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Title: Resolution approving the decision of the City Planning Commission on Application No. N 130189(A) ZRM, for an amendment of the Zoning Resolution of the City of New York, to add Article XIII, Chapter 4, establishing the Special Governors Island District in Community District 1, Borough of Manhattan, and to amend related Sections (L.U. No. 861).

Sponsors:

Indexes:

Attachments: 1. Hearing Transcript - Stated Meeting 7-24-13, 2. Committee Report

Date	Ver.	Action By	Action	Result
7/24/2013	*	Committee on Land Use	Approved by Committee	
7/24/2013	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1880

Resolution approving the decision of the City Planning Commission on Application No. N 130189(A) ZRM, for an amendment of the Zoning Resolution of the City of New York, to add Article XIII, Chapter 4, establishing the Special Governors Island District in Community District 1, Borough of Manhattan, and to amend related Sections (L.U. No. 861).

By Council Members Comrie and Weprin

WHEREAS, the City Planning Commission filed with the Council on June 7, 2013 its decision dated June 5, 2013 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by Governors Island Corporation d/b/a The Trust for Governors Island for an amendment to the Zoning Resolution of the City of New York to add Article XIII, Chapter 4, establishing the Special Governors Island District in Community District 1, (Application No. N 130189(A) ZRM), Borough of Manhattan (the "Application");

WHEREAS, the Application is related to application C 130190 ZMM (L.U. No. 862), an amendment of the Zoning Map, Section No. 16a, mapping the Special Governors Island District;

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 July 22, 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 Final Supplemental Generic Environmental Impact Statement (“FSGEIS”) for which a Notice of Completion was issued on May 23, 2013 (CEQR No. 11DME007M);

RESOLVED:

Having considered the FSGEIS with respect to the Decision and Application, the Council finds that:

- (1) The FSGEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the Proposed Action adopted herein is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FSGEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, in accordance with an environmental commitment letter, dated May 31, 2013, from The Trust for Governors Island and acknowledged and accepted by the Office of the Deputy Mayor for Economic Development, those project components related to the environment and mitigation measures that were identified as practicable; and
- (4) The Decision together with the FSGEIS constitute the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

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 130189(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 I
Chapter 1

11-122
Districts Established

* * *

Establishment of the Special Governors Island District

In order to carry out the special purposes of this Resolution, as set forth in Article XIII, Chapter 4, the #Special Governors Island District# is hereby established.

* * *

**Article I
Chapter 2**

**12-10
DEFINITIONS**

* * *

Special Governors Island District

The “Special Governors Island District” is a Special Purpose District designated by the letters “GI” in which the special regulations set forth in Article XIII, Chapter 4, apply.

* * *

Physical culture or health establishments (2/2/11)

A "physical culture or health establishment" is any establishment or facility, including #commercial# and non-#commercial# clubs, which is equipped and arranged to provide instruction, services or activities which improve or affect a person's physical condition by physical exercise or by massage. Physical exercise programs include aerobics, martial arts or the use of exercise equipment.

Therapeutic or relaxation services, such as sun tanning, baths, showers, tubs, jacuzzis, whirlpools, saunas, steam rooms, isolation floatation tanks and meditation facilities may be provided only as #accessory# to the physical exercise program or massage facility. Except as specifically provided in the #Special Battery Park City District# special purpose districts, #physical culture or health establishments# are only permitted pursuant to the provisions of Section 73-36. No license or permit shall be issued by the New York City Department of Health in conjunction with any health related facility/services pursuant to this Section until a certificate of occupancy has been issued by the Department of Buildings establishing the #use# of the premises as a #physical culture or health establishment#.

* * *

Article I: General Provisions

**Chapter 3
Comprehensive Off-Street Parking and Loading Regulations in the Manhattan Core**

**13-05
Exceptions**

The provisions of this Chapter shall not apply to Roosevelt Island, in Community District 8, or to Governors Island, in Community District 1, in the Borough of Manhattan. In the #Hudson Yards parking regulations applicability area#, as defined in Section 93-81, the provisions of this Chapter shall apply as specified in Section 93-80 (OFF-STREET PARKING REGULATIONS).

Additional modifications to the provisions of this Chapter are found in the following Special Purpose Districts:

* * *

Article VI

Chapter 2 Special Regulations Applying in the Waterfront Area

62-13 Applicability of District Regulations

The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

In the event a Special Purpose District imposes a restriction on the height of a #building or other structure# that is lower than the height limit set forth in this Chapter, the lower height shall control. However, all heights shall be measured from the #base plane#.

The provisions of this Chapter shall not apply to the following Special Purpose Districts unless expressly stated otherwise in the special district provisions:

#Special Battery Park City District#

#Special Governors Island District#

#Special Stapleton Waterfront District#.

The #Special Sheepshead Bay District# shall be applicable, except that Section 94-061 (Uses permitted by right) shall be modified to permit all WD #uses# listed in Section 62-211 from Use Groups 6, 7, 9 and 14 in accordance with the underlying district regulations.

* * *

Article XIII - Special Purpose Districts

Chapter 4 Special Governors Island District

134-00

GENERAL PURPOSES

The #Special Governors Island District# established in this Resolution is designed to promote and protect public health, safety and general welfare. These goals include, among others, the following specific purposes:

- (a) promote public use and enjoyment of the Island as a recreational destination that draws upon its location in New York Harbor with singular views and natural beauty;
- (b) encourage educational and cultural uses such as the arts, music and dance which bring the public to the Island to enjoy cultural events in a unique setting of historic buildings and green spaces;
- (c) promote public use of the Island for water-related recreational and educational activities that benefit from the unique Island setting;
- (d) preserve historic buildings in the historic district and encourage their renovation and redevelopment for appropriate educational, cultural, and commercial uses;
- (e) facilitate commercial uses including, but not limited to, hotels, restaurants, retail, arts and crafts galleries and related uses that are compatible with the educational, cultural and recreational uses of the Island and with the primary use of the Island by the public as a recreational resource; and
- (f) promote the most desirable use of land and thus conserve the value of land and buildings, and thereby protect the City's tax revenues.

134- 01

General Provisions

For the purposes of this Chapter, the area within the boundaries of the #Special Governors Island District# shall be considered a single #zoning lot#.

Development rights may not be transferred across the boundary of the #Special Governors Island District#.

Except as modified by the express provisions of the #Special Governors Island District#, the regulations of the underlying zoning district remain in effect.

134-02

Applicability of Parking and Loading Regulations

The off-street parking and loading regulations of the underlying zoning district and Article I, Chapter 3 (Comprehensive Off-Street Parking and Loading Regulations in the Manhattan Core), shall not apply. In lieu thereof, off-street parking and loading berths #accessory# to any #use# permitted within the #Special Governors Island District# shall be allowed.

134-03

Applicability of Special Regulations Applying in the Waterfront Area

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall not apply, except as set forth in Section 134-22 (Special Height and Setback Regulations).

134-10

SPECIAL USE REGULATIONS

134-11

Commercial Uses

The following #commercial uses# shall be allowed:

From Use Group 5:

All #uses#.

From Use Groups 6A, 6B, 6D, 6E, and 6F:

All #uses#.

From Use Group 6C:

All #uses#, except automobile supply stores, drive-in banks, carpet, rug, linoleum or other floor covering stores, furniture stores, loan offices, medical or orthopedic appliance stores, paint stores, sewing machine stores or typewriter stores.

From Use Groups 7A and 7E:

All #uses#.

From Use Group 7B:

Bicycle rental or repair shops

Sailmaking establishments

Sign painting shops, limited to 2,500 square feet of #floor area# per establishment.

From Use Groups 8A and 8E:

All #uses#.

From Use Group 9A:

All #uses#, except for automobile, motorcycle, #trailer# or boat showrooms or sales, with no repair services and with no preparation of vehicles or boats for delivery, blueprinting or photostatting establishments, musical instrument repair shops, plumbing, heating or ventilating equipment showrooms, without repair facilities, typewriter or other small business machine sales, rental or repairs or umbrella repair shops.

From Use Group 9C:

All #uses#.

From Use Group 10A:

Docks for ferries, other than #gambling vessels#, with no restriction on passenger load

Eating or drinking places, without restrictions on entertainment or dancing, but limited to location in hotels

Photographic or motion picture productions studios

Radio or television studios.

From Use Group 10C:

All #uses#.

From Use Group 11A and 11C:

All #uses#, except for medical, dental, drafting instruments, optical goods, or similar precision instruments, or orthopedic or medical appliances, or custom manufacturing.

From Use Group 12A:

All #uses#, except for eating or drinking establishments with entertainment and a capacity of more than 200 persons, or establishments of any capacity with dancing, stadiums or trade expositions.

From Use Groups 12B, 12C, and 12E:

All #uses#.

From Use Group 13:

All #uses#.

From Use Group 14:

All #uses#.

From Use Group 15:

Merry-go-rounds.

Any #commercial use# or #physical culture or health establishment# larger than 7,500 square feet in #floor area# shall only be permitted provided that, prior to the establishment of such #use#, the applicant shall submit a written description of such #use# to the local community board, together with information to demonstrate that such #use# will promote the goals of the #Special Governors Island District#, complement existing #uses# within the special district, and be compatible with the nature, scale and character of other #uses# within the special district.

The local community board shall have the opportunity to respond to such submission with written comments within forty-five (45) days of receipt and the applicant shall thereafter provide the local community board with a written response to such comments, including a description of any modifications to the proposal or, if a recommendation of the local community board has not been adopted, the reasons such modification has not been made.

No building permit shall be issued with respect to a #commercial use# or #physical culture or health establishment# larger than 7,500 square feet unless the Chairperson of the City Planning Commission shall have certified to the Department of Buildings that the applicant has complied with the provisions of this Section.

The provisions of this Section shall not apply to #commercial uses# permitted pursuant to Section 134-12 (Authorization for Certain Commercial Uses).

134-12

Authorization for Certain Commercial Uses

The City Planning Commission may authorize any #commercial use# not allowed pursuant to Section 134-11

to locate within the #Special Governors Island District#, provided that such #commercial use#:

- (a) will promote the goals of the #Special Governors Island District#;
- (b) complements existing #uses# within the special district; and
- (c) is compatible with the nature, scale and character of other #uses# within the special district.

134-13
Physical Culture or Health Establishments

#Physical culture or health establishments# shall be permitted in the #Special Governors Island District#, subject to the requirements of Section 134-11. The special permit provisions of Section 73-36 shall not apply.

134-14
Signs

For #commercial uses# and #physical culture or health establishments#, the #sign# regulations of a C1 District mapped within an R3-2 District shall apply.

134-20
SPECIAL BULK REGULATIONS

134-21
Special Regulations for Commercial Uses

For #commercial uses# and #physical culture or health establishments#, the #floor area# regulations of a C1 District mapped within an R3-2 District shall apply.

134-22
Special Height and Setback Regulations

The provisions of Section 62-341 (Developments on land and platforms) shall apply to all #buildings# in the #Special Governors Island District#.

* * *

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 July 24, 2013, on file in this office.

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