-and one-half inches in height, stating "OPEN TO PUBLIC" in bold type;
- (3) lettering at least one-half inch in height stating the approved hours of operation as required pursuant to Section 62-71 (Operational Requirements), paragraph (a);
- (4) lettering at least one-half inch stating “Do not enter outside of hours of operation”;
- (5) the International Symbol of Access for persons with physical disabilities, at least three inches square, or the statement: “This public access area is accessible to persons with physical disabilities”;
- (6) the address of the property where the #waterfront public access area# is located;
- (7) the name of the current owner and the name, phone number and email address of the person designated to maintain the #waterfront public access area#;
- (8) the statement: "For complaints or questions: call 311.”
- (9) the statement: “For more information go to <http://nyc.gov/planning>,” and
- (10) rules of conduct as specified in Section 62-71, paragraph (b).

Information in paragraphs (a)(1) and (a)(2) may be inscribed in pavement or on any permitted appropriate amenity, such as seating wall or sculpture.

All information required in this paragraph, (a), shall be included on signs with a maximum dimension in one direction of 16 inches. The maximum height of a sign above the adjoining grade shall be three feet for a horizontal sign and five feet for a vertical sign. The bottom of all signs shall be at least eighteen inches above adjoining grade, except for signs angled 45 degrees or less as measured from adjacent grade. However, the waterfront symbol required pursuant to paragraph (a)(1) need not be included in such signage if such symbol is inscribed nearby in pavement or any appropriate amenity.

(b) Signage at #zoning lot# line

A sign shall be required to be located within five feet of any #zoning lot line# adjacent to another #zoning lot# within a #shore public walkway# and at a distance no greater than five feet from the required circulation path. All information required in paragraph (a) of this Section shall be included on signs with a maximum dimension in one direction of 16 inches. The maximum height of a sign above adjoining grade shall be three feet. The bottom of all signs shall at least 18 inches above adjoining grade, except for signs angled 45 degrees or less, as measured from adjacent grade. However, the waterfront symbol required pursuant to paragraph (a)(1) of this Section need not be included in such signage if such symbol is inscribed nearby in pavement or any appropriate amenity, such as seating wall or sculpture.

However, the waterfront symbol required pursuant to paragraph (a)(1) shall be no larger than four inches square, or 12 inches square if inscribed in pavement or any appropriate amenity, and the information required in paragraph (a)(2) of this Section shall be one inch high.

The information required in paragraphs (a)(1) and (a)(2) may be inscribed in pavement or on any permitted appropriate amenity.

(c) Other signage

Seating areas within #waterfront public access areas# allowed pursuant to paragraph (c)(2)(iii) of Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas) shall be identified by a sign with the words “SEATING OPEN TO PUBLIC” in lettering at least one inch high. Such sign shall be clearly visible from the #waterfront public access area#. In addition, such sign shall be no greater than sixty square inches, no higher than eighteen inches above adjacent grade, and angled for visibility. The required sign may be freestanding or attached to a permitted amenity within the #waterfront public access area#.

No #advertising signs# may be located within a #waterfront public access area#.

~~62-675~~ 62-655
Planting and trees

(delete existing text)

Within #waterfront public access areas# and parking areas where planting or screening is required, the design standards of this Section shall apply

A detailed landscape plan prepared by a registered landscape architect shall be submitted to the Department of Parks and Recreation prior to seeking certification by the Chair of the City

Planning Commission, pursuant to the requirements of Section 62-80. Such plans shall include plants suited for waterfront conditions and include a diversity of species with emphasis on native plants, salt tolerance and the facilitation of sustainable wildlife habitats, where appropriate. No species listed on quarantine or as a host species for any disease listed by the Department of Parks and Recreation at the time of application shall be included.

All landscaped areas shall contain a built-in irrigation system or contain hose bibs within 100 feet of all planting areas.

(a) Planting areas

Wherever a minimum percentage of planting area is specified for a #waterfront public access area#, such requirements shall be met only through the provisions of the types of planting areas listed in paragraphs (a)(1) through (a)(7) of this Section. A curb with a maximum height of six inches is permitted along the perimeter of any planting area. Any edging higher than six inches above adjacent grade shall be considered a retaining wall. Retaining walls shall not exceed 60 percent of the perimeter of a planting area or a maximum height of 18 inches measured from the adjacent grade. At least one continuous length, equal to 40 percent of the planting area's perimeter, shall have a grade level within six inches of the adjacent grade level. Where not specifically indicated, the minimum planting standard for required planting areas shall be turfgrass, other natural grasses or groundcover. All planting areas shall be located on undisturbed subsoil or clean fill.

(1) Single tree pits

A single tree pit shall have a minimum dimension of five feet with a minimum area of 30 square feet and a minimum depth of three feet, six inches. Only tree pits planted with ground cover shall count towards meeting a minimum planting area requirement.

(2) Continuous tree pits

A continuous tree pit is a planting area containing two or more trees. Continuous tree pits shall have a minimum width of five feet and a minimum depth of 3 feet, 6 inches, and a length as required to meet a minimum of five feet from the trunk of the tree to the end of the tree pit.

(3) Planting beds

Planting beds for turf grass or groundcovers shall have minimum dimensions of two feet in any direction and a minimum depth of two feet. Planting beds for shrubs shall have minimum dimensions of three feet by three feet for each shrub and a minimum depth of 2 feet, 6 inches. Planting beds containing trees shall have a minimum dimension of five feet and a minimum area of 30 square feet for each tree, with a minimum depth of 3 feet, 6 inches. Trees, shrubs or groundcovers

may be combined in a single planting bed only if such bed meets the minimum depth required for the largest plant.

Retaining walls are permitted along the perimeter of a planting bed in accordance with the regulations for planting areas in paragraph (a) of this Section.

(4) Raised planting beds

A "raised planting bed" is a planting area with retaining walls along more than 60 percent of its perimeter or a height along any portion greater than 18 inches. A raised planting bed shall comply with the dimensional standards for a planting bed except that the height from the adjacent grade to the top of the retaining wall of a raised planting bed shall be a maximum of 36 inches.

(5) Berms

A "berm" is a planting area with sloped grade stabilized primarily by plant materials rather than retaining walls or other similar built structures. A berm shall comply with the dimensional standards for a planting bed except that the height from the adjacent grade to the top of the berm shall not exceed 60 inches.

(6) Lawns

A "lawn" is an area planted with turfgrass having a minimum soil depth of 2 feet, 6 inches. Along at least 60 percent of the perimeter, a lawn shall have a grade level within six inches of the adjacent grade providing unobstructed pedestrian access. Any required lawn shall have a minimum area of 500 square feet and no dimension less than 18 feet.

(7) Screening

Screening is intended to create a landscaped buffer between the #waterfront public access areas# and adjoining non-public #uses# to protect the privacy or minimize the visual impact of blank walls, equipment, loading and parking areas or similar conditions.

(i) Screening buffers

Screening buffers required pursuant to paragraph (c)(2) of Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas) shall consist of densely planted shrubs or multi-stemmed screening plants, with at least 50 percent being evergreen species. Shrubs shall have a height of at least four feet at the time of planting. The requirements of this paragraph, (a)(7)(i), may also be satisfied by the requirements of paragraph (a)(7)(ii) of this Section.

(ii) Blank walls and service areas

Blank walls higher than four feet measured from an adjacent grade level and service areas anywhere within a #waterfront public access area# shall be screened with any combination of evergreen trees, vines or espaliered trees or shrubs, and an architectural treatment such as a pergola, stone rustication, grills or sculptural features.

(iii) Parking garage screening

Open parking areas on any #zoning lot# fronting on an #upland connection# or #street# on any #waterfront block#, notwithstanding the #use# on such lot, shall require screening pursuant to Section 37-921 (Perimeter landscaping). Screening required pursuant to Section 62-453 shall consist of a planting strip at least four feet wide. Plants shall be at least four feet high at the time of planting and 50 percent of them shall be evergreen shrubs.

All required screening may be interrupted by vehicular or pedestrian entrances.

(b) Trees

(1) Tree caliper

At time of planting, canopy trees shall be a minimum of three inches caliper and ornamental trees shall be a minimum of two inches caliper.

(2) Trees in single tree pits

One of the procedures in this paragraph, (b)(2), shall be employed to protect trees planted at grade:

(i) Granite or cast concrete block pavers with a minimum four inch depth shall be installed in accordance with New York City Department of Parks and Recreation (DPR) standards for #street# trees;

(ii) A grate shall be installed over the root zone, supported at its edges and set flush with the adjacent pavement for pedestrian safety, in accordance with DPR standards for #street# trees for grate size; or

(iii) The root zone shall be surrounded with barrier hedge planting.

62-676 62-656
Paving

Paving in #waterfront public access areas# shall comply with the following:

- (a) ~~Paving shall consist of unit pavers or wood decking except as follows:~~
- ~~(1) Seating areas which are outside of the minimum clear path may also be paved with Belgian block or poured concrete.~~
 - ~~(2) In #shore public walkways# (Prototype III: Low-intensity walkway and Prototype IV: Open-recreation walkway), crushed stone, woodchips or asphalt may be used in lieu of unit pavers or wood decking.~~
 - ~~(3) Designated bike paths, when provided, shall be paved with asphalt or a similar smooth and elastic, monolithic surfacing material.~~

~~Unit pavers shall be made of pressed terrazzo concrete with visible aggregate content, asphalt, brick or stone having a smooth but slip-resistant surface. Unit pavers shall be bounded by poured or precast concrete or stone edging of a width not to exceed two feet, or a curb or retaining wall.~~

Locational requirements

(1) Within required circulation paths

All paving material for a required circulation path shall be permanent, durable, handicapped accessible, and shall consist of one or a combination of the following:

- (i) Unit pavers constituted of stone, concrete, granite, asphalt or a mix of these materials with other aggregates;
- (ii) Concrete, prefabricated, poured or permeable;
- (iii) Wood planks for boardwalk or decking, except that tropical hardwood shall not be permitted;
- (iv) Solid plastic, such as “plastic lumber,” high density polyethylene, wood composite plastic or fiber-reinforced plastic.

(2) Other than within required circulation paths

In addition to the permitted paving materials of paragraph (a)(1) of this Section, the following materials shall be permitted anywhere in a #waterfront public access area#:

- (i) Blocks such as Belgian blocks, cobble stones, concrete cobbles, or Eurocobble;
 - (ii) Gravel, loose, installed over a solid surface or glued with resin;
 - (iii) Wood chips or other similar material;
 - (iv) Metal grating, limited to locations that require drainage and for #platforms#;
 - (v) Asphalt, impermeable or porous, which may be imprinted with thermoplastic patterns.
- (3) Special regulations for “Type 2” #upland connections#

Paving for driveways and pedestrian paths shall be subject to the standards of the New York City Department of Transportation for roadbeds and sidewalks.

(b) Dimensional requirements

- (1) All unit pavers shall have a minimum thickness dimension of two inches for pedestrian use and three inches for vehicular use and shall not exceed a maximum of four square feet in area.
- (2) Wood planks or plastic lumber for boardwalk or decking shall be a minimum of three inches thick (nominal dimension) The direction of planks shall not be parallel to the direction of traffic.
- (3) Concrete slabs, other than in #upland connections#, shall be a maximum of two feet in any one dimension.

All the above materials may be installed to facilitate storm water management appropriate for specific site conditions.

62-657

Bicycle racks

p

Each bicycle rack shall allow for the bicycle frame and one wheel to be locked to the rack. If bicycles can be locked to each side of the rack , each side may be counted as a required space. Thirty inches of maneuverable space shall be provided between parallel bicycle racks and an eight foot wide aisle shall be provided between bicycle rack areas.

62-658

Trash receptacles

Trash receptacles shall be placed within 50 feet of a seating area, have a minimum capacity of 25 gallons and have either top openings that measure at least 12 inches wide or side openings that inscribe a rectangle measuring at least 12 inches wide and six inches high. Trash receptacles shall be able to use standard bags used to collect trash.

62-624 62-70

Maintenance and ~~o~~Operation of Requirements for wWaterfront ~~p~~Public ~~a~~Access ~~a~~Areas

62-71 (62-624(a), modified)

Operational requirements

(a) Hours of operation

All #waterfront public access areas# shall be open to the public at the times indicated in the table in this Section, except when required to be closed for repairs, and for no more than one day each year in order to preserve the private ownership of such area, as set forth in the maintenance and operation agreement required pursuant to Section 62-74.

HOURS OF OPERATION FOR WATERFRONT PUBLIC ACCESS AREAS

<u>Districts</u>	<u>April 15 to October 31</u>	<u>November 1 to April 14</u>
<u>#Predominantly# community facility #developments# in:</u>		
<u>R3 R4 R5 C1 or C2 in R3 thru R5 C3 C4-1 C8 M1 M2 M3</u>	<u>Dawn to dusk*</u>	<u>Dawn to dusk*</u>
<u>#Predominantly# commercial #developments# in all districts</u>	<u>Dawn to dusk or business closing, whichever is later**</u>	<u>Dawn to dusk or business closing, whichever is later**</u>
<u>R6 R7 R8 R9 R10</u>	<u>6 A.M. to 10:00 P.M.</u>	<u>7 A.M. to 8:00 P.M.</u>

* Dawn shall be defined as one half hour before sunrise, and dusk shall be defined as one half hour after sunset.

** #Waterfront public access areas# in #commercial developments# shall not be required to be open to the public beyond required hours of operation for #predominantly residential developments#.

(b) Rules of conduct

Rules of conduct for the #waterfront public access area# shall be established with the Department of Parks and Recreation and set forth in the maintenance and operation agreement as required pursuant to Section 62-74 (Requirements for Recordation). Such rules of conduct shall not prohibit typical promenade activities consistent with public enjoyment of the waterfront, such as walking, jogging, sitting or reclining, gathering in small groups, or consumption of food or non-alcoholic beverages.

62-72 (62-624(b)&(c) modified)

Performance and Maintenance Requirements

(ba) Performance and maintenance

- (1) The property owner shall be responsible for the completion and maintenance of all required #waterfront public access areas# on the #zoning lot#. No certificate of occupancy shall be issued until all required #waterfront public access area# improvements are completed except as otherwise provided in a phasing plan pursuant to Sections 62-811 (Waterfront public access and visual corridors) or 62-722 62-822 (Modification of waterfront public access area and visual corridor requirements).
- (2) To ensure the maintenance of the #waterfront public access areas#, prior to obtaining any certificate of occupancy, the property owner shall post security, in the form of a maintenance bond, letter of credit or other security acceptable to the Department of Parks and Recreation (DPR), with the DPR in an amount certified by a registered architect or landscape architect to be sufficient to cover one hundred and twenty-five percent (125%) of the cost of maintaining the #waterfront public access areas# for a twelve-(12) month period following the final completion of such the #waterfront public access areas#. The security shall be replaced every five years with a new security in an amount sufficient to cover one hundred and twenty five percent (125%) of the current annual cost of maintaining the #waterfront public access areas#, as certified by a registered architect or landscape architect. The security shall be in effect for the life of the #development#.

(eb) Maintenance and liability

Any declaration by the owner, its successor or assigns, or agreement between the owner, its successor or assigns, and the City of New York-City, provided in accordance with 62-74 (Requirements for Recordation) regarding the maintenance and operation of ~~the #shore public walkway#, public access areas on #piers# as established in Section 62-412,~~ public access areas for #floating structures# as established in Section 62-413, and #supplemental public access areas#, a required #waterfront public access area# as established in Section 62-52 (Applicability of Waterfront Public Access Area Requirements), shall provide that:

- (1) the owner, its successor or assigns, will construct and be responsible for ordinary maintenance and repair of all such areas;
- (2) the City will indemnify and defend the owner, its successor or assigns, for judgments resulting from litigation of claims of personal injury on such areas in accordance with reasonable provisions and procedures in the declaration and the maintenance and operation agreement, provided that the owner, its successor or assigns, ~~have~~ has fully complied with the design and maintenance ~~obligations~~ requirements as set forth in this Resolution and the maintenance and operation agreement; and
- (3) in the event such areas are destroyed or substantially damaged as a result of flood, storm, fire or other acts of God, reconstruction shall be the responsibility of the City, provided that such destruction or damage is not the result of the negligence of the owner, or of the owner's failure to construct or maintain such areas in accordance with the provisions of this Resolution and the maintenance and operation agreement.

62-73 (Prev. 62-624(d), modified)

Request to ~~t~~Transfer ~~t~~Title to ~~e~~Certain Waterfront ~~p~~Public ~~a~~Access ~~a~~Areas

(delete existing text)

(a) The owner of a #zoning lot# on a #waterfront block# may, at the owner's option, and prior to commencement of design and construction of #waterfront public access areas#, make a request directed to the Office of the Mayor (Request) to transfer to the City of New York its fee simple absolute interest, free and clear of any encumbrances that are not deemed acceptable by the City, in the #waterfront public access area# on such #zoning lot#.

- (1) The City may accept the Request, provided that transfer will be made in a manner acceptable to the Chairperson of the City Planning Commission and the Commissioner of Parks and Recreation, who may specify conditions for transfer including, without limitation, establishment by the owner of an account for the funding of ordinary maintenance of the #waterfront public access area# and a capital reserve or funding mechanism for future capital repair, and adequate

guarantees of access to the #waterfront public access area# and, provided further, that transfer is made pursuant to such instruments, which shall be a condition of certification pursuant to Section 62-811 (Waterfront public access and visual corridors), paragraphs (b) and (c), as are necessary for implementation. Where the Request is for transfer of a phase of the #waterfront public access area# pursuant to a phased implementation of required public access areas certified by the Chairperson pursuant to Section 62-811 or authorized by the City Planning Commission pursuant to Section 62-822, the City shall consider, in determining whether to accept such Request, such factors as the size, location and access for purposes of maintenance, repair and reconstruction, of the phase which is the subject of the Request, and may require as a condition of acceptance that the owner make binding commitments to the transfer of subsequent phases.

- (2) The Department of Parks and Recreation (DPR) shall review and approve the design and construction specifications for the #waterfront public access areas# proposed for transfer, and transfer of such areas shall be made prior to the issuance of any temporary or permanent Certificate of Occupancy for any part of the #development# for which such areas are required to be constructed, upon determination by the DPR that construction of such areas is complete, as required pursuant to Sections 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) and 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), and is in accordance with the previously approved design and construction specifications, except that signage required pursuant to Section 62-654 may be replaced by DPR signage.
- (3) The provisions of 62-72 (Performance and Maintenance Requirements), paragraphs (a)(2) and (b), shall not apply to any #waterfront public access area# transferred pursuant to this Section.

In the event of a transfer under this paragraph, (a), the #bulk# and parking computations for the #zoning lot# shall include the transferred property. Such transfer shall not be deemed to have created a #non-compliance#.

- (b) For parcels identified in Waterfront Access Plan BK-1, the owners of two or more parcels may, either for purposes of certification pursuant to Section 62-811 or at any time thereafter, submit an alternate plan to the Chairperson for the joint maintenance and operation of #waterfront public access areas# on such parcels, through an association or other entity established for this purpose or by other method. Such plan may include, in addition to provisions for maintenance and operation, alternate provisions with respect to security, liability and any other matters set forth in Section 62-72 (Performance and Maintenance Requirements), as well as special provisions for reporting and monitoring of compliance with obligations for maintenance and operation of the #waterfront public access areas#. Such plan and any instruments as are necessary for its implementation may be approved by the Chairperson and the Commissioner of Parks and Recreation upon a determination that:

- (1) implementation of the plan would enhance maintenance and operation of the waterfront public access areas consistent with the purposes of this Chapter; and
- (2) participation in the plan is available to owners of contiguous parcels identified in Waterfront Access Plan BK-1 on an equal basis.

~~62-14~~ 62-74

Requirements for Recordation

All required ~~visual corridors~~, ~~shore public walkways~~, ~~supplemental public access areas~~, ~~pier~~ or ~~floating structure~~ ~~public access areas~~ and ~~upland connections~~, and waterfront public access areas other than those provided in parks ~~developed~~ pursuant to Section ~~62-416~~ ~~62-59~~ (Special ~~Regulations for~~ ~~Zoning~~ ~~Lots~~ ~~That~~ ~~Include~~ ~~Parks~~), once certified in accordance with the provisions of Section ~~62-711~~ ~~62-811~~ (Waterfront public access and visual corridors), paragraphs (b) or (c), shall be duly recorded in the form of a signed declaration of restrictions, including a maintenance and operation agreement with the Department of Parks and Recreation when a waterfront public access area is provided, indexed against the property, binding the owners, successors and assigns to provide ~~visual corridors~~ and to construct and maintain the ~~shore public walkways~~, ~~supplemental public access areas~~, ~~pier~~ or ~~floating structure~~ ~~public access areas~~ and ~~upland connections~~, waterfront public access areas, except as provided in the provisions of Section ~~62-624~~ 62-70, inclusive, and provide public access thereto in accordance with the plans certified by the Chairperson of the City Planning Commission. Such declaration or maintenance and operation agreement shall require that a bond be posted that would ensure that the waterfront public access areas are maintained in accordance with the declaration or maintenance and operation agreement and are closed only at authorized times, and shall set forth rules of conduct consistent with the provisions of paragraph (b) of Section 62-71. The filing of such declaration in the Borough Office of the Register of the City of New York shall be a precondition for the issuance of a building permit.

In addition, the preceding waterfront public access area elements shall be recorded on the ~~e~~Certificate of ~~e~~Occupancy by the Departments of Buildings or Business Services, as applicable, and shall be a condition of issuance of such ~~e~~Certificate of ~~e~~Occupancy.

For parcels identified in Waterfront Access Plan BK-1 for which an alternate plan for joint maintenance and operation has been approved, or for parcels for which a transfer to the City is proposed pursuant to paragraph (e**b**) of Section ~~62-624~~ ~~62-73~~, the provisions of such instruments as are necessary to effectuate such paragraph shall supersede those of the maintenance and operation agreement described in this Section.

~~62-70~~ 62-80

SPECIAL REVIEW PROVISIONS

62-16- (modified)

Requirements for Applications

An application to the Department of Buildings, Department of City Planning or Department of Business Services, involving a #zoning lot# subject to the provisions of this Chapter, shall include a survey of the #zoning lot# showing the following elements, as applicable, and documentation showing compliance with all requirements for #waterfront public access areas#:

- (a) pierhead line;
- (b) bulkhead line;
- (c) #shoreline#, including its length;
- (d) #upland lot#, including its area;
- (e) #seaward lot#, including its area;
- (f) area of the portion of the #zoning lot# seaward of the #shoreline#;
- (g) #existing #piers#, #platforms# or #floating structures#, including #water coverage# and surface elevation or height, as applicable;
- (h) previously established and recorded #visual corridors#, ~~#shore public walkways#~~, ~~#upland connections#~~, ~~#supplemental public access areas#~~ and #waterfront public access areas# or any other public access area on the #zoning lot# or on adjoining #zoning lots#;
- (i) #visual corridors# or #waterfront public access areas# required on the #zoning lot# by a Waterfront Access Plan set forth in Section ~~62-80~~ 62-90; and
- (j) existing bulkheads and stabilized portions of natural shore showing seaward and landward edges, as well as their top elevations;

62-71 62-81

Certifications by the Chairperson of the City Planning Certifications Commission

The provisions of Sections ~~62-711~~ 62-811 and ~~62-712~~ 62-812, relating to certifications for #waterfront public access areas#, #visual corridors# and #zoning lot# subdivisions, shall ~~not~~ apply to all #zoning lots# within #waterfront blocks# and any other #blocks# included within a Waterfront Access Plan, except that the following shall not be subject to the provisions of Section ~~62-711~~ 62-811:

airports, heliports and seaplane bases;

~~#developments#~~ involving ~~#predominantly single-#~~ or ~~#two-family residences#~~ within ~~#detached#, #semi-detached#~~ or ~~#zero lot line buildings#~~ on existing ~~#zoning lots#~~ of less than 10,000 square feet in any district, provided such ~~#zoning lots#~~ are not included within an area subject to a Waterfront Access Plan pursuant to Section ~~62-80~~ 62-90;

~~#zoning lots#~~ in R1 and R2 Districts; and

~~#zoning lots#~~ in C8 and ~~#Manufacturing Districts#,~~ involving ~~#predominantly uses#~~ in Use Groups 16, 17 or 18 ~~#uses#,~~ except for docking facilities serving passenger ocean vessels or sightseeing, excursion or sport fishing vessels.

~~#zoning lots#~~ in R1 and R2 Districts

~~62-711~~ 62-811

Waterfront public access and visual corridors

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

- (a) there is no ~~#waterfront public access area#~~ or ~~#visual corridor#~~ requirement for the ~~#development#~~ due to the following:
 - (1) the ~~#development#~~ is exempt pursuant to Sections ~~62-41~~ 62-52 (~~Requirements for Applicability of~~ Waterfront Public Access Area Requirements) or ~~62-42~~ 62-51 (~~Requirements for Applicability of~~ Visual Corridors Requirements); or
 - (2) the ~~#waterfront public access area#~~ or ~~#visual corridor#~~ requirement has been waived pursuant to Section ~~62-80~~ 62-90 (WATERFRONT ACCESS PLANS); ~~or~~
- (b) a site plan has been submitted showing compliance with the provisions of Section ~~62-40~~ 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS AND VISUAL CORRIDORS) and ~~62-60~~ (DESIGN STANDARDS REQUIREMENTS FOR THE WATERFRONT PUBLIC ACCESS AREAS); ~~or~~
- (c) a site plan has been submitted showing compliance with the provisions of Section ~~62-80~~ 62-90; ~~or~~
- (d) for ~~#developments#~~ listed in Section ~~62-40~~ 62-52, paragraph ~~(a) (1)~~ (b), on a ~~#zoning lot#~~ containing a public access area established prior to October 25, 1993, meeting the terms of Section ~~62-415~~ 62-58 paragraph (c) (Requirements for supplemental public access areas Water-Dependent Uses and Other Developments), by restrictive declaration, lease agreement, maintenance and operation agreement or other agreement with a public entity,

which public access area is required to be provided for a ~~period not less than the anticipated~~ life of the ~~new~~ #development#, a copy of such restrictive declaration or agreement and a site plan indicating the location, area and design of the required public access area and showing substantial compliance with the provisions of ~~the first paragraph of Section 62-415-62-58, paragraph (b),~~ have been submitted; or

- (e) for the #development# of a park, a site plan and all other applicable data have been submitted showing compliance with the provisions of Section ~~62-416~~ 62-59 (Special ~~Regulations for Zoning Lots that Include Parks~~).

For any parcel identified in Waterfront Access Plan BK-1, the Chairperson shall allow for the phased implementation of all required #waterfront public access areas# upon certification to the Commissioner of Buildings that a plan has been submitted that provides for an amount of #waterfront public access area# proportionate to the amount of #floor area# being #developed# in each phase. Additionally, for any #development# located within 240 feet of a #shoreline#, the initial phase and each subsequent phase shall provide a minimum of 200 linear feet of #shore public walkway# and any adjacent #supplemental public access area# located between such #development# and such #shore public walkway#, one #upland connection# through or adjacent to the entire parcel leading to the #shore public walkway#, and at least one other connection from the #shore public walkway# to an adjacent #shore public walkway#, #street# or other #upland connection#. For any #development# located entirely beyond 240 feet of a #shoreline#, the initial phase and each subsequent phase shall also provide a minimum of 100 linear feet of #shore public walkway# and one #upland connection# through or adjacent to the entire parcel leading to the #shore public walkway#. However, no #waterfront public access area# need be provided for a phase consisting of a #development# in which all #residences# in such phase are affordable #residences# for #lower income households# as defined in Section 23-93, or #moderate income households# as defined in Section 62-352 (Inclusionary Housing), provided that such exemption shall only apply where 25 percent or less of the total #residential floor area#, including any applicable #floor area# bonuses, on the parcel ~~have~~ has been #developed#.

A certification pursuant to paragraphs (b) or (c) of this Section shall be granted on condition that an acceptable restrictive declaration is executed and filed pursuant to Section ~~62-44~~ 62-74 (Requirements for Recordation).

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

~~62-712~~ 62-812
Zoning lot subdivision

An existing #zoning lot# within a #waterfront block#, or within any other #block# included in a Waterfront Access Plan, may be subdivided into two or more #zoning lots#, or reconfigured in a manner that would reduce its area or any dimension, only in accordance with the provisions of this Section or as modified pursuant to Section 62-822 (Modification of waterfront public access area and visual corridor requirements).

Such #zoning lot# may be subdivided or reconfigured, provided that the Chairperson of the City Planning Commission certifies that:

- (a) there are no ~~existing~~ requirements in this Chapter for a #waterfront public access area# or #visual corridors# on the such #zoning lot# for any #use# permitted on such #zoning lot#;
or
- (b) ~~the proposed subdivision or reconfiguration will not affect a minimum dimension or area which would mandate waterfront public access or #visual corridors#;~~ or
- (c) ~~in the event a subdivision or reconfiguration affects a minimum dimension or area as set forth in paragraph (b) of this Section, such waterfront public access or #visual corridors# will continue to be provided on any subdivided or reconfigured #zoning lots# that would result, as evidenced by the recording of a deed restriction against such property.~~

a restrictive declaration shall be recorded against each subdivided or reconfigured #zoning lot#, binding all such #zoning lots# to provide #waterfront public access areas# or #visual corridors# at the time of a #development#, other than an exempt #development#, as set forth in Section 62-52. Such restrictive declaration shall include a site plan that sets forth the amount and location of the required #waterfront public access areas# and #visual corridors# on all resulting #zoning lots#.

Such #waterfront public access area# or #visual corridor# shall be provided as required for the original #zoning lot# at the time of #development# of a non-exempt #use#; or

- (c) there are existing publicly accessible waterfront open areas on the #zoning lot# constructed as part of a previously approved site plan providing physical and visual access to and along the waterfront, and such open areas are no smaller in square footage than that required under the provisions of this Chapter for #waterfront public access areas# and #visual corridors#, and restrictions have been recorded against the property requiring such existing open area to remain accessible to the public for the life of the #development#.

62-72 62-82

Authorizations by the City Planning Commission

* * *

~~62-721~~ 62-821

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

* * *

- (b) In all districts, the City Planning Commission may authorize a reduction or waiver of the parking requirements of Section ~~62-53~~ 62-43 for docks serving ferries, or sightseeing, excursion or sport fishing vessels, provided the applicant submits a report that enables the Commission to make one or more of the following findings:

* * *

- (c) In all districts, the Commission may authorize modification of the passenger drop-off and pick-up area requirements of Section ~~62-562~~ 62-462, including a reduction in the number of required spaces, for docks serving ferries, or sightseeing, excursion or sport fishing vessels, provided the Commission finds that:

* * *

~~62-722~~ 62-822

Modification of waterfront public access area and visual corridor requirements

~~The City Planning Commission may:~~

- (a) Authorization to modify requirements for location, area and minimum dimensions of #waterfront public access areas# and visual corridors

~~The City Planning Commission may authorize modification of~~ modify the requirements of Section ~~62-40~~ 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS AND VISUAL CORRIDORS) and, in conjunction therewith, Section 62-332 (Rear yards and waterfront yards). The Commission may also authorize a portion or all of the required #waterfront public access area# to be provided off-site on an adjoining public property.

The Commission shall file any such authorization, pursuant to this paragraph, (a), with the City Council. The Council, within 20 days of such filing, may resolve by majority vote to review such authorization. If the Council so resolves, within 50 days of the filing of the Commission's authorization, the Council shall hold a public hearing and may approve such authorization in whole or in part, with additional or modified restrictions or conditions, or disapprove such authorization. If, within the time periods provided for in this Section, the Council fails to act on the Commission's authorization, the Council shall be deemed to have approved such authorization.

~~As a condition to the granting of~~

- (1) ~~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; or~~

In order to modify the location of #waterfront public access areas# and #visual corridors#, the Commission shall find that such areas, provided either on the #zoning lot# or off-site adjacent to the #zoning lot#, shall:

- (i) comply with the required minimum dimensions and equal the required total area, in aggregate; and
- (ii) due to their alternative location and design, provide equivalent public use and enjoyment of the waterfront and views to the water from upland #streets# and other public areas; or
- (2) ~~strict adherence to the regulations would adversely affect existing topography, vegetation or views having environmental, historic or aesthetic value to the public; or~~
- (3) ~~for a commercial or community facility #development#, it would be impractical to satisfy the #development's# programmatic requirements while adhering to the regulations.~~

~~The Commission shall require that alternate waterfront public access areas and #visual corridors# on the #zoning lot#, or off site adjacent to the #zoning lot#, are provided that are substantially equal in area to that required and, by virtue of their location and design, provide equivalent public use and enjoyment of the waterfront and views to the water from upland #streets# and other public areas.~~

- (2) In the event the Commission determines that there is no feasible way to provide ~~substantially~~ equal alternative #waterfront public access areas# either on the #zoning lot# or off-site on an adjoining public property or to provide ~~substantially~~ equal alternative #visual corridors#, the Commission may authorize a reduction in minimum dimensions or area, or may waive of the such requirements, provided that:
 - (i) such #development# would be impracticable, physically or programmatically, due to site planning constraints such as the presence of existing #buildings or other structures# or elements having environmental, historic or aesthetic value to the public; and
 - (ii) that the reduction or waiver of requirements is the minimum necessary.
- (b) Authorization to modify requirements within #waterfront public access areas#.

~~authorize modifications of the requirements of Section 62-60 (DESIGN STANDARDS FOR THE WATERFRONT AREA).~~

The City Planning Commission may modify the requirements within the #waterfront public access area# provisions of Sections 62-513 (Permitted obstructions in visual corridors), 62-58 (Requirements for Water-Dependant Uses and Other Developments, Requirements for Supplemental Public Access Areas), Section 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, and Section 62-90 (WATERFRONT ACCESS PLANS), inclusive.

~~As a condition to the~~ In order to granting of such authorization, the Commission shall find that:

- (1) such modifications are necessary to accommodate modifications pursuant to paragraph (a) of this Section; or
 - (2) such modifications would result in a design of ~~the #waterfront public access areas#~~ that is functionally equivalent or superior to the design prescribed by strict adherence to the applicable provisions of Section 62-60.
- (c) ~~authorize, in the case of #zoning lots# undergoing partial development, a phasing plan to implement public access improvements on a proportional basis as the lot is improved.~~

Authorization for phased development of #waterfront public access areas#

The City Planning Commission may authorize a phasing plan to implement #waterfront public access area# improvements on #zoning lots# undergoing partial development or #zoning lots# subdivided or reconfigured pursuant to Section 62-812.

In order to grant such authorization, the Commission shall find that:

- (1) the amount of #waterfront public access area# developed in any phase is proportionate to the #lot area# being developed in such phase; or
- (2) physical or programmatic constraints make it infeasible to provide the #waterfront public access area# on a proportional basis as the #zoning lot# is improved, and the maximum feasible amount of #waterfront public access area# is developed in each phase.

A phasing plan shall be submitted that sets forth the amount and location of #waterfront public access area# that will be provided at the time of #development# of each phase.

- (d) Authorization to modify minimum hours of operation and to install gates

The City Planning Commission may authorize, for a period not to exceed ten years, modifications of the requirements for hours of operation set forth in Section 62-71, paragraph (a), or the installation of gates in #predominantly residential developments# in accordance with the provision of Section 62-651, paragraph (c)(2).

The Commission shall find that any modification of the hours of operation and the installation of gates in #predominantly residential developments# are warranted due to the remote location of the #waterfront public access areas#, and that such modified hours of operation or gates will not thereby unduly restrict public access to the waterfront.

As a condition of granting such authorization, the Commission shall find that all gates comply with the design requirements set forth in Section 62-651.

Public access to the #waterfront public access areas# shall be assured by appropriate legal instruments. Signage setting forth hours of operation shall be affixed to the gate which shall indicate the hours of public access authorized pursuant to this paragraph, (d).

The Commission may impose appropriate conditions and safeguards to assure that such modifications will achieve comparable physical and visual access to the waterfront or to assure that an approved phasing plan will be properly implemented. Such conditions may include, but are not limited to, requirements for deed restrictions, easements or performance bonds.

~~62-723~~ 62-823

Modification of use regulations in C3 Districts

* * *

~~62-73~~ 62-83

Special Permits by the City Planning Commission

~~62-731~~ 62-831

Docks for passenger ocean vessels in C6 Districts

* * *

- (c) an area will be provided for the drop-off and pick-up of passengers by private car, taxi, van and bus that, at a minimum, meets the requirements of Section ~~62-562~~ 62-462 (Passenger drop-off and pick-up areas for docking facilities), and which is so designed as to avoid traffic or pedestrian conflict on the #streets# providing access to the facility; and

* * *

~~62-732~~ 62-832

Docks for ferries or water taxis in Residence Districts

* * *

- (d) #accessory# off-street parking spaces are provided in accordance with Section ~~62-53~~ 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

* * *

62-733 62-833

Uses on floating structures

* * *

The Commission may also permit modification of the #visual corridor# requirements of Section ~~62-42~~ 62-51, inclusive, provided it makes the additional finding that the location and configuration of the #floating structure# minimizes any adverse effects on significant views to the water from upland #streets# or other public places.

* * *

62-734 62-834

Developments on piers or platforms

In all districts, the City Planning Commission may permit:

- (a) a change of #use# on a #new #pier# or #new platform# from a WD #use# ~~or the following WE #uses#:~~ #public park# or playground or publicly accessible private park, to any other WE #use# permitted by the applicable district regulations and, in conjunction with such change of #use#, modification of the #bulk# regulations of Section 62-30 for an existing #building#, except for Section 62-31, paragraph (a), or the maximum #floor area ratio# ~~for the applicable district~~, provided the Commission finds that:

* * *

- (b) for an #existing #pier#, any #use# permitted by the applicable district regulations and modifications of the provisions of Sections 62-332 (Rear yards and waterfront yards) and 62-342 (Developments on piers), provided the Commission finds that:

* * *

- (c) for ~~existing or new~~ #piers#, modification of the #waterfront public access area# and #visual corridor# requirements of Sections ~~62-40~~ 62-50 and 62-60, provided the Commission finds that:

- (1) the proposed #development# would result in better achievement of the goals set forth in Section 62-00 (General Purposes) than would otherwise be possible by strict adherence to the regulations of Sections ~~62-40~~ 62-50 and 62-60, inclusive; and

- (2) an alternative waterfront public access area and visual corridors on the zoning lot, or off-site on a public property adjacent to the zoning lot, are provided that are substantially equal in area to that required and, by virtue of their location and design, provide equivalent public use and enjoyment of the waterfront and views to the water from upland streets and other public areas.

In the event that the Commission determines ~~that~~ there is no feasible way to provide substantially equal alternative public access areas, either on the zoning lot or off-site on an adjoining public property or to provide substantially equal alternative visual corridors, the Commission may authorize a reduction or waiver of the requirements.

The Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the waterfront and the surrounding area, including requirements for setbacks from lot lines, spacing from other buildings on the same or adjoining zoning lots, limitations on lighting and signage and limitations on size of individual establishments.

62-735 62-835

Public parking facilities on waterfront blocks

* * *

62-736 62-836

Bulk modifications on waterfront blocks

In all districts, the City Planning Commission may permit modification of any applicable yard, lot coverage, height and setback, and distance between buildings regulations for a development on a zoning lot within a waterfront block, excluding any portion on a pier or new platform, provided the Commission finds that such modifications:

- (a) ~~the zoning lot has unique natural features such as rock outcroppings, significant grade changes or wetlands; or has an irregular shoreline or shape; or contains existing buildings or other structures;~~
- (b) ~~the site plan of the proposed development would result in better bulk placement and articulation of buildings, and a better arrangement of open spaces than would be possible by strict adherence to the bulk regulations;~~
- (c) ~~the proposed development would provide physical or visual public access to the waterfront in a way that is superior to that which would be possible by strict adherence to the bulk regulations; and~~
- (d) ~~such modifications would significantly enhance the relationship between the proposed development and the surrounding area.~~

- (a) will result in a better site plan and a better relationship between the #zoning lot# and the adjacent #streets#, surrounding #development#, adjacent open areas and #shoreline# than would be possible through strict adherence to the regulations; or
- (b) are necessary to protect unique natural features such as rock outcroppings, significant grade changes or wetlands, or to accommodate existing #buildings or other structures#; and
- (c) will not adversely affect access to light and air on surrounding #waterfront public access areas#, #streets# and properties.

~~62-737~~ 62-837

Docks for gambling vessels

* * *

(N.B. Section 62-80 (WATERFRONT ACCESS PLANS, et seq.) has been modified and renumbered as 62-90, et seq.)

~~62-80~~ 62-90

WATERFRONT ACCESS PLANS

~~62-81~~ 62-91

General Provisions

~~62-811~~ 62-911

Establishment of Waterfront Access Plans

The City Planning Commission and City Council may adopt a Waterfront Access Plan as an amendment to this Resolution pursuant to Section 200 or 201 of the City Charter and in accordance with the provisions of Sections ~~62-812~~ 62-912 (Elements of a Waterfront Access Plan), ~~62-813~~ 62-913 (Conditions for the adoption of a Waterfront Access Plan) and this Section in order to adjust the #waterfront public access area# and #visual corridor# requirements of Sections ~~62-40~~ 62-50 and 62-60, inclusive, retain the #waterfront block bulk# regulations of Section 62-30 on newly-created non-#waterfront blocks# within a specifically defined portion of the #waterfront area#, or establish #waterfront yard# requirements for #developments# otherwise exempt from the requirements of Section 62-33 (Special Yard Regulations on Waterfront Blocks).

* * *

62-812 62-912

Elements of a Waterfront Access Plan

A Waterfront Access Plan may:

- (a) on #zoning lots# where a #waterfront public access area# or #visual corridors# are required pursuant to the provisions of Sections ~~62-40~~ 62-50 and 62-60, inclusive, modify the size, configuration, location or design of required #waterfront public access areas# or #visual corridors# within certain designated areas in order to address local conditions, provided such plan does not impose a #waterfront public access area# or #visual corridor# requirement on any #zoning lot# greater than would otherwise be required pursuant to the provisions of Sections ~~62-40~~ 62-50 or 62-60. For the purpose of determining the amount of public access, the highest standard applicable to a #zoning lot# may be applied regardless of any specific #use# permitted or proposed for such #zoning lot#. Within Waterfront Access Plan BK-1, the #waterfront public access area# and #visual corridor# requirements for any parcel located within the Waterfront Access Plan may be determined by aggregating the #waterfront public access area# and #visual corridor# requirements of each #zoning lot# within the parcel and such aggregated requirements may be modified within such parcel without regard to #zoning lot lines#;
- (b) on #zoning lots# where a #waterfront public access area# or #visual corridors# are not required pursuant to the provisions of Sections ~~62-40~~ 62-50 and 62-60, inclusive, establish requirements for a #waterfront public access area# or #visual corridors#, except for those #zoning lots# predominantly developed# for airports, heliports, seaplane bases or, in C8 or #Manufacturing Districts#, #uses# in Use Groups 16, 17 or 18, provided that such #zoning lots#, when improved would result in a community need for such physical or visual access to the waterfront or a waterfront linkage of #public parks# or other public areas. The plan may incorporate one or more of the #waterfront public access areas# or #visual corridors# listed in Section ~~62-40~~ 62-50, inclusive, consistent with the standards of Sections ~~62-40~~ 62-50 and 62-60, inclusive. Such standards may be modified as necessary to address local conditions provided such plan does not impose a requirement for any component greater than would otherwise be required, pursuant to the provisions of Sections ~~62-40~~ 62-50 or 62-60;
- (c) modify or waive specific requirements for a #waterfront public access area# or #visual corridors# in certain designated areas where such requirements would not be compatible with local conditions and therefore not serve to further public enjoyment of the waterfront;
- (d) identify shore terminations of mapped #streets# or #existing #piers# or #platforms# within seaward prolongations of such #streets# and establish public access treatments for such areas after referral to the Department of Transportation or other City agency having jurisdiction over such property for its review and concurrence;

- (e) apply the #bulk# regulations of Section 62-30 to a non-#waterfront block# when such #block# results from a subdivision of a #waterfront block# as the result of a #street# mapping; and
- (f) for #developments# where a #waterfront yard# is not otherwise required by Section 62-33, establish requirements for a #waterfront yard# provided such plan does not impose a requirement greater than would be required by the provisions of Sections 62-331 or 62-332, as modified by the further provisions of this paragraph, (f), for such other #developments#. #Enlargements# of #buildings or other structures# existing on the effective date of the Waterfront Access Plan shall be permitted within such #waterfront yard# provided that the #enlargement# is for WD #uses# or Use Group 16, 17 or 18 #uses# and no portion of the #enlargement#, other than permitted obstructions, is within 20 feet of the seaward edge of the #waterfront yard#. In addition, obstructions shall be permitted within such #waterfront yard# pursuant to applicable district #yard# regulations, except that no #building# or portion of a #building# shall be permitted within 10 feet of the seaward edge of such #waterfront yard#.

A Waterfront Access Plan shall include the following elements:

- (1) identification of the plan by Borough and plan number or area name;
- (2) a #zoning map#, or portion thereof, showing the boundaries of the geographical area included within the plan, which shall constitute the plan map;
- (3) delineation on the plan map of any physical or visual waterfront access features mandated by the plan to be at specific locations; and
- (4) a description in the plan text of all features established or modified by the plan, with reference to affected blocks and lots.

* * *

~~62-813~~ 62-913

Conditions for adoption of a Waterfront Access Plan

As a condition precedent to its approval of a Waterfront Access Plan, the City Planning Commission shall find, in its report to the City Council for adoption, that such plan:

- (a) would improve public use and enjoyment of the waterfront, thereby serving to implement the goals set forth in Section 62-00; and
- (b) meets any of the following:

- (1) is necessary to link #public parks# or other public areas along the waterfront or to the waterfront, and such linkage would not necessarily be achieved solely by the provisions of Sections 62-34, ~~62-40~~ 62-50 and 62-60;
- (2) is necessary to accommodate unique shore conditions or the retention of existing #buildings or other structures#, including bridges, viaducts or railways that would not be adequately accommodated by the provisions of Sections ~~62-40~~ 62-50 and 62-60;
- (3) is necessary to accommodate unique topography or natural features, such as wetlands conditions, significant grade changes, geologic formations, natural vegetation or wildlife habitats, which natural features or topography would not be adequately accommodated by the provisions of Sections 62-34, ~~62-40~~ 62-50 and 62-60;
- (4) is necessary to create a better physical or visual relationship of the waterfront to significant upland #streets# or preserves significant views of the water or historic structures from such #streets#, which would not necessarily be achieved by the provisions of Sections 62-34, ~~62-40~~ 62-50 and 62-60;

* * *

~~62-82~~ 62-92

Borough of The Bronx

~~62-83~~ 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 ~~62-831~~ 62-931.

~~62-831~~ 62-931

Waterfront Access Plan BK-1: Greenpoint-Williamsburg

Maps BK-1a through BK-1c in paragraph (g) 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:

(a) Area wide modifications

The following provisions shall apply to all #developments# required to provide a #waterfront public access area#, pursuant to Section ~~62-40~~ 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS AND VISUAL CORRIDORS):

- (1) Paragraph ~~(e)~~ (a)(3) of Section ~~62-412~~ 62-54 (Requirements for ~~p~~Public ~~a~~Access on ~~p~~Piers) is applicable, except that a minimum of 15 feet ~~are~~ is required along each water edge.
- ~~(2) The provisions of Section 62-61 (Design Options and Methodology) shall be inapplicable. In lieu thereof, the following provisions shall apply:~~
 - ~~(i) All required public access areas and #visual corridors# shall comply with the general requirements set forth in Section 62-62 (General Requirements for Public Access Areas) and the specific requirements as set forth in this Section.~~
 - ~~(ii) #Upland connections#, #visual corridors#, public access areas on #piers# and public access areas in conjunction with #floating structures# shall comply with the design requirements set forth in Sections 62-64 through 62-66, inclusive.~~
 - ~~(iii) Public access areas are subject to the design reference standards set forth in Section 62-67 and paragraph (d) of this Section.~~
- (2) In addition to the requirements of Section 62-65 (Public Access Design Reference Standards), all #waterfront public access areas# are subject to the provisions set forth in paragraph (c) of this Section.
- ~~(3) The provisions of Section 62-623 (Supplemental public access areas) shall be inapplicable. In lieu thereof, the following provisions shall apply:~~
 - ~~(i) A required #supplemental public access area# shall be directly connected to either a #pier# public access area, an #upland connection# or a #shore public walkway# on either its landward or seaward side and its pedestrian circulation zone shall be contiguous with the adjacent pedestrian circulation zone.~~
 - ~~(ii) A buffer zone shall only be required where a #supplemental public access area# adjoins a non-publicly accessible portion of a #zoning lot#, in which case its minimum width shall be 15 feet.~~

(4-3) #Street# treatment

All #streets# adjacent to a #shore public walkway# or #supplemental public access area# shall be improved as a continuation of such #shore public walkway# or #supplemental public access area#, pursuant to the design requirements of paragraph (b) of this Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas), inclusive.

~~(b) Specific design requirements for Public Access Prototypes (delete entire paragraph)~~

~~(e)~~ Amenities

~~In parcels where #supplemental public access area# is required, no more than 15 percent of public access area may be reduced if playgrounds and other amenities are provided in accordance with the following provisions:~~

~~(1) —~~ Playgrounds

~~A playground shall have a minimum size of 1,000 square feet and, if applicable, there shall be a minimum of 400 feet between any two playground areas. For every five square feet of playground area provided, the total amount of required public access may be reduced by the rate of one square foot;~~

~~(2) —~~ Other amenities

A reduction in the total amount of required #supplemental public access area# shall be permitted according to the following table in this paragraph, (b):

REDUCTIONS IN WATERFRONT PUBLIC ACCESS AREAS

Amenity	Square feet reduction
Picnic table	22 sq. ft. per table (max. 200 sq. ft.)
Chess table	20 sq. ft. per table (max. 200 sq. ft.)
Telescope	10 sq. ft. per telescope (max. 50 sq. ft.)
Fountain/water feature	150 sq. ft. per feature (max. 300 sq. ft.)
Shade structure	150 sq. ft. per structure (max. 300 sq. ft.)

(dc) Public access design reference standard

Section ~~62-67~~ 62-65 is hereby modified by the following provisions.

(1) Guardrails

~~The provisions of paragraph (a) of Section 62-671 (Guardrails, gates and other protective barriers) shall be inapplicable. In lieu thereof, the following provisions for guardrails shall apply:~~

- ~~(i) — Guardrails shall be located within #waterfront public access areas# continuously along any bulkhead, stabilized shore or the water edges of a #pier# or #platform# that is located within 50 feet of a circulation path; and continuously along any grade level change of 30 inches or greater adjoining or within 10 feet of a circulation path. However, guardrails shall not be required landward of any rip rap, beach or any other shoreline material that is at least 10 feet wide. If any protective barrier is provided adjacent to any rip rap, beach or other shoreline material, they shall not exceed a height of 21 inches or shall consist of a bollard and chain device.~~

~~Guardrails shall not be required at access points to WD (Water-Dependent) #uses# and #development# on #floating structures#. The minimal protective barrier at such locations shall be a swing gate, bollard and chain or similar device.~~

- ~~(ii) — Guardrails shall comply with Illustration A1; alternatively, Illustration A2 may be used in #piers#.~~

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.

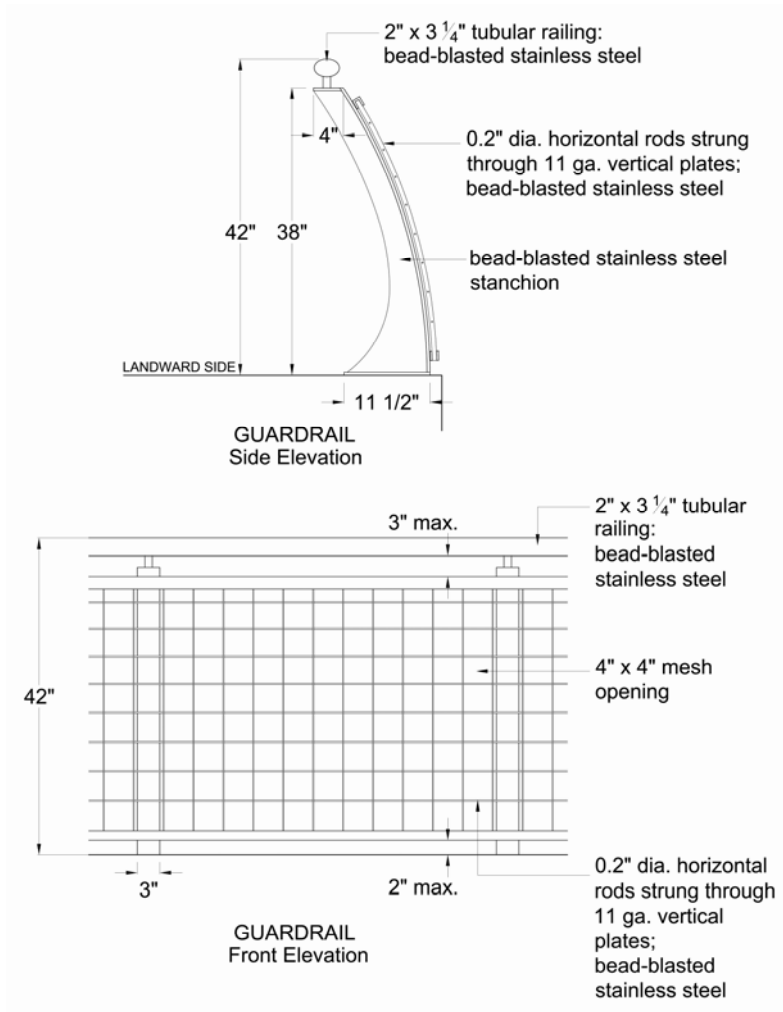


Illustration A1
(previous illustration deleted and replaced, above)

~~Illustration A2~~
(previous illustration deleted)

All guardrail components and hardware shall be #316 in stainless steel, passivated and bead blasted, or cast aluminum, as applicable.

(2) Seating

In addition to the provisions of Section ~~62-672~~ 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.

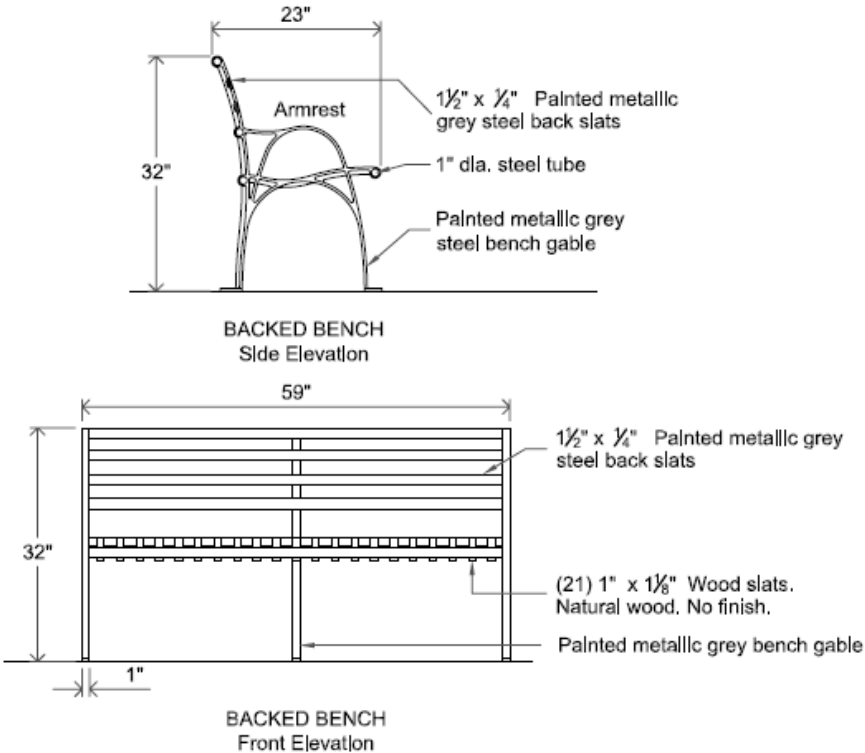
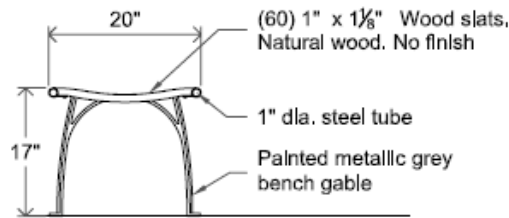
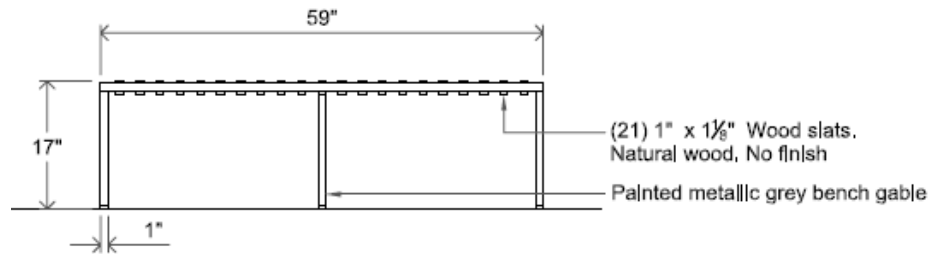


Illustration B1
(previous illustration deleted and replaced, above)



BACKLESS BENCH
Side Elevation



BACKLESS BENCH
Front Elevation

Illustration B2

(previous illustration deleted and replaced, above)

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

~~All supports and backstraps shall be 713 tenzallo alloy cast aluminum, with a rust inhibitor and a top coat finish of thermosetting polyester powdercoat that is ultra violet, chip and flake resistant. Metal components shall have a light gray or aluminum color.~~

(3) Lighting

In addition to the illumination provisions of Section ~~62-673~~ 62-653, the required lighting shall comply with Illustration C1 in this Section.

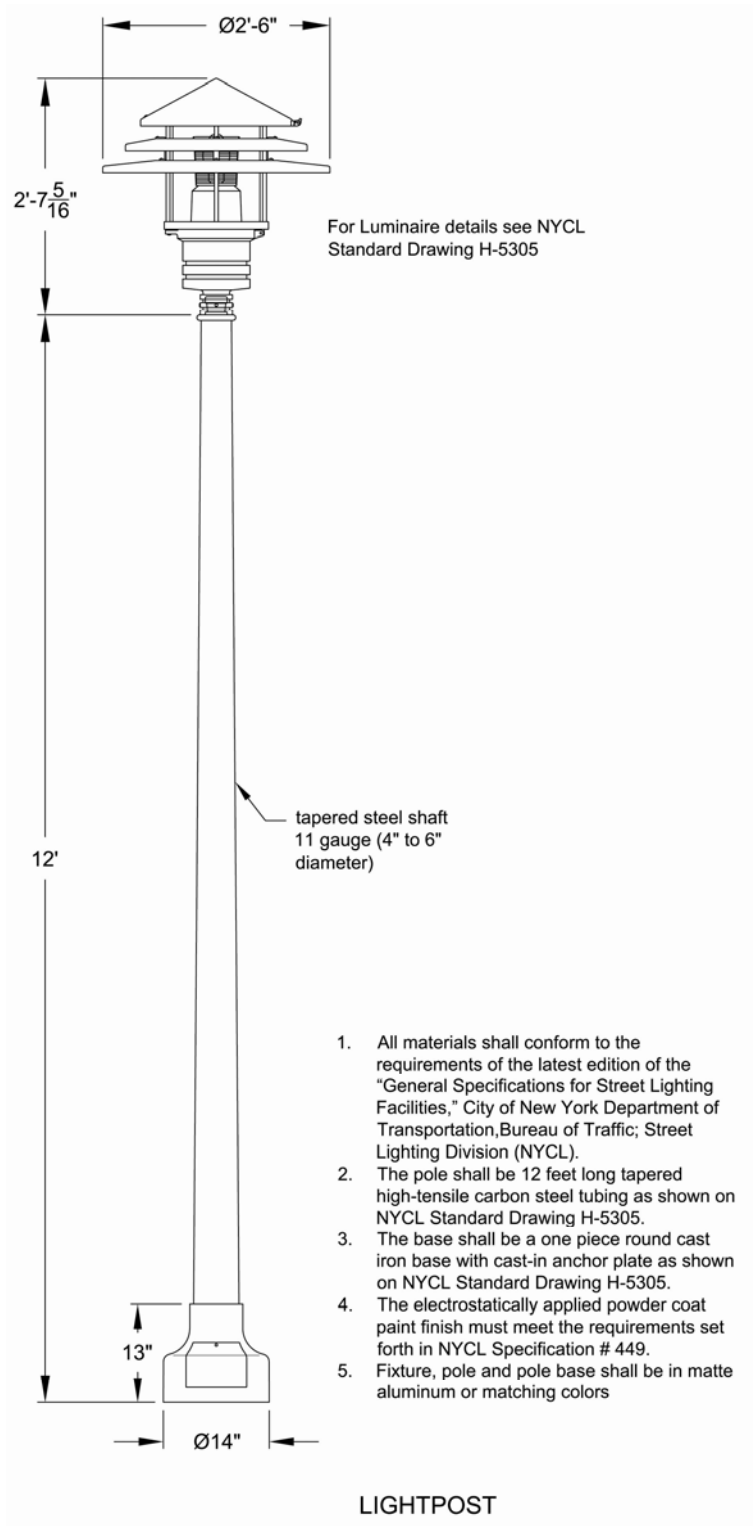


Illustration C1
(previous illustration deleted)

~~(4) Planting and trees~~

~~The provisions of paragraph (e)(6)(Container planting) of Section 62-675 shall be inapplicable, unless a structural or environmental necessity is demonstrated at the time of certification.~~

(54) Paving

In addition to the provisions of Section ~~62-676~~ 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.

(ed) Special public access provisions by parcel

The provisions of Sections ~~62-41~~ 62-52 (Applicability of Requirements for Waterfront Public Access Area Requirements) and 62-60 (DESIGN STANDARDS REQUIREMENTS FOR THE WATERFRONT PUBLIC ACCESS AREAS) are modified at the following designated locations which are shown on Map BK-1b in paragraph ~~(g)~~(f) of this Section:

(1) Parcels 1 and 2

(i) #Shore public walkway#

~~The requirements for Prototype I described in paragraph (b)(1) of this Section shall apply to all new #development#.~~

In the event of any #enlargement#, #extension# or change of #use# within existing #buildings or other structures#, a #shore public walkway# shall occupy the entire area between the seaward edge of the #zoning lot# and the existing #building or other structure#, but need not be wider than 40 feet. The #shore public walkway# shall have a minimum clear path of 10 feet. No seating, ~~or planting or buffer zone~~ shall be required. If seating and planting are provided, they shall comply with the provisions of Sections ~~62-672~~ 62-652 and ~~62-675~~ 62-655, respectively. In addition to the lighting design requirements of paragraph (c)(3) of this Section, lighting fixtures may be mounted on existing #buildings or other structures#.

(ii) #Supplemental public access area#

The requirement for a #supplemental public access area# shall be waived.

(2) Parcels 3 and 4

(i) ~~#Shore public walkway#~~

~~The requirements for Prototype I described in paragraph (b)(1) of this Section shall apply.~~

(ii) ~~#Upland connection#~~

~~An #upland connection# shall be provided between Commercial Street and the #shore public walkway# within a flexible location along the #lot line# between Parcels 3 and 4. Whichever parcel is developed first shall provide an #upland connection# along the #lot line# between the two parcels. The width of the #upland connection# may be utilized by the developer of the remaining parcel in the computation necessary to comply with the requirements of a #visual corridor# along the #lot line# between the two parcels, according to the provisions of paragraph (f)(e)(1) of this Section. If both parcels are developed concurrently, then the requirements may be divided equally along the #lot line# between the parcels.~~

~~If, however, Parcel 4 is improved #predominately# as a public access area prior to or concurrently with the #development# of Parcel 3, the #upland connection# requirement shall be waived. However, a public way shall be provided within an area bounded at its eastern edge by the shared #lot line# of Parcels 2 and 3, at its northern edge by the #shoreline#, at its western edge by a line 115 feet from the shared #lot line# of Parcels 2 and 3, and at its southern edge by the #lot line# along Commercial Street.~~

~~In addition, such public way shall have a minimum width of 15 feet, and shall comply with the provisions of Section 62-64 (Design Requirements for Upland Connections), as applicable for Type 2 #upland connections#. There shall be no more than two changes in direction over its entire length and no single turn shall be less than 90 degrees relative to the line of travel. Any change in direction with an angle of less than 135 degrees shall be posted with an entry sign and shall comply with the provisions of paragraph (b) of Section 62-654, and shall also be accompanied by an arrow indicating the direction of travel towards the #shore public walkway#. At least 50 percent of the area of any walls bounding such public way shall be glazed. In addition, 24 linear feet of seating shall be provided within such public way and within 50 feet of its boundary with the #shore public walkway# and the #street# it connects to.~~

(3) Parcel 5a

(i) ~~#Shore public walkway#~~

~~The requirements for Prototype I described in paragraph (b)(1) of this Section shall apply.~~

(ii) ~~Upland connection~~

An ~~upland connection~~ shall be provided between Commercial Street and the ~~shore public walkway~~ within the flexible location zone indicated on Map BK-1b in paragraph ~~(g)~~(f) of this Section.

The eastern boundary of such flexible location zone shall be 110 feet from the shared ~~lot line~~ of Parcel 4 and its western boundary shall be 200 feet from the shared ~~lot lines~~ of Parcels 5b and 6.

(i-ii) ~~Supplemental public access area~~

The ~~supplemental public access area~~ shall abut the ~~shore public walkway~~ continuously along its longest side, and shall also abut the required ~~upland connection~~ where it meets the ~~shore public walkway~~. The ~~upland connection~~, ~~however~~, may cut across the ~~supplemental public access area~~ provided that ~~no any resulting supplemental public access area~~ shall be ~~less than~~ at least 5,000 square feet. ~~All supplemental public access areas shall have a minimum width to depth ratio of 1.0 to 1.0 and a maximum width to depth ratio of 2.0 to 1.0. In no event shall the supplemental public access area be deeper than 100 feet. The requirements for a waterfront plaza described in paragraph (b)(3) of this Section shall apply.~~

Alternatively, a portion of the required ~~supplemental public access area~~ that is a ~~minimum of~~ at least 5,000 square feet may abut the ~~shore public walkway~~ continuously along the longest side provided that it also abuts a publicly accessible private drive connecting the ~~shore public walkway~~ to Commercial Street. Such publicly accessible private drive shall be improved to the standards of an ~~upland connection~~ as required by Section ~~62-641-62-64~~, but shall not be counted towards satisfying the required amount of ~~waterfront~~ public access area on the site. ~~The requirements for a waterfront park described in paragraph (b)(4) of this Section shall apply.~~

(4) ~~Parcel 5b~~

(i) ~~Shore public walkway~~

The requirements for Prototype I described in paragraph (b)(1) of this Section shall apply.

(5-4) Parcel 5c

(i) ~~Shore public walkway~~

~~The requirements for Prototype I described in paragraph (b)(1) of this Section shall apply.~~

(ii) ~~Upland connection~~

Two ~~upland connections~~ shall be provided between West Street and the ~~shore public walkway~~, ~~one each~~ one located within the prolongation of the ~~street lines~~ of Eagle Street and Green Street, respectively.

(iii-ii) ~~Supplemental public access area~~

Two ~~supplemental public access areas~~ shall be provided on Parcel 5c.

A ~~supplemental public access area~~ shall be bounded by the southern boundary of the required Green Street ~~upland connection~~, the ~~shore public walkway~~, the southern boundary of Parcel 5c and the northern prolongation of the eastern boundary of the ~~shore public walkway~~ required in Parcel 7. ~~The requirements for a waterfront plaza described in paragraph (b)(3) of this Section shall apply.~~

The remaining required ~~supplemental public access area~~ shall be provided either on the ~~pier~~ or distributed evenly as a widening of the ~~pedestrian circulation zone of the shore public walkway~~ located between the Eagle Street and Green Street ~~upland connections~~. If any ~~supplemental public access area~~ is located on the ~~pier~~, one shade tree shall be required for each 1,000 square feet of ~~supplemental public access area~~, but in no event shall more than four shade trees be required. A shading element may be substituted for the required shade trees at a rate of 450 square feet of shade element per tree.

(iv-iii) ~~Pier~~ public access

Public access shall be provided on the Green Street ~~pier~~ pursuant to the requirements of Section ~~62-412~~ 62-54 and paragraph (a)(1) of this Section.

(65) Parcel 7

(i) ~~Shore public walkway~~

~~The requirements for Prototype I described in paragraph (b)(1) of this Section shall apply, except that any~~ For a portion of the required ~~shore public walkway~~, where the distance between the ~~shoreline~~ and the

~~#zoning lot line#~~ boundaries of Parcel 7 is less than 17 feet, such portion shall be improved entirely as ~~clear~~ circulation path.

(ii) ~~#Supplemental public access area#~~

The requirement for a ~~#supplemental public access area#~~ on Parcel 7 is waived.

(76) ~~Parcels 9, 10 and 11~~

(i) ~~#Shore public walkway#~~

~~The requirements for Prototype II described in paragraph (b)(2) of this Section shall apply.~~

~~(ii) — #Supplemental public access area#~~

For each parcel, the ~~#supplemental public access area#~~ requirements shall be provided to widen the ~~pedestrian circulation zone of the #shore public walkway#,~~ which shall be evenly distributed along the entire length of such ~~#shore public walkway#.~~

(87) ~~Parcel 13~~

(i) ~~#Shore public walkway#~~

~~The requirements for Prototype I described in paragraph (b)(1) of this Section shall apply.~~

~~(ii) — #Upland connection#~~

An ~~#upland connection#~~ shall be provided between West Street and the ~~#shore public walkway#~~ located within the prolongation of the ~~#street lines#~~ of Milton Street.

~~(i-ii) #Supplemental public access area#~~

A ~~#supplemental public access area#~~ shall be bounded by the southern ~~#street line#~~ of Greenpoint Avenue, the ~~#shore public walkway#~~ and the northern boundary of the required Milton Street ~~#upland connection#~~. ~~The requirements for a waterfront park described in paragraph (b)(4) of this Section shall apply.~~

(98) ~~Parcel 14~~

(i) ~~#Shore public walkway#~~

~~The area between the prolongation of the northern #street line# of Calyer Street and the prolongation of the northern boundary of the required Calyer Street #upland connection# shall be improved pursuant to the requirements of Prototype II described in paragraph (b)(2) of this Section. The remaining required #shore public walkway# shall be improved pursuant to the requirements of Prototype I as described in paragraph (b)(1) of this Section.~~

~~(ii)~~ — #Upland connection#

An #upland connection# shall be provided between West Street and the #shore public walkway#. The southern boundary of such #upland connection# shall be defined by a line between the intersection of the prolongation of the southern #street line# of Calyer Street and the western #street line# of West Street, and a point on the easterly boundary of the #shore public walkway# 30 feet north of the northern #street line# of Quay Street.

~~(i-ii)~~ #Supplemental public access area#

Two #supplemental public access areas# shall be provided. A #supplemental public access area# with a minimum of 9,000 square feet shall be provided between the prolongation of the northern #street line# of Calyer Street and the prolongation of the northern boundary of the required Calyer Street #upland connection# to widen the ~~pedestrian circulation zone of the~~ #shore public walkway#.

The remaining requirements for #supplemental public access area# shall be located in the area bounded by the southern boundary of the required Calyer Street #upland connection#, the #shore public walkway# and the southern boundary line of the parcel. ~~The requirements for a waterfront park described in paragraph (b)(4) of this Section shall apply.~~

~~(409)~~ Parcel 15

An #upland connection# shall be provided within the prolongation of the #street lines# of West Street, connecting Quay Street to Parcel 20.

~~(410)~~ Parcels 19, 20, 21 and 22

Parcels 19, 20, 21 and 22 shall be designated as public parks, as of May 11, 2005.

~~(12)~~ — Parcel 24

~~#Shore public walkway#~~

The requirements for prototype I described in paragraph (b)(1) of this Section shall apply.

(1311) Parcel 25

(i) ~~#Shore public walkway#~~

~~The requirements for Prototype I described in paragraph (b)(1) of this Section shall apply.~~

(ii) ~~——#Upland connection#~~

~~An #upland connection# shall be provided between West Street and the #shore public walkway# located within the prolongation of the #street lines# of North 6th Street.~~

(iii) ~~#Supplemental public access area#~~

~~Two #supplemental public access areas# shall be provided.~~

~~One #supplemental public access area# shall be provided along the prolongation of the southern #street line# of North 7th Street and the #shore public walkway#. Such public access area shall be a minimum of 3,000 square feet in area and shall have a minimum depth of 90 feet measured from the #shore public walkway#. The entire #supplemental public access area#, excluding the required buffer, shall be developed as a clear circulation path. A screening buffer shall be provided along the boundaries of the public access area and any private portion of the #zoning lot#, pursuant to Section 62-655. No other planting shall be required.~~

~~A minimum of one linear foot of seating shall be required for every 40 65 square feet of pedestrian circulation zone and shall be located in the required buffer zone #supplemental public access area#. Four trees shall be required, at least two of which are shall be shade trees. ~~Small or ornamental trees located within the buffer zone shall not be counted toward the minimum requirements.~~~~

~~The remaining required #supplemental public access area# shall be located either on the #pier# or shall abut the #shore public walkway# continuously along its longest side, and shall also abut the required #upland connection# where it meets the #shore public walkway#. At least 70 percent of the required #supplemental public access area# shall have a width to depth ratio of 2:1. ~~The requirements for a waterfront plaza described in paragraph (b)(3) of this Section shall apply.~~ If any~~

#supplemental public access area# is located on the #pier#, one shade tree shall be required for each 1,000 square feet of #supplemental public access area#, but in no event shall more than four shade trees be required. A shading element may be substituted for the required shade trees at a rate of 450 square feet of shade element per tree.

(iviii) #Pier# public access

Public access shall be provided on a #pier# located at the western terminus of North 6th Street pursuant to the requirements of Section ~~62-412~~ 62-54 and paragraph (a)(1) of this Section.

(~~14~~12) Parcel 26

(i) #Shore public walkway#

The requirements of Section ~~62-414~~ 62-53 (Requirements for ~~s~~Shore ~~p~~Public ~~w~~Walkways) shall apply, except that the minimum required width of the #shore public walkway# shall be reduced to 34 feet between North 5th Street and the northern boundary of the required #upland connection# at the prolongation of North 4th Street. The quantity of public access eliminated from the #shore public walkway# as a result of this width reduction shall be located in the triangle formed between the #shore public walkway#, the southern #street line# of the North 4th Street #upland connection# and the bulkhead line. ~~The entirety of the #shore public walkway# shall be improved pursuant to the requirements for Prototype I described in paragraph (b)(1) of this Section.~~

(ii) #Upland connections#

An #upland connection# shall be provided between Kent Avenue and the #shore public walkway# located within the prolongation of the #street lines# of North 4th Street. However, if the #upland connection# is provided within a private drive pursuant to Section ~~62-622~~ 62-56, then a portion of the southern ~~pedestrian circulation zone~~ public access area beyond 15 feet from Kent Avenue may be located up to 15 feet outside the prolongation of the #street lines# of North 4th Street, provided that this ~~pedestrian circulation zone~~ public access area is not located entirely outside the prolongation of the #street lines# of North 4th Street at any point within 80 feet of Kent Avenue.

(~~15~~13) Parcel 27

(i) #Shore public walkway#

The requirements for Prototype I described in paragraph (b)(1) of this Section shall apply to all new #development#.

In the event of ~~any~~ an #enlargement#, #extension# or change of #use# within existing #buildings or other structures#, a #shore public walkway# shall occupy the entire area between the seaward edge and the existing #building or other structure#, but need not be wider than 40 feet.

Notwithstanding the requirements of paragraph (e-a) of Section ~~62-62~~ 62-61 (General Requirements for Provisions Applying to Waterfront Public Access Areas), the #shore public walkway# may be located within the #building or other structure#, and the obstructions permitted by Section ~~62-626~~ 62-611, paragraphs (a) and (b), shall include any supporting structural elements of the #building or other structure# and its related appurtenances.

~~Additionally~~ In addition, the #shore public walkway# shall have a minimum clear path of 12 feet. No seating, planting or buffer zone shall be required. If seating and planting are provided, they shall comply with the provisions of Sections ~~62-672~~ 62-652 and ~~62-675~~ 62-655, respectively. In addition to the lighting design requirements of paragraph (c)(3) of this Section, lighting fixtures may be mounted on existing #buildings or other structures#.

- (ii) #Supplemental public access area#

The requirements for #supplemental public access# shall be waived.

- (~~f~~e) Special visual corridor provisions by parcel

The designated locations for #visual corridors# pursuant to this Plan are shown on Map BK-1c in paragraph (~~g~~)(f) of this Section and shall be as follows:

- (1) Parcels 3 and 4

A #visual corridor# shall be provided through Parcels 3 and 4 to the pierhead line within a flexible area along the common #lot line# ~~between them~~.

Whichever parcel is developed second later shall complete the required clearance to comply with the #visual corridor# requirements along the #upland connection# ~~already~~ provided in accordance with the requirements of paragraph (~~e~~)(d)(2)(i-i) of this Section. If ~~both~~ the parcels are developed concurrently, then the requirements can be divided equally along the #lot line# between the parcels.

If, however, Parcel 4 is improved #predominately# for a public access area(s) prior to or concurrently with the #development# of Parcel 3, and a #visual

corridor# is provided in Parcel 4, then the requirements for a #visual corridor# on Parcel 3 shall be waived.

(2) Parcel 5a

A #visual corridor# shall be provided through Parcel 5a to the pierhead line within the flexible location zone indicated on Map BK-1c in paragraph ~~(g)~~(f) of this Section. The eastern boundary of such flexible area shall be 110 feet from the shared #lot line# of Parcel 4 and its western boundary shall be 200 feet from the shared #lot line# of Parcels 5b and 6.

* * *

(4) Parcel 5c

* * *

(ii) The permitted obstructions on #piers#, in Section ~~62-65~~ 62-631, paragraph (b), shall be permitted obstructions along the #visual corridor# along Green Street.

* * *

~~(g)~~ Greenpoint-Williamsburg Waterfront Access Plan Maps
BK-1a: Parcel Designation
(previous illustration deleted and replaced)

BK-1b: Public Access Elements
(previous illustration deleted and replaced, above)

BK-1c: Designated Visual Corridors
(previous illustration deleted and replaced, above)

62-84 62-94
Borough of Manhattan

~~62-85~~ **62-95**

Borough of Queens

The following Waterfront Access Plans are hereby established within the Borough of Queens. 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:

Q-1: Northern Hunters Point, as set forth in Section ~~62-851~~ 62-951.

Q-2: Downtown Flushing, as set forth in Section ~~62-852~~ 62-952.

Q-3: Newtown Creek, in the #Special Southern Hunters Point District#, as set forth in Section 125-46 (Newtown Creek Waterfront Access Plan).

~~62-851~~ **62-951**

Waterfront Access Plan Q-1: Northern Hunters Point

Maps Q-1a through Q-1c in paragraph (f) of this Section show the boundaries of the area comprising the Northern Hunters Point 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 October 14, 1997, as follows:

* * *

(a) Special #waterfront yard# requirements

The #yard# regulations of Section 62-33 (Special Yard Regulations on Waterfront Blocks) shall be applicable. In addition, for #developments# not required to provide a #waterfront yard# pursuant to Section 62-33, #yards# meeting the dimensional requirements of Section 62-33 shall be provided in connection with any #development#, in accordance with the provisions of paragraph (f) of Section ~~62-812~~ 62-912 (Elements of a Waterfront Access Plan).

(b) Area wide modifications

The following provisions shall apply to #developments# required to provide a #waterfront public access area#, pursuant to Section ~~62-40~~ 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS AND VISUAL CORRIDORS), inclusive:

- (1) ~~Paragraph (a) of Section 62-415~~ 62-57 (Requirements for sSupplemental pPublic aAccess aAreas) shall be inapplicable except where specifically stated otherwise in this Plan.

- (2) ~~Paragraph (b) of Section 62-415 62-58 (Requirements for Water-Dependent Uses and Other Developments)~~ shall be inapplicable. In lieu thereof, for ~~#developments#~~ listed in ~~62-40 62-52~~, paragraph ~~(a) (b)~~, required ~~#waterfront public access areas#~~ shall be provided in accordance with Sections ~~62-411 62-53~~ (Requirements for ~~sShore pPublic wWalkways~~), ~~62-412 62-54~~ (Requirements for ~~pPublic aAccess on pPiers~~), ~~62-413 62-55~~ (~~Public access rRequirements for Public Access on fFloating sStructures~~) and ~~62-414 62-56~~ (Requirements for ~~uUpland eConnections~~), as modified by this Plan.

However, for ~~#developments#~~ that include WD ~~#uses#~~ and would otherwise be permitted to provide public access pursuant to ~~paragraph (b) of Section 62-415 62-58~~, the location of the public access areas specified in this Plan may be moved upland from the ~~#shoreline#~~ for the minimum distance required to accommodate the upland water-dependent functions of such ~~#developments#~~, provided the relocation allows for a continuous public walkway connecting to ~~#shore public walkways#~~ on ~~all-adjoining #zoning lots#~~.

- (c) Special ~~#waterfront public access area#~~ and ~~#visual corridor#~~ provisions applying on Anable Basin

The following provisions shall apply to certain ~~#developments#~~ on Parcels 8, 9, 10, 11 and 12:

- (1) In the event that a ~~#building or other structure#~~, existing at the time that a ~~#waterfront public access area#~~ is required, is located so that the minimum dimensional provisions of Sections ~~62-411 62-53~~ and ~~62-412 62-54~~ cannot be met without requiring the partial or complete demolition of such ~~#building or other structure#~~, the required width of such ~~a #waterfront public access area#~~ shall be reduced to the width between the seaward edge of the ~~#waterfront yard#~~ or ~~#lot line#~~ and the existing ~~#building or other structure#~~. However, the minimum width of a ~~#shore public walkway#~~ shall be six feet and that of an ~~#upland connection#~~ shall be twelve feet. In no case shall a ~~#shore public walkway#~~ have a width less than ten feet for a continuous distance of more than 300 feet.
- (2) In the event that a ~~#building or other structure#~~, existing at the time a ~~#waterfront public access area#~~ is required, is located so that the minimum dimensional standards for public access pursuant to paragraph (c)(1) of this Section cannot be met without requiring the partial or complete demolition of such ~~#building or other structure#~~, all ~~#waterfront public access area#~~ requirements for such ~~#development#~~ shall be waived.
- (3) ~~In addition to the Public Access Area Design Prototypes permitted pursuant to Section 62-61 (Design Options and Methodology)~~, a ~~#shore public walkway#~~ required in conjunction with a ~~#development#~~ involving existing ~~#buildings or other structures#~~, or required on any ~~#zoning lot#~~ having a ~~#shoreline#~~ length of less than 150 feet, ~~may~~ shall be improved pursuant to Section ~~62-633 (Shore~~

~~public walkway—Prototype III: Low intensity walkway). 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas), except that the circulation path as required in paragraph (a)(1) of such Section may be reduced to 10 feet and the amount of planting area as required in paragraph (c)(1) of such Section may be reduced to 40 percent.~~

- (4) Within any portion of a #shore public walkway# having a width of less than ten feet, the minimum width of the circulation path shall be six feet and all planting requirements shall be waived.

(d) Special public access provisions by parcel

The provisions of Section ~~62-41~~ 62-52 (Requirements for Applicability of wWaterfront pPublic aAccess Area Requirements) and Section 62-60 (DESIGN STANDARDS REQUIREMENTS FOR THE WATERFRONT PUBLIC ACCESS AREAS), inclusive, are modified at the following designated locations which are shown on Map Q-1b in paragraph (f) of this Section:

(1) Parcel 1

No #upland connection# shall be required within Parcel 1 ~~and all provisions relating to #upland connections# shall be inapplicable~~; however, a direct connection shall be provided between the #shore public walkway# and Queensbridge Park.

* * *

(3) Parcel 3

No #upland connection# shall be required within Parcel 3 ~~and all provisions relating to #upland connections# shall be inapplicable~~; however, a direct connection shall be provided between the #shore public walkway# and the public access area provided on Parcel 4.

(4) Parcel 4

- (i) A continuous public access area shall be provided across the westerly termination of 43rd Avenue adjoining the East River and connecting without interruption to the #shore public walkways# on Parcels 3 and 5. Such #waterfront public access area# shall have a minimum width of 40 feet and be improved consistent with the design standards set forth in Section ~~62-632~~ 62-62, paragraphs (a) and (c)(1), for a #shore public walkway# ~~moderate-intensity walkway. Landscaped s~~ A screening buffer, pursuant to Section 62-655, shall be provided along any open or enclosed storage areas, maintenance vehicle parking or similar uses

adjoining the #waterfront public access area#. Fencing may be provided to assure physical control of non-publicly accessible upland areas.

- (ii) The remaining portion of Parcel 4 shall provide pedestrian access from Vernon Boulevard to the #waterfront public access area# designated in paragraph (d)(4)(i) of this Section. The New York City Waterfront Symbol with the words "Public Waterfront" shall be installed at the intersection of any pedestrian access area with Vernon Boulevard.
- (iii) In the event that 43rd Avenue is demapped as a #street# within Parcel 4, a #shore public walkway# and #upland connection# shall be provided on Parcel 4, pursuant to Sections ~~62-40~~ 62-50 and 62-60, within the westerly prolongation of 43rd Avenue.

(5) Parcel 5

- (i) ~~#Shore public walkway#~~

~~In addition to the Public Access Area Design Prototypes permitted pursuant to Section 62-61 (Design Options and Methodology), a #shore public walkway# required in conjunction with a #development# that involves only an #enlargement#, #extension# or change of #use#, may be improved pursuant to Section 62-634 (Shore public walkway—Prototype IV: Open recreation walkway).~~

- (ii) ~~#Upland connection#~~

~~An single #upland connection# shall be provided through Parcel 5 between Vernon Boulevard and the #shore public walkway#. The #upland connection# shall be located within either:~~

* * *

~~The requirements of Sections ~~62-414~~ 62-561 (Types of upland connections) (~~Requirements for upland connections~~), paragraph (b), ~~62-622~~ (Upland connections) and ~~62-641~~ 62-64 (Design Requirements for uUpland eConnections) shall be inapplicable; however, any vehicular way traversing the pedestrian sidewalk shall be at the same level as such raised pedestrian sidewalk. ~~interrupting the raised sidewalk shall be marked as a pedestrian crosswalk by paint striping or other visually distinctive method.~~~~

~~A direct connection shall be provided between the #shore public walkway# and the public access areas on Parcels 4 and 6.~~

- (iii) ~~#Supplemental public access area#~~

Notwithstanding paragraph (b)(1) of this Section ~~and the locational requirements of Section 62-63 (Specific Design Requirements for Public Access Area Prototypes)~~, a #supplemental public access area# shall be provided pursuant to Section ~~62-415~~ 62-57 and 62-62, ~~paragraph (a), that, and~~ shall be located within the flexible location zone described in paragraph (d)(5)(i-i) of this Section, ~~and~~ immediately adjacent to the intersection of the #shore public walkway# and any #upland connection#, if the #upland connection# is located therein. ~~The #supplemental public access area# shall be improved as a single #supplemental public access area#; however, residual public access area, not exceeding the quantity permitted by Section 62-61, may also be provided.~~

(6) Parcel 6

Sections ~~62-40~~ 62-50 and 62-60 shall be inapplicable if public access is provided pursuant to restrictive declaration, number D-138, executed by the RAK Tennis Corporation on July 29, 1991, and as such may be modified pursuant to the terms of the declaration and in accordance with Section 62-12 (Applicability to Developments in the Waterfront Area). If public access is not provided pursuant to the declaration, as such may be modified, then a #waterfront public access area# shall be provided in accordance with Sections ~~62-40~~ 62-50, as modified by paragraph (b) of this Section, and 62-60.

(7) Parcel 7

(i) #Shore public walkway#

* * *

For #developments# on a #zoning lot# having a #building or other structure#, existing on October 14, 1997, and which #developments# would retain the existing #building or other structure#, any portion of which is located within the #waterfront yard#, the #shore public walkway# may be improved pursuant to Section ~~62-633(Shore public walkway—Prototype III: Low intensity walkway)~~ 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas), except that the circulation path as required in paragraph (a)(1) of such Section may be reduced to 10 feet and the planting area as required in paragraph (c)(1) of such Section may be reduced to 40 percent. In addition, any portion of the #shore public walkway# located on a #platform# existing on October 14, 1997, shall be exempt from the planting requirements of such Section ~~62-63 (Specific Design Requirements for Public Access Design Prototypes)~~, except that trees shall be required; however, such trees may

be located off the #platform# anywhere within or immediately adjoining the #shore public walkway#.

(ii) #Upland connection#

No #upland connection# shall be required within Parcel 7 ~~and all provisions relating to #upland connections# shall be inapplicable;~~ however, a direct connection shall be provided between the #shore public walkway# and 44th Drive.

(8) Parcel 8

An #upland connection# shall be provided through Parcel 8 and shall be located within the flexible location zone shown on Map Q-1b in paragraph (f) of this Section, having as its westerly boundary the westerly #street line# of 5th Street and as its easterly boundary a line 250 feet east of such #street line#. In the event that a #building or other structure#, existing at the time an #upland connection# is required, is located within the southerly prolongation of 5th Street, the #upland connection# may be located anywhere within the flexible location zone; otherwise, the #upland connection# shall be located within the southerly prolongation of 5th Street. ~~In addition, a direct connection shall be provided between the #shore public walkway# and 44th Drive at the northwesterly termination of the #shore public walkway#.~~

(9) Parcels 9, 10 and 11

(i) #Shore public walkway#

Except as provided in paragraph (c) of this Section, a #shore public walkway# shall be required across each parcel; however, on any #zoning lot# existing on October 14, 1997, having a #shoreline# length of less than 150 feet, the width of the #shore public walkway# may be reduced to 16 feet, consisting of a ten foot wide ~~pedestrian-circulation path zone~~ and six foot wide screening buffer zone, pursuant to Section 62-655. In addition, the width may be further reduced as permitted pursuant to paragraph (c)(1) of this Section.

(ii) #Upland connection#

Except as provided in paragraph (c) of this Section and on any #zoning lot# with a #shoreline# length less than 100 feet, an #upland connection# shall be provided between Vernon Boulevard and the #shore public walkway# within the flexible location zone shown on Map Q-1b in paragraph (f) of this Section, having as its northerly boundary the westerly prolongation of the southerly #street line# of 45th Avenue and as its southerly boundary the westerly prolongation of the southerly #street line#

of 45th Road. In the event that Parcels 10 and 11 are #developed# as a single #zoning lot# and the #upland connection# has not been provided prior to such #development# of Parcels 10 and 11, the #upland connection# shall be located within the westerly prolongation of 45th Road. Notwithstanding the requirements of Section ~~62-414~~ 62-56 (Requirements for ~~u~~Upland ~~e~~Connections), on any #zoning lot# having a #shoreline# length of less than 150 feet, the required width of an #upland connection# may be reduced to 16 feet consisting of a ten foot wide ~~pedestrian-circulation path with the remaining area to be planted. zone and two three-foot wide buffer zones.~~ In addition, the width may be further reduced, as permitted pursuant to paragraph (c)(1) of this Section.

(10) Parcel 12

No #upland connection# shall be required within Parcel 12 ~~and all provisions relating to #upland connections# shall be inapplicable~~; however, a direct connection shall be provided between the #shore public walkway# and 5th Street.

(e) Special visual corridor provisions by parcel

The designated locations for #visual corridors# pursuant to this Plan shall be as follows and are shown on Map Q-1c in paragraph (f) of this Section:

* * *

(5) Parcel 6

Sections ~~62-42-62-51~~ (Requirements for Applicability of Visual Corridors Requirements) and ~~62-642-62-513~~ (Permitted obstructions in visual corridors) (~~Design requirements for visual corridors~~) shall be inapplicable if a visual corridor is provided pursuant to restrictive declaration, number D-138, executed by the RAK Tennis Corporation on July 29, 1991, and as may subsequently be modified pursuant to the terms of the declaration and in accordance with Section 62-12 (Applicability to Developments within the Waterfront Area). If the visual corridor is not provided pursuant to the declaration, as such may be modified, then a #visual corridor# shall be provided in accordance with Sections ~~62-40 and 62-60~~ 62-51.

* * *

(8) Parcels 9, 10 and 11

A #visual corridor#, if required pursuant to Section ~~62-40~~ 62-51, shall be located through Parcel 9, 10 or 11 from Vernon Boulevard using the locational criteria for, and coincident with, the #upland connection# required pursuant to paragraph (d)(9)(ii) of this Section.

* * *

(f) Northern Hunters Point Waterfront Access Plan Maps

Q-1a: Parcel Designation
(previous illustration deleted and replaced)

Q-1b: Public Access Elements
(previous illustration deleted and replaced, above)

Q-1c: Designated Visual Corridors
(previous illustration deleted and replaced, above)

~~62-852~~ 62-952

**Waterfront Access Plan Q-2;
Downtown Flushing**

Maps Q-2a through Q-2c in paragraph (e) of this Section show the boundaries of the area comprising the Downtown Flushing 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 September 17, 1998, as follows:

* * *

(a) Area wide modifications

The following provisions shall apply to all #developments# required to provide public access, pursuant to Section ~~62-40~~ 62-50, inclusive:

- (1) ~~Paragraph (a) of Section 62-415~~ 62-57 (Requirements for sSupplemental pPublic aAccess aAreas) shall be inapplicable.
- (2) ~~Paragraph (b) of Section 62-415~~ 62-58 (Special Regulations for Water-Dependant Uses and Other Developments) shall be inapplicable. In lieu thereof, required #waterfront public access areas# shall be provided by means of a #shore public

~~walkway#, #upland connection# and other public access areas~~ in accordance with this Plan.

However, for WD ~~use developments#~~ which would otherwise be permitted to provide public access pursuant to Section ~~62-58 62-415, paragraph (b)~~, the location of the ~~#waterfront public access areas#~~ specified in this Plan may be moved upland of the ~~#shoreline#~~ for the minimum distance required to accommodate the upland water-dependent functions of such ~~developments#~~ and still result in a continuous public walkway connecting ~~#shore public walkways#~~ on all adjoining ~~#zoning lots#~~.

(b) Special public access provisions by parcel

The ~~provisions requirements for #waterfront public access areas#~~ of Sections ~~62-53 through 62-57, inclusive, 62-41 (Requirements for Waterfront Public Access) and Section 62-60 (DESIGN STANDARDS REQUIREMENTS FOR THE WATERFRONT PUBLIC ACCESS AREAS)~~, inclusive, are modified at the following designated locations which are shown on Map Q-2b in paragraphs (e) of this Section:

(1) Parcel 1

(i) ~~#Shore public walkway#~~

The requirements of Section ~~62-411 62-53~~ (Requirements for shore public walkways) are modified to reduce the minimum required width of the ~~#shore public walkway#~~ to 20 feet. In addition, no ~~#shore public walkway#~~ shall be required north of the prolongation of the northerly ~~#street line#~~ of 36th Road. The quantity of ~~#waterfront public access area#~~ eliminated from the ~~#shore public walkway#~~ as a result of this width and length reduction shall be provided at the northerly termination of the ~~#shore public walkway#~~ and shall be improved pursuant to the standards a ~~waterview park, as set forth in Section 62-636 (Supplemental public access area – Prototype II: Waterview park) of Section 62-62~~. If Parcel 1 is ~~#developed#~~ in conjunction with one or more adjoining parcels, or portions thereof, the area on Parcel 1 required to be improved pursuant to the standards for a ~~waterview park #supplemental public access area#~~ may be provided on Parcel 2.

* * *

(2) Parcel 2

(i) ~~#Shore public walkway#~~

The requirements of Section ~~62-411 62-53~~ are modified to reduce the minimum required width of the ~~#shore public walkway#~~ to 20 feet. The

quantity of public access area eliminated from the #shore public walkway# as a result of this width reduction shall be provided adjoining the intersection of the required #upland connection# and the #shore public walkway# and shall be improved pursuant to the design standards for a ~~waterview park~~ #supplemental public access area#, as set forth in Section ~~62-636~~ 62-62.

* * *

(3) Parcel 3

(i) #Shore public walkway#

The requirements of Section ~~62-411~~ 62-53 are modified to reduce the minimum required width of the #shore public walkway# to 20 feet. The quantity of public access area eliminated from the #shore public walkway# as a result of this width reduction shall be provided adjoining the intersection of the required #upland connection# and the #shore public walkway# and shall be improved pursuant to the design standards for a ~~waterview park~~ #supplemental public access area#, as set forth in Section ~~62-636~~ 62-62. If Parcel 3 is #developed# in conjunction with Parcel 4, or a portion thereof, the area of Parcel 3 required to be improved pursuant to the design standards for a ~~Waterview park~~ #supplemental public access area# may be provided on Parcel 4.

(ii) #Upland connection#

An #upland connection# shall be located between 39th Avenue and the #shore public walkway# within the flexible location zone indicated on ~~the~~ Map Q-2b in paragraph (e) of this Section, having as its southerly boundary the prolongation of the southerly #street line# of 39th Avenue and as its northerly boundary a line drawn parallel and 75 feet north of such southern boundary.

In the event #buildings or other structures# existing within Parcel 3 on September 17, 1998, obstruct any portion of the flexible location zone at the time ~~any of~~ #development#, ~~commences~~ the minimum requirements of Sections ~~62-622 (Upland connections)~~ 62-561 (Types of upland connections); and ~~the design requirements for #upland connections# of Section 62-64~~ 62-641 (Design requirements for upland connections) shall be modified, as follows:

- (a) the required #upland connection# if located within a private drive shall, for a distance not to exceed 200 feet measured westerly of the #street line# of Janet Place, consist of a single ~~pedestrian~~ pedestrian circulation ~~path zone~~ having a minimum clear width of six feet

~~improved entirely as a circulation path without required no requirement for planting or seating; or~~

- (b) if the required #upland connection# is not within a private drive, its minimum width shall be reduced along its entire length to 25 feet; ~~consisting of a 16 foot wide pedestrian circulation zone and two buffer zones which are 4 feet, 6 inches wide.~~

If Parcel 3 is #developed# in conjunction with any portion of Parcel 4 and there are no existing #buildings or other structures# blocking 50 percent or more of the width of the prolongation of 39th Avenue at the time ~~any of~~ #development# commences, ~~the modifications of the foregoing paragraph shall not apply~~ no reduction shall be permitted and the #upland connection# shall be located within the prolongation of 39th Avenue.

(4) Parcel 4

- (i) #Shore public walkway#

The requirements of Section ~~62-411~~ 62-53 are modified to reduce the minimum required width of the #shore public walkway# to 20 feet. However, within the portion of the parcel between the northerly #street line# of Roosevelt Avenue and a point 50 feet northerly as measured along the #shoreline#, the minimum width shall be 40 feet; ~~consisting of a pedestrian circulation zone and buffer zone as provided in Section 62-621 (Shore public walkways).~~ Throughout the southernmost 30 foot length of this widened portion of the #shore public walkway#, ~~the seaward edge of~~ the circulation path shall be located a minimum of 15 feet from the #shoreline#.

The quantity of public access area eliminated from the #shore public walkway# as a result of its such width reduction shall be provided adjoining the #shore public walkway# and the boundary between Parcels 3 and 4. Such area shall be improved pursuant to the design standards for a ~~waterview park~~ #supplemental public access area#, as set forth in Section ~~62-636~~ 62-62.

- (ii) #Upland connection#

No #upland connection# shall be required within Parcel 4 ~~and all provisions relating to #upland connections# shall be inapplicable~~; however, a direct connection shall be provided between the required #shore public walkway# and the public access area on Parcel 5. In the event that any portion of Parcel 4 is #developed# with Parcel 3, an #upland connection# shall be provided, pursuant to paragraph (b)(3)(ii) of this Section.

(5) Parcel 5

* * *

- (iii) If other improvements compatible with the waterfront public access area are provided, ~~including, but not limited to, a waterview sitting area, they should~~ such improvements shall adjoin the boundary of Parcel 4.

Section 62-60 shall be inapplicable; its provisions are recommended as a guide to the design of the required public access areas.

(6) Parcel 6

- (i) #Shore public walkway#

The requirements of Section ~~62-624~~ 62-53 are modified to require a minimum distance of 15 feet between the seaward edge of the pedestrian circulation path and the #shoreline#.

- (ii) #Upland connection#

* * *

Notwithstanding the requirements of paragraph (ee) of Section ~~62-62~~ 62-52 (~~General Requirements for Applicability of Waterfront Public Access Area Requirements~~), the #upland connection# may be located, wholly or in part, within a #building or other structure#. Any covered portion of the #upland connection# shall comply with the requirements of paragraph (d)(7) of this Section.

(7) Parcel 7

- (i) #Shore public walkway#

Notwithstanding the requirements of Section ~~62-62~~ 62-61, paragraph (ea), the #shore public walkway# may be covered by the elevated roadway of the Van Wyck Expressway and the obstructions permitted by Section ~~62-626~~ 62-611, paragraphs (a) and (b), shall include any supporting structural elements of the elevated roadway and its related appurtenances. ~~Additionally, the locational requirements of Section 62-63 (Specific Design Requirements for Public Access Prototypes) for pedestrian circulation and buffer zones shall be modified as necessary to accommodate the required clear pedestrian path.~~ The #shore public walkway# shall be connected directly to ~~that~~ the #shore public walkway# on Parcel 6.

(c) Special visual corridor provisions by parcel

The designated locations for #visual corridors# pursuant to this Plan shall be as follows and are shown on Map Q-2c in paragraph (e) of this Section:

* * *

(3) Parcels 3 and 4

A #visual corridor# shall be provided through Parcels 3 or 4 to the pierhead line using the locational criteria for an #upland connection# in paragraph (b)(3)(ii) of this Section. Notwithstanding the requirements of Section ~~62-42~~ 62-51 (Requirements for Applicability of Visual Corridors Requirements), any #building or other structure# existing on September 17, 1998, shall be a permitted obstruction; however, no such #building or other structure#, or portion thereof, demolished after September 17, 1998, shall be rebuilt as a permitted obstruction and no new #building or other structure# shall be permitted except pursuant to Section ~~62-642 (Design requirements for visual corridors)~~. 62-513 (Permitted obstructions in visual corridors).

* * *

(d) Special design standards

Required #waterfront public access areas# shall comply with Sections 62-50 and 62-60, except as modified in ~~this and the preceding paragraphs~~ of this Section.

- (1) ~~Notwithstanding the requirements of Section 62-61 (Design Options and Methodology), a required #shore public walkway# may be improved pursuant to Section 62-633 (Shore public walkway—Prototype III: Low intensity walkway).~~

Any required #shore public walkway# may be improved pursuant to 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas), except that the circulation path as required in paragraph (a)(1) of such Section may be reduced to 10 feet and the planting area as required in paragraph (c)(1) of such Section may be reduced to 40 percent.

- (2) The minimum required width of a pedestrian circulation path within a #shore public walkway# shall be 10 feet and, notwithstanding the provisions of Section ~~62-624~~ 62-62, the path need not adjoin the #shoreline# at any location except as necessary to connect to an adjoining #shore public walkway#. ~~The entire width of any #shore public walkway# having a width of 20 feet or less shall be improved as a pedestrian circulation zone. #Shore public walkways# having a width of 20 feet or less shall not be required to provide a screening buffer.~~

- (3) ~~The locational requirements for planting of public access areas within a #shore public walkway#, provided pursuant to Section ~~62-63~~ 62-62, shall be modified for any required public access area located on a #pier# or #platform# existing on September 17, 1998, such that any required planting may be provided in an alternative location on the #zoning lot# adjoining the required #waterfront public access area#.~~
- (4) ~~In lieu of the planting and tree requirements of Section ~~62-63~~, the #shore public walkway# on Parcel 6 shall be planted with one small, screening or evergreen tree, selected from Group 2, 3 or 6 of Appendix A (Waterfront Plant List), for every 750 square feet of its area, and the required pedestrian circulation zone planting shall include plants from Groups 3, 7 and 8 of Appendix A.~~
- (5) In addition to the obstructions permitted by Section ~~62-626~~ 62-611, paragraphs (a) and (b), the existing loading crane and adjoining tower on Parcel 4 shall be permitted within the #shore public walkway#, provided such structures are restored and a minimum clear-pedestrian circulation path of 10 feet is provided.
- (65) The area of a #shore public walkway# located under an elevated roadway may be subtracted from the total area of #shore public walkway# calculated for the purposes of complying with the seating and tree planting requirements of Section ~~62-63~~ 62-62.
- (76) Any portion of an #upland connection# located within a #building# pursuant to this Plan shall comply with the following ~~design~~ standards:
- (i) ~~the entire width of the #upland connection# shall be considered a pedestrian circulation zone and its~~ circulation path shall have a minimum width of ~~16~~ 12 feet which shall adjoin and connect directly to the building's main lobby via transparently-glazed openings with an aggregate width equal to or exceeding that of any other entrances to the lobby;
 - (ii) the minimum clear height shall be 16 feet except for permitted obstructions which, in addition to those permitted by Section ~~62-626~~ 62-611, paragraph (a)~~(4)~~, shall include structural elements such as beams and joists, provided a minimum clear height of 12 feet is maintained throughout;
- * * *
- (v) there shall be no more than three changes in direction over ~~its~~ the entire length of the #upland connection# and no single turn shall be less than 90 degrees relative to the line of travel. Any change in direction with an angle of less than 135 degrees shall be posted with an entry plaque signage pursuant to Section ~~62-674~~ 62-654 (Signage), ~~paragraph (b)~~;

~~excluding the information required in paragraph (b)(4), and shall also be accompanied by an arrow indicating the direction of travel toward the shore public walkway#;~~

- (vi) in addition to the general requirements of Section ~~62-674~~ 62-654, each principal entrance to an #upland connection# within a #building# shall be posted with an entry ~~plaque~~ signage pursuant to Section ~~62-674-62-654~~, paragraph (ba). ~~However, the information required in paragraph (b)(4) of this Section shall be required at only one such entrance;~~
- (vii) access to the public shall be provided during business hours or from 8:00 a.m. to dusk seven days a week, whichever is greater; and
- (viii) the planting and lighting requirements of Section 62-60 shall not apply.

(e) Downtown Flushing Waterfront Access Plan Maps

Q-2a: Parcel Designation
(previous illustration deleted and replaced)

Q-2b: Public Access Elements
(previous illustration deleted and replaced, above)

Q-2c: Designated Visual Corridors
(previous illustration deleted and replaced, above)

~~62-86~~ **62-96**
Borough of Staten Island

~~62-87~~ **62-97**
Multi-Borough Plans

Appendix A
Waterfront Plant List
(delete entire Appendix A)

* * *

73-01
General Provisions

* * *

In the #waterfront area#, the powers of the Board to grant special permits are made inapplicable or modified in accordance with the provisions of Section 62-131 (Applicability of ~~Chapter 3~~ of Article VII, Chapter 3).

* * *

74-01
General Provisions

* * *

In the #waterfront area#, the powers of the Commission to grant special permits are made inapplicable or modified in accordance with the provisions of Section 62-132 (Applicability of ~~Chapters 4, 8 and 9~~ of Article VII, Chapters 4, 8 and 9).

* * *

78-03
Applicability of this Chapter

* * *

#Large-scale residential developments# within the #waterfront area# shall be subject to the provisions of Section 62-132 (Applicability of ~~Chapters 4, 8 and 9~~ of Article VII, Chapters 4, 8 and 9).

* * *

79-11
Applicability of this Chapter

* * *

#Large-scale community developments# within the #waterfront area# shall be subject to the provisions of Section 62-132 (Applicability of ~~Chapters 4, 8 and 9~~ of Article VII, Chapters 4, 8 and 9).

* * *

Article X - Special Purpose Districts

* * *

Chapter 1 Special Lower Manhattan District

* * *

91-69 Special Permit for Development of Piers 9, 11, 13 and 14

Within the area bounded by South Street, the southerly edge of Pier 9, the U. S. Pierhead Line and the northerly edge of Pier 14, which, for the requirements of this Section, shall be deemed to be a single #zoning lot#, the City Planning Commission may, by special permit, permit modification of the bulk regulations, other than #floor area ratio# applicable to the #zoning lot#, and may modify or waive the requirements of Section ~~62-40~~ 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS AND VISUAL CORRIDORS), in accordance with the provisions of this Section.

The special permit shall be subject to the condition that the property owner, principal lessee or licensee of property owner has entered into an agreement with the Department of Parks and Recreation to operate and maintain the publicly-accessible areas in accordance with Section ~~62-624~~ 62-70 (Maintenance and Operation of Requirements for Waterfront Public Access Areas). For purposes of this Section, such publicly-accessible areas shall be deemed "waterfront public access areas."

* * *

Article X - Special Purpose Districts

* * *

Chapter 7 Special South Richmond Development District

* * *

107-09

Applicability of Article VI, Chapter 2

The Chairperson of the City Planning Commission may, by certification, modify or waive a required #visual corridor#, as defined in Section 62-11, with respect to #developments#, including minor modifications thereto, that contain #designated open space# and a portion of the #waterfront esplanade#, where such #development# is conditioned upon a restrictive declaration that includes a site plan for such #development#, including provisions for public access to such #designated open space# and #waterfront esplanade#, provided that at least one required #visual corridor# continues to be provided pursuant to the restrictive declaration.

* * *

Article XI - Special Purpose Districts

Chapter 2

Special City Island District

* * *

112-14

Special Requirements for Waterfront Access

Except in R1 and R2 Districts, for #residential developments# on #waterfront zoning lots# of 65,000 square feet or more, a publicly accessible waterfront sitting area shall be provided. Such sitting area shall abut the #shoreline#, have a minimum area of 2,500 square feet, a minimum depth of 50 feet measured from the #shoreline# and contain at least 25 one linear foot of seating for every 100 square feet of public access area. Building entrances may not front upon such sitting area.

Such sitting area shall be accessible by means of either a direct connection to a public sidewalk or a publicly ~~traversable~~ way through the #zoning lot# directly connecting the sitting area with a public sidewalk. Such publicly ~~traversable~~ way shall be comprised of a planting strip of at least four feet in width containing one tree of at least three-inch caliper for every 25 linear feet of such ~~traversable~~ way, and a paved sidewalk of at least six feet in width or, for #developments# with #private roads#, sidewalks provided in accordance with the requirements for #private roads# as set forth in Article II, Chapter 6.

Such public access areas shall comply with the provisions of Sections ~~62-14~~ 62-74 (Requirements for Recordation), ~~62-624~~ 62-70 (Maintenance and ~~Operation of~~ Requirements for Waterfront Public Access Areas), ~~62-671~~ 62-651 (Guardrails, gates and other protective barriers), ~~62-672~~ 62-652 (Seating) and ~~62-674~~ 62-654 (Signage).

* * *

Article XI – Special Purpose Districts

* * *

**Chapter 5
Special Downtown Jamaica District**

* * *

**115-31
Sidewalk Widening**

* * *

Sidewalk widenings of 10 feet or more must provide one linear foot of seating for every 150 square feet of mandatory sidewalk widening. In addition, the provisions of paragraphs (a) through (d) of Section ~~62-672~~ 62-652 (Seating) shall apply.

* * *

**Chapter 6
Special Stapleton Waterfront District**

* * *

**116-31
Modification of Required Accessory Off-Street Parking Space Regulations for Certain Commercial Uses**

The following #uses# listed in Section 32-23 (Use Group 14) shall be subject to the parking requirements applicable to a C4-2 District, pursuant to Section ~~62-53~~ 62-43 (Parking Requirements for Commercial Docking Facilities):

* * *

**116-35
Screening and Tree Planting Requirements for Parking Facilities**

The provisions of this Section shall apply to any new or #enlarged# open off-street parking facility with ten spaces or more, except where the provisions of Section 37-90 (PARKING LOTS), inclusive, apply.

- (a) Screening

Such off-street parking facilities shall be screened, in accordance with the provisions of this Section, from all adjoining #zoning lots#, including such #zoning lots# situated across a #street#, and from any designated open space accessible to the public situated on the same #zoning lot#, including the #Esplanade#.

Such screening shall consist of a strip at least four feet wide, densely planted with evergreen shrubs at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years.

#Accessory# parking spaces that front upon a #street# shall be screened by a strip at least four feet wide and densely planted with evergreen shrubs to be maintained at all times at a height not less than two and one-half feet and not more than four feet.

In addition, a wall or barrier or uniformly-painted fence of fire-resistant material at least four feet high but not more than eight feet above finished grade may be provided. Such wall, barrier, or fence must be 100 percent opaque up to a height of four feet above the finished grade of the parking facility and not more than 35 percent opaque above four feet. No chain link fences shall be permitted. All permitted fences shall be located behind landscaped areas when viewed from the #street#.

Such screening shall be maintained in good condition at all times, may be interrupted by normal entrances or exits, and shall have no #signs# hung or attached thereto other than those permitted in Sections 32-60, inclusive, or ~~62-674~~ 62-654.

* * *

116-41 Upland Connections

In the locations shown on Map 5 (Upland Connections and Visual Corridors) in the Appendix to this Chapter, #upland connections# shall be provided. An #upland connection# traversing a #zoning lot# shall consist of a single ~~pedestrian-circulation-zone~~ path bordered continuously along both sides by buffer zones.

(a) Required dimensions

The minimum width of the #upland connection# shall be 30 feet, ~~within which the pedestrian-circulation-zone shall have a minimum width of 16 feet and each buffer zone shall have a minimum width of seven feet.~~ When an #upland connection#, or a portion thereof, is located ~~within a~~ abuts a private driveway, no buffer zone is required.

(b) Buffer zone

~~The provisions of paragraph (b)(2) of Section 62-62 (General Requirements for Public Access Areas) shall apply.~~

The buffer zone is a landscaped area running along the edge of the #upland connection# that bounds the boundary of the non-public portions of the #zoning lot#; each buffer zone shall have a minimum width of seven feet. The buffer zone shall be improved entirely as planting area, except:

- (1) at locations occupied by permitted obstructions; or
- (2) at locations where there is ground floor #commercial use# frontage on the #upland connection#, in which case that portion of the buffer zone may be paved.

(c) Permitted obstructions

The provisions of Section ~~62-626~~ 62-611 (Permitted obstructions) shall apply to #upland connections# within the #Special Stapleton Waterfront District#. Certain permitted obstructions listed in paragraph ~~(a)(2)(iii)~~ (b)(1) of Section ~~62-626~~ 62-611 are further subject to the tree and planting requirements of Section ~~62-675~~ 62-655. Water-Dependent (WD) #uses# referenced in paragraph ~~(e)~~ (e) of Section ~~62-626~~ 62-611 shall be as listed in Section 62-211.

* * *

116-511

Design requirements for upland connections

(a) Circulation and access

- (1) Where an #upland connection# ~~is located within a~~ abuts a private driveway, a circulation path with a minimum clear width of six feet shall be provided along both sides of the driveway ~~in each pedestrian circulation zone~~. The remaining area shall be planted pursuant to the provisions of paragraph (c) of this Section.
- (2) All other #upland connections# through #zoning lots# shall have a circulation path with a minimum clear width of 16 feet ~~equal to the minimum required width of the pedestrian circulation zone~~.

(b) Seating

~~For #upland connections# 100 feet in length or greater, a~~ A minimum of 24 12 linear feet of seating shall be provided for every 100 linear feet of #upland connection#.

(c) Planting

Where a #upland connection# ~~is located within~~ abuts a private driveway, a single row of shade trees shall be planted adjoining a required circulation path in accordance with the

standards of Section ~~62-675~~ 62-655 (Planting and trees). Within all #upland connections#, any unpaved area shall be planting area.

116-512
Design requirements for visual corridors

The requirements of this Section shall apply to all #visual corridors#. When a #visual corridor# coincides with an #upland connection#, the provisions of Section 116-521 (Design requirements for upland connections) shall also apply.

No #building or other structure# shall be erected within the width of a #visual corridor#, except as provided in this Section. #Visual corridors# shall be the width of the #street# but shall not be less than 50 feet wide.

Permitted obstructions within #visual corridors# shall be limited to:

- (a) boats, ships or other vessels, and #floating structures# permitted as-of-right by paragraph (a) of Section 62-25 (Uses on Floating Structures);
- (b) any moving or parked vehicles or street furniture, including, but not limited to, benches, seats, kiosks, carts and open display booths, lighting fixtures, flagpoles, trash receptacles, drinking fountains and public telephones;
- (c) guardrails and fences, provided they comply with the design standards of Section ~~62-671~~ 62-651 (Guardrails, gates and other protective barriers), except that fences may be eight feet high;

* * *

116-53
Waterfront Public Access Signage

The New York City Waterfront Symbol Plaque shall be used to direct the public to waterfront public access areas including the #Esplanade# and #upland connections# and to identify the entry points of these areas. Such signage shall be provided in accordance with requirements of Section ~~62-674~~ 62-654.

* * *

Article XII - Special Purpose Districts

* * *

123-60

SPECIAL BULK REGULATIONS

* * *

**123-62
Maximum Floor Area Ratio for Community Facilities**

* * *

The provisions of this Section shall not apply on #waterfront blocks#. In lieu thereof, the applicable maximum #floor area ratio# set forth for #community facility uses# in Section 62-30 (Special Bulk Regulations) through 62-32 (Maximum Floor Area Ratio and Lot Coverage on Waterfront Blocks), inclusive, shall apply.

**123-63
Maximum Floor Area Ratio and Lot Coverage Requirements for Residential Buildings in R6, R7, R8 and R9 Districts**

* * *

The provisions of this Section shall not apply on #waterfront blocks#. In lieu thereof, the applicable maximum #floor area ratio# and #lot coverage requirements# set forth for #residential uses# in Section 62-30 (Special Bulk Regulations) through 62-32 (Maximum Floor Area Ratio and Lot Coverage on Waterfront Blocks), inclusive, shall apply.

However, in #Inclusionary Housing designated areas#, as listed in the following table, the maximum permitted #floor area ratio# shall be as set forth in Section 23-942 (In Inclusionary Housing designated areas). The locations of such districts are specified in Section 23-922 (Inclusionary Housing designated areas).

Special Mixed Use District	Designated Residence District
MX 8-Community District 1, Brooklyn	R6 R6A R6B R7A
MX 11-Community District 6, Brooklyn	R7-2

* * *

**123-641
Floor area bonus for a public plaza or arcade in connection with mixed use buildings**

Any #floor area# bonus for a #public plaza# or #arcade# permitted under the applicable district regulations for any #residential#, commercial or community facility portion of a #mixed use building# may be applied to a #mixed use building#, provided that any given #public plaza# or #arcade# shall be counted only once in determining a bonus.

However, on #waterfront blocks#, #floor area# bonuses for a #public plaza# or #arcade# shall not apply.

123-65
Special Yard Regulations

* * *

123-653
Special yard regulations applying on #waterfront blocks#

On #waterfront blocks#, the #rear yard# regulations of Section 62-33 (Special Yard Regulations on Waterfront Blocks) shall apply. However, for #mixed use buildings#, the special #yard# regulations of Section 123-652 (Special yard regulations for mixed use buildings) shall apply.

123-654
Special provisions applying along district boundaries

* * *

123-66
Height and Setback Regulations

The height of all #buildings or other structures# in #Special Mixed Use Districts# shall be measured from the #base plane#.

For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height required, up to the minimum base height requirements of this Chapter.

On #waterfront blocks#, where the designated #Residence District# is R3, R4 or R5, the height and setback regulations of Section 62-34 (Height and Setback Regulations on Waterfront Blocks), inclusive, shall apply to #buildings and other structures#, except that for #mixed use buildings#, the height and setback regulations set forth in Section 123-661 (Mixed use buildings in Special Mixed Use Districts with R3, R4 or R5 District designations) shall apply.

123-661
Mixed use buildings in Special Mixed Use Districts with R3, R4 or R5 District designations

* * *

123-662

All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations

In #Special Mixed Use Districts# where the designated #Residence District# is an R6, R7, R8, R9 or R10 District, the height and setback regulations of Sections 23-60 and 43-40 shall not apply. In lieu thereof, all #buildings or other structures# shall comply with the height and setback regulations of this Section.

* * *

However, all #buildings or other structures# on #waterfront blocks# shall comply with the height and setback regulations set forth for the designated #Residential District# as set forth in Section 62-34 (Height and Setback Regulations in Waterfront Blocks), inclusive.

123-70

PARKING AND LOADING

* * *

123-73

On Waterfront Blocks

For #uses# on #waterfront blocks#, the special #accessory# off-street parking and loading regulations set forth in Section 62-40 (Special Parking and Loading Regulations), inclusive, shall apply. When any #use# is permitted in both the designated #Residential District# and the designated M1 District, the #accessory# off-street parking and loading requirements applicable to the designated M1 District shall apply to such #use#.

* * *

125-042

Modification of Article VI, Chapter 2

The provisions of Sections ~~62-41~~ 62-52 (~~Requirements for~~ Applicability of Waterfront Public Access Area Requirements) and 62-60 (~~DESIGN STANDARDS REQUIREMENTS FOR THE WATERFRONT PUBLIC ACCESS AREAS~~) are modified as set forth in Section 125-46 (Newtown Creek Waterfront Access Plan).

* * *

125-46

Newtown Creek Waterfront Access Plan

Map 9, in Appendix A of this Chapter, shows the boundaries of the area comprising the Newtown Creek Waterfront Access Plan and the location of certain features mandated or permitted by the Plan. The plan area consists of Block 11, Lot 1, as established on November 13, 2008.

(a) Modification of #use# requirements

~~All Use Group 6 and 9 #uses# listed in Section 62-212 (Waterfront Enhancing (WE) uses Waterfront Enhancing) shall be a permitted #use# in #Residence Districts# within the Newtown Creek Waterfront Access Plan, provided that:~~

- ~~(1) — such #use# is limited to not more than 10,000 square feet of #floor area# per establishment;~~
- ~~(2) — the total amount of #floor area# used for such #uses# does not exceed two percent of the total amount of #floor area# permitted on the #zoning lot#; and~~
- ~~(3) — such #uses# are located below the level of the first #story# ceiling of a #building#.~~

~~Additionally, dDocks for water taxis and docks or mooring facilities for non-commercial pleasure boats, listed in Section 32-16 (Use Group 6), shall be a permitted #uses# within the Newtown Creek Waterfront Access Plan.~~

(b) Area wide Mmodifications of design standards

~~The provisions of Sections 62-41 (Requirements for Waterfront Public Access) are modified at the following designated locations which are shown on Map 7, in Appendix A of this Chapter:~~

The requirements for #waterfront public access area#, pursuant to Sections 62-53 through 62-57, inclusive, are modified at the following designated locations:

(1) — ~~#Shore public walkway#~~

~~The requirements for Prototype I described in paragraph (b)(1) of Section 62-831 (Waterfront Access Plan BK-1: Greenpoint-Williamsburg) shall apply to all new #development#.~~

(2) #Upland connection#

An single #upland connection# shall be provided through Block 11, Lot 1, abutting the prolongation of 5th Street and extending from the #shore public walkway# northerly to 54th Avenue.

(32) #Supplemental public access area#

#Supplemental public access areas# shall be provided pursuant to Section 62-415
~~62-457, paragraph (a), and shall be located as indicated on Map 9.~~

* * *

The above resolution (N 090239 ZRY), duly adopted by the City Planning Commission on April 1, 2009 (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, FAICP Chair
ANGELA M. BATTAGLIA, ANGELA R. CAVALUZZI, AIA.,
ALFRED C. CERULLO, III, BETTY Y. CHEN,
MARIA M. DEL TORO, RICHARD W. EADDY, NATHAN LEVENTHAL,
SHIRLEY A. MCRAE, JOHN MEROLO, KAREN A. PHILLIPS, Commissioners