Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

91-60 - REGULATIONS FOR THE SOUTH STREET SEAPORT SUBDISTRICT

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91-60 - REGULATIONS FOR THE SOUTH STREET SEAPORT SUBDISTRICT

LAST AMENDED
8/27/1998

91-61 - General Provisions

LAST AMENDED
12/5/2024

The regulations of Section 91-60, et seq., relating to special regulations for the South Street Seaport Subdistrict are applicable only in the South Street Seaport Subdistrict. The boundaries of the South Street Seaport Subdistrict are shown on Map 1 (Special Lower Manhattan District) and Map 6 (South Street Seaport Subdistrict) in Appendix A. The regulations of Section 91-60, et seq., supplement or modify the regulations of this Chapter applying in general to the South Street Seaport Subdistrict area of the #Special Lower Manhattan District#.

In order to preserve and protect the character of the South Street Seaport Subdistrict and to implement the provisions of the Brooklyn Bridge Southeast Urban Renewal Plan, as amended, special controls and incentives are provided.

The provisions of Article VI, Chapter 2 (Special Regulations in the Waterfront Area), shall apply to #waterfront zoning lots# within the South Street Seaport Subdistrict. The provisions of paragraph (a) of Section 75-422 (Certification to transfer development rights from landmarks) concerning the transfer of development rights from landmark sites in C5-3, C5-5, C6-6, C6-7 or C6-9 Districts shall not apply in the South Street Seaport Subdistrict.

91-62 - Definitions

LAST AMENDED
12/15/2021

For purposes of this Section, matter in italics is defined in Section 12-10 (DEFINITIONS) or within this Section.

Development rights

Within the South Street Seaport Subdistrict, the basic maximum permitted #floor area# for a #granting lot# shall be that which is allowed by the applicable district regulations as if such granting lot were undeveloped, and shall not include any additional #floor area# bonuses for #public plazas#, #arcades# or any other form of #floor area# increase, whether as-of-right or by special permit. #Streets# located within the Subdistrict that have been closed or discontinued in whole, part or whose air space has been closed or discontinued pursuant to Section E15-3.0 of the Administrative Code, or its successor, shall have attributed to such closed area or closed air space the basic maximum permitted #floor area# allowed within the underlying zoning district within which such #streets# are situated. The #lot area# of a closed or discontinued volume of air space shall be measured by the area of the bed of the #street# lying below and within such closed or discontinued volume.

Granting lot

Within the South Street Seaport Subdistrict, a "granting lot" is a #zoning lot# or a closed or discontinued portion of a #street# or air space over a #street# which is identified as a #granting lot#, as identified on Map 6 (South Street Seaport Subdistrict) in Appendix A, upon which development is regulated by contract, lease, covenant, declaration or otherwise to assure compliance with the purposes of this Subdistrict and from which #development rights# may be transferred. Such #zoning lots# and closed portions of #streets# or air space over #streets# are identified on the map of the transfer areas

(Map 6) as Parcels 6, 7 and 9 and the adjacent hatched #street# areas.

Person

Within the South Street Seaport Subdistrict, a "person" is an individual, corporation (whether incorporated for business, public benefit or not-for-profit purposes or otherwise), partnership, trust firm, organization, other association or any combination thereof.

Receiving lot

Within the South Street Seaport Subdistrict, a "receiving lot" is a #zoning lot# identified on the map of transfer areas (Map 6 in Appendix A) to which #development rights# may be added. Such "receiving lots" are identified on the map as Parcels 1, 2, 8, 15, 16, 20, 21 and 22.

Street

(a) A #street#, as defined in Section 12-10; or

(b) a way, designed or intended for general public circulation and #use#, that:

(1) performs the pedestrian circulation functions usually associated with a way shown on the City Map;

(2) remains open and unobstructed from the at-grade circulation level to the sky, except for public facilities customarily located on a #street# shown on the City Map, or those facilities permitted to be located on a #street# shown on the City Map, including without limitation, transitory fixtures or objects unattached to the real property encompassed by such way; and

(3) is a designated pedestrian way, pursuant to Section 91-68.

A #street#, as defined in paragraph (b) of this Section, shall satisfy and apply to all references to #streets# provided elsewhere in the Zoning Resolution.

91-63 - Transfer Areas Map

LAST AMENDED
8/27/1998

The South Street Seaport Subdistrict transfer areas map, shown hereto as Map 6 in Appendix A, sets forth each #granting lot# and #receiving lot# within the Subdistrict.

91-64 - Transfer of Development Rights From Granting Lots

LAST AMENDED
2/2/2011

Within the South Street Seaport Subdistrict, #development rights# from each of the #granting lots# may be conveyed or otherwise disposed of:

(a) directly to a #receiving lot#; or

(b) to a #person# for subsequent disposition to a #receiving lot#, all in accordance with the provisions of this Subdistrict, except that with respect to #zoning lots# located on Parcels 6, 7 and 9, as identified on Map 6 (South Street Seaport Subdistrict) in Appendix A, only those #development rights# in excess of the larger of the following conditions may be so conveyed or otherwise disposed of:

(1) an amount equal to the product of the #lot area# of each of such #zoning lots# multiplied by 5.0; or

(2) the total #floor area# of all existing #buildings# on any such #zoning lots#.

The City Planning Commission shall certify such initial transfer from the #granting lots#. Any #person# may convey its interest in all or a portion of such #development rights# to another #person# but such #development rights# may only be used on a #receiving lot#.

91-65 - Addition of Development Rights to Receiving Lots

LAST AMENDED
2/2/2011

Within the South Street Seaport Subdistrict, all or any portion of the #development rights# transferred from a #granting lot# may be added to the #floor area# of all or any one of the #receiving lots# in an amount not to exceed the ratio of 10 square feet of #development rights# to each square foot of #lot area# of such #receiving lot#, except that with respect to a #receiving lot# having a #lot area# of less than 30,000 square feet, the total #floor area ratio# shall not exceed 21.6. However, if a #receiving lot# is located in a C4-6 District, the total #floor area ratio# shall not exceed 3.4 and if a #receiving lot# is located in a C6-2A District, the total #floor area ratio# shall not exceed 8.02. #Development rights# transferred to a #receiving lot# may be applied to a #mixed building# to increase the #floor area# of the #residential#, #commercial# and/or #community facility# portions of such #building# so that the maximum #floor area# for such #building# may be increased by the aggregate of #development rights# so transferred. In no event shall the #residential# #floor area ratio# exceed 12.0.

The City Planning Commission shall certify that any #zoning lot# that utilizes such transferred #development rights# conforms to this Section and, for those #receiving lots# within the Urban

Renewal Area, to the regulations and controls of the Urban Renewal Plan.

91-66 - Modification of Use and Bulk Regulations

LAST AMENDED
3/20/2013

91-661 - Bulk modifications in C6-2A Districts

LAST AMENDED
12/5/2024

Within the South Street Seaport Subdistrict, for any #zoning lot# located in a C6-2A District, the underlying height and setback regulations shall apply, except that no minimum base height shall apply, and the depth of a required setback along a #narrow street# shall be at least 10 feet.

91-662 - Authorization for modification of bulk provisions and public space in C6-9 Districts

LAST AMENDED2/2/2011

In the South Street Seaport Subdistrict, the City Planning Commission may authorize:

(a) the alteration of any public amenity, open or enclosed, for which a #floor area# bonus has been granted, provided that the Commission finds that such modifications improve the intended public purpose of the amenity; or

(b) the elimination or reduction of an existing public amenity, open or enclosed, for which a #floor area# bonus has been granted, provided that a new or improved public amenity, open or enclosed, is supplied elsewhere on, or within proximity to, the #zoning lot#, and the Commission finds that:

(1) the public amenity to be eliminated no longer serves its original purpose; and

(2) the proposed new or improved public amenity will provide a greater public benefit than the amenity to be eliminated or reduced and will better serve the purposes of the #Special Lower Manhattan District#; and

(c) the modification of the applicable height, setback, lot coverage and distance between #buildings# requirements for any #development# or #enlargement# on a designated #receiving lot# that will incorporate transferred #development rights#, provided the Commission finds that the modifications:

(1) provide an appropriate distribution of #bulk# on the #zoning lot#;

(2) permit adequate light and air to the #development# or #enlargement# and adjoining properties as well as the surrounding #streets#; and

(3) will not impair the use and desirability of any public amenity that may be created or improved under the provisions of paragraph (b) of this Section.

If a #receiving lot# contains an existing #building#, such authorization shall incorporate any previous height and setback or other bulk modifications, granted prior to December 11, 2001, by the Board of Standards and Appeals, for such existing #building#.

The Commission may prescribe appropriate conditions and safeguards in connection with the grant of such authorization.

91-663 - Special permit for bulk modifications

LAST AMENDED
2/2/2011

Within the South Street Seaport Subdistrict, the City Planning Commission may modify, by special permit, the height and setback and #lot coverage# regulations of Section 91-30, provided that:

(a) either of the following conditions have been met:

(1) that the developer has obtained negative easements limiting the height of future #development# or #enlargement# to 85 feet or less on any adjoining #zoning lots# which are contiguous or would be contiguous to said #zoning lot# but for their separation by a #street# or #street# intersection, and such easements are recorded against such adjoining #zoning lots# by deed or written instrument. The Commission shall consider the aggregated areas of said #zoning lot# and the adjoining lots subject to such negative easements and the extent to which they achieve future assurance of light and air in determining the maximum permitted coverage. In no event shall such coverage exceed 80 percent of the #zoning lot# on which the #development# or #enlargement# will be located; or

(2) that the #lot coverage# for that portion of a #development# or #enlargement# below 300 feet may be increased to a maximum of 80 percent when additional #development rights# have been purchased and converted to increased #lot coverage#. The maximum percentage of #lot coverage# on such #receiving lot# shall be the sum of 65 percent plus one-half of one percent for every .10 by which the total #floor area ratio# on such #receiving lot# would exceed a #floor area ratio# of 21.6, provided that the #development# or #enlargement# on such #receiving lot# has achieved a minimum #floor area ratio# of 18.0;

(b) In order to grant such special permit, the Commission shall make the following findings:

(1) the location of the #development# or #enlargement# and the distribution of #bulk# will permit adequate light and air to surrounding #streets# and properties;

(2) any modification of height and setback will provide for better distribution of #bulk# on the #zoning lot#; and

(3) such special permit will aid in achieving the general purposes and intent of the Subdistrict.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

91-664 - Modification of hours of operation for waterfront public access areas

LAST AMENDED
3/20/2013

For any #zoning lot# which was the subject of application N130058 ZCM, the hours of operation set forth in paragraph (a) of Section 62-71 (Operational Requirements) may be extended to allow public access up to 24 hours per day, and the provisions of paragraph (a)(3) of Section 62-654 (Signage) shall be modified to require any such extended hours of public access, as may change over time, to be included on the required signage. The provisions of paragraph (a)(4) of Section 62-654 shall not apply where 24 hour access is allowed. The provisions of paragraph (b) of Section 62-71 requiring rules of conduct for the #waterfront public access area# to be established with the Department of Parks and Recreation, and other provisions of this Chapter requiring a maintenance and operation agreement pursuant to Section 62-74 (Requirements for Recordation), shall not apply so long as a legal instrument acceptable to the Chairperson, in all other respects consistent with the provisions of Section 62-74, has been executed and recorded, setting forth rules of conduct and maintenance and operations requirements.

91-67 - Recordation

LAST AMENDED
8/27/1998

Within the South Street Seaport Subdistrict, at the time of transfer of #development rights# from a #granting lot#, there shall be recorded in the Office of the Register of the City of New York, and indexed against such #granting lot# from which #floor area# is removed, an instrument removing such #floor area# and prohibiting construction on such #zoning lot# of any #building or other structure# which would contain #floor area# in excess of that still available to the #zoning lot# after deducting the #floor area# removed, such prohibition to be non-cancelable for 99 years; and at the time of the addition of #development rights# to a #receiving lot# as provided in Section 91-65, there shall be recorded in the Office of the Register of the City of New York, and indexed against such #receiving lot# to which #floor area# is added, an instrument transferring the #floor area# to the #receiving lot# benefited and identifying the #granting lot# (by tax block and lot number and description) from which the #floor area# has been removed. A certified copy of such instruments shall be submitted to the City Planning Commission upon recordation.

91-68 - Designated Pedestrian Ways

LAST AMENDED
12/15/2021

Within the South Street Seaport Subdistrict, the volume situated above the subsurface #streets# shown on the City Map, and listed in this Section are designated pedestrian ways and are governed by paragraph (b) of the definition of #street# as set forth in Section 91-62 (Definitions):

(a) Fulton Street, between Water and South Streets

(b) Water Street, between Fulton and Beekman Streets

(c) Front Street, between Fulton and Beekman Streets, and between John and Fulton Streets

(d) South Street (the 18-foot-wide strip located on the northwesterly side), between Beekman and John Streets.

In addition, the designated pedestrian ways referenced in paragraphs (a), (b) and (c) of this Section may be considered a single #zoning lot# for purposes of the definition of #large-scale general development# in Section 12-10 (Definitions).

91-69 - Special Permit for Development of Piers 9, 11, 13 and 14

LAST AMENDED
2/2/2011

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 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), 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 62-70 (MAINTENANCE AND OPERATION REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS). For purposes of this Section, such publicly accessible areas shall be deemed

"waterfront public access areas."

In granting any such modifications, the Commission shall find that:

(a) any modification of height and setback regulations results in an appropriate distribution of permitted bulk on the piers;

(b) no #buildings or other structures# shall unduly obstruct the visual corridor bounded by the prolongation of the northern and southern #street lines# of Wall Street seaward to the U. S. Pierhead Line;

(c) any modification will not unduly impede surface traffic and will minimize possible vehicular/pedestrian conflicts in the surrounding area;

(d) that the seaward end of all such piers is unobstructed to the greatest extent feasible so as to maximize views northward and southward;

(e) the development plan for such area includes an appropriate amount of publicly-accessible open space which shall incorporate appropriate design features that serve the needs of the local area, including but not limited to landscaping, lighting and seating; and

(f) the development plan is integrated with existing and proposed nearby development.

The Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the waterfront and surrounding area.