



CITY PLANNING COMMISSION

February 6, 2013 / Calendar No. 11

N 130056 ZAM

IN THE MATTER OF an application submitted by South Street Seaport Limited Partnership for the grant of an authorization pursuant to Section 62-822(a) of the Zoning Resolution to modify the minimum dimension requirements of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), 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.

WHEREAS, the City Planning Commission has received an application (N 130056 ZAM) dated August 22, 2012, from South Street Seaport Limited Partnership requesting an authorization pursuant to ZR Section 62-822(a) of the Zoning Resolution to modify the location, area and minimum dimension requirements of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) to 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; and

WHEREAS, implementation of the project also requires the following related approvals:

- 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 130053 ZSM:** Special Permit pursuant to Section 74-743(a)(2) to modify the yard requirements of Section 62-322 (Rear yards and waterfront yards) within a Large-Scale General Development.
- 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 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 130052 ZMM:** An amendment to the Zoning Map changing from a C2-8 District to a C4-6 District.
- 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.

WHEREAS, detailed descriptions of this and the related actions are provided in the report for the related special permit application (C 130055 ZSM); and

WHEREAS, this application (C 130056 ZAM), in conjunction with the related applications, 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 New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The CEQR number is 12DME007M; and

WHEREAS, after a study of the potential environmental impact of the proposed action, a negative declaration was issued on August 28, 2012; and

WHEREAS, this application (N 130056 ZAM), was duly referred to Community Board 1 and the Manhattan Borough President in accordance with the procedure for referring non-ULURP

matters in conjunction with the applications for the related ULURP actions which were certified as complete by the Department of City Planning on September 4, 2012 in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b); and

WHEREAS, a summary of the recommendations of the Community Board and the Borough President may be found in the report on the related special permit application (C 130055 ZSM); and

WHEREAS, this application, in conjunction with the related applications, was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13, 1999 and by the New York State Department of State on May 28, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 *et seq.*) and determined that it was consistent with the policies of the WRP. The designated WRP number is 12-076; and

WHEREAS, the City Planning Commission hereby makes the following findings pursuant to ZR Section 62-822(a)(1) of the Zoning Resolution:

that the waterfront public access areas and visual corridors provided on the zoning lots:

- (i) comply with the required minimum dimensions and equal the required total area, in aggregate; and
- (ii) due to their alternative location and design, provide equivalent public use and enjoyment of the waterfront and views to the water from upland streets and other public areas; and

WHEREAS, the Commission has determined that the application warrants approval and therefore adopts the following 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, that 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, that based on the environmental determination described in this report, the application submitted by South Street Seaport Limited Partnership for the grant of an authorization pursuant to Section 62-822(a) of the Zoning Resolution to modify the minimum dimension requirements of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), 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 properties that are the subject of this application (N 130056 ZAM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications, and zoning computations indicated on the following plans and filed with this application and incorporated in this resolution:

Drawings by SHoP Architects:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
G-002.00	Survey	09/04/2012
Z-102	Seaward and Upland Area Diagram	08/29/2012
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

Drawings by James Corner Field Operations:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
L-100	Shore Public Walkway + Visual Corridor Diagrams	02/05/2013
L-101	Upland Connection Diagram	08/29/2012
L-102	WPAA on Pier – Seaward Edge Diagram	09/04/2012
L-103	WPAA on Pier – Landward Portion Diagram	09/04/2012
L-104	WPAA on Pier – Other Edges Diagram	09/04/2012
L-300	Waterfront Public Access Area	02/05/2013
L-303	Zoning Chart	09/04/2012
L-304	Zoning Chart	09/04/2012
L-400	Seating Plan	02/05/2013
L-401	Furnishing Plan	02/05/2013
L-402	Hardscape Material Plan	02/05/2013
L-403	Landscape Lighting Layout	02/05/2013
L-404	Planting Plan	02/05/2013
L-500	Site Sections	02/04/2013
L-600	Seating Details	09/04/2012
L-601	Seating Details	09/04/2012
L-602	Seating Details – Gliders	09/04/2012
L-603	Guardrail Details	09/04/2012
L-603A	Marine Details	02/05/2012
L-604	Railing + Furnishing Details	09/04/2012
L-605	Paving Details	09/04/2012

L-606	Planting Details	09/04/2012
L-607	Signage Details	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 and maintenance.
4. 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 restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the authorization hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said authorization. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission or of any 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 to disapprove any application for modification, cancellation or amendment of the authorization.
5. 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 authorization.

The above resolution, duly adopted by the City Planning Commission on February 6, 2013

(Calendar No. 11), is filed with the Office of the Speaker, City Council in accordance with Section 62-822(a) of the Zoning Resolution.

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