



## CITY PLANNING COMMISSION

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February 6, 2013 / Calendar No. 8

C 130053 ZSM

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**IN THE MATTER OF** an application submitted by South Street Seaport Limited Partnership pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743(a)(2) of the Zoning Resolution to modify the yard requirements of Section 62-332 (Rear yards and waterfront yards), in connection with a proposed commercial development on property located at Pier 17, on the southerly side of South Street between Beekman Street and John Street (Block 73, p/o Lot 10, p/o Lot 8, and p/o Marginal Street, Wharf or Place), within a Large-Scale General Development, in a C4-6 District, within the Special Lower Manhattan District (South Street Seaport Subdistrict), Borough of Manhattan, Community District 1.

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This application for a special permit pursuant to Section 74-743(a)(2) was filed by South Street Seaport Limited Partnership and the New York City Department of Small Business Services (DSBS) on August 22, 2012. The special permit, along with its related actions, would facilitate the redevelopment of the existing Pier 17 building, a three-story retail structure on a 181,200 square-foot zoning lot on Pier 17. The project is generally located at 95 South Street (Block 73, parts of Lot 8 and Lot 10, and part of Marginal Street, Wharf or Place) in the Borough of Manhattan, Community District 1.

### **RELATED ACTIONS**

In addition to the special permit (C 130053 ZSM), which is the subject of this report, implementation of the proposed project also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

**C 130055 ZSM:** Special Permit pursuant to Section 62-834 to modify the use regulations of Section 62-241 (Uses on existing piers and platforms) and the height and setback and building length requirements of Section 62-342 (Developments on piers).

- C 130052 ZMM:** An amendment to the Zoning Map changing from a C2-8 District to a C4-6 District.
- C 130054 ZSM:** Special Permit pursuant to Section 74-744(c) to modify the surface area and the height of signs requirements of Sections 32-64 and 32-65 within Large-Scale General Development.
- N 130056 ZAM:** Authorization by the City Planning Commission, pursuant to Section 62-822 (a), to modify the minimum dimension requirements of 62-50 (GENEARL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS).
- N 130057 ZAM:** Authorization by the City Planning Commission, pursuant to Section 62-822 (b), to modify the requirements of Section 62-513 (Permitted obstructions in visual corridors) and Section 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS).
- N 130058 ZAM:** Certification by the Chairperson of the City Planning Commission, pursuant to Section 62-811 for compliance with waterfront public access and visual corridor requirements.
- C 130059 PPM:** Disposition of one City-owned property (Block 73, p/o Lot 10, p/o Lot 8, and p/o Marginal Street, Wharf of Place).
- N 130080 ZRM:** Zoning Text Amendment relating to Section 91-60 (REGULATIONS FOR THE SOUTH STREET SEAPORT) to add a new section, 96-664, to change the allowable hours of operation for the proposed waterfront public access areas.

## **BACKGROUND**

A full background discussion and description of this application appears in the report for a special permit application (C 130055 ZSM).

## **ENVIRONMENTAL REVIEW**

This application (C 130053 ZSM), in conjunction with the application for the related actions, was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.* and the City Environmental Quality Review (CEQR) Rules of Procedure

of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 12DME007M. The lead agency is the Office of the Deputy Mayor for Economic Development.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on August 28, 2012.

### **UNIFORM LAND USE REVIEW**

This application (C 130053 ZSM), in conjunction with the applications for the related actions (C 130055 ZSM, C 130052 ZMM, C 130054 ZSM, C 130059 PPM), was certified as complete by the Department of City Planning on September 4, 2012, and was duly referred to Community Board 1 and the Manhattan Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b) along with the related non-ULURP applications (N 130056 ZAM, N 130057 ZAM, N 130058 ZCM and N 130080ZRM), which were referred for review and comment.

### **Community Board Public Hearing**

Community Board 1 held a public hearing on this application (C 130053 ZSM), on October 4, 2012 and on November 27, by a vote of 35 in favor to 0 opposed, adopted a resolution recommending approval of the application, with conditions.

A summary of the Community Board's conditions and recommendations appears in the report on the related application for a special permit (C 130055 ZSM).

### **Borough President Recommendation**

This application (C 130053 ZSM), in conjunction with the related actions, was considered by the President of the Borough of Manhattan, who recommended approval, with conditions, of the application on December 13, 2012.

A summary of the recommendations of the Borough President appears in the report on the

related application for a special permit (C 130055 ZSM).

### **City Planning Commission Public Hearing**

On November 28, 2012 (Calendar No. 23), the City Planning Commission scheduled December 19, 2012, for a public hearing on this application (C 130053 ZSM) application. The hearing was duly held on December 19, 2012 (Calendar No. 11) in conjunction with the public hearing on the applications for related actions (Calendar Nos. 10, 12-15).

There were a number of appearances as described in the report on the related application for a special permit (C 130055 ZSM), and the hearing was closed.

### **WATERFRONT REVITALIZATION PROGRAM CONSISTENCY**

A discussion of the WRP Consistency Review appears in the report on the related application for a special permit (C 130055 ZSM).

### **CONSIDERATION**

The Commission believes that this application for a special permit (C 130053 ZSM), as modified, in conjunction with the application for related actions, is appropriate. A full consideration and analysis of the issues, and the reasons for approving this application appear in the report on the related application for a special permit (C 130055 ZSM).

### **FINDINGS**

Based upon the consideration, the City Planning Commission hereby makes the following findings pursuant to Section 74-743 of the Zoning Resolution:

1. the distribution of floor area, open space, dwelling units, rooming units and the location of buildings, primary business entrances and show windows will result in a better site plan and a better relationship among buildings and open areas to adjacent streets, surrounding development, adjacent open areas and shore lines than would be

possible without such distribution and will thus benefit both the occupants of the large-scale general development, the neighborhood and the City as a whole;

2. the distribution of floor area and location of buildings will not unduly increase the bulk of buildings in any one block or unduly obstruct access of light and air to the detriment of the occupants or users of buildings in the block or nearby blocks or of people using the public streets;
3. Not applicable
4. considering the size of the proposed large-scale general development, the streets providing access to such large-scale general development will be adequate to handle traffic resulting therefrom;
5. Not applicable
6. Not applicable
7. Not applicable
8. Not applicable
9. a declaration with regard to ownership requirements in paragraph (b) of the large-scale general development definition in Section 12-10 (DEFINITIONS) has been filed with the Commission.

## **RESOLUTION**

**RESOLVED**, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

**RESOLVED**, the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination, and the consideration and findings described in this report, the application submitted by South Street Seaport Limited Partnership pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743(a)(2) of the Zoning Resolution to modify the yard requirements of Section 62-332 (Rear yards and waterfront yards), in connection with a proposed commercial development on property located at Pier 17, on the southerly side of South Street between Beekman Street and John Street (Block 73, p/o Lot 10, p/o Lot 8, and p/o Marginal Street, Wharf or Place), within a Large-Scale General Development, in a C4-6 District\*, within the Special Lower Manhattan District (South Street Seaport Subdistrict), Borough of Manhattan, Community District 1, is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (C 130053 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by SHoP Architects, filed with this application and incorporated in this resolution, and in accordance with the provisions and procedures set forth in the Restrictive Declaration:

| Dwg Nos. | Title                           | Last Revised Date |
|----------|---------------------------------|-------------------|
| Z-101    | Zoning Calculations             | 02/05/2013        |
| Z-102    | Seaward and Upland Area Diagram | 08/29/2012        |

| Dwg Nos. | Title                                       | Last Revised Date |
|----------|---|-------------------|
| Z-103    | Platform and Pier Diagram                   | 09/04/2012        |
| Z-104A   | Site Plan – Option A                        | 02/05/2013        |
| Z-104B   | Site Plan – Option B                        | 02/05/2013        |
| Z-109    | Waterfront Yards Diagram                    | 02/05/2013        |
| L-301A   | Pier 17 Roof Public Access Area<br>Option A | 02/05/2013        |
| L-301B   | Pier 17 Roof Public Access<br>Option B      | 02/05/2013        |
| L-302A   | Pier 17 Roof Plan A                         | 02/05/2013        |
| L-302B   | Pier 17 Roof Plan B                         | 02/05/2013        |

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. Development pursuant to this resolution shall be allowed only after the attached Restrictive Declaration marked as Exhibit A hereto, as modified with any necessary administrative and technical changes acceptable to counsel to the Department, is executed by South Street Seaport Limited Partnership or its successor, and such declaration shall have been recorded and filed in the Office of the Register of the City of New York, County of New York.
5. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or

occupant.

6. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.
7. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.
8. The above resolution (C 130053 ZSM), duly adopted by the City Planning Commission February 6, 2013 (Calendar No. 8), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

**AMANDA M. BURDEN, FAICP, Chair**  
**KENNETH J. KNUCKLES, Esq., Vice Chairman**  
**ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E.,**  
**ALFRED C. CERULLO, III, BETTY Y. CHEN, MICHELLE DE LA UZ,**  
**JOSEPH DOUEK, ANNA HAYES LEVIN, ORLANDO MARIN, Commissioners**