



## Legislation Details (With Text)

**File #:** Res 1823-2013      **Version:** \*      **Name:** LU 837 - Zoning, privately owned public spaces within the Borough of Manhattan (130206(A) ZRM)  
**Type:** Resolution      **Status:** Adopted  
**In control:** Committee on Land Use

**On agenda:** 6/12/2013

**Enactment date:**      **Enactment #:**

**Title:** Resolution approving the decision of the City Planning Commission on Application No. N 130206 (A) ZRM, for an amendment of the Zoning Resolution of the City of New York, relating to Article IX, Chapter I (Special Lower Manhattan District) concerning privately owned public spaces within Community District 1, Borough of Manhattan (L.U. No. 837).

**Sponsors:**

**Indexes:**

**Attachments:** 1. Committee Report, 2. Hearing Transcript - Stated Meeting 6-12-13

Date	Ver.	Action By	Action	Result
6/6/2013	*	Committee on Land Use	Approved by Committee	
6/12/2013	*	City Council	Approved, by Council	Pass

### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 1823

Resolution approving the decision of the City Planning Commission on Application No. N 130206 (A) ZRM, for an amendment of the Zoning Resolution of the City of New York, relating to Article IX, Chapter I (Special Lower Manhattan District) concerning privately owned public spaces within Community District 1, Borough of Manhattan (L.U. No. 837).

By Council Members Comrie and Weprin

WHEREAS, the City Planning Commission filed with the Council on May 10, 2013 its decision dated May 8, 2013 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the Department of City Planning, for an amendment of the text of the Zoning Resolution of the City of New York, relating to Article IX, Chapter I (Special Lower Manhattan District) concerning privately owned public spaces. The amendment would create a new Section 91-82 (Existing Publicly Accessible Open Areas) of the Zoning Resolution, and modify existing provisions to allow temporary amenities and events in existing privately owned public spaces until January 1, 2014. The text would modify the Special Lower Manhattan District and apply to all existing plazas, urban plazas, public plazas, arcades, indoor spaces, sidewalk widenings, and public areas provided by special permit along and near Water Street in Lower Manhattan, within Community District 1 (Application No. N 130206 (A) ZRM), Borough of Manhattan (the "Application");

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on

June 4, 2013;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues, and the Type II action which on February 28, 2013 was determined that the Application was not subject to review pursuant to SEQR and CEQR (CEQR No. 13DCP100M);

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment since it was determined to be a Type II action.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 130206 (A) ZRM, incorporated by reference herein, the Council approves the Decision.

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 Underlined is new, to be added;

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

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

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

## Article IX - Special Purpose Districts

### Chapter 1: Special Lower Manhattan District

\* \* \*

#### 91-80

##### PUBLIC ACCESS AREAS

#### 91-81

##### Certification to Modify Existing Arcades in Certain Areas

\* \* \*

#### 91-82

##### Existing Publicly Accessible Open Areas

The purpose of this Section is to facilitate temporary programmatic changes to existing public spaces to:

- (a) help address the short-term challenges facing the Water Street corridor as a result of Hurricane Sandy by encouraging increased economic activity, reinforcing community connections, creating a lively and engaging experience, and improving the corridor's pedestrian environment; and
- (b) explore new types of uses and amenities within public spaces intended to draw residents, workers, and

visitors, thereby increasing the utilization and activation of the existing public spaces.

This Section, inclusive, shall be effective until January 1, 2014, at which time the provisions of this Section shall automatically expire and all #publicly accessible open areas#, as defined in Section 91-821, shall be returned to their compliant state and all temporary obstructions shall be removed.

## **91-821**

### **Special provisions for #publicly accessible open areas#**

For the purposes of this Section, the definition of “publicly accessible open area” shall also include any #arcade#, #through block arcade#, or other public amenity, open or enclosed, for which a #floor area# bonus has been granted.

The provisions of this Section shall apply to all #publicly accessible open areas# existing on (effective date of amendment) within the area designated as a Public Space Activation Area on Map 8 (Public Access Modification Areas) in Appendix A of this Chapter.

Any underlying provisions, including Section 91-81 of this Chapter, restricting the placement of obstructions within #publicly accessible open areas# or restricting their use for events may be modified, as follows:

#### (a) Temporary permitted obstructions

Amenities that shall be considered temporary permitted obstructions for cultural, entertainment, and #commercial uses# including, but not limited to, tables, chairs, moveable planters, stages, kiosks, food trucks, artwork, and shade structures are allowed, provided that they:

- (1) are not permanently affixed to the ground and do not cause damage to any surface of the #publicly accessible open area#;
- (2) are not located within five feet of any #building# entrance; and
- (3) do not in combination occupy more than 60 percent of the #publicly accessible open area#.

#### (b) Events

Events including, but not limited to, farmers markets, holiday markets, concerts and performances, art and cultural exhibitions, and festivals are permitted. Such events may be sponsored by non-profit or for-profit entities, without limitation, and may include the sale of food, refreshments, and other event-related items, for the benefit or enjoyment of event participants. The use of #publicly accessible open area# for the promotion of products or services shall not itself qualify as an event permitted under this Section. Such events shall:

- (1) be open to the public;
- (2) only be permitted to use amplified sound between the hours of 9:00 am and 10:00 pm.

Nothing herein shall authorize the use of City #streets# or sidewalks in connection with an event permitted

under this Section, and any such use shall be subject to all applicable provisions of law and regulation governing the use of City #streets# or sidewalks including, where applicable, the requirement to obtain a Street Activity Permit from the Street Activity Permit Office of the Office of Citywide Events Coordination and Management. No event shall be permitted pursuant to this Section unless, no later than fourteen (14) days prior to the scheduled date, the sponsor notifies the Street Activity Permit Office of the nature, size and location of the event upon a form prescribed by the Street Activity Permit Office for such purpose.

\* \* \*

## **Appendix A**

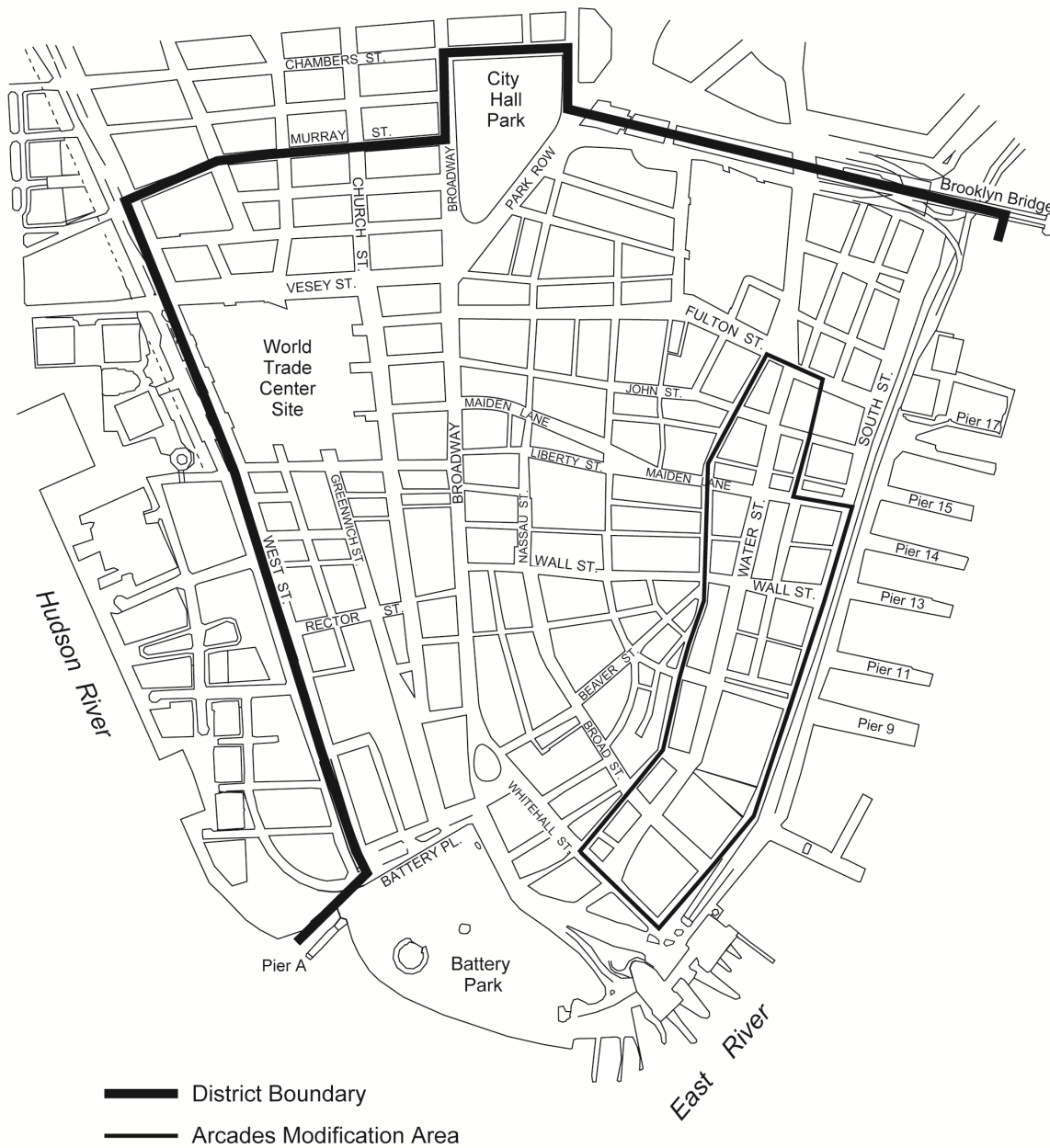
### **Lower Manhattan District Plan Maps**

\* \* \*

## Appendix A

### Map 8. Public Access Modification Areas

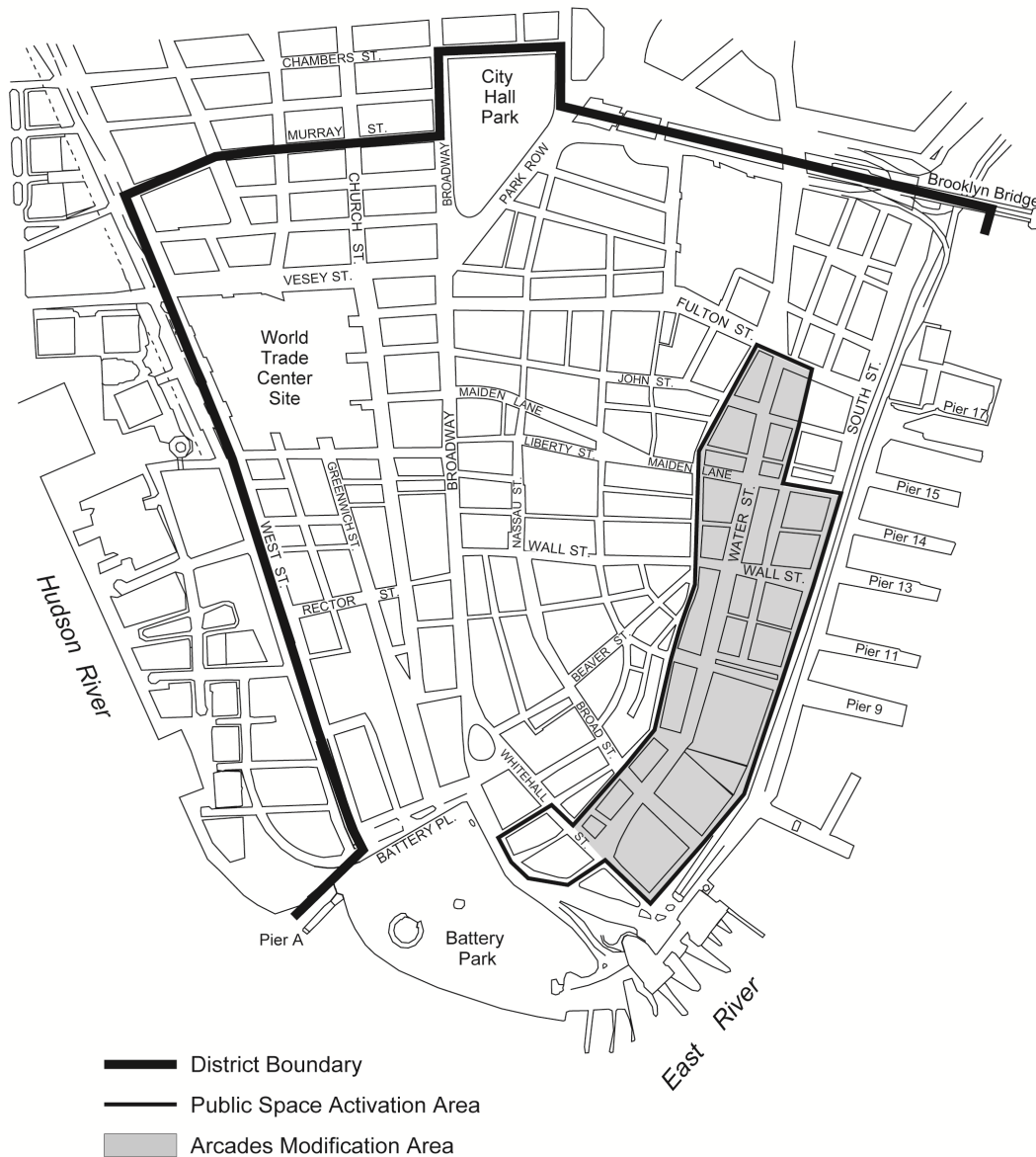
[MAP TO BE DELETED]



Appendix A

Map 8. Public Access Modification Areas

[MAP TO BE ADDED]



Adopted.

Office of the City Clerk, }  
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on June 12, 2013, on file in this office.

.....  
City Clerk, Clerk of The Council