Zoning Resolution

THE CITY OF NEW YORK
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CITY PLANNING COMMISSION
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87-70 - HARLEM RIVER WATERFRONT ACCESS PLAN

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LAST AMENDED
12/11/2017

Map 3 (Waterfront Access Plan: Public Access Elements) in the Appendix to this Chapter shows the boundaries of the area comprising the Harlem River Waterfront Access Plan and the location where certain features are mandated or permitted by the Plan.

The underlying regulations for #waterfront public access areas# shall apply, except as modified in this Section, inclusive. For the purposes of applying the provisions of Section 62-822, the City Planning Commission may authorize modifications to the requirements for #waterfront public access areas# set forth in Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), and as those provisions are modified by the provisions of this Section, inclusive.

87-71 - Special Public Access Provisions

LAST AMENDED
5/12/2021

The provisions of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) shall apply to #developments#, as modified in this Section. For the purpose of this Section, “development” shall be as defined in Section 62-11. To “develop” shall mean to create such #development#. In addition, the #lot area# allocated to fire

apparatus access road pursuant to the provisions of Section 87-60, inclusive, may count towards any required #supplemental access area# required pursuant to the provisions of Section 62-57 (Required Supplemental Public Access Areas).

(a) #Shore public walkways#

(1) The #shore public walkway# shall be provided in the location designated on Map 3 (Waterfront Access Plan: Public Access Elements) and constructed at an elevation not lower than the highest level of the train track bed of the Oak Point Rail Link, except that on Parcel 5, if commercial or public utility vehicle storage, as listed in Use Group 16C, is #developed# as the primary #use# on the #zoning lots#, the elevation requirement shall not apply. However, for any other #use#, the elevation requirement shall only apply along the westernmost section of the #shore public walkway# to a depth of 40 feet.

(2) An approved turnaround area in a dead-end fire apparatus access road, as defined in the New York City Fire Code, Section 503.2.9 (Dead-end turnarounds), or its successor, may, by certification extend into a designated #shore public walkway# pursuant to paragraph (b) of Section 87-62 (Contiguity of Fire Apparatus Access Road with Adjacent Zoning Lots on Parcels 2, 3 and 4).

(3) In the event that a portion of a #waterfront# #zoning lot# is within 40 feet of the #shoreline# yet does not abut the #shoreline# because of an intervening #zoning lot#, a #shore public walkway# shall be provided on such upland portion. The width of the #shore public walkway# on such portion shall be 40 feet measured from the #shoreline# of the intervening #zoning lot# and shall include the width of the intervening #zoning lot#. The portion of such #shore public walkway# located upland of the intervening #zoning lot# shall be improved with a circulation path at least 10 feet wide, and any required planted screening buffer shall have a width of at least four

feet.

(4) On Parcel 5, if a commercial or public utility vehicle storage #use# is #developed# as the primary #use# on the parcel, the #shore public walkway# requirements set forth in Section 62-62 shall apply, except that:

(i) the required width of the #shore public walkway# may be reduced to a minimum of 20 feet along the northern edge of the inlet and may be reduced to a minimum of 30 feet along the eastern edge of the inlet;

(ii) the circulation path required in paragraph (a)(1) of Section 62-62 shall be modified to a minimum width of 10 feet along the northern and eastern edge of the inlet;

(iii) the screening provisions of paragraph (c)(2) of Section 62-62 shall not apply. In lieu thereof, a planted screening buffer with a width of four feet shall be provided. Such planted buffer 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; and

(iv) a 10-foot-wide pedestrian walkway between the #shore public walkway# and Exterior Street shall be provided on Parcel 5 adjacent to such #upland connection# location.

(b) #Upland connections#

#Upland connections# shall be located on Parcels 1, 3, 4, 5, 6, 10 and 11, as designated on Map 3 in the Appendix to this Chapter. The applicable provisions of Section 62-50, inclusive, are modified, as follows:

(1) On Parcel 1, for an #upland connection# required along the northern boundary of a mapped park, the additional open area requirement of paragraph (a)(2) of Section 62-561 (Types of upland connections) shall not apply;

(2) Parcel 3 shall provide an #upland connection# at the designated location shown on Map 3. In addition, such #upland connection# shall be provided as specified below:

(i) The additional area requirements of paragraph (a)(2) of Section 62-561 shall not apply.

(ii) In the event that Parcel 3 is developed with Parcels 2 or 4, an #upland connection# shall be provided within the flexible location zone shown on Map 3. The additional area requirements of paragraph (a)(2) of Section 62-561 shall apply.

(3) On Parcels 1 and 3, if a Type 1 #upland connection# is provided, and a fire apparatus access road is required pursuant to the New York City Fire Code, Section 503.2 (Fire apparatus access roads), or its successor, the design requirements of Section 62-64 shall be modified as follows:

(i) the required circulation path may be used to allow such fire apparatus access road, and its minimum width shall be in accordance with all applicable requirements of the Fire Code;

(ii) such circulation path shall be paved with distinct materials, not including asphalt, to facilitate pedestrian usage; and

(iii) the minimum planting area requirements shall be reduced to 15 percent;

(4) The required width for an #upland connection# on Parcel 6 is reduced to 12 feet. Such #upland connection# shall be subject only to the applicable pedestrian path provisions.

(c) #Supplemental public access areas#

#Supplemental public access areas#, pursuant to this Plan, shall be provided on Parcels 1, 2, 10 and 11, as indicated on Map 3 in the Appendix to this Chapter, except that:

(1) such requirement may be waived for Parcels 1 and 2 by the Chairperson of the City Planning Commission, in conjunction with a certification pursuant to paragraph (c) of Section 62-811 (Waterfront public access and visual corridors), where the site plan includes a vehicular connection through the #zoning lot#, provided that:

(i) such vehicular connection complies with the requirements of Section 87- 62 (Fire Apparatus Access Roads) and, for Parcel 2, the requirements of Section 87-62 (Contiguity of Fire Apparatus Access Road With Adjacent Zoning Lots on Parcels 2, 3 and 4); and

(ii) such vehicular connection, either:

(a) on Parcel 1, provides access between East 149th Street and Exterior Street, serving all #buildings# along the #shore public walkway# and

mapped parkland; or

(b) on Parcel 2, provides a bi-directional connection from the intersection of Exterior Street and the northern boundary of Parcel 2, immediately adjacent to and contiguous with the entire southern boundary of the mapped parkland, immediately adjacent to and contiguous with the #shore public walkway# to the southernmost #lot line# of Parcel 2.

(2) for Parcel 11, at the location designated as "Supplemental Public Access Area (Shore Public Walkway Location)" on Map 3, a #supplemental public access area# shall be provided at a minimum width of 40 feet as indicated on Map 3, and the design and dimensional requirements for #shore public walkway# as set forth in Sections 62-50, inclusive, and 62-60, inclusive, shall apply.

(d) #Visual Corridors#

#Visual corridors# shall be located within Parcels 4, 9, 10, 11, 12 and 13, and mapped parkland, as indicated on Map 4 (Waterfront Access Plan: Visual Corridors) in the Appendix to this Chapter. For all required #visual corridors#, the provisions of Section 62-512 (Dimension of visual corridors) shall be modified to allow the lowest level of a #visual corridor#, at its seaward points, to be measured to a height as set forth in Section 62-512 or a height equal to the Oak Point Rail Link train track bed elevation, whichever is higher.

The Oak Point Rail Link shall be a permitted obstruction for #visual corridors#.

87-72 - Applicability of Waterfront Regulations

LAST AMENDED
12/11/2017

In the event that #streets# are mapped within a #zoning lot# on Parcels 1, 2, 3 or 4 after June 30, 2009, or on Parcel 11 after December 11, 2017, the area within such #streets# may continue to be considered part of the #zoning lot# for the purposes of applying all waterfront regulations of the Zoning Resolution.

87-73 - Special Vesting Provisions for the South Subdistrict

LAST AMENDED
12/11/2017

In the South Subdistrict, as shown on Map 1 in the Appendix to this Chapter, the provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT), inclusive, shall apply, except as modified by the provisions of this Section. For the purpose of this Section, #development# shall be as defined in Section 62-11.

(a) For Parcel 20, a building permit may be issued in accordance with the #bulk# and #waterfront public access area# regulations that were effective immediately prior to December 11, 2017, where, as part of an application filed with the Department of City Planning for certification pursuant to the provisions of Section 62-811 prior to December 11, 2017, a declaration of restrictions has been recorded with the Office of the Register of the City of New York (County of the Bronx), setting forth the obligations of the owner to construct, and maintain a #waterfront public access area# pursuant to the provisions of Section 62-811. Such building permit shall allow the #development# of a #building# only in accordance with such certified #waterfront public access area# plan.

(b) For Parcel 19, a building permit may be issued in accordance with the bulk and waterfront public access area regulations that were effective immediately prior to December 11, 2017,

where the Chairperson has certified that no #waterfront public access area# is required on the #zoning lot# pursuant to the provisions of Section 62-811 prior to December 11, 2017, provided that no new #buildings or other structures#, except those permitted as obstructions pursuant to Section 62-611, are located within 40 feet of the #shoreline#, and further provided that all work on the foundations for such #development# has been completed prior to December 11, 2021.

In addition, for such #development#, no temporary certificate of occupancy shall be granted by the Department of Buildings unless and until the Chairperson of the City Planning Commission certifies that the #zoning lot# provides open space between the #building# and the #shoreline# that is in compliance with the size and design provisions for #shore public walkways# set forth in Section 62-53 and the provisions of Section 62-60, inclusive. However, such provisions may be modified as follows:

(1) in addition to the permitted obstructions listed in Section 62-611, a dead-end fire apparatus access road turnaround shall be permitted obstruction within a #shore public walkway#, and an emergency egress path from #buildings# shall be a permitted obstruction within a screening buffer;

(2) for portions of the #shore public walkway# where a fire apparatus access road turnaround is provided, the minimum width of a circulation path required pursuant to paragraph (a)(1) of Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas) may be reduced to a width of 10 feet, and the required width of a screening buffer required pursuant to paragraph (c)(2) of Section 62-62, may be reduced to six feet; and

(3) where a fire apparatus access road is provided within the #shore public walkway#, the percentage of the #shore public walkway# required to be planted pursuant to paragraph (c) of Section 62-62 may be reduced to 35 percent.

As part of an application for certification pursuant to this paragraph, a site plan shall be submitted, along with any other materials necessary to demonstrate compliance with the provisions of this paragraph (b).

All open space certified pursuant to the provisions of this paragraph shall comply with the maintenance and operation requirements of Sections 62-71 and 62-72.

In addition, a written declaration of restrictions shall be recorded against such property in the Office of the Register of the City of New York (County of the Bronx) pursuant to the provisions of Section 62-74 (Requirements for Recordation), setting forth obligations of the owner to construct, maintain and provide public access to improvements certified by the Chairperson pursuant to this paragraph. Proof of recordation of the declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.

In the event that foundations required to be completed prior to December 11, 2021, have been commenced but not completed before such date, the building permit shall automatically lapse and the right to continue construction under the provisions of this Section shall terminate. No application to renew the building permit may be made to the Board of Standards and Appeals.

Where foundations have been completed prior to December 11, 2021, the provisions of Section 11-332 (Extension of period to complete construction) may be utilized and such date shall be the effective date for applying such provisions.