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Amendment of the Zoning Resolution pursuant to Section 200 of the New York City Charter relating to Section 98-00 (Special Manhattan Landing Development District) concerning changes to the District Parcel Improvements for District Parcel 20Q and District Parcel 21, and the related portion of the District Plan in order to accommodate a proposed 38 story office building to be developed for the Continental Insurance Company.

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This proposed amendment would require the construction of an enclosed street level public space on District Parcel 20Q and District Parcel 21, in exchange for the pedestrian circulation facilities previously required on these parcels. A proposed 38 story office building for the Continental Insurance Company on these parcels will be governed by the provisions of this proposed amendment. Other actions related to Parcels 20Q and 21 include

- a) BROOKLYN BRIDGE SOUTHEAST URBAN RENEWAL PLAN (BBSEURP) amendment pursuant to Section 197C of the New York City Charter;
- b) closing and demapping of DePeyster Street, which runs through Parcel 20Q, for eventual conveyance to a developer; and
- c) designation of Pine Street as a limited access pedestrian street. The application was Certified as complete by the Commission on September 29, 1978. Community Board #1, after a public hearing on October 17, 1978, approved the action by a 29-2 vote.

On November 29, 1978 (Cal. #21), the Commission scheduled a PUBLIC HEARING on the proposed amendment. The public hearing was held on December 13, 1978 (Cal. #21), in conjunction with the related amendment to the urban renewal plan (780522HUM) and the closing of DePeyster Street (S780265MMM).

Speakers appeared in favor and opposed. The owner of the land under and part owner of 100 Wall Street spoke favorably of the project but objected to the bulk and placement of the building because it would obscure views from his building. A representative

of Wall Street Plaza (88 Pine Street), also objected to the building placement stating that it would reduce the views from Wall Street Plaza. He also questioned the effect of the new structure on pedestrian circulation in the area, and suggested that the proposed building was in conflict with the Lower Manhattan Plan. He expressed the owner's concern that the Continental project would make renting Wall Street Plaza more difficult. Several tenants residing at 129 Front Street which overlooks Pine Street and the Continental site, voiced a number of concerns - building location on site, danger from wind blown ice and debris, the effect of construction noise and dirt (particularly in summer as windows would be left open for ventilation since building is not air conditioned). One speaker asked whether the creation of a pedestrian street in Pine Street would prevent it from being used for garbage pick up.

Speakers in favor included the Director of the Office of Development (OED), the President of Downtown Lower Manhattan Association, a representative of the South Street Seaport Museum, a representative of the Chamber of Commerce and Industry, the Chairman of the Zoning and Land Use Committee of Community Board #1, and the President of the Real Estate Board of New York, Inc. Also speaking in favor were a representative of Cushman & Wakefield, agent and a representative of Poor, Swanke, Hayden, and Connell, architect for the Continental Insurance Company. The architect indicated how light, air, and views were carefully considered to minimize impact on neighboring structures. He also indicated how they had modified the project at the urging of the City Planning Commission to include a glass enclosed public space useable throughout the year. The President of the Real Estate Board, among other things, reminded the Commission, that creation of the Special South Street Seaport District (and the severance of development rights) provided an important mechanism for creating open space. Continental's plan to purchase development rights made available through this mechanism

represents the fulfillment of a successful planning technique.

### Consideration

The Special Manhattan Landing Development District enumerates specific requirements for mandatory lot improvements for each District Parcel within the district. These physical improvements are described on the District Plan (Appendix A) and the Description of Improvements by District Parcel (Appendix B).

The District Plan calls for a bridge across South Street from Parcel 20Q to Parcel 14. Provision of a bridge at this location has always been problematic. A horizontally continuous pedestrian connection above grade between elevated walkways on Parcel 21 and Parcel 14 can only be accomplished if the FDR Drive is brought to grade north of Parcel 20Q. As there are no plans to bring the FDR Drive to grade, and TAD analysis indicates off ramps in this location, a bridge could only be provided at a high elevation - making it unlikely that it would be sufficiently used to justify the requirement. The proposed modifications make the bridge a requirement of Parcel 21 - so that the number of grade separated connections to Manhattan Landing is not reduced.

In eliminating the bridge requirement for Parcel 20Q, the related pedestrian connection and the Parcel 21 requirement for a pedestrian bridge across Maiden Lane become unnecessary. The mandatory build-to-lines are also eliminated to permit greater design flexibility.

A new set of District Parcel Improvements are proposed for Parcel 20Q - with an emphasis on public space rather than pedestrian circulation. These call for construction of an enclosed public pedestrian space. The enclosed space must cover at least 25 percent of the zoning lot. Such space shall be at least 30 feet high and 20 feet wide. The enclosed space must be adequately illuminated, enclosed with essentially transparent walls and roof, heated and air-conditioned, and attractively

landscaped with such elements as trees and benches, etc. There must be prominent public entrances. The public spaces must be well maintained

The Commission, based on experience with other projects suggested that the applicant design and program the enclosed public space to provide amenities for the public. In a letter to Cushman and Wakefield, the President of Continental Insurance proposed several possibilities, including the installation of marine exhibits related to the firm's marine insurance role. The treatment of the public space is described in more detail in a subsequent letter to the Commission from the project architects which states that (i) the space will be open during normal business hours and other hours as required for special events, performances and exhibits to be planned by Continental Insurance and the local community, (ii) a certain amount of convenience retail space will be included, (iii) lighting will be specifically designed for ambient, landscape and exhibit requirements, and (iv) planting, litter receptacles and seating will be provided according to the general provisions of the Zoning Resolution governing Urban Open Space.

Prior to the City's issuing a building permit for the project, the Commission must certify the applicant's final plans to insure that the proposed amenities are actually provided.

In order to avoid competition with the South Street Seaport, and in view of the difficulty of attracting retail in this location, the District Parcel description eliminates the 2 1/2 percent Minimum Retail Requirement (Section 98-51) for Parcel 20Q. However, the enclosed space shall include at least 1300 square feet of convenience retail uses from Use Group 6A and 6C.

The Continental Insurance Company's proposed office tower for Parcel 20Q has been located on the site in such a way as to minimize impact on neighboring buildings with respect to light and air and impairment of views. It should be recognized that Parcel 20Q is a receiving lot in the Special South Street Seaport District ("S"). Continental, by purchasing, from a consortium of banks, development rights made available through the "S" District mechanism, intends to use the development rights to increase tower coverage from 40 to 55

percent (Section 88-06). Higher coverage permits creation of a more efficient office floor. The architect addressed the issue of location of a 55 percent tower by studying alternate tower configurations on the site. The proposed tower, a square with chamfered corners, rotated 45 degrees, presents a minimum face opposite existing buildings along Front Street and Pine Street. The diagonal faces provide light and air at the corners of the site and provide views for a greater portion of the buildings opposite than a conventionally oriented tower with similar coverage. With respect to 100 Wall Street, any maximum bulk structure (C5-5CR FAR15-18) would obstruct views to the East. Both the Lower Manhattan Plan (1966) and the Water Street Access and Development study (1976) indicate the Continental site as a development site incorporating a closed DePeyster Street. Although a previous development proposal (Pine Plaza 1970) placed a plaza along Pine Street, this was not a function of the Lower Manhattan Plan, but rather the developer's desire to achieve maximum permitted floor area through construction of a bonusable amenity. This project is not directly comparable with the Continental proposal since the zoning lot has a different boundary and it pre-dates the designation of Parcel 20Q as a receiving lot in the "S" District.

With respect to pedestrian circulation, the Continental project provides excellent accommodation of public movement across the site. A glass enclosed, landscaped, public pedestrian space with entrances at three corners makes possible a year round weather protected means of traversing the site. In addition exterior plaza areas are landscaped as well. Pine Street will be limited to emergency and service vehicles (including garbage trucks).

The Commission notes that the architect for the project does not expect any danger from falling ice since the building will be of flush curtain wall construction with little opportunity for ice to collect, and will conform to all applicable codes and regulations.

The Continental site is located in the financial district and zoned for office development. Disruption due to construction noise and debris will be limited to the construction period of approximately two years. Very little demolition will be necessary since the site is almost entirely cleared at this time.

The Commission determined that the amendment is appropriate and adopted the following resolution, which is duly filed with the Secretary of the Board of Estimate, pursuant to Section 200 of the New York City Charter.

RESOLVED, by the City Planning Commission that the Zoning Resolution of the City of New York, effective December 15, 1961, and as subsequently amended, is further amended by changes relating to the Special Manhattan Landing Development District Section 98-00, specifically the requirements for District Parcel 20Q and District Parcel 21, as follows:

Matter in **Bold Type** is new;  
Matter in brackets [ ], is old, to be omitted;  
Matter in *italics* is defined in Section 12-10.

#### ARTICLE IX

##### Special Purpose District

##### Chapter 8 Special Manhattan Landing Development District

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#### APPENDIX B

##### DESCRIPTION OF IMPROVEMENTS BY DISTRICT PARCEL

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##### District Parcel 20Q

- [1. A *pedestrian connection* connecting the *pedestrian bridge*, as described in 2 below, with the *pedestrian bridge* on *district parcel 21*.
2. An *open pedestrian bridge* or *enclosed pedestrian bridge* spanning the FDR Drive and connecting the intersection of South Street and Pine Street with the *pedestrian connection* in *district parcel 14* and the *pedestrian connection* described in 1 above.
3. A *build-to* line continuously along the *street line* of South Street to a height of not less than 85 feet above curb level.
4. A *build-to* line continuously along the *street line* of Maiden Lane to a height of not less than 85 feet above *curb level*.]
1. An enclosed area directly accessible to the public from the adjoining *street* which is part of the public pedestrian circulating system, and which:
  - (a) occupies at least 25 per cent of the *lot area*, has a minimum height of 30 feet and has a minimum width of 20 feet;
  - (b) is adequately illuminated and enclosed by essentially transparent walls and roof, except for supporting structure;
  - (c) provides a minimum of 1300 square feet of Use Group 6A and 6C retail uses at the ground floor level;
  - (d) is kept open to the public on a schedule suitable to meet the public need and is suitably maintained;
  - (e) is landscaped with elements such as trees, flower beds, movable furniture, sitting areas, escalators, public toilets, drinking fountains, water features, displays, works of art, cafes and kiosks so arranged as to not impede pedestrian movement;
  - (f) is heated and air conditioned; and
  - (g) provides prominent public entrances.
2. Minimum Retail Requirement of Section 98-51 is hereby made inapplicable to Parcel 20Q.

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District Parcel 21

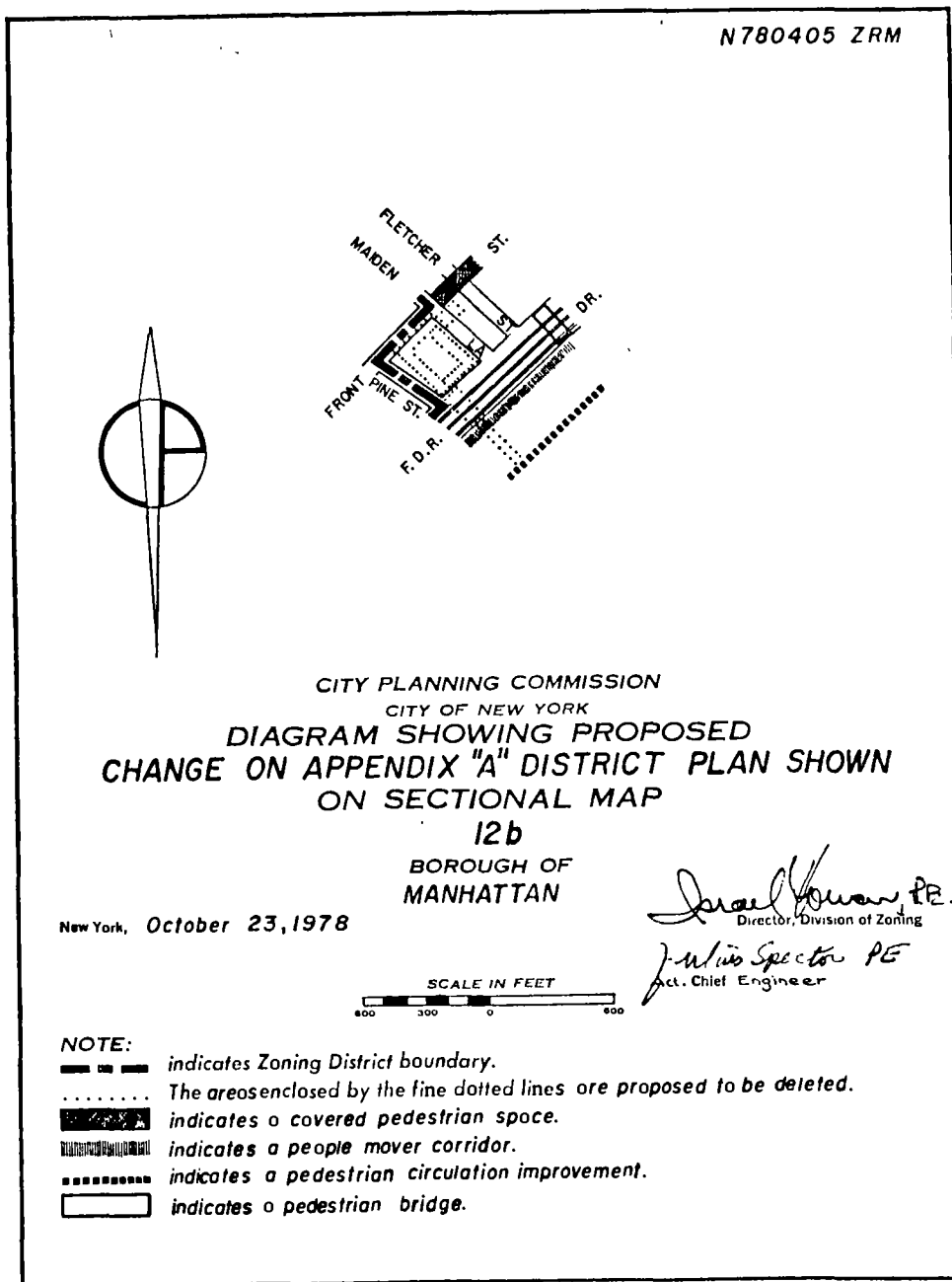
1. An *open pedestrian bridge* or *enclosed pedestrian bridge* at the intersection of the southeast *street line* of Front Street and Maiden Lane, connecting with the *pedestrian connection* in *district parcel 20Q* at the corner of Front Street and Maiden Lane and connecting with the *covered pedestrian space* or the *pedestrian way* or the *loggia* and Front Street as described in 2, below.

2. A *covered pedestrian space* bounded by the southeast and northwest *street lines* of Front Street as in existence on the effective date of this chapter, or a *pedestrian way* within such boundaries, continuous between Maiden Lane and John Street and connecting with the *through block arcade* described in 3, below, should *district parcel 21* consist of one *development* on all blocks in the district parcel. If *district parcel 21* consists of more than one *development* a *loggia* shall be required along the southeast street line of Front Street, continuously between the *pedestrian bridge* described in 1, above and John Street, connecting with John Street and the *through block arcade* described in 3 below.]

1. An *open pedestrian bridge* connecting the *pedestrian way* on District Parcel 14 with the *through-block arcade* described in 3, below.

2. A *covered pedestrian space* bounded by the southwest and northeast *street lines* of Front Street as in existence on the effective date of this Chapter, or a *pedestrian way* within such boundaries, continuous between Maiden Lane and John Street and connecting with the *through-block arcade* described in 3, below, should *district parcel 21* consist of one *development* on all blocks of the district parcel. If District Parcel 21 consists of more than one *development* such *covered pedestrian space* shall be provided only if Front Street as described above is entirely within the *development* and can be provided with an entrance on John Street or Maiden Lane.

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ROBERT F. WAGNER, Jr., Chairman;  
 JOHN P. GULINO, HOWARD B. HORNSTEIN, THEODORE E. TEAH, Commissioners.  
 ALEXANDER COOPER, Commissioner, not participating in this decision.