

CITY PLANNING COMMISSION DISPOSITION SHEET

SPECIAL MEETING:
MONDAY, JUNE 7, 1993
1:00 P.M. IN SPECTOR HALL

Lois McDaniel, Calendar officer
 22 Reade Street, Room 2E
 New York, New York 1000-1216
 (212) 720-3370

CAL NO.	ULURP NO.	CD NO.	C.P.C. ACTION	CAL NO.	ULURP NO.	CD NO.	C.P.C. ACTION
1	N 930327(A) ZRY		Scheduled to be Heard 6/23/93	23			
2	N 930327(B) ZRY			24			
3	N 930327(C) ZRY			25			
4				26			
5				27			
6				28			
7				29			
8				30			
9				31			
10				32			
11				33			
12				34			
13				35			
14				36			
15				37			
16				38			
17				39			
18				40			
19				41			
20				42			
21				43			
22				44			

COMMISSION ATTENDANCE:	Present (P)	Absent (A)	COMMISSION VOTING RECORD: Calendar Numbers												In Favor - Y	Oppose - N	Abstain - AB	
Richard L. Schaffer, <i>Chairman</i>	P																	
Victor G. Allicea, <i>Vice Chairman</i>	P																	
Eugenie L. Birch, <i>A.I.C.P.</i>	P																	
Amanda M. Burden, <i>A.I.C.P.</i>	P																	
Anthony I. Giacobbe, <i>Esq.</i>	P																	
Maxine Griffith	P																	
James C. Jao, <i>R.A.</i>	P																	
Brenda Levin	P																	
Joel A. Milele, <i>SR., P.E.</i>	A																	
Edward T. Rogowsky	P																	
Ronald Shiffman, <i>A.I.C.P.</i>	P																	
Analisa Torres, <i>Esq.</i>	P																	
Jacob B. Ward, <i>Esq., Commissioners</i>	P																	

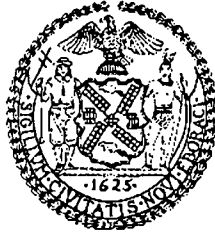
MEETING ADJOURNED AT: 1:49 P.M.

COMPREHENSIVE
CITY PLANNING CALENDAR
of
The City of New York

CITY PLANNING COMMISSION

MONDAY, JUNE 7, 1993

SPECIAL MEETING AT 1:00 P.M.
in
SPECTOR HALL
22 READE STREET, NEW YORK, N.Y.



David N. Dinkins, Mayor
City of New York
Prepared by Lois McDaniel, Calendar Officer

CITY PLANNING COMMISSION

22 Reade Street, New York, N.Y. 10007-1216

RICHARD L. SCHAFFER, *Chairman*
VICTOR G. ALICEA, *Vice-Chairman*
EUGENIE L. BIRCH, A.I.C.P.
AMANDA M. BURDEN, A.I.C.P.
ANTHONY I. GIACOBBE, *Esq.*
MAXINE GRIFFITH
JAMES C. JAO, R.A.
BRENDA LEVIN
JOEL A. MIELE, SR., P.E.
EDWARD T. ROGOWSKY
RONALD SHIFFMAN, A.I.C.P.
ANALISA TORRES, *Esq.*
JACOB B. WARD, *Esq., Commissioners*
LOIS MCDANIEL, *Calendar Officer*

The regular public meetings of the Commission shall be held twice monthly on Wednesday at 10:00 a.m. in City Hall, Manhattan, unless otherwise ordered.

I. SCHEDULING

CITYWIDE

Nos. 1, 2 and 3

(Calendar Items Nos. 1, 2 and 3 represent three alternative modifications to application N930327 ZRY as originally proposed, and printed in Calendars dated May 12, 1993, and May 26, 1993. The modifications would further regulate uses on new piers and platforms and existing piers. The proposed modifications add new definitions to Section 12-10 where appropriate and replace corresponding sections in the original text, N 930327 ZRY, as printed on May 12, 1993, and May 26, 1993. All other sections of the original text, which remain unchanged, are hereby incorporated into each of the following three alternative modifications.)

No. 1

N 930327(A) ZRY

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 200 of the New York City Charter, for **amendment of the Zoning Resolution of the City of New York**, relating to various definitions in Section 12-10 and modifications to Sections 62-132, 62-24, 62-241, 62-242 and 62-734 in the original text, N 930327 ZRY, as follows:

Matter in **Graytone** is new, to be added;

Matter in ~~Strikeout~~ is old, to be deleted;

Underlined text indicates revisions to N930327 ZRY;

Matter within # # is defined in Section 12-10, or 62-11;

... indicate unchanged text omitted within a paragraph;

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

Article I — General Provisions

Chapter 1 Title, Establishment of Controls, and Interpretation of Regulations

* * *

12-10 DEFINITIONS

* * *

Accessory use, or accessory

* * *

(u) In conjunction with #wholesale# establishments, #accessory retail# sales areas shall be limited to ten percent of the #floor area# of the establishment or, for open #uses#, ten percent of the #lot area#, provided the total #floor area#, (or #lot area# where applicable), for such #accessory uses# does not exceed 5,000 square feet.

* * *

Retail use, or retail

A "retail use" is a #use# that involves selling merchandise or providing services directly to the consumer for personal or household consumption. Where #retail# is used in the text, it shall have the same meaning as #retail use#.

* * *

Warehouse

A "warehouse" is an establishment used exclusively for the storage of goods.

* * *

Wholesale use, or wholesale

A "wholesale use" is a #use# limited to the selling and #accessory# storage of merchandise to retailers, industrial or commercial businesses, institutions, construction contractors, professional businesses or other wholesalers for further distribution. Where #wholesale# is used in the text, it shall have the same meaning as #wholesale use#.

* * *

(All of Article VI, Chapter 2 is new text)

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

* * *

Section 74-79 (Transfer of Development Rights from Landmarks Sites) shall be applicable . . . set forth in Sections 62-40 and 62-60.

Section 74-922 (Certain large retail establishments) shall be applicable except that, on existing #piers#, no single #retail# establishment listed in Section 62-241 shall be permitted to exceed a #floor area# of 20,000 square feet.

* * *

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 the 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 #platforms# shall be subject to the provisions of Section 62-241. #Uses# on new #piers# or #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, except that:

(a) on #piers#, the following #retail uses#, not otherwise limited in size by their use group listing, shall be limited to 20,000 square feet of #floor area# per establishment:

(1) all #uses# in Use Groups 6A and 6C;

(2) the following #uses# in Use Group 9A:

(i) clothing or costume rental establishments;

(ii) typewriter or other small business machine sales, rental or repairs;

(3) all #uses# in Use Group 10 with parking categories "B" or "B1";

(4) the above #uses#, when listed in other Use Groups; and

(b) no #residential use# shall be permitted within a #building# on a #pier# unless 50 percent or more of the #floor area# of the #story# at the level of public access is allocated for occupancy by WE #uses#, subject to the size limitations set forth in paragraph (a) of this Section.

62-242 Uses on new piers and platforms

New #piers# and #platforms# shall be limited to WD #uses# or to the following WE #uses#: #public parks# or playgrounds or publicly accessible private parks.

Conversions from the above permitted #uses# to any other WE #use# are permitted only by special permit pursuant to Section 62-734. In no event shall #bulk# distribution to the #upland lot# be permitted from portions of a new #pier# or #platform# located within the #seaward lot#.

* * *

62-734 Developments on piers or platforms

In all districts, the City Planning Commission may permit:

- (a) a change of #use# on a new #pier# or #platform# from a WD #use# or a #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(a) or the maximum #floor area ratio# for the applicable district, provided the Commission finds that:
- (1) existing permitted WD #uses# on the #pier# or #platform# have been discontinued for a continuous period of at least two years immediately prior to the date of application;
 - (2) the proposed #use# will significantly enhance public use and enjoyment of the waterfront;
 - (3) there is no increase in #water coverage#; and
 - (4) in the case of modification of #bulk# regulations for an existing #building#, findings (1) through (5) of paragraph (b) are also met.
- (b) for an existing #pier#, modification of the provisions of Sections 62-342 (Rear yards and waterfront yards) or 62-352 (Developments on piers), provided the Commission

finds that:

- (1) the proposed #development# complies with the provisions of Sections 62-351 (Developments on waterfront lots) and 62-36 (Minimum Distance Between Buildings);
 - (2) within the #seaward lot#, the ratio of #floor area# on the #pier# to #water coverage# of the #pier# does not exceed the maximum #floor area ratio# for the #use# as set forth in the district regulations;
 - (3) such modifications would not unduly obstruct the light and air or waterfront views of neighboring properties;
 - (4) such modification would not adversely affect public use and enjoyment of the waterfront; and
 - (5) such modifications will not adversely affect the essential character, use or future growth of the waterfront and the surrounding area.
- (c) for existing or new #piers#, the Commission may permit modification of the public access and #visual corridor# requirements of Sections 62-40 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 than would otherwise be possible by strict adherence to the regulations of Sections 62-40 and 62-60; and
 - (2) alternate waterfront public access 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 design, provide equivalent public use and enjoyment of the waterfront and views to the water from upland streets and other public areas.

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# and limitations on size of individual establishments.

* * *

Resolution for adoption scheduling June 23, 1993, for a public hearing.

No. 2

N 930327(B) ZRY

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 200 of the New York City Charter, for amendment of the Zoning Resolution of the City of New York, relating to various definitions in Section 12-10 and modifications to Sections 62-132, 62-24, 62-241, 62-242 and 62-734 in the original text, N 930327 ZRY, as follows:

- Matter in ~~Graytone~~ is new, to be added;
- Matter in ~~Strikeout~~ is old, to be deleted;
- Underlined text indicates revisions to N930327 ZRY;
- Matter within # # is defined in Section 12-10, or 62-11;
- ... indicate unchanged text omitted within a paragraph;
- *** indicate where unchanged text appears in the Zoning Resolution

Article I — General Provisions

Chapter 1 Title, Establishment of Controls, and Interpretation of Regulations

* * *

12-10 DEFINITIONS

* * *

Accessory use, or accessory

* * *

(u) In conjunction with #wholesale# establishments, #accessory retail# sales areas shall be limited to ten percent of the #floor area# of the establishment or, for open

#uses#, ten percent of the #lot area#, provided the total #floor area#, (or #lot area# where applicable), for such #accessory uses# does not exceed 5,000 square feet.

* * *

Retail use, or retail

A "retail use" is a #use# that involves selling merchandise or providing services directly to the consumer for personal or household consumption. Where #retail# is used in the text, it shall have the same meaning as #retail use#.

* * *

Warehouse

A "warehouse" is an establishment used exclusively for the storage of goods.

* * *

Wholesale use, or wholesale

A "wholesale use" is a #use# limited to the selling and #accessory# storage of merchandise to retailers, industrial or commercial businesses, institutions, construction contractors, professional businesses or other wholesalers for further distribution. Where #wholesale# is used in the text, it shall have the same meaning as #wholesale use#.

* * *

(All of Article VI, Chapter 2 is new text)

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

* * *

Section 74-79 (Transfer of Development Rights from Landmarks Sites) shall be applicable . . . Sections 62-40 and 62-60.

Section 74-922 (Certain large retail establishments) shall be applicable except that, on existing #piers#, #retail# establishments listed in Section 62-241 shall also be subject to the special permit provisions of Section 62-734.

* * *

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 the 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 #platforms# shall be subject to the provisions of Section 62-241. #Uses# on new #piers# or #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, except that:

(a) on #piers#, the following #retail uses# shall only be permitted by special permit pursuant to Section 62-734:

(1) all #uses# in Use Groups 6A and 6C;

(2) the following #uses# in Use Group 9A;

(i) clothing or costume rental establishments;

(ii) typewriter or other small business machine sales, rental or repairs;

(3) all #uses# in Use Group 10 with parking categories "B" or "B1";

(4) the above #uses#, when listed in other Use Groups; and

(b) notwithstanding the provisions of paragraph (a), where #residential use# is provided within a #building# on a #pier#, at least 50 percent of the #floor area# of the #story# at the level of public access shall be allocated for occupancy by WE #uses#. However, no single establishment for a WE #use# listed in paragraph (a) of this Section, not otherwise limited in size by its use group listing, shall exceed a #floor area# of 20,000 square feet.

62-242 Uses on new piers and platforms

New #piers# and #platforms# shall be limited to WD #uses# or to the following WE #uses#: #public parks# or playgrounds or publicly accessible private parks.

Conversions from the above permitted #uses# to any other WE #use# are permitted only

by special permit pursuant to Section 62-734. In no event shall #bulk# distribution to the #upland lot# be permitted from portions of a new #pier# or #platform# located within the #seaward lot#.

* * *

62-734 Developments on piers or platforms

In all districts, the City Planning Commission may permit:

- (a) a change of #use# on a new #pier# or #platform# from a WD #use# or a #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(a) or the maximum #floor area ratio# for the applicable district, provided the Commission finds that:
- (1) existing permitted WD #uses# on the #pier# or #platform# have been discontinued for a continuous period of at least two years immediately prior to the date of application;
 - (2) the proposed #use# will significantly enhance public use and enjoyment of the waterfront;
 - (3) there is no increase in #water coverage#; and
 - (4) in the case of modification of #bulk# regulations for an existing #building#, findings (1) through (5) of paragraph (b) are also met.
- (b) for an existing #pier#, modification of the provisions of Sections 62-342 (Rear yards and waterfront yards) or 62-352 (Developments on piers), provided the Commission finds that:

- (1) the proposed #development# complies with the provisions of Sections 62-351 (Developments on waterfront lots) and 62-36 (Minimum Distance Between Buildings);
 - (2) within the #seaward lot#, the ratio of #floor area# on the #pier# to #water coverage# of the #pier# does not exceed the maximum #floor area ratio# for the #use# as set forth in the district regulations;
 - (3) such modifications would not unduly obstruct the light and air or waterfront views of neighboring properties;
 - (4) such modification would not adversely affect public use and enjoyment of the waterfront; and
 - (5) such modifications will not adversely affect the essential character, use or future growth of the waterfront and the surrounding area.
- (c) for an existing #pier#, a #retail use# listed in Section 62-241, provided such #use# is permitted by the applicable district regulations and provided the Commission finds that:
- (1) the facility is so designed as to significantly enhance public use and enjoyment of the waterfront;
 - (2) #accessory# parking or loading facilities provided in conjunction with such #uses# are arranged and designed so as to not adversely impact public access areas anywhere on the #zoning lot#; and
 - (3) such #use# will not adversely affect the essential character, use or future growth of the waterfront and the surrounding area.

(d) for existing or new #piers#, the Commission may permit modification of the public access and #visual corridor# requirements of Sections 62-40 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 than would otherwise be possible by strict adherence to the regulations of Sections 62-40 and 62-60; and
- (2) alternate waterfront public access 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 design, provide equivalent public use and enjoyment of the waterfront and views to the water from upland streets and other public areas.

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# and limitations on size of individual establishments.

* * *

Resolution for adoption scheduling June 23, 1993, for a public hearing.

No. 3

N 930327(C) ZRY

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 200 of the New York City Charter, for **amendment of the Zoning Resolution of the City of New York**, relating to modifications to Sections 62-132, 62-24, 62-241, 62-242 and 62-734 in the original text, N 930327 ZRY, as follows:

Underlined text indicates revisions to N930327 ZRY;

Matter within # # is defined in Section 12-10, or 62-11;

... indicate unchanged text omitted within a paragraph;

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

(All of Article VI, Chapter 2 is new text)

* * *

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

* * *

Section 74-79 (Transfer of Development Rights from Landmarks Sites) shall be applicable . . . set forth in Sections 62-40 and 62-60.

Section 74-922 (Certain large retail establishments) shall be applicable except that, on existing #piers#, the special permit provisions of Section 62-734 shall also be applicable.

* * *

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 the 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 #platforms# shall be subject to the provisions of Section 62-241. #Uses# on new #piers# or #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. However, changes of #use# shall be permitted only to a WD #use# or to the following WE #uses#: a #public park# or playground or publicly accessible private park. #Enlargements# or #extensions# shall be permitted only for WD #uses# or the preceding listed WE #uses#. All other #uses# on existing #piers# shall only be permitted by special permit pursuant to Section 62-734.

62-242 Uses on new piers and platforms

New #piers# and #platforms# shall be limited to WD #uses# or to the following WE #uses#: #public parks# or playgrounds or publicly accessible private parks.

Conversions from the above permitted #uses# to any other WE #use# are permitted only by special permit pursuant to Section 62-734. In no event shall #bulk# distribution to the #upland lot# be permitted from portions of a new #pier# or #platform# located within the #seaward lot#.

* * *

62-734 Developments on piers or platforms

In all districts, the City Planning Commission may permit:

- (a) a change of #use# on a new #pier# or #platform# from a WD #use# or a #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(a) or the maximum #floor area ratio# for the applicable district, provided the Commission finds that:
- (1) existing permitted WD #uses# on the #pier# or #platform# have been discontinued for a continuous period of at least two years immediately prior to the date of application;
 - (2) the proposed #use# will significantly enhance public use and enjoyment of the waterfront;
 - (3) there is no increase in #water coverage#; and
 - (4) in the case of modification of #bulk# regulations for an existing #building#, findings (1) through (5) of paragraph (b) are also met.
- (b) for an existing #pier#, modification of the provisions of Sections 62-342 (Rear yards and waterfront yards) or 62-352 (Developments on piers), provided the Commission finds that:
- (1) the proposed #development# complies with the provisions of Sections 62-351 (Developments on waterfront lots) and 62-36 (Minimum Distance Between Buildings);

- (2) within the #seaward lot#, the ratio of #floor area# on the #pier# to #water coverage# of the #pier# does not exceed the maximum #floor area ratio# for the #use# as set forth in the district regulations;
- (3) such modifications would not unduly obstruct the light and air or waterfront views of neighboring properties;
- (4) such modification would not adversely affect public use and enjoyment of the waterfront; and
- (5) such modifications will not adversely affect the essential character, use or future growth of the waterfront and the surrounding area.

(c) for an existing #pier#, any #use# permitted by the applicable district regulations, provided the Commission finds that:

- (1) the facility is so designed as to significantly enhance public use and enjoyment of the waterfront;
- (2) #accessory# parking or loading facilities provided in conjunction with such #uses# are arranged and designed so as to not adversely impact public access areas anywhere on the #zoning lot#; and
- (3) such #use# will not adversely affect the essential character, use or future growth of the waterfront and the surrounding area.

(d) for existing or new #piers#, the Commission may permit modification of the public access and #visual corridor# requirements of Sections 62-40 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 than would otherwise be possible by strict

adherence to the regulations of Sections 62-40 and 62-60; and

- (2) alternate waterfront public access 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 design, provide equivalent public use and enjoyment of the waterfront and views to the water from upland streets and other public areas.

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# and limitations on size of individual establishments.

* * *

Resolution for adoption scheduling June 23, 1993, for a public hearing.
