

South Street Seaport Renovation Project

ATTACHMENT TO LR FORM

LR Item 3. Description of Proposal

Introduction

This application – by the South Street Seaport Limited Partnership (“SSSLP”) and the New York City Department of Small Business Services (“DSBS”) (together, the “Applicants”) – seeks waterfront special permits, authorizations, and a certification, as well as a rezoning and a property disposition approval, in order to facilitate the reconstruction of the existing three-story retail structure (the “Pier 17 Building”) at the South Street Seaport (the “Seaport”) in Lower Manhattan.

In order to facilitate the proposed project, the Applicants are proposing the following action applicable to the Project Area (as defined below):

(i) the rezoning from a C2-8 zoning district to a C4-6 zoning district within the Special Lower Manhattan District, along the waterfront area generally bounded by Maiden Lane, the Brooklyn Bridge, South Street, and the U.S. Pierhead Line, encompassing all or part of eight tax lots within Manhattan Block 73 – Lots 2, 8, 10, 11, 14, 17, part of Lot 28, part of 29 – and adjacent marginal street, wharf, or place areas (the “Project Area”), which area encompasses Piers 15, 16, and 17.

The Applicants are also proposing the following actions applicable only to the zoning lot for the proposed project, which is located within Pier 17, generally between Fulton and Beekman Streets, east of South Street, on Manhattan Block 73, parts of Lot 8 and Lot 10, and part of Marginal Street, Wharf or Place (the “Development Site”):

(ii) a special permit pursuant to Section 62-834 of the Zoning Resolution of the City of New York (“Zoning Resolution” or “ZR”) to allow the modification of the use, height, and building length restrictions applicable to the “pier” portion of the zoning lot (as described further below) pursuant to ZR Sections 62-421 (Uses on existing piers and platforms) and 62-342 (Development on piers);

(iii) a special permit pursuant to ZR Section 74-743(a)(2), applicable to general large-scale developments, for modifications of the waterfront yard regulations applicable to the zoning lot pursuant to ZR Section 62-332 (Rear yards and waterfront yards);

(iv) a special permit pursuant to ZR Section 74-744(c), applicable to general large-scale developments, for modifications in the surface area, height of signage and roof sign on the Pier 17 Building;

(v) an authorization pursuant to ZR Section 62-822(a) to allow a modification of the waterfront public access requirements of ZR Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS);

(vi) an authorization pursuant to ZR Section 62-822(b) to allow a modification of the visual corridor permitted obstructions requirements of Section 62-513 (Permitted obstructions in visual corridors) and the design requirements for waterfront public access areas pursuant to ZR Section 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS);

(vii) a certification pursuant to ZR Section 62-811 of compliance with the waterfront public access and visual corridor requirements applicable to the zoning lot, as modified; and

(viii) a property disposition approval to allow modifications to the use restrictions of the existing lease for the portions of Pier 17 within the zoning lot.

The Seaport is the area of Lower Manhattan’s East River waterfront generally bounded by John Street and Burling Slip to the south, Water and Pearl Streets to the west, Peck Slip to the north, and the East River, including Piers 15, 16, and 17 and certain demapped portions of Fulton, Front, Water, and South Streets (see the map attached as Attachment A). The zoning lot and the Development Site, as identified above, include that portion of Pier 17 and the portion of the adjacent marginal street, wharf, or place that are currently under lease to SSSLP.

The proposed project will replace the existing Pier 17 Building with a new building¹ that will provide a new retail experience on the pier, with improved waterfront public access amenities, including a publicly accessible open area and a flexible event space on the roof of the building. The new building’s design, which is intended to evoke the industrial heritage of the City’s working waterfront, will also provide visual corridors from within the building to open up views of the Brooklyn Bridge, and will improve pedestrian access to the waterfront. The project will also include a redesign of the “Link Building” – the two-story structure located between the Pier 17 Building and South Street – to complement the aesthetic of the new Pier 17 Building. The proposed redevelopment will foster the revitalization of the South Street Seaport as a premier New York City destination for local residents, workers, and tourists alike, while enhancing access to and enjoyment of the waterfront.

¹ Certain back-of-house areas on the west end of the building will remain.

Background

Lower Manhattan's East River waterfront was historically New York City's most important docking and shipping area. Prior to the arrival of the first European traders in the early 17th century, Lower Manhattan's East River shoreline ran roughly along Pearl Street, and the Dutch located their earliest wharves near the intersection of Pearl and Broad Streets. The East River waterfront was the subject of extensive engineering campaigns beginning in the 17th century, and filling activities eventually resulted in moving the shoreline to its current location at South Street by about 1810. With each extension of the shoreline, the City's street grid was extended further east.

The East River piers thrived with maritime traffic in the 19th century, and South Street – the “street of ships” – was the center of New York City's commercial life through the mid 19th century. As ships gradually increased in size, and commerce shifted to the Hudson River, the South Street area quickly declined, and by the 1960s, many of its buildings were targeted for demolition and renewal. For many years, the Fulton Fish Market remained as one of the few major maritime-related uses at South Street Seaport, until it relocated to Hunts Point in the Bronx in 2005.

Beginning in the mid-1960s, as development pressures were intensifying throughout Lower Manhattan, the Seaport was the target of numerous City-sponsored redevelopment efforts aimed at preserving the historic character of the Seaport. A complete list of prior City Planning Commission actions related to the Seaport is included in response to LR Form, Item No. 7.

An urban renewal plan for the Seaport was approved by the City Planning Commission on May 15, 1968 (Calendar No. 2) and by the Board of Estimate on July 24, 1969

(Cal. No. 3), covering the area generally bounded by the Brooklyn Bridge to the north, the East River to the east, John Street to the south, and Pearl and Water Streets to the west (as later amended, the “Brooklyn Bridge Southeast Urban Renewal Plan” or “Urban Renewal Plan”). The Urban Renewal Plan’s goal was for the “restoration and rehabilitation” of the area southeast of the Brooklyn Bridge, including the South Street Seaport, through a mix of preservation, pedestrian amenities, and new commercial and residential development. A 1970 amendment to the Urban Renewal Plan set forth plans for a restoration project to be undertaken by the South Street Seaport Museum in the blocks bounded by Peck Slip to the north and John Street to the south, and Water and Front Streets to the west. The rest of the Urban Renewal area was to be developed with high-rise apartment and commercial buildings.

In 1968 the New York City Landmarks Preservation Commission (“LPC”) designated the buildings on Schermerhorn Row as New York City landmarks. In 1972 the entire South Street Seaport was listed on the National Register of Historic Places, and on May 10, 1977 the LPC designated as the South Street Seaport Historic District the area bounded generally by the Brooklyn Bridge on the north, Fletcher Street on the south, Pearl and Water Streets on the west, and the East River on the east, as well as Piers 15 and 16, and a portion of Pier 17. The Historic District was expanded on July 11, 1989 to include the block bounded by Dover, Pearl, and Water Streets and Peck Slip (see South Street Seaport Historic District Map, attached as Attachment B).

In 1972 Mayor John Lindsay announced the Manhattan Landing Plan, which sought to create a 24-hour community in Lower Manhattan, and which included the South Street Seaport as a cornerstone development. This plan envisioned the creation of high density residential clusters along the waterfront, and resulted in the mapping of the C2-8 zoning district

currently in place on Piers 15, 16, and 17 (see CP-21970, May 31, 1972 (Cal. No. 16)). That same year, the Special South Street Seaport District was created by an amendment to the Zoning Resolution as a means of preserving and encouraging the restoration of the Schermerhorn Row landmark buildings by creating a mechanism for the transfer of development rights within the area (see CP-21972, May 31, 1972 (Calendar No. 13)). The Special District allowed the transfer of approximately 1.4 million square feet of excess development rights from specific “granting lots” and demapped streets in the core of the Seaport district to a group of banks led by Chase Manhattan Bank, for eventual sale to designated “receiving lots,” including, for example, the site at 199 Water Street, where the One Seaport Plaza office building was constructed using these transferred development rights. The Special District also established design controls aimed at enhancing the pedestrian experience and preserving clear views of ships docked at the Seaport and of the Brooklyn Bridge.

The Seaport in its current configuration and design dates from a 1977 master plan commissioned by the City, in collaboration with the Seaport Museum and the Rouse Company, the developer of Faneuil Hall marketplace in Boston and Baltimore’s Inner Harbor development. The master plan, prepared by Benjamin Thompson & Associates, the architect for the Faneuil Hall project, emphasized commercial development. This plan was ultimately adopted through a series of public approvals in 1981 that included street demappings, an amendment of the Urban Renewal Plan, and lease dispositions to the Seaport Museum and to Rouse.

The plan involved the development of three new buildings: the Pier 17 Building and the “Link Building” on Pier 17, and the Fulton Market Building in the upland area, in the block bounded by Fulton, Front, Beekman, and South Street. In the upland area, the historic buildings of Schermerhorn Row and in the block bounded by Fulton, Little Water, Beekman, and

Front Streets were preserved. The project included retail and restaurant uses, including retail kiosks in the demapped streets, following a “festival marketplace” theme popularized with the Faneuil Hall and Inner Harbor projects. The project also included the Seaport Museum galleries and historic ships berthed at Pier 16.

The Link Building served both as a visual connector between the uplands and Pier 17, and also as a screen, blocking the view of the Fulton Fish Market uses from the retail area. The Fulton Fish Market was still operating at the time of the original Seaport project, in the area just north of the Pier 17 Building, including in the “New Market Building” and the “Tin Building” (both now-vacant) and the adjacent parking lot.

The entire Seaport area was leased to the Seaport Museum and to Rouse pursuant to a master lease from the City. SSSLP has since acquired Rouse’s interest under this lease, which is administered by the New York City Economic Development Corporation (“EDC”) on behalf of DSBS.

Since the development of the Seaport project in the 1980s, there have been two rezonings affecting the Seaport. In 1998, an application (C980315ZMM, July 20, 1998 / Cal. No. 4) for Zoning Map changes to amend Zoning Maps 12b and 12d changed C5-3CR, C5-5CR, C6-4CR, C6-4 and C6-9 CR Districts to C4-6, C5-3, C5-5 and C6-9 Districts, established a new Special Lower Manhattan District, and eliminated the Special Greenwich Street Development, the Special Manhattan Landing Development, and the Special South Street Seaport Districts. Together with this rezoning, the Zoning Resolution was amended to create the Special Lower Manhattan District (“LM”), and the former Special South Street Seaport District was incorporated as a new Subdistrict of the Special LM District (N980314ZRM, July 20, 1998 / Cal.

No. 3). One goal of the Special LM District was to encourage development of a 24-hour community through the conversion of older commercial buildings to residential use.

Subsequently, in 2003, ten blocks of the upland area were rezoned from a C6-4 zoning district, which has no height restrictions, to a C6-2A (R8A equivalent) zoning district, which has a height restriction of 120 feet (C020213 ZMM, March 5, 2003/ Cal. No. 16). The maximum allowable commercial FAR within these areas was decreased from 10.0 for all uses, to 6.0 for commercial uses, 6.02 for residential uses, and 6.5 for community facility uses.

Area Description

Zoning & Land Use

The South Street Seaport is located in the Special South Street Seaport Subdistrict of the Special Lower Manhattan District, and the waterfront property east of South Street is subject to the “Special Regulations Applying in the Waterfront Area,” pursuant to Section 62-00, *et seq.* of the Zoning Resolution (the “Waterfront Zoning Regulations”).

Pier 17 and the other waterfront properties within the South Street Seaport, the area generally bounded by Maiden Lane to the south and the Brooklyn Bridge to the north, are located in a C2-8 zoning district. As noted above, the C2-8 district is a vestige of the Manhattan Landing Plan of the early 1970s, which envisioned residential towers along the waterfront and local retail uses. It permits a maximum of 10.0 FAR for residential or community facility use and 2.0 FAR for commercial use, and restricts commercial uses to the first two floors of a building and below 30 feet. The Waterfront Zoning Regulations impose a maximum height limit of 40 feet on the existing pier, as well as requirements regarding the provision of waterfront access, visual corridors, and the spacing of buildings.

The waterfront area to the south of the project area, from below Pier 15 to the Battery Maritime Building at Whitehall Street, is zoned C4-6. The area encompassing former Pier 9, Pier 11, and former Pier 13 was rezoned from C5-3CR to C4-6 as part of the Special Lower Manhattan District rezoning in 1998, and the C4-6 zoning district was extended farther to the south, to include the Battery Maritime Building, in 2009. The C4-6 district permits 3.4 FAR for all uses, and allows for a broad range of commercial uses.

The upland areas of the South Street Seaport are located in a C6-2A zoning district. C6-2A is a medium-density, limited-height district that permits a wide variety of commercial uses, with a maximum of 6.02 FAR for residential use, 6.5 FAR for community facility use, and 6.0 FAR for commercial use. As noted above, the C6-2A district was adopted in 2003 in order to ensure development that would be consistent with the four- and five-story historic buildings in the Seaport neighborhood.

Many buildings within the South Street Seaport Historic District date back to the 19th Century, and are representative of several different styles of mercantile architecture popular at that time. These buildings are predominantly four and five stories tall. New buildings since the 1960s, including the Fulton Market building, the Con Ed substation, the Seaman's Church Institute Building on Water Street, the Best Western Seaport Hotel on Peck Slip, and the Jehovah's Witness Hall, were all designed to be consistent with the existing massing and scale of buildings in the South Street Seaport Historic District.

To the south of Fulton Street, several blocks are zoned C5-3, which is a high density office district that permits a maximum of 10.0 FAR for residential use and 15.0 FAR for commercial or community facility use. Further to the south are C6-9 and C5-5 zoning districts, which are high density office districts that also permit a maximum of 10.0 FAR for residential

use and 15.0 FAR for commercial or community facility use. These areas include the tall office towers that are characteristic of Lower Manhattan, including One Seaport Plaza at Water and Fulton Streets, which was constructed using development rights transferred from several blocks within the Seaport as part of the preservation plan in the 1970s. Directly west of the Seaport is the large Southbridge residential complex, a 27-story Mitchell-Lama complex built pursuant to the Brooklyn Bridge Southwest Urban Renewal Plan. This area is zoned R8, which permits a maximum of 6.02 FAR for residential use and 6.5 FAR for community facility use. Further to the west is the 870-foot-tall Beekman Tower at 8 Spruce Street, designed by Frank Gehry, which is the tallest residential building in the City. The NYU Downtown Hospital, St. Margaret's Home for the elderly, and the Fulton retail corridor are other notable uses further west of the Seaport.

Site Description

The zoning lot and Development Site of the proposed project are located within Pier 17, on the East River (see map of the Seaport area attached as Attachment A), which is a part of the original Seaport project area. Former Pier 17 and Pier 18 were developed as a single, coextensive pier as part of the Rouse project in the 1980s. Pier 17 encompasses both an area defined as a "platform" and an area defined as a "pier" for the purposes of the Waterfront Zoning Regulations. Pier 17 is improved with the existing Pier 17 Building – an indoor mall – as well as a two-story transitional building known as the "Link Building, which connects the Pier 17 Building physically and stylistically with the upland portion of the South Street Seaport development. Both the Link Building and the Pier 17 Building are on the project's zoning lot. The platform portion of Pier 17 also contains the now-vacant Tin Building and New Market

Building, which were formerly part of the Fulton Fish Market. These buildings are not a part of the proposed project or the zoning lot. Only the Pier 17 Building, the Link Building, and their adjacent waterfront public access areas would be subject to the proposed special permits.

The zoning lot sits within a larger Project Area that is proposed to be rezoned as part of the project: the area of the waterfront extending from Maiden Lane to the south to the Brooklyn Bridge to the north, between South Street and the U.S. Pierhead Line. This rezoning area includes Piers 15, 16, and 17, and the adjacent marginal street areas and portions of the East River Esplanade. This area is the last remaining area zoned C2-8 with the Special LM District.

Pier 17 also includes waterfront public access areas that form a continuous open area on Piers 16 and 17, and on the “apron” between the piers. Pier 16 incorporates berths for the Seaport Museum’s historic ships and small facilities related to the Museum, and is operated as part of the overall Seaport project.

Patrons currently access Pier 17 by foot from the base of Fulton Street, crossing South Street and underneath the FDR Drive. Servicing and loading for the Pier 17 Building occurs in a loading area located on the western side of the building, which is separated from the pedestrian area, and which is accessed by a driveway between the Link Building and the Tin Building. The north side of Pier 17 is occupied by the “Working Pier” – a paved area that was originally used for loading in connection with the Fulton Fish Market. The Working Pier runs along the entire north side of the pier, and is approximately 87’ wide. The Working Pier currently can be accessed from the loading area between the Tin Building and New Market Building, or by walking through or around the Pier 17 Building. No parking is provided on Pier 17, although a City-owned public parking lot with approximately 172 spaces is located underneath the FDR Drive, adjacent to the zoning lot. Access to the Pier 17 Building’s loading

area and to the Working Pier from Beekman Street currently requires travel along a driveway that runs through this parking lot.

The Pier 17 Building, which contains three stories plus a mechanical penthouse, was constructed pursuant to a City Planning Commission authorization approved in 1985 (N850352 ZAM, March 11, 1985) (the “1985 Authorization”) and a related Zoning Resolution amendment (N850351 ZRM, January 28, 1985 / Cal. No. 1). The 1985 Authorization allowed for the retail space in the building (a total of 126,000 square feet of Use Group 6A retail floor area), to include retail spaces of greater than 10,000 square feet and spaces located above the second floor, which are not otherwise permitted in a C2-8 district. The approval specified, however, that no individual partitioned portion of the retail area could exceed 10,000 square feet; it was envisioned that the building would be arranged like a department store, with individual partitioned spaces linked internally. The 1985 Authorization also permitted the Pier 17 Building’s stairs, balconies and covered balconies to encroach on the required 20-foot rear yard at the end of the pier. The zoning calculations approved in connection with the 1985 Authorization indicate that the Pier 17 Building and Link Building, together, contain 206,900 square feet of floor area.

The Project Area that is proposed to be rezoned from C2-8 to C4-6 is the area seaward of South Street, between Maiden Lane and the centerline of the Brooklyn Bridge, which area includes Piers 15, 16, and 17, adjacent marginal street areas, and a portion of the East River Esplanade. The current uses of Piers 16 and 17 are described above. Pier 15 has recently been renovated as part of the East River Waterfront Esplanade with a one-story pavilion and new waterfront public access improvements.

Project Description

The project will involve the reconstruction of the existing Pier 17 Building to create a vibrant retail destination and improved public access areas that serve local residents, workers, and tourists alike. For many years the Pier 17 Building has not lived up to its potential, with a retail mix more geared toward tourists than toward the large population of workers and growing population of residents in Lower Manhattan. The existing building also does not take full advantage of its waterfront location, which commands exceptional views of the Brooklyn Bridge, Brooklyn, and the harbor. Pedestrians today who venture underneath the FDR Drive to reach the waterfront find themselves instead inside an enclosed mall, which blocks the view of the Brooklyn Bridge. The site today offers limited open area, without sufficient amenities or recreational opportunities.

The growth of the residential population in Lower Manhattan, and in the Seaport neighborhood in particular, and the continued strength of the working population in the area, creates an opportunity to reposition the Seaport with a new mix of retail tenants, including one or more strong anchor tenants. Additionally, the development of the East River Waterfront Esplanade and other waterfront parks in recent years, including the Hudson River Park and the Brooklyn Bridge Park, has introduced a new standard of waterfront open space to New York City residents. These new parks offer not just an open area by the water, but also a variety of seating, active and passive recreation, and programming.

The proposed design by SHoP Architects integrates the site of the existing interior mall into the re-born East River waterfront, allowing New Yorkers and visitors alike to enjoy one of the most iconic locations in Manhattan more fully. The principal design intention of the project is to extend the Lower Manhattan street grid onto the pier, just as the street grid has been

extended with each successive extension of the Manhattan shoreline. The project will break up the lower portion of the building to create a street-like network of shops and restaurants at the first floor and mezzanine level, with tenant spaces expressed as individual buildings. These spaces will be arranged around generously proportioned common areas with dramatic view corridors to the Brooklyn Bridge pillars, and enticing passages offering unexpected glimpses of the waterfront scenery as visitors circulate around the pier. At the same time, large-floorplate spaces suitable for retail anchors, a major entertainment venue, or an event space will be created on the second and third floors. These approximately 60,000-square-foot flexible floorplates are a key design element that will distinguish the project in the competitive retail environment of Lower Manhattan. Placing these anchors at the upper levels will leave the lower floor free for a more diverse and varied retail experience.

The proposed project will eliminate the faux-historic gabled roof of the existing building and simplify its geometry within the footprint of the existing building, with a more flat, uniform façade, reminiscent of the industrial structures that once dominated New York’s working waterfront. The roof will be leveled at a height of approximately 65’-4”, which will create a usable public open area on the roof. A flexible event space will be located on the roof. Two alternative roof plans are proposed: “Option A,” in which this event space would be unenclosed, and “Option B,” in which this event space would be enclosed and covered by a roof. An additional penthouse will accommodate restaurants and other program spaces to enliven the roof area. The overall height to the highest roof of the altered Pier 17 Building will be approximately 77’-1”² – the same as the existing building. The industrial aesthetic of the

² The 77’-1” height is measured from the upper slab of the pier surface (elevation = 88’-1”). The highest point of the new building, including an elevator bulkhead, will have a height of either 82’-4 ¼” in the “Option A” roof plan, or 79’-“ in the “Option B” roof plan, as shown in Drawings Z-105A & B and Z-106A & B.

building will be enhanced through the use of materials such as natural wood, zinc, and aluminum, which reference the historic character of the New York waterfront. The building will also include “hangar”-style pier doors along the building perimeter that will be able to be lowered to provide a partial wind break for the ground floor walkways in the winter months. Existing back-of-house portions of the Pier 17 Building, at its western end, will be retained. The existing Link Building will also be retained, but it will be remodeled and reclad in accordance with the new design intent of the Pier 17 Building, and will be reused as a specialty food market or for similar food-related uses or retail.

The proposed project will substantially increase the waterfront public access area available on the zoning lot by taking advantage of the open area in the Working Pier area on the north side of Pier 17, which is currently unimproved. The project would also include a new publicly accessible open area on the roof of the Pier 17 Building. These areas will add significantly both to the quantity and quality of open areas on the East River waterfront, with large, well-proportioned spaces that will be located and designed to accommodate a variety of activities and to take advantage of breathtaking, iconic views of the Brooklyn Bridge and New York harbor. Approximately 83,861 square feet of waterfront public access area will be provided at pier level on the zoning lot, including approximately 32,000 square feet of contiguous space on the Working Pier, which will be recast as the “front porch” of the project – the “North Porch.”

The proposed project will also include a “cut out” at the eastern end of the pier, approximately 38 feet wide and 63 feet long. The pier deck will be removed in this area, and the piles will be cut down to the level of the water. This cut out will reference the original configuration of Pier 17 as two separate piers. It will increase the feeling of connection to the

water by actually bringing the river inside the building, and will serve as a focal point and gathering place at the end of the pier.

Pedestrian access to the new North Porch area from Beekman Street will be improved through the addition of new paving along the current driveway area between the Tin Building and the New Market Building, which area is not located on the zoning lot, but is under the control of the City. Access to the pier will also be improved through the addition of a “lay-by” lane along South Street, of approximately 150 feet in length, in the area in front of the Tin Building, which will accommodate taxi drop-offs. This area is not located on the zoning lot. The construction of this lay-by lane will require the approval of the New York City Department of Transportation and EDC, which manages a public parking lot between the Tin Building and South Street.

On the roof of the building, a publicly accessible open area of approximately 40,000 square feet will be created, with appropriate landscaping and seating. Escalators and elevators will bring people from the pier surface to the roof. Large lawn areas will be available for passive recreation or as a seating area for use during performances. The roof will include a pavilion structure with one or more restaurants or cafes, and a flexible event space, which may also be enclosed and covered by a roof. The event space area could accommodate events such as concerts, film screenings, cultural events, and other special events that take advantage of the spectacular water, skyline, and Brooklyn Bridge views. As noted above, two alternative roof plans are proposed, depending on whether the event space is covered by a roof or not.

The reconstruction of the Pier 17 Building will be a key component of SSSLP’s overall repositioning of the entire South Street Seaport project. A successful repositioning of the South Street Seaport will largely result from a retail vision that strikes the right balance between

attractions that appeal to local residents and those that appeal to tourists, while creatively evoking the site's history as a bustling fish market and maritime port. SSSLP's leasing strategy will build on the continued strong residential growth of Downtown to support developing a 24/7 environment through inclusion of service-oriented retail such as a grocery store and casual dining venues for the local community. The project will develop a compelling assortment of fashion stores and boutiques, including high-quality merchants and one-of-a-kind retailers, that appeal to a local as well as national/international audience. The project will also attract a collection of restaurants, bars and other food and beverage offerings, at a range of price points, that draw from New York-centric establishments and well-known national operators.

The floor area of the Pier 17 Building and the Link Building will be increased from approximately 206,700 square feet today to approximately 282,679 square feet. The FAR on the zoning lot will increase from the current 1.14 to 1.56. There will be no increase in the roof height of the building – 77'-1" – although mechanicals in the new building will increase the overall height to 82'-4 ¼" (or to 79'-4" in the "Option B" roof plan, as shown on Drawings Z-105A & B and Z-106A & B).

The Department of Housing Preservation and Development ("HPD") has determined that the proposed project complies with the Urban Renewal Plan.

Actions Necessary to Facilitate Proposal

There are eight separate actions necessary to facilitate the project: (1) a rezoning of the Project Area from C2-8 to C4-6; (2) a special permit pursuant to Section 62-834 of the Zoning Resolution to permit a modification of the use and bulk regulations applicable to the pier portion of the zoning lot; (3) a special permit pursuant to ZR Section 74-743(a)(2), applicable to general large-scale developments, for modifications to the waterfront yard regulations applicable to the zoning lot; (4) a special permit pursuant to ZR Section 74-744(c), applicable to general large-scale developments, for modifications in the surface area and height of signage and roof signage on the Pier 17 Building; (5) an authorization pursuant to Section 62-822(a) to allow a modification of the waterfront public access requirements; (6) an authorization pursuant to Section 62-822(b) to allow a modification of the visual corridor permitted obstructions requirements and a modification of the design requirements for waterfront public access areas; (7) a certification pursuant to Section 62-811 regarding compliance with the waterfront public access and visual corridor requirements, as modified; and (8) a property disposition approval to allow a modification of the use restrictions of the existing lease for the applicable portion of Pier 17.

(1) Rezoning

A rezoning from C2-8 to C4-6 is proposed in order to allow the larger retail stores on the upper levels of the Pier 17 Building, which increase the appeal of the project as a retail destination and thereby help to draw people under the FDR Drive and to the waterfront. This rezoning to C4-6 will also eliminate the current limitation in the C2-8 district on retail stores above the level of the second story.

The boundary of the rezoned area will extend from its current southern boundary of the existing C2-8 district in the south, at approximately the northern line of Maiden Lane, to the midline of the Brooklyn Bridge in the north, and between South Street and the U.S. Pierhead Line. The properties covered by the rezoning will include Lots 2, 8, 10, 11, 14, 17, part of Lot 28, and part of 29 of Block 73, and adjacent marginal street, wharf, or place areas. This area encompasses Piers 15, 16, and 17, adjacent marginal street areas, a portion of the East River Esplanade, and land underwater. This Project Area to be rezoned will include all of the remaining waterfront property within the Special LM District that is still zoned C2-8, in accordance with the former Manhattan Landing Plan. Other properties to the south have already been rezoned to C4-6 pursuant to earlier rezoning actions, as described below. Thus, the proposed rezoning from C2-8 to C4-6 will create a consistent zoning framework for the East River waterfront within the Special LM District, from Whitehall Street to the Brooklyn Bridge.

In a C2-8 zoning district, a “Local Service District,” non-residential uses are limited to the first two stories of a building, pursuant to Section 32-42, and the maximum height allowed for such non-residential use is set at 30 feet (Section 33-432). Restrictions also apply to the size of certain retail establishments, pursuant to Section 32-15. An additional restriction of

the Waterfront Zoning Regulations, pursuant to Section 62-241, limits the size of certain retail establishments to 20,000 square feet on existing piers and platforms.

As described above, this C2-8 zoning classification is a vestige of the Manhattan Landing Plan of the early 1970s, which envisioned the development of the waterfront area with residential buildings. The C2-8 zoning district, with 10.0 FAR permitted for residential uses and 2.0 FAR for commercial uses, would have been appropriate for a neighborhood of tall residential buildings with local-oriented retail in the lower levels.

The Seaport neighborhood, and this area of Lower Manhattan more generally, has not developed in this way. Most recent residential growth in the area has occurred through infill development in contextual buildings, such as along Front Street, or through the conversion of older office buildings. Office employment has remained strong, and, since the 1981 Rouse plan, the Seaport has developed as a shopping and tourist destination. The proposed project builds on these trends both to strengthen the retail identity of the Seaport and to reorient it to serve the office and growing residential populations in the neighborhood. The Seaport today sits in the center of the enlivened East River Waterfront Esplanade, and it is well located to serve Downtown residents, office workers, and tourists.

The Authorization used in 1985 for the construction of the existing building – pursuant to former Section 98-76 of the Special Manhattan Landing District, which allowed retail uses above the second story and above a height of 30 feet, and stores with more than 10,000 square feet – has been deleted from the Zoning Resolution and is no longer available. Although the 1985 Authorization permitted a waiver of the 10,000-square-foot size limitation on retail establishments in Use Group 6[A], the Authorization required that “no individual partitioned portion of retail area within the Pier 17 Pavilion will exceed 10,000 square feet.” It

was envisioned that the stores within the building would function “in much the same way as the several departments in a department store, with interior connections among the stores. (See N 850351 ZRM, January 28, 1985 \ Cal. No. 1, p. 5)

The proposed project would involve a fundamentally different approach to the retailing of the building. It would include different types of retail, including large-format retail establishments of more than 10,000 square feet, which are permitted in C4-6 zoning districts, and a wider range of uses in general. Some of those establishments will also exceed the limitation on their size to 20,000 square feet contained in Section 62-241 of the Waterfront Zoning Resolution. A waiver of this limitation is being sought by special permit pursuant to Section 62-834, as described below.

Given that the residential cluster on the waterfront envisioned in the early 1970s has not materialized, the proposed C4-6 zone is more appropriate for the area than the existing C2-8 zoning. The C4-6 zoning’s permitted use and bulk restrictions are more consistent with the surrounding areas, and the C4-6 district already exists directly to the south of Pier 15, including the entire waterfront area from Pier 15 to Whitehall Street. In 1998, Piers 9-13 were rezoned from C5-3CR to C4-6 as part of the Special Lower Manhattan District rezoning (see C980315 ZMM, July 20, 1998 (Calendar No. 4)). Most recently, the site of the Battery Maritime Building was rezoned from M1-4 to C4-6 to accommodate a hotel and event space in the existing historic structure (see C 090120 ZMM, February 4, 2009 (Cal. No. 12)). The C4-6 zoning district would reduce the maximum residential FAR from 10.0 to 3.4 and would increase the permitted commercial and manufacturing FAR from 2.0 to 3.4. The maximum amount of community facility use of 3.4 would not change. The C4-6 zoning district’s maximum FAR of 3.4 would be more compatible with the massing and bulk of the buildings located within the South Street

Seaport Historic District, while its less restrictive retail controls would permit a wider range of retail uses that are important to the goal of drawing people to the waterfront.

Although the proposed rezoning area includes property that is not part of the proposed project, these boundaries, as noted above, correspond to the remaining C2-8 area within the Special LM District. Rezoning only the project's zoning lot, which has an irregular boundary line, would create a patchwork of zoning districts along the waterfront. Moreover, rezoning the entire area will ensure that any future development along the waterfront will proceed under consistent zoning guidelines and restrictions, which, as described above, will be more compatible with the uses and the development of the surrounding neighborhood than is the current C2-8 zoning. The only other potential development site within the proposed rezoning area is the site currently occupied by the Tin Building and the New Market Building; that site is owned by the City of New York, and no development could proceed on it without a further ULURP action. The other properties within the rezoning area – Piers 15 and 16, and the strip of land east of South Street where the East River Esplanade is located – are dedicated to public open space use, and are not available for development.

A comparison of the C2-8 and the C4-6 districts is presented in the zoning comparison sheet included with this application.

(2) Section 62-834 Special Permit

Section 62-834 allows, by special permit, any use on an existing pier allowed by the applicable district regulations, notwithstanding the limitation of Section 62-241. Section 62-834 also allows modifications of the height and setback regulations applicable to existing piers, pursuant to Section 62-342. A Section 62-834 special permit is proposed here because the proposed uses in the new Pier 17 Building do not comply with the use limitations of Section 62-241 and the massing of the new building does not comply with the height and setback regulations of Section 62-342.

Section 62-241 restricts uses on existing piers to (i) Water-Dependent Uses, as defined in the Waterfront Zoning Regulations, (ii) uses in buildings that existed on October 25, 1993 (the date of enactment of the Waterfront Zoning Regulations), and (iii) uses in buildings that comply with the waterfront height and setback regulations of Section 62-342. As described above, the Applicants seek flexibility to allow a wide range of both large and small retailers, restaurants, and entertainment uses in the Pier 17 Building, in accordance with the proposed C4-6 zoning, in order to attract people to the pier and take advantage of the site's waterfront location. The existing Pier 17 Building will be largely demolished and rebuilt as part of the proposed project, and the new building will not comply with the height limitations of Section 62-342, as described below, so a waiver of Section 62-241 is therefore necessary in order to allow the full range of uses permitted in the C4-6 zoning district. The Applicants also request a waiver of Section 62-241(d), which limits the size of retail establishments in Use Group 6A, 6C, 9A, and 10 on existing piers and platforms to 20,000 square feet. One of the key elements of the project is to create new retail opportunities on the upper floors of the Pier 17 Building by

creating larger, flexible floorplates, which will distinguish the building in a competitive retail environment, and some of the uses on these floors may exceed 20,000 square feet.

A modification of the height and setback regulations of Section 62-342 is also requested in order to accommodate the proposed massing of the building and the proposed rooftop sign. The existing Pier 17 Building has a gabled roof, characteristic of its “festival marketplace” design, with varying roof heights and a maximum roof height of 77’-1”. The new Pier 17 Building will remain within this maximum roof height of 77’-1” (not including mechanicals), but will have a flat roof, reflective of its industrial aesthetic. Two alternative designs for the roof are included in this application. In “Option A” the majority of the roof surface of the new building, at the level of the open area, will have a height of 65’-4”, and in “Option B” it will have a height of 62’-4”. A pavilion structure on the roof, housing restaurant spaces, will have a roof height of 77’-1”, and a total maximum height of 82’-4” in Option A and 79’-4” in Option B, including mechanicals. In “Option B,” the rooftop event space would also have a roof at this same maximum height. The rooftop sign will also have a maximum height of 82’-4”. Section 62-432(a) sets a height limitation for buildings on existing piers of 30 feet (or 40 feet with a setback), so a modification of this height limitation is necessary in order to allow the height of the new building. Even though the upper roof height of the new building will be the same as the top roof height of the existing building – 77’-1” – the “boxing out” of the roof profile will constitute an increase in the degree of noncompliance with the applicable height limitation.

This leveling of the roof will allow for the creation of a large public open area on the roof, with dramatic views of the Brooklyn Bridge and New York Harbor. It will also accommodate the larger spaces on the second and third floors for large tenants, while allowing

the space at the ground level to remain more open for pedestrian circulation, in a street-like pattern. The alternative designs for the rooftop public open area – specifically, whether the rooftop event space is roofed or unroofed – affects the scope of the height and setback noncompliance that must be waived pursuant to this special permit, as described above. Accordingly, drawings showing both rooftop alternatives are included with this application (see Drawings Z-105A & B and Z-106A & B).

The Section 62-834 special permit is also requested to waive the limitations on the maximum length of building walls to 200 feet, pursuant to Section 62-432(b). The proposed new Pier 17 Building will have a length of approximately 352 feet and a width of approximately 204 feet. The proposed building requires a waiver of 4 feet in aggregate in excess of its 200 feet width (along the north/south portions of the building), and a waiver of 152 feet in excess of the permitted 200 feet length (on the eastern portion of the building). However, the new building will be built entirely within the footprint of the existing building, and will result in improvements in the sightlines to the Brooklyn Bridge and increases in the amount of waterfront public access areas.

(3) Section 74-743 Special Permit

Section 74-743(a)(2) allows, by special permit in a general large-scale development, modifications of the applicable yard regulations, including the waterfront yard regulations applicable to existing piers pursuant to ZR Section 62-332.

The Pier 17 zoning lot constitutes a "large-scale general development," as defined in Section 12-10, because:

- (i) it contains one or more buildings on a single zoning lot;

(ii) it has an area of at least 1.5 acres: The zoning lot has a lot area of approximately 181,200 square feet, or approximately 4.2 acres;

(iii) it has been or is to be used, developed, or enlarged as a unit under single fee ownership: The zoning lot is owned by the City of New York, and will be developed pursuant to a lease from the City to SSSLP; and

(iv) it is located in a commercial zoning district: the zoning is currently C2-8, and the proposed zoning is C4-6.

Pursuant to ZR Section 62-332, a 40-foot waterfront yard is required on the shoreline of the “platform” portion of the zoning lot, co-extensive with the 40-foot shore public walkway. The design for “Fulton Plaza” – the area at the foot of Fulton Street, in front of the Link Building – includes a permanent stage for performances, which will be located adjacent to the shoreline. This stage will be used for the popular summer concert series and other events. This stage structure encroaches on the 40-foot waterfront yard required by ZR Section 62-332, as shown on Drawing Z-209.

The requested modifications of the waterfront yard regulations will facilitate the activation of Fulton Plaza during the warmer months with a performance venue, which will encourage people to visit the site and take full advantage of the waterfront location. Fulton Plaza is part of the network of public open areas that will be provided on the pier, including new open areas on both the “North Porch” and on the roof of the building, as well as improved waterfront public access areas all around the building.

(4) Section 74-744 Special Permit

Section 74-744(c) permits, in a general large-scale development, modifications of the signage regulations, in particular the provisions of Sections 32-64 (Surface Area and Illumination Provisions) and 32-65 (Permitted Projection or Height of Signs), if the Commission finds that such modifications will result in a better site plan. Given the height, length, and unique physical configuration of the Pier 17 Building, a modification of these signage regulations is requested. The proposed signage will include up to 18 vertical, non-illuminated blade signs mounted on each of the north and south elevations to identify building tenants, and a single illuminated sign of approximately nine feet in height that reads “Seaport,” mounted on the roof, facing eastward. These signs will be critical to the identification of the building and its tenants, and will be appropriate to the scale and design of the building. This Section 74-744(c) special permit is available for developments that are also receiving a bulk waiver pursuant to Section 74-743(a)(1), (a)(2), or (a)(3).

The C4-6 zoning district limits the surface area of signs to five times the zoning lot frontage, up to a maximum of 500 square feet for each street frontage of the zoning lot, pursuant to Section 32-65 of the Zoning Resolution. The Pier 17 zoning lot frontage is 155'-1”, so the maximum surface area of signs is 500 square feet per frontage. C4-6 zoning districts also limit the height of signs to 40 feet above curb level, and prohibit signs on the roof of a building, pursuant to Zoning Resolution Section 32-655 and 32-657.

Because the zoning lot is located primarily on a pier, it has a limited amount of street frontage, given its lot depth, the lot area, and the size of the building. But the street frontage here bears little relationship to the size of the building or the zoning lot. The zoning lot is 181,200 square feet in total area. The Pier 17 Building is approximately 204 feet in width and

352 feet in length, and may be approached from either the north (from Beekman Street) or the south (from Fulton Street). The building will also accommodate many different tenants, each of which will require identifying signage on the exterior of the building, in locations where it will be visible. Accordingly, the Zoning Resolution prescribes an overly limited amount of signage for the zoning lot, given its unique configuration and the size and function of the proposed building.

As noted above, up to 18 blade signs of up to 32' in height and 3' in width will be mounted on each of the north and south façades of the building, bearing the names of building tenants. These signs will be located on the second and third floors of the building, beginning at a height of approximately 32 feet above base plane. The total surface area of these blade signs will be up to 1,728 square feet on each façade.³ In addition, at the ground floor and mezzanine levels of the building, the signage on the outward-facing retail pavilions is intended to be illuminated, and therefore it is counted toward the maximum surface area restriction. With consideration of this lower-floor illuminated signage, the blade signs, the rooftop sign, and the Link Building signs, the total signage surface area is approximately 6,070 square feet on the zoning lot, which is in excess of the 500 square feet permitted pursuant to Section 32-642 for non-illuminated signs, Section 32-644 for illuminated signs, and Section 32-641 for both illuminated and non-illuminated signs, together.

The blade signs will begin at approximately 32 feet on the façade, and will extend up to 65'-4" in height, which is higher than the 40 feet permitted in C4 zoning districts pursuant to Section 32-655, so that they may be located on the upper floors of the building. A key design element of the building is the street-like network of small stores at the ground floor and

³ The surface area measurement includes only one face of the blade signs, in accordance with the definition of "surface area (or a sign)" in Section 12-10 of the Zoning Resolution.

mezzanine level, to a height of approximately 30', and the retractable, hangar-like doors that will allow for the open circulation system at the ground floor level. These important design elements, however, effectively prevent the placement of signage for the upper floor tenants at these ground floor and mezzanine levels, and dictate the placement of signs at the upper floors of the building, where they will violate the 40-foot height limit. These signs will be appropriate to the scale and design of the building, and will be subject to the approval of LPC.

The orientation of these signs perpendicular to the façade of the building will allow for the signs to be visible to pedestrians approaching the project from the west; however, the view of these signs will be dynamic, shifting as one's location relative to the building shifts. Given this orientation of the signs and their integration into the building facade, the signs will not detract from the views of the water from within the waterfront public access areas on the zoning lot, and will be appropriate to the overall site plan of the project. This site plan will include the open, street-like network of retail shops at the ground floor level, and the large, publicly accessible open area on the roof of the building, with dramatic views of the Brooklyn Bridge and New York Harbor. The roof will contain approximately 40,000 square feet of open area, as well as a restaurant and a flexible event space.

In addition, a single illuminated sign of approximately 9 feet in height and 90 feet in length will be located on the roof of the building, with a maximum overall height of 82'-4" above base plane, which will read "Seaport." This sign will be reminiscent of other large identifying signs around New York Harbor, such as the "Domino Sugar" and "Pepsi" signs on the East River. A waiver of Section 32-657, which prohibits roof signs in C4 districts, and of the height limitation on signs pursuant to Section 32-655, are required for this sign.

(5) Section 62-822(a) Authorization

ZR Section 62-52 requires that waterfront public access shall be provided on all waterfront zoning lots with a lot area of at least 10,000 square feet and a shoreline of at least 100 feet that are developed. Specific types of waterfront public access areas are required, with required dimensions, and with a minimum area equal to 15 percent of the area of the zoning lot. The waterfront public access areas on the zoning lot are being improved and expanded as part of the proposed project, such that the total waterfront public access area will be 83,861 square feet, or more than 46 percent of the area of the zoning lot. These areas will not meet some of the dimensional requirements of Section 62-50 due to the dimensions of the proposed Pier 17 Building and the presence of other existing buildings and structures on the zoning lot. Accordingly, a modification of these dimensional requirements and yard requirements pursuant to Section 62-822(a) is requested. As described in the Findings section below, public access areas of equivalent size and quality will be provided on the zoning lot as part of the project, and the overall amount of public access area provided will significantly exceed the minimum 15 percent required.

Waivers of the requirements of Section 62-50 as listed below are requested pursuant to Section 62-822(a). For the purposes of measuring compliance with the Waterfront Zoning Regulations, the zoning lot includes both a “platform” area located parallel to the shoreline and a “pier” area of approximately 374 feet x 317 feet projecting from the platform, and perpendicular to the shoreline.

Section 62-54(a)(1): A waterfront public access area is required on the seaward end of a pier, equal to 25% of the length of the pier, and in no case less than 15 feet in width. The “pier” portions length varies between approximately 116 feet at its shortest and

approximately 379 feet at its longest, and 25% of the pier would be approximately 29 feet at its shortest and approximately 95 feet at its longest. The existing building is built to within 12 feet of the seaward edge of the pier. The proposed building would leave a wider open area of approximately 22 feet at the seaward edge of the pier, but the new building would still encroach into the 25% waterfront public access area. This encroachment is shown on Drawing L-102. Drawings L-301A and 301B show the two different alternatives for the treatment of the rooftop event space – with a roof and without – which create different areas of noncompliance with the Section 62-54(a)(1) requirements.

Section 62-54(a)(2): A waterfront public access area shall be provided on the landward end of the pier, equal to 40 feet, and in no case less than 15 feet in width. The required area of this 40-foot waterfront public access area is shown on Drawings L-103. Portions of the existing Link Building, portions of the Pier 17 Building to remain, and portions of the new Pier 17 Building are located in the area where this landward public access area would be required, so the 40-foot area cannot be provided at these locations.

As described in the Findings for the Authorization, waterfront public access areas that provide equivalent enjoyment of the waterfront and views of the water will be provided on the zoning lot. The publicly accessible open area provided on the roof of the building will also add to the overall quantity and quality of open area provided on the zoning lot.

(6) Section 62-822(b) Authorization

For the proposed project, an authorization pursuant to Section 62-822(b) is requested in order to accommodate certain unique design elements of the waterfront public access areas. In particular, certain requirements as to seating, planting, and lighting cannot be

satisfied because these elements would interfere with pedestrian circulation around the pier, or with water views. There is also an interruption in the required circulation path around the perimeter of the pier, in the area of the “cut out” water feature at the pier’s eastern end. The design guidelines from which modifications are requested are listed in detail on Drawings L-303 and L-304. The Section 62-822(b) authorization is also requested in order to permit the performance stage in Fulton Plaza as an obstruction in the visual corridor from Fulton Street and in the shore public walkway required by Section 62-53.

ZR Section 62-51 requires that visual corridors be provided for zoning lots developed within waterfront blocks. According to the methodology in Section 62-511, a visual corridor is required in the area where Fulton Street, if prolonged, would traverse the zoning lot. The location of this visual corridor, which generally cuts across Fulton Plaza, is shown in the visual corridor analysis diagram and drawing Z-200. Sections 62-513 states that no building or other structure shall be erected within the width of a visual corridor above its lowest level, except for listed permitted obstructions. The performance stage in Fulton Plaza, which will have a footprint of approximately 24 feet x 32 feet, and a height of approximately 18 feet, will be located within the required visual corridor – it will extend approximately 19 feet into the 50-foot width of the visual corridor, as shown on Drawings Z-104A and B – and the stage is not one of the permitted obstructions listed in Section 62-513. Accordingly, a modification of the permitted obstruction requirements for visual corridors pursuant to Section 62-822(b) is requested. As described in the Findings section below, views of the water will be provided from several alternate locations on the zoning lot, and views of the water will be significantly enhanced overall by the proposed project.

Section 62-53(a)(2) requires a 40-foot shore public walkway required along the shoreline of “platform” portion of the zoning lot. The performance stage will partially encroach in this area, as shown on Drawings L-100 and L-300. Pursuant to Section 62-611 (Permitted obstructions), a performance stage is not a permitted obstruction within the 40-foot shore public walkway. Accordingly, a modification of the permitted obstructions requirements for shore public walkway pursuant to Section 62-822(b) is requested.

ZR Section 62-60 provides that waterfront public access areas required pursuant to Section 62-52 shall comply with the design guidelines of Section 62-60, *et seq.* These design guidelines include requirements as to the width of circulation paths, accessibility, grading, the amount and type of seating, planting, and lighting, and other improvements. Section 62-822(b) permits the modification of these design guidelines by City Planning Commission (“CPC”) authorization, provided that such modifications either (a) are necessary to accommodate modifications in the dimensions of such waterfront public access areas, as approved pursuant to a Section 62-822(a) authorization, or (b) would result in a design of waterfront public access areas that is functionally equivalent or superior to the design prescribed by the guidelines.

As described in the Findings for Section 62-822(b), these proposed modifications would result in a superior design for waterfront public access areas on the pier. The design for the waterfront public access on the pier seeks to establish an open, continuously accessible connection to the water’s edge. Each of the pier’s edges is activated with an abundance of seating opportunities and improvements to engage three very different views of the City: the East River Bridges, Brooklyn Bridge Park across the river, and Lower Manhattan and the Harbor. The organization of the waterfront public access areas maximizes social seating on the seaward portion of the pier, and maintains the programmatically flexible space of Fulton Plaza,

landward of the pier, which has been used for many years for gathering and events. Moveable tables and chairs will be located in Fulton Plaza. The north side of the pier will contain large seating gliders, recalling the social and relaxing atmosphere of rocking chairs, transforming the area into a “front porch” for both the pier and the City, looking directly out onto the Brooklyn Bridge. The design provides useful amenities in the waterfront public access area while minimizing obstructions and preserving expansive views to the water, ships, and bridges that surround the pier.

(7) Section 62-811 Certification

Section 62-811 provides that:

“[n]o excavation or building permit shall be issued for any development on a waterfront block, . . . until the Chairperson of the City Planning Commission certifies to the Department of Buildings or Department of Business Services, as applicable, that:

. . .
(b) a site plan has been submitted showing compliance with the provisions of Sections 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) and 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS);”

As detailed in Drawings Z-101 and L-304-305, and as further described in the Findings section of this application, the proposed waterfront public access areas meet the requirements of Section 62-50 and 62-60, as modified by the 62-822(a) and 62-822(b) authorizations described above. In particular, the waterfront public access areas will total of 83,861 square feet in lot area, which is nearly three times the minimum area required pursuant to Section 62-57. Section 62-57 requires, for developments in C4-6 zoning districts, waterfront public access areas equal to at least 15% of the lot area of the zoning lot, or at least 27,180 square feet on this zoning lot of 181,200 square feet. In addition, a complying visual corridor is

provided, extending from Fulton Street; no other visual corridor is required on the zoning lot. Other elements of the waterfront public access area are described in the Finding section below.

Section 62-811 also provides that “A certification pursuant to paragraphs (b) or (c) of this Section shall be granted on condition that an acceptable restrictive declaration is executed and filed pursuant to Section 62-74 (Requirements for Recordation).” This restrictive declaration is not necessary in this case, because the maintenance of the waterfront public access areas on the zoning lot will be regulated pursuant to SSSLP’s lease with the City.

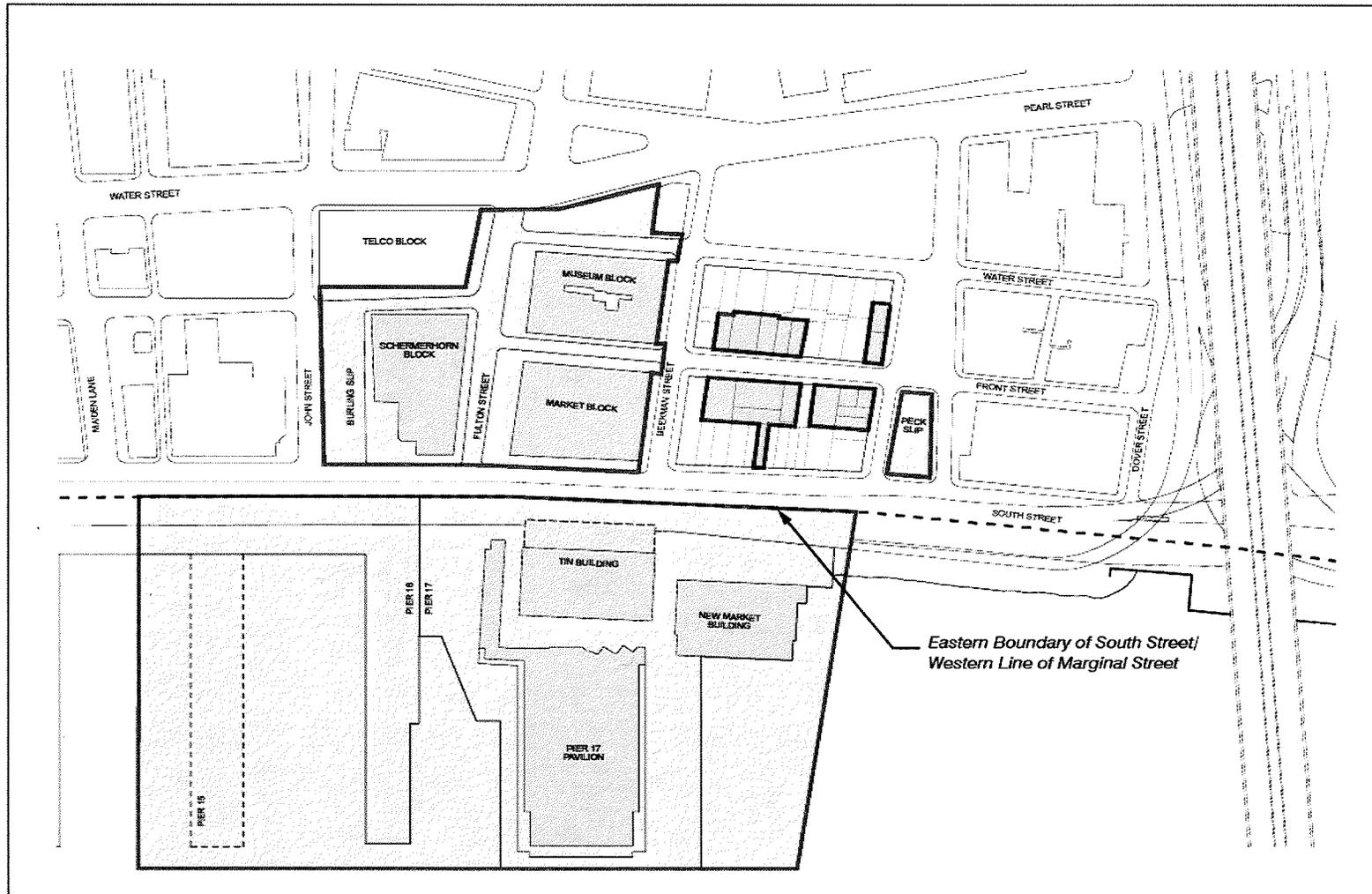
(8) Disposition of Real Property

A property disposition action is proposed to allow a modification of SSSLP’s existing lease with DSBS so that any uses allowed by the Section 62-834 special permit and rezoning will also be allowed under the lease. The existing lease was approved pursuant to an earlier property disposition action (C 800372 HLM, September 15, 1980 / Cal. No. 5). The lease currently requires that the buildings on the zoning lot be used as a “specialty retail marketplace” – which has no zoning equivalent use – in a manner similar to Faneuil Hall Marketplace in Boston, which served as a model for the Seaport when it was originally planned. The proposed modification will allow the lease to be modified to allow the broader range of uses permitted by the proposed C4-6 zoning, including Use Group 6, 8-10, and 12 uses, which include both small and large retail establishments, restaurants, theaters, and entertainment uses. This proposed modification of the uses allowed pursuant to the earlier property disposition requires approval of a new disposition of real property.

HPD has determined that this proposed use change complies with the Urban Renewal Plan.

Attachment A

Seaport Map

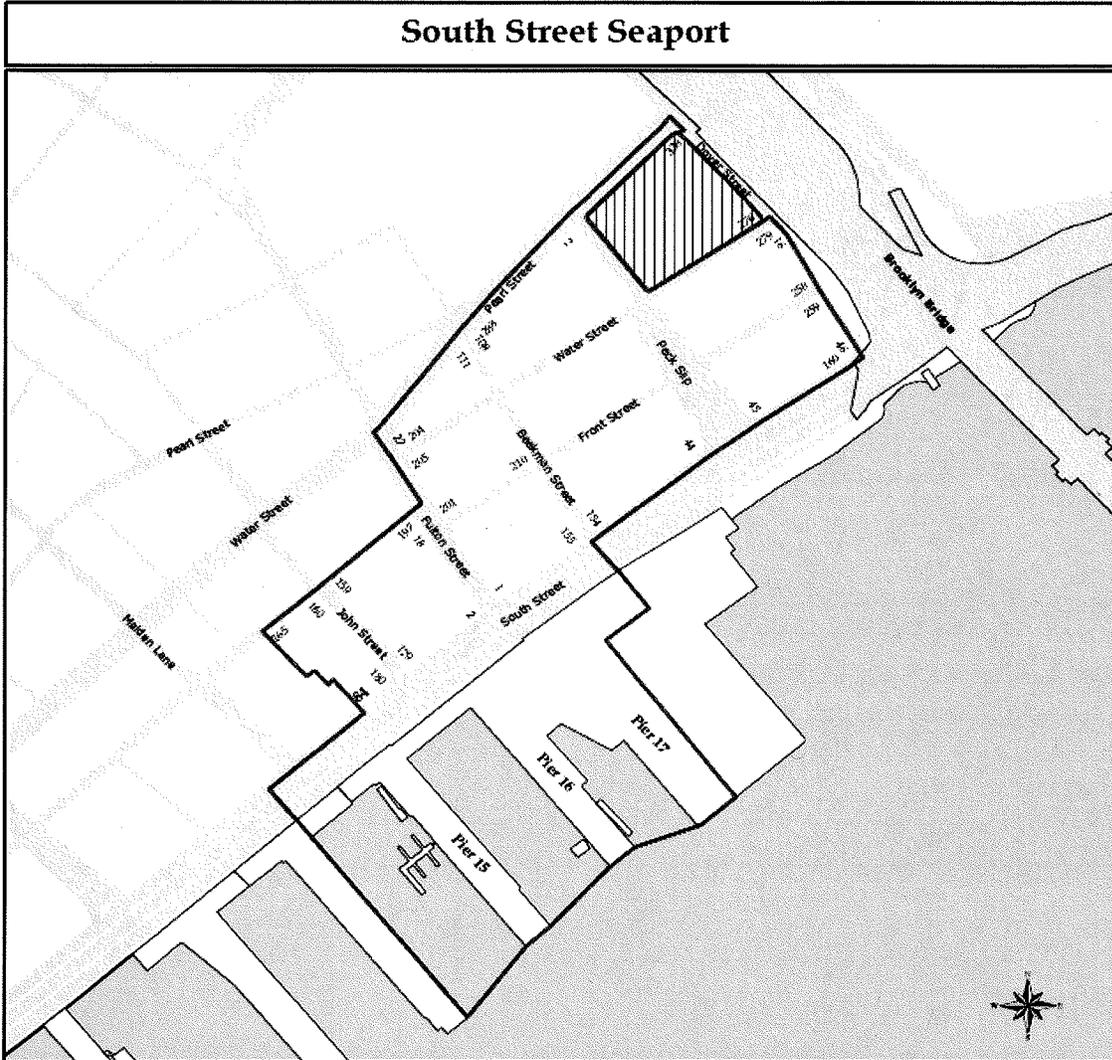


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ORIGINAL SOUTH STREET SEAPORT PROJECT BOUNDARIES
SOURCE: IMPROVEMENT AND OPERATION AGREEMENT, DECEMBER 15, 1981

Attachment B

South Street Seaport Historic District Map



**South Street Seaport
Historic District & Extension**

Original District Designated May 10, 1977

Extension Designated July 11, 1989

 Original Historic District

 Historic District Extension



**South Street Seaport Renovation Project
Special Permit Pursuant to ZR Section 62-834
Attachment #11
Applicant's Discussion of Findings**

62-834

Developments on piers or platforms

In all districts, the City Planning Commission may permit:

* * * * *

(b) for an #existing pier#, any #use# permitted by the applicable district regulations and modifications of the provisions of Sections 62-332 (Rear yards and waterfront yards) and 62-342 (Developments on piers), provided the Commission finds that:

(1) the facility is so designed as to significantly enhance public use and enjoyment of the waterfront;

The proposed project will take full advantage of the prime waterfront location of Pier 17, which to date has been underutilized. The redesigned Pier 17 Building will open up new sightlines to the Brooklyn Bridge from within the building, and will provide new open area on both the "North Porch" and on the roof of the building, as well as improved waterfront public access areas all around the building.

The North Porch will provide approximately 32,000 square feet of contiguous public access area, or approximately $\frac{3}{4}$ of an acre. It will offer a prime viewing location for the Brooklyn Bridge, and will include a variety of seating types, including unique "glider" seating to evoke the social, relaxed setting of a front porch. Ramps at the northern edge will allow visitors to get closer to the water. Access from Beekman Street will be improved, with new paving in the area of the driveway between the Tin Building and the New Market Building (which is located off of the zoning lot but on City-owned property), to create a more clear pedestrian walkway to the North Porch from the upland streets. Access to the pier will also be improved through the addition of a "lay-by" lane along South Street, of approximately 150 feet in length, in the area in front of the Tin Building. This area is not located on the zoning lot. The construction of this lay-by lane will require the approval of the New York City Department of Transportation and EDC, which manages a public parking lot between the Tin Building and South Street.

In addition, the proposed project, by leveling the roof of the building, will allow for the roof to be enjoyed as a publicly accessible open area, approximately 40,000 square feet in size. This rooftop open area will provide breathtaking views of the New York harbor, bringing visitors 500 feet out from the shore and 65 feet up in the air. The roof will contain pavilions with restaurants and cafes, and a flexible event space, which will enliven the roof area. Seating and lawn areas will allow for passive recreation and

temporary seating for events. Escalators and elevators from the ground floor will bring visitors directly to the roof. As noted above, two alternative plans are included for the design of this rooftop space.

The modified design of the ground floor will also draw pedestrians toward the waterfront to utilize these new spaces. The design will include a street-like network of pathways, open spaces, and small stores, with tenant spaces expressed as individual buildings. These spaces will be arranged around generously proportioned common areas with dramatic view corridors to the Brooklyn Bridge pillars, and enticing passages offering unexpected glimpses of the waterfront scenery as visitors circulate around the pier. New views and new open areas will be revealed as the pedestrian moves through the space.

The proposed project will also include a “cut out” at the eastern end of the pier, approximately 38 feet wide and 63 feet long. The pier deck will be removed in this area, and the piles will be cut down to the level of the water. This cut out will reference the original configuration of Pier 17 as two separate piers. It will increase the feeling of connection to the water by actually bringing the river inside the building, and will serve as a focal point and gathering place at the end of the pier.

- (2) **#accessory# parking or loading facilities provided in conjunction with such #uses# are arranged and designed so as to not adversely impact public access areas anywhere on the #zoning lot#;**

Loading for the building will remain in its current condition: The building will be serviced from a loading area at its western end, located between the Tin Building and the Pier 17 building, via existing, covered loading bays. This loading area is accessed from South Street at Fulton Street, through an existing driveway between the Link Building and the Tin Building. The loading is situated so as not to interfere with pedestrian access to the pier from Fulton Street.

No parking is provided on the zoning lot. There is an existing, City-owned public parking lot underneath the FDR Drive, adjacent to the zoning lot, with approximately 172 spaces.

- (3) the proposed #development# does not violate the #bulk# provisions of Section 62-341 (Developments on land and platforms);**

The proposed building will comply with the bulk requirements of Section 62-341 (Developments on land and platforms), to the extent applicable. Section 62-341 sets a maximum building height of 350 feet, and the maximum base height applicable in this district is 85 feet, which is the maximum base height for the Special Lower Manhattan District, pursuant to Section 91-31.⁴ As noted above, the new building's highest roof height will be 77'-1", measured from the surface of the pier, and overall maximum height will be either 82'-4" or 79'-4", including mechanicals. No portion of the building will be above the maximum base height, so the regulations of Section 62-341 as to floor area distribution, tower coverage, and maximum width of building walls, which are applicable to buildings that exceed the maximum base height, will not apply.

Section 62-341 also imposes ground floor streetscape requirements. For street walls of more than 50 feet in width and within 50 feet of a waterfront public access area or a street, at least 50 percent of the width of such walls must be occupied by floor area at the ground floor level, and such street walls must either contain windows or be articulated with rustication or decorative grills, or screened with plant material, to a minimum height of four feet. In both the new Pier 17 Building and the remodeled Link Building, all ground floor areas will be occupied by floor area, as shown in the ground floor plan contained in Z-102. The building will not have streetwalls, because none of its walls will face the street, with the exception of the western face of the Link Building. Nevertheless, all ground floor areas of the building will either contain windows or the facades will be articulated with decorative zinc, aluminum, wood, or other appropriate materials.

- (4) within the #seaward lot#, the ratio of #floor area# on the #pier# to #water coverage# of the #pier# does not exceed the maximum #floor area ratio# for the #use# as set forth in the district regulations;**

As shown on Drawing Z-101, the floor area contained within the seaward lot will be 279,249 square feet, and the water coverage of the pier within the seaward lot is 160,150 square feet. The ratio of this floor area within the seaward lot to the water coverage is therefore 1.74, which does not exceed the maximum FAR permitted in this zoning district for commercial uses of 3.4.

- (5) such #bulk# modifications would not unduly obstruct the light and air or waterfront views of neighboring properties; and**

The proposed building will have no impact on waterfront views that are different from

⁴ The maximum base height on land and platforms in the waterfront area, pursuant to ZR Section 62-341, is 110'; however, Section 62-13 provides that in the event that a Special Purpose District imposes a height limit that is lower than the height limit of the Waterfront Zoning Regulations, the lower height limit shall control.

the existing building. The highest roof of the proposed building will be no taller than the highest roof of the existing Pier 17 Building, with a height of 77'-1" (not including mechanicals), and will be built entirely within the footprint of the existing building. In fact, the flat roof of the proposed building, where the open area will be located, will be only 65'-4" (or 62'-4" under Option B). From most vantage points within the upland area, the proposed building will be barely visible, as it will be located approximately 130 feet behind the FDR Drive and will be largely blocked by the Tin Building, which is approximately 43 feet in height. Moreover, the proposed design of the new Pier 17 Building will enhance waterfront views, because it will open up new views of the Brooklyn Bridge both from the inside and the roof of the building.

(6) such modifications will not adversely affect the essential character, use or future growth of the waterfront and the surrounding area.

The proposed modifications to the use restrictions of Section 62-241 and the bulk restrictions of Section 62-342 will not adversely affect the essential character, use or future growth of the waterfront and the surrounding area, because the proposed modifications will facilitate the development of a new retail and open space amenity that will benefit neighborhood residents, workers, and tourists alike.

The proposed modifications would permit the development of larger stores on the pier and the placement of these stores on the upper levels of the building. The larger stores will help to draw people under the FDR Drive, which has always been a challenge at Pier 17, and draw them out onto the pier where they can enjoy the waterfront. The proposed retail mix in the project will serve to complement the growing residential and worker populations in the area by catering more to the tastes of local residents and workers. The project will attract tourists because it will be a great New York City place, not because it is a specifically tourist-focused destination.

Moreover, the proposed uses in the project will be those uses otherwise permitted in C4-6 zoning districts, which are already located along the waterfront, to the south of Pier 17. These uses are also consistent with the higher density C5 and C6 districts located in the surrounding upland areas. The proposed C4-6 zoning's permitted use and bulk restrictions, which allow 3.4 FAR for all uses, are more consistent with the surrounding areas than the current C2-8 zoning district, which has a permitted residential FAR of 10 and a commercial FAR of 2. The C4-6 zoning district's less restrictive retail controls would also permit a wider range of retail uses that are important to the goal of drawing people to the waterfront.

The proposed new building would also have a level roof, which will allow greater flexibility in programming the upper floor retail of the building, and will also allow the creation of usable public access area and programming space on the roof. This open area will be a critical addition to the open space network of neighborhood, and will provide an entirely new venue for the enjoyment of the waterfront. This space will provide dramatic views of the Brooklyn Bridge and of the waterfront, with approximately 40,000 square feet developed with seating and plantings, restaurants,

cafes, and/or bars, and a flexible event space. Accordingly, the proposed modifications will allow the Pier 17 Building to make far better use of its waterfront location.

* * * * *

The Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the waterfront and the surrounding area, including requirements for setbacks from #lot lines#, spacing from other #buildings# on the same or adjoining #zoning lots#, limitations on lighting and signage and limitations on size of individual establishments.

**South Street Seaport Renovation Project
Attachment #11
Applicant's Discussion of Conditions**

A "large-scale general development" contains one or more #buildings# on a single #zoning lot# or two or more #zoning lots# that are contiguous or would be contiguous but for their separation by a #street# or a #street# intersection and is not either a #large-scale residential development# or a #large-scale community facility development#; and

The Pier 17 large-scale general development would consist of one zoning lot with two buildings;

(a) **has or will have an area of at least 1.5 acres;**

it has an area of at least 1.5 acres: The zoning lot has a lot area of approximately 181,200 square feet, or more than four acres;

(b) **has been or is to be used, #developed# or #enlarged# as a unit:**

(1) **under single fee ownership or alternate ownership arrangements as set forth in the #zoning lot# definition in Section 12-10 (DEFINITIONS) for all #zoning lots# comprising the #large-scale general development#; or**

The large-scale general development is to be used, developed, or enlarged as a unit under single fee ownership: The zoning lot is owned by the City of New York, and will be developed pursuant to a lease from the City to SSSLP

(2) **under single fee, alternate or separate ownership, either:**

(i) **pursuant to an urban renewal plan for a designated urban renewal area containing such #zoning lots#; or**

Not Applicable

(ii) **through assemblage by any other governmental agency, or its agent, having the power of condemnation; and**

Not Applicable

(c) **shall be located in whole or in part in any #Commercial# or #Manufacturing District#, subject to the restrictions of Section 74-743 (Special provisions for bulk modifications), paragraph (a)(1).**

The large-scale general development's zoning lot is proposed to be wholly within a C4-6 district.

Such #zoning lots# may include any land occupied by #buildings# existing at the time an application is submitted to the City Planning Commission under the provisions of Article VII, Chapter 4, provided that such #buildings# form an integral part of the #large-scale general development#, and provided that there is no #bulk# distribution from a #zoning lot# containing such existing #buildings#.

The zoning includes the Link Building, which is an existing building that is proposed to be retained in the proposed project. The Link Building is an integral part of the development, because it serves as the “front door” of the project; located at the foot of Fulton Street, it is the first building that pedestrians will encounter as they approach the project from along Fulton Street. Accordingly, its appearance and programming are important to the overall character of the project. It is proposed to reclad and renovate the building in a manner that complements the level-roofed, industrial aesthetic of the new Pier 17 Building.

There will be no bulk distribution from the zoning lot containing the Link Building, because the project is located on a single zoning lot.

South Street Seaport Renovation Project
Special Permit Pursuant to ZR Section 74-743
Attachment #11
Applicant's Discussion of Findings

74-743

Special provisions for bulk modification

- (a) **For a #large-scale general development,# the City Planning Commission may permit:**

* * * * *

- (2) **location of #buildings# without regard for the applicable #yard#, #court#, distance between #buildings#, or height and setback regulations;**

A special permit pursuant to Section 74-743(a)(2) is requested in order to allow an encroachment within the waterfront yard required pursuant to ZR Section 62-332 for a performance stage located in Fulton Plaza.

* * * * *

- (b) **In order to grant a special permit pursuant to this Section for any #large-scale general development#, the Commission shall find that:**

- (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;**

The requested modifications of the waterfront yard regulations will facilitate the activation of Fulton Plaza with a performance venue, which will encourage people to visit the site and take full advantage of the waterfront location. In addition, there are several site plan improvements proposed in connection with the project, described below, which will greatly enhance the public's experience of the waterfront at this pier.

The design of the waterfront public access area includes a performance stage to be located within Fulton Plaza, adjacent to the platform edge, which will have dimensions of approximately of 24 feet x 32 feet and 18 feet in height. The stage will help to enliven Fulton Plaza and activate the space, which will help to draw pedestrians underneath the FDR Drive and toward the waterfront. Indeed, placing the stage in this location will allow it to be visible from the upland street, which

will provide a clear visual signal for the activity occurring on Fulton Plaza. The proposed location will also leave the majority of Fulton Plaza as a flexible open area that can be used for performances, events, and circulation. Moreover, the proposed design also allows for generous waterfront views from Street and many locations within the zoning lot, notwithstanding the obstruction of the performance stage. In addition, there are many water edges throughout the zoning lot where one can get close to the water.

Fulton Plaza is part of the network of public access areas that will be provided on the pier, including new public access areas on both the “North Porch” and on the roof of the building, as well as improved waterfront public access areas all around the building.

A key design feature of the new building will be the leveling of the roofline, which will allow for the roof to be enjoyed as a publicly accessible open area approximately 40,000 square feet in size. This rooftop open area will provide breathtaking views of Brooklyn Bridge and New York harbor, bringing visitors 500 feet out from the shore and approximately 65 feet up in the air. Escalators and elevators from the ground floor will bring visitors directly to the roof. Seating and lawn areas will allow for passive recreation and temporary seating for events. The roof will contain pavilions with restaurants and cafes, and a flexible event space, which will enliven the roof area. This venue can be programmed in conjunction with the Fulton Plaza stage, for coordinated or complementary events. This rooftop event space may be either covered with a roof or open air; two alternative roof plans are included with this application to reflect these different treatments of the event space.

An additional new public access area will be provided in the North Porch, containing approximately 32,000 square feet of contiguous open area, or approximately $\frac{3}{4}$ of an acre. It will offer a prime viewing location for the Brooklyn Bridge, and will include a variety of seating types, including unique “glider” seating to evoke the social, relaxed setting of a front porch. Ramps at the northern edge will allow visitors to get closer to the water. Access from Beekman Street will be improved, with new paving in the area of the driveway between the Tin Building and the New Market Building (which is located off of the zoning lot but on City-owned property), to create a more clear pedestrian walkway to the North Porch from the upland streets. Access to the pier will also be improved through the addition of a “lay-by” lane along South Street, of approximately 150 feet in length, in the area in front of the Tin Building. This area is not located on the zoning lot. The construction of this lay-by lane will require the approval of the New York City Department of Transportation and EDC, which manages a public parking lot between the Tin Building and South Street.

The proposed building includes a street-like network of pathways, open spaces, and small stores at the ground-floor level, with tenant spaces expressed as individual buildings. These spaces will be arranged around generously proportioned common areas with dramatic view corridors to the Brooklyn Bridge pillars, and enticing passages offering unexpected glimpses of the waterfront scenery as visitors circulate

around the pier. New views and new open areas will be revealed as the pedestrian moves through the space.

The proposed project will also include a “cut out” at the eastern end of the pier, approximately 38 feet wide and 63 feet long. The pier deck will be removed in this area, and the piles will be cut down to the level of the water. This cut out will reference the original configuration of Pier 17 as two separate piers. It will increase the feeling of connection to the water by actually bringing the river inside the building, and will serve as a focal point and gathering place at the end of the pier.

These improvements, together with the redesign of Fulton Plaza, will significantly enhance the public enjoyment of the waterfront at Pier 17.

- (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#;**

The project will result in only a minor increase in FAR on the zoning lot – from 1.14 to 1.56 – which is still well below 3.4 FAR permitted for commercial uses in C4-6 districts. Also, as described above, the “FAR” applicable to the seaward portion of the zoning lot, considered alone, is only 1.74.

In addition, the proposed building will have no impact on waterfront views that are different from the existing building. The roof level of the proposed building (not including mechanicals) will be no taller than the roof level of the existing Pier 17 Building, at 77’-1”, and will be built entirely within the footprint of the existing building. In fact, the flat roof of the proposed building, where the open area will be located, will be only 65’-4” (or 62’-4” in Option B). From most vantage points within the upland area, the proposed building will be barely visible, as it will be located approximately 130 feet behind the FDR Drive and will be largely blocked by the Tin Building, which is approximately 43 feet in height. Moreover, the proposed design of the new Pier 17 Building will enhance waterfront views, because it will open up new views of the Brooklyn Bridge both from the inside and the roof of the building.

- (3) **where a #zoning lot# of a #large-scale general development# does not occupy a frontage on a mapped #street#, appropriate access to a mapped #street# is provided;**

N/A

- (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;**

South Street is a two-way street. Fulton Street is closed to vehicular traffic, so any vehicles accessing the site would travel along South Street, either from the north or the south.

The Environmental Assessment Statement (“EAS”) filed with this application estimated the incremental vehicle trips expected to be generated by the proposed project and assigned them to the surrounding street network, in accordance with City Environmental Quality Review procedures. Based on the small number of incremental vehicle trips projected as each intersection, the EAS determined that a detailed traffic analysis was not warranted for any of the applicable peak hours.

It has been determined that no street network changes are necessary in connection with the proposed project, although an approximately 150-foot-long lay-by lane will be added on the east side of South Street, between Fulton and Beekman Streets, to facilitate pick-up and drop-off activity by taxis and other vehicles destined to and from the proposed project. This lay-by lane is being added because there is currently no defined frontage for the project along South Street that functions as a drop-off/pick-up location for taxis and other vehicles. This area is not located on the zoning lot. The construction of this lay-by lane will require the approval of the New York City Department of Transportation and EDC, which manages a public parking lot between the Tin Building and South Street.

- (5) when the Commission has determined that the #large-scale general development# requires significant addition to existing public facilities serving the area, the applicant has submitted to the Commission a plan and timetable to provide such required additional facilities. Proposed facilities that are incorporated into the City's capital budget may be included as part of such plan and timetable;**

N/A

- (6) where the Commission permits the maximum #floor area ratio# in accordance with the provisions of paragraph (a)(4) of this Section, the #open space# provided is of sufficient size to serve the residents of new or #enlarged buildings#. Such #open space# shall be accessible to and usable by all residents of such new or #enlarged buildings#, have appropriate access, circulation, seating, lighting and paving, and be substantially landscaped. Furthermore, the site plan of such #large-scale general development# shall include superior landscaping for #open space# of the new or #enlarged buildings#;**

N/A

- (7) where the Commission permits the exclusion of #lot area# or #floor area# in accordance with the provisions of paragraph (a)(5) of this Section or modification of the base and maximum #floor area ratios# or requirements regarding distribution of #affordable housing units# in accordance with paragraph (a)(8) of this Section, such modification will facilitate a desirable mix of #uses# in the #large-scale general development# and a plan consistent with the objectives of the Inclusionary Housing Program and those of Section 74-74 (Large-Scale General Development) with respect to better site planning;

N/A

- (8) where the Commission permits portions of #buildings# containing #accessory# parking spaces to be excluded from the calculation of #lot coverage# in accordance with the provisions of paragraph (a)(9) of this Section, the exclusion of #lot coverage# will result in a better site plan and a better relationship among #buildings# and open areas than would be possible without such exclusion and therefore will benefit the residents of the #large-scale general development#; and

N/A

- (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.

The large-scale development declaration will be filed with the Commission.

The Commission may prescribe additional conditions and safeguards to improve the quality of the #large-scale general development# and to minimize adverse effects on the character of the surrounding area.

For a phased construction program of a multi-#building# complex, the Commission may, at the time of granting a special permit, require additional information, including but not limited to a proposed time schedule for carrying out the proposed #large-scale general development#, a phasing plan showing the distribution of #bulk# and #open space# and, in the case of a site plan providing for common #open space#, common open areas or common parking areas, a maintenance plan for such space or areas and surety for continued availability of such space or areas to the people they are intended to serve.

South Street Seaport Renovation Project
Special Permit Pursuant to ZR Section 74-744
Attachment #11
Applicant's Discussion of Findings

74-744

Modification of use regulations

(c) Modifications of #sign# regulations

In all #Commercial# or #Manufacturing Districts#, the City Planning Commission may, for #developments# or #enlargements# subject to the provisions of paragraphs (a)(1), (a)(2) or (a)(3) of Section 74-743 (Special provisions for bulk modification), permit the modification of the applicable provisions of Sections 32-64 (Surface Area and Illumination Provisions), 32-65 (Permitted Projection or Height of Signs), 32-66 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways), 42-53 (Surface Area and Illumination Provisions), 42-54 (Permitted Projection or Height of Signs), 42-55 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways) and the limitations on the location of #signs# in Sections 32-51 and 42-44 (Limitations on Business Entrances, Show Windows or Signs), provided the Commission finds that such modification will result in a better site plan.

The C4-6 zoning district limits the surface area of signs to five times the zoning lot frontage, up to a maximum of 500 square feet for each frontage of the zoning lot, pursuant to Section 32-65 of the Zoning Resolution. The Pier 17 zoning lot frontage is approximately 155'-1", so the maximum surface area of signs is 500 square feet per frontage. C4-6 zoning districts also limit the height of signs to 40 feet above curb level, and prohibit signs of the roof of a building, pursuant to Zoning Resolution Section 32-655 and 32-657.

Up to 18 blade signs of up to 32 feet in height and 3 feet in width, beginning at a height of approximately 32 feet, will be mounted on each of the north and south façades of the building, bearing the names of building tenants. The total surface area of these blade signs will be up to 1,728 square feet on each façade. In addition, at the ground floor and mezzanine levels of the building, the signage on the outward-facing retail pavilions is intended to be illuminated, and therefore it is counted toward the maximum surface area restriction. With consideration of this lower-floor illuminated signage, the blade signs, the rooftop sign, and the Link Building signs, the total signage surface area on the zoning lot is approximately 6,070 square feet, which is in excess of the 500 square feet permitted pursuant to Section 32-642 for non-illuminated signs, Section 32-644 for illuminated signs, and Section 32-641 for both illuminated and non-illuminated signs, together. These signs will be located up to 65'-4" in height, which is higher than the 40 feet permitted in C4 zoning districts pursuant to Section 32-655.

In addition, a single illuminated sign of approximately 9 feet in height and 90 feet in length will be located on the roof of the building, with a maximum overall height of 82'-4", identifying the building as the "Seaport." This sign will be reminiscent of other large identifying signs around New York Harbor, such as the "Domino Sugar" and "Pepsi" signs on the East River. A waiver of

Section 32-657, which prohibits roof signs in C4 districts, and of the height limitation on signs pursuant to Section 32-655, are required for this sign. This rooftop sign will also be subject to the surface area waiver described above for the signage on the zoning lot.

The site plan for the proposed project includes a large amount of public open area, with a variety of different programming. There will be an open, street-like network of retail shops at the ground floor level of the Pier 17 Building, and a large, public open area on the roof of the building, of approximately 40,000 square feet, with landscaping, seating, and other amenities. Pavilion structures on the roof will house one or more food venues (e.g., cafes, beer garden, etc.) and a flexible event space. Large lawn areas will be available for passive recreation or as a seating area for use during performances. This public open area could accommodate events such as concerts, film screenings, cultural events, and other special events that take advantage of the spectacular water, skyline, and Brooklyn Bridge views. Escalators and elevators will bring people from the pier surface to the roof. Details of the design of the roof space are presented on Drawings L-301A & B. Two alternative roof plans are proposed – Options A and B – depending on whether or not the rooftop event space is covered by a roof.

Because the zoning lot is located primarily on a pier, it has a limited amount of street frontage, given its lot depth, the lot area, and the size of the building. As noted above, the zoning lot frontage is approximately 155'-1", and therefore the maximum permitted signage on the zoning lot is 500 square feet. But the street frontage here bears little relationship to the size of the building or the zoning lot. The zoning lot is 181,200 square feet in total area. The Pier 17 Building is approximately 204 feet in width and 352 feet in length, and may be approached from either the north (from Beekman Street) or the south (from Fulton Street). The building will also accommodate many different tenants, each of which will require identifying signage on the exterior of the building, in locations where it will be visible. Accordingly, the Zoning Resolution prescribes an overly limited amount of signage for the zoning lot, given its unique configuration and the size and function of the proposed building. The building signage will be appropriate to the scale and design of the building, and will be subject to the approval of LPC.

The design for the project also involves the creation of a large public open area on the roof of the Pier 17 Building, which will be above the level of the tenant signs. Tenant signage will not interfere with waterfront views from the roof, because such signs will not be generally visible from the roof. However, providing this area on the roof with limited signage visibility means that tenant signs need to be concentrated, and provided with a sufficient size and number, in the areas where they are visible.

Their orientation perpendicular to the façade of the building will allow for the signs to be visible to pedestrians approaching the project from the west; however, the view of these signs will be dynamic, shifting as one's location relative to the building shifts. Given this orientation of the signs and their integration into the building facade, the signs will not detract from the views of the water from within the waterfront public access areas on the zoning lot, and will be appropriate to the overall site plan of the project.

As noted above, the blade signs will be located on the upper floors of the building, higher than the 40 feet permitted in C4 zoning districts pursuant to Section 32-655. A key design element of the

building is the street-like network of small stores at the ground floor and mezzanine level, to a height of approximately 30 feet, and the retractable, hangar-like doors that will allow for the open circulation system at the ground floor level. These important design elements, however, effectively prevent the placement of signage for the upper floor tenants at these ground floor and mezzanine levels, and dictate the placement of signs at the upper floors of the building, where they will violate the 40' height limit. As noted above, these signs will be subject to the approval of LPC, and so will be appropriate to the scale and design of the building.

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

South Street Seaport Renovation Project Authorization Pursuant to ZR Section 62-822(a)
Attachment #11
Applicant's Discussion of Findings

62-822

Modification of waterfront public access area and visual corridor requirements

- (a) Authorization to modify requirements for location, area and minimum dimensions of waterfront public access areas and visual corridors**

The City Planning Commission may modify the requirements of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) and, in conjunction therewith, Section 62-332 (Rear yards and waterfront yards). The Commission may also authorize a portion or all of the required waterfront public access area to be provided offsite on an adjoining public property.

* * * * *

- (1) In order to modify the location of waterfront public access areas and visual corridors, the Commission shall find that such areas, provided either on the zoning lot or off-site adjacent to the zoning lot, shall:**

- (i) comply with the required minimum dimensions and equal the required total area, in aggregate; and**

The waterfront public access areas provided on the zoning lot will meet the required minimum dimensions specified in Section 62-54 and the required minimum area specified in Section 62-57.

Section 62-54(a) provides that the waterfront public access area required on the seaward edge of a pier shall be no less than 15 feet in depth. The depth of the proposed waterfront public access area on the seaward edge of Pier 17 is approximately 22 feet.

Section 62-54(c) provides that the waterfront public access area required on the other water edges of the pier shall be no less than 15 feet on any edge and no less than 60 feet in the aggregate. As shown on Drawings L-104, more than the required area is provided on the north and south edges of the pier. The waterfront public access area on the south side of the pier will have a width of approximately 26 feet, and the waterfront public access area on the north side of the pier will have a width of approximately 87 feet.

The total waterfront public access area on the zoning lot will have an area of 83,861 square feet, which is nearly three times the minimum area required pursuant to Section 62-57. Section 62-57 requires, for developments in C4-6 zoning districts, waterfront

public access areas equal to at least 15% of the lot area of the zoning lot, or at least 27,180 square feet on this zoning lot of 181,200 square feet.

(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; or

Although the waterfront public access areas do not comply with certain of the dimensional requirements of ZR Section 62-50, equivalent waterfront public access areas are provided on the zoning lot that will provide for equivalent enjoyment of the waterfront and water views.

The proposed project will include a network of waterfront public access areas with a total area of 83,861 square feet, which, as noted above, is more than three times the minimum amount of waterfront public access area required on the zoning lot. The waterfront public access areas on the zoning lot will include three major areas:

- “Fulton Plaza,” the large area at the base of Fulton Street, in the “platform” section of the zoning lot, which serves as the “front door” of the project. This area has historically been used for special events and gatherings, including a summer concert series, and its design will be kept largely open to allow for this continued use.
- An access path around the perimeter of the pier, of approximately 26 feet in width on the south edge and 22 feet in width on the eastern edge. The walkway will have a minimum clear path of 10 feet, and a minimum width of 12 feet around the “cut out” at the eastern end of the pier, where the path is covered by the building above. This area will be improved with similar design features as used along the East River Waterfront Esplanade.
- The “North Porch” on the northern side of the pier, with a depth of approximately 87 feet, spanning the entire length of the pier. Large seating gliders, recalling the social and relaxing atmosphere of rocking chairs, will line this area, transforming it into a “front porch” for both the pier and the City, looking directly out onto the Brooklyn Bridge. Access to this area will be improved from Beekman Street, and by opening up new pathways through the ground floor of the building.

Improved access to the waterfront will also be provided through the building itself, which will be developed at the ground floor with a “street-like” network of walkways. This design will create a more porous building, with several different access paths to the water. These paths through the building will also provide a more direct access path to the North Porch,” which, as noted above, will also be accessed by an improved pedestrian walkway from Beekman Street, in the area that is currently a driveway to the building’s loading dock. These several different paths allow for full access to and views of the waterfront.

As described further below, the design for the waterfront public access areas on the pier seeks to establish an open, continuously accessible connection to the water's edge. The design avoids the inclusion of obstructions throughout the waterfront public access area, to focus on expansive views to the water, ships, and bridges surrounding the pier. This design allows for generous waterfront views from many locations throughout the zoning lot.

* * * * *

The Commission may impose appropriate conditions and safeguards to assure that such modifications will achieve comparable physical and visual access to the waterfront or to assure that an approved phasing plan will be properly implemented. Such conditions may include, but are not limited to, deed restrictions, easements or performance bonds.

**South Street Seaport Renovation Project
Authorization Pursuant to ZR Section 62-822(b)
Attachment #11
Applicant's Discussion of Findings**

62-822

Modification of waterfront public access area and visual corridor requirements

* * * * *

(b) Authorization to modify requirements within #waterfront public access areas#

The City Planning Commission may modify the requirements within the #waterfront public access area# provisions of Sections 62-513 (Permitted obstructions in visual corridors), 62-58 (Requirements for Water-Dependant Uses and Other Developments), 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, and 62-90 (WATERFRONT ACCESS PLANS), inclusive.

For the proposed project, an authorization pursuant to Section 62-822(b) is requested in order to accommodate certain unique design elements of the waterfront public access areas, and to allow an obstruction in the visual corridor and shore public walkway for the performance stage in Fulton Plaza. The design guidelines of Section 62-60 from which modifications are requested are listed in detail on Drawings L-303 and L-304. The requested design modifications result from the configuration of buildings on the pier and the particular functions of the waterfront public access areas provided, specifically:

- Certain of the waterfront public access areas – the upland connection, the shore public walkway, and the perimeter public access area – are heavily trafficked areas that must be kept largely free of plantings in order to serve their circulation functions.
- The primary contiguous public access area, the “North Porch,” is an area where views to the Brooklyn Bridge are of paramount importance, and trees are not appropriate.
- The required circulation path around the perimeter of the pier is interrupted in the area of the “cut out” water feature at the pier’s eastern end.
- A greater amount of seating than permitted is located seaward of the shore public walkway.
- The lighting levels within the North Porch and Fulton Plaza do not meet the minimum requirements, if the ambient light from the Pier 17 Building is not considered.

As described below, these proposed modifications would result in a superior design for waterfront public access areas on the pier.

In order to grant such authorization, the Commission shall find that such modifications:

- (1) are necessary to accommodate modifications pursuant to paragraph (a) of this Section; or**

N/A

- (2) would result in a design of #waterfront public access areas# that is functionally equivalent or superior to the design prescribed by strict adherence to the applicable provisions.**

The design for the waterfront public access on the pier seeks to establish an open, continuously accessible connection to the water's edge. Each of the pier's edges is activated with an abundance of seating opportunities and improvements to engage three very different views of the City: the East River Bridges, Brooklyn Bridge Park across the river, and Lower Manhattan and the Harbor. The organization of the waterfront public access areas maximizes social seating on the seaward portion of the pier, and maintains the programmatically flexible space of Fulton Plaza, landward of the pier, which has been used for many years for gathering and events. Large seating gliders, recalling the social and relaxing atmosphere of rocking chairs, line the north side of the pier, transforming it into a "front porch" for both the pier and the City, looking directly out onto the Brooklyn Bridge. The design avoids the inclusion of obstructions throughout the waterfront public access area, to focus on expansive views to the water, ships, and bridges surrounding the pier.

Planting

Historically, the pier included no plantings; the pier was part of the working waterfront. The proposed new design looks to reinterpret the historical use of the pier, ensuring it remains active and lively, but maintaining keeping it open, with materials that speak to its former use and relate to the surrounding Historic District. For these reasons, as well as due to the difficult nature of planting on the pier structure, there is minimal planting included within the waterfront public access area. Rather, planting has been focused at the entrances to the zoning lot. The planting bed at the entrance to Fulton Plaza, within the upland connection, is similar in character to the planters of the East River Esplanade, and so will establish a connection to the greater open space network of the Esplanade.

The engineering issues of planting on a pier structure and the need for circulation, seating, and flexible program space leave inadequate opportunities for larger plantings, such as tree planters and lawns. Instead the design emphasizes the traditional materiality and character of the pier. The difficulty of tree planting on the pier structure and space limitations also do not allow for canopy shade on the North Porch. Shade structures can be integrated into the glider seating provided in the North Porch, to provide shaded seating on hot day, and the porch's location on the northside of the building will limit the hours of direct sunshine on much of the pier's seating.

Seating

Less than the required amount of seating is provided within Fulton Plaza, which is located within the required “upland connection.” Fulton Plaza is one of the few spaces within the pier that can accommodate larger gathering of people, and it has traditionally been utilized for gatherings and events, such as the popular summer concert series at the Seaport. Therefore, the style of seating selected and its organization are critical to keeping the plaza as programmatically flexible as possible. The plaza will contain café-style seating that can be moved and augmented as needed to support multiple programs. Seating steps and linear benches with backrests are provided on the edge of the plaza, nearest the Link Building, as permanent seating for patrons of the Link Building and for those arriving at the pier. The linear benches also help to negotiate the grade change between the plaza’s edge and the Link Building’s front patio, 2’ above.

Much of the space available on the pier and the most interesting views are located seaward of the shore public walkway. Therefore, more than 25% of the seating in the waterfront public access area is provided within this zone, contrary to the requirements of Section 62-62(b). Also, less than the required amount of this seating is shaded, due to the need to limit visual obstructions within the North Porch

The character of the pier’s furnishing and materiality integrates the character of the East River Esplanade. The East River Esplanade bench, railing and seat types have been adopted and interspersed among new design elements that are unique to Pier 17, creating continuity along the waterfront while providing an also unique experience. In particular, the glider seating on the North Porch reinforces the concept of the “porch,” providing leisurely lounge-style seating looking out onto the water, which will become defining elements of the North Porch’s character. Their gliding motion references the gentle rocking of the sea, and the 12-foot masts on either side create a vertical presence on the pier. These masts will fill the space, creating a rhythm that draws visitors down the pier. The gliders are both a visual cue to passersby at the Beekman entrance and iconic features that will be legible from a distance.

Circulation Path

In order to create a greater connection to the water and to gesture toward the history of the pier as two separate structures, the design includes a cut out on the eastern edge of the pier. This cutout interrupts the required circulation connection through the designated waterfront public access area. To link this gap, a door-less path connecting both sides of the circulation path is provided through the public ground-floor space of the building. This path within the building will maintain the same material treatment, decking and guardrail design as the rest of the corridor, providing seamless outdoor pedestrian movement around the cut out.

Lighting

The lighting levels within the North Porch and Fulton Plaza do not meet the average foot candle requirements, if the ambient and façade light from the adjacent buildings is not considered. Both of these spaces are quite large, and would require numerous light poles in order to meet the illumination requirements. However, adding a number of light poles would interfere with the primary use of these areas: a place to enjoy water views, in the case of the North Porch, and a place for flexible programming, in the case of Fulton Plaza. In each case, the adjacent buildings will be in use during the principal hours when the open areas are in use by the public, so this ambient lighting will, in practice, increase the light levels in these open areas.

Other Features

Improved access to the waterfront will also be provided through the building itself, which will be developed at the ground floor with a “street-like” network of walkways. This design will create a more porous building, with several different access paths to the water. These paths through the building will also provide a more direct access path to the North Porch, which, as noted above, will also be accessed by an improved pedestrian walkway from Beekman Street, in the area that is currently a driveway to the building’s loading dock. These several different paths allow for full access to and views of the waterfront.

Performance Stage

The design includes a performance stage of approximately of 24 feet x 32 feet and 18 feet in height, located within Fulton Plaza, adjacent to the platform edge. This stage will partially obstruct the visual corridor (it extends approximately 19 feet into the required visual corridor, as shown on Drawings Z-104A & B) and shore public walkway.

The stage will help to enliven Fulton Plaza and activate the space, which will help to draw pedestrians underneath the FDR Drive and toward the waterfront. Indeed, placing the stage in this location will allow it to be visible from the upland street, which will provide a clear visual signal for the activity occurring on Fulton Plaza. The proposed location will also leave the majority of Fulton Plaza as a flexible open area that can be used for performances, events, and circulation. Moreover, the proposed design also allows for generous waterfront views from Street and many locations within the zoning lot, notwithstanding the obstruction of the performance stage. The required visual corridor is not the only vantage point on the zoning lot from which to view the water: The width of the upland connection along South Street is approximately 137 feet. In addition, an important design goal of the project is to open up greater views of the water, both from within the new building and from the new public access area on the North Porch and the roof.

* * * * *

The Commission may impose appropriate conditions and safeguards to assure that such modifications will achieve comparable physical and visual access to the waterfront or to assure that an approved phasing plan will be properly implemented. Such conditions may include, but are not limited to, deed restrictions, easements or performance bonds.

**South Street Seaport Renovation Project Certification Pursuant to ZR Section 62-811
Attachment #11
Applicant's Discussion of Findings**

62-811

Waterfront public access and visual corridors

No excavation or building permit shall be issued for any #development# on a #waterfront block#, or any other #block# included within a Waterfront Access Plan, until the Chairperson of the City Planning Commission certifies to the Department of Buildings or Department of Business Services, as applicable, that:

- (a) **there is no #waterfront public access area# or #visual corridor# requirement for the #zoning lot# containing such #development# due to the following:**
- (1) **the #development# is exempt pursuant to Sections 62-52 (Applicability of Waterfront Public Access Area Requirements) or 62-51 (Applicability of Visual Corridor Requirements); or**
- Not Applicable
- (2) **the #waterfront public access area# or #visual corridor# requirement has been waived pursuant to Section 62-90 (WATERFRONT ACCESS PLANS);**
- Not Applicable
- (b) **a site plan has been submitted showing compliance with the provisions of Sections 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) and 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS);**

As detailed on the plans submitted with this application, the proposed project complies with the requirements of ZR Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) and also ZR Section 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), except as modified by the authorizations requested pursuant to ZR Sections 62-822(a) and 62-822(b), as described above. Compliance with 62-50 and 62-60 is described below:

Visual Corridors (ZR Section 62-51)

ZR Section 62-511 sets forth a methodology for determining the location of required visual corridors through a waterfront zoning lot. According to this methodology, the street lines of a street shown on the City Map that terminates at a waterfront block shall be prolonged as a visual corridor through the waterfront zoning lot to the water. Such prolongation of a street's lines as a visual corridor is not required, however, if the elimination of this visual corridor

does not result in a condition whereby visual corridors through the zoning lot or to either side of the zoning lot are more than 600 feet apart.

As shown in the Site Plan, Drawing Z-104A and Z-104B, a visual corridor as an extension of Fulton Street is required and will be provided, with a minimum width of 50 feet in width. No additional visual corridors are required through the zoning lot, and therefore the zoning lot complies with Section 62-51 as modified by the authorization.

Waterfront Public Access Areas (ZR Sections 62-52 and 62-61)

The area of waterfront public access required for developments in C4-6 zoning districts must be a minimum of 15% of the lot area. As indicated in Drawings L-303 and L-304, 15% of the lot area of the zoning lot measures 27,180 square feet. The total area of the waterfront public access area provided on the zoning lot is 83,861 square feet, which includes 24,157 square feet within an upland connection, 5,527 square feet within a shore public walkway, 52,535 square feet of pier public access areas, and other interstitial areas. Thus the total amount of waterfront public access area provided is more than three times the amount required. Certain waivers of the design requirements of Section 62-61 are requested as part of this application pursuant to a Section 62-822(b) authorization.

Requirements for Shore Public Walkways (ZR Sections 62-53 and 62-62)

ZR Section 62-53 requires that a 40-foot shore public walkway be provided at the shoreline of the “platform” portion of the zoning lot. As shown on Drawing L-300, a 40-foot-wide shore public walkway is provided in this area, except where obstructed by the stage structure. Certain modifications of the design guidelines of Section 62-62 are also requested, mainly with regard to seating and plantings. The shore public walkway is a relatively small area provided at the point of primary pedestrian access between Fulton Plaza and the pier portion of Pier 17. This area is primarily utilized for pedestrian through-travel to the Pier 17 Building and the public access areas on the pier, and the required amounts of seating and planting in this area would only obstruct foot traffic. Amenities for sitting and contemplation are provided in other areas of the zoning lot. A waiver of these requirements is requested as part of this application pursuant to a Section 62-822(b) authorization.

Requirements for Upland Connections (ZR Sections 62-56 and 62-64)

ZR Section 62-56 requires that an upland connection be provided linking a shore public walkway to an upland street. As shown on Drawing L-300, an upland connection is provided from South Street, where pedestrians cross onto the zoning lot front Fulton Street, to connect to the pier portion of Pier 17. This upland connection is in the form of a single pedestrian walkway (“Type 1”), with a required circulation path of 12 feet in width, although the total upland connection is much larger. At the entrance to the zoning lot at South Street, the upland connection is approximately 137-feet wide, which meets the requirement for a widened “entry area” within 15 feet of the street, in accordance with ZR 62-561(a). As shown on Drawings L-303 and L-304, the upland connection meets or exceeds all design requirements specified in ZR Section 62-64 for circulation and access, seating, and trash receptacles, except for the

requirements of planting and paving. As noted above, this area is the primary entry and circulation area for both Pier 16 and 17. Activating the Link Building also requires leaving this area open for circulation. A waiver of these requirements is requested as part of this application pursuant to a Section 62-822(b) authorization.

Public Access Design Reference Standards (ZR Section 62-65)

ZR Section 62-65 establishes certain minimum design standards for elements located within the waterfront public access areas and visual corridors. Drawings L-303 and L-304 detail how the proposed elements comply with the standards for guardrails and gates, seating, lighting, signage, paving, bicycle racks, and trash receptacles. These elements comply with the requirements of ZR Section 62-65, except with respect to seating, lighting, and trees and planting. The development does not comply with the requirements as to the amount of seating that must be shaded and the distribution of seating between the seaward and upland portions of the zoning lot. In addition, the “North Porch” and “Fulton Plaza” areas do not meet the minimum lighting requirements specified in Section 62-65, if the ambient lighting from the adjacent buildings is not considered in the measurement. The area of the zoning lot is almost entirely on a pile-supported structure, which limits the ability to plant trees. Also, trees would either block the view of the Brooklyn Bridge, or block a circulation path, and as such, are not appropriate for this location. A waiver of the requirements of Section 62-655 is requested as part of this application pursuant to a Section 62-822(b) authorization.

(c) a site plan has been submitted showing compliance with the provisions of Section 62-90;

Not Applicable

* * * * *

A certification pursuant to paragraphs (b) or (c) of this Section shall be granted on condition that an acceptable restrictive declaration is executed and filed pursuant to Section 62-74 (Requirements for Recordation).

Pursuant to ZR Section 62-74, a certification pursuant to ZR Section 62-811(b) requires that a restrictive declaration be recorded against an applicant’s property, which declaration shall include a maintenance and operation agreement with the Department of Parks and Recreation (“Parks”) that defines the applicant’s obligations to construct and maintain the waterfront public access areas in accordance with the plans certified by the Chair of the CPC.

In the case of the proposed project, the property within the zoning lot is owned by the City of New York, and is leased to SSSLP pursuant to a long-term lease. It is not necessary to record a restrictive declaration against City-owned property in order to ensure construction and maintenance in accordance with the certification, as these obligations will be imposed through the City’s lease.