



**WRITTEN TESTIMONY FROM THE ASSOCIATION FOR A BETTER NEW YORK (ABNY) INC.
SUBMITTED TO THE NEW YORK CITY COUNCIL COMMITTEE ON LAND USE SUBCOMMITTEE ON ZONING & FRANCHISES
IN SUPPORT OF THE 250 WATER STREET PROPOSAL**

October 25, 2021

Thank you for the opportunity to submit testimony on behalf of the Association for a Better New York (ABNY). My name is Melva M. Miller, and I am the Chief Executive Officer of ABNY. At ABNY, it is our mission to foster dialogue and connections between the public and private sectors to make New York City a better place to live, work, and visit for all.

ABNY is a nonprofit organization dedicated to the healthy growth and renewal of New York City's people, businesses, and communities. We are a 50-year-old civic organization representing more than 250 corporations, nonprofits, unions, government authorities, and educational, cultural, and health institutions.

ABNY strongly supports the Howard Hughes Corporation (HHC) proposal to develop a mixed-use building at 250 Water Street in Lower Manhattan's Seaport neighborhood. This proposal will transform the full-block parking lot at 250 Water Street into a productive mixed-use development that is consistent with the character of the neighborhood.

The proposal from HHC offers a vital and timely opportunity to bring jobs, economic development, and affordable housing to the Seaport and Lower Manhattan, when it is most urgently needed in the context of the City's ongoing economic recovery from the COVID-19 pandemic.

The plan will generate a substantial additional investment by HHC in the Seaport of \$850 million; create more than 1,600 construction jobs and more than 1,700 permanent jobs in the commercial, retail, and nonprofit sectors; and, importantly, add new patrons to support local businesses and merchants.

Moreover, across New York City there is an urgent need for housing, and this project will bring roughly 270 total apartments with about 80 affordable units at 40 percent AMI, roughly \$45,000 for a family of four.

The community engagement aspect of development is extremely important to ABNY, and this proposal is the result of a robust stakeholder engagement and public review process—one that resulted in project refinements, including lowering the height of the building, increasing pedestrian access to the waterfront, and maximizing community benefits.

As such, the plan has the strong support of local City Council member Margaret Chin and Manhattan Borough President Gale Brewer and counts a host of local residents, local business owners, preservationists, pro-housing advocates, cultural nonprofits, and civic groups among its backers. The building design itself was approved by the New York City Landmarks Preservation Commission, and HHC has pledged to work with the agency to protect nearby historic buildings during construction.

The project also will make possible significant funding for the imperiled South Street Seaport Museum, a beloved anchor of the Historic District, allowing it to restore and reopen its historic buildings and plan for future. This helps further demonstrate that the applicant has proven to be a good neighbor to the community, providing programming and support of local civic groups and making substantial investments in restoration and refurbishment in the Historic District.

In order to spur economic development, to add residential housing near transit and good jobs, to create permanent, deeply affordable housing, and to generate funding for the Seaport Museum, ABNY urges the City Council Land Use Committee's Subcommittee on Zoning and Franchises to support the reasonable land use actions necessary to make this development possible. Thank you so much for your consideration.

From: [Andi Sosin](#)
To: [Land Use Testimony](#)
Cc: [Seaport Coalition groups](#)
Subject: [EXTERNAL] 250 Water Street City Council Subcommittee on Zoning and Franchises
Date: Monday, October 25, 2021 7:18:11 PM

o: New York City Council,
Land Use: Subcommittee on Zoning and
Franchises Oct 25, 2021 - 250 Water Street

This is my testimony:

Thank you for the opportunity to speak. I am Adrienne Sosin. I live in Southbridge Towers, and for everyone who lives in this formerly Mitchell Lama development, it remains affordable housing for 1650 families who will be adversely affected by the noise and dust of construction for many years and to the loss of daily sunlight forever.

I must bring your attention to why to pause 250 Water Street, to not hastily move forward a project that will ultimately harm New York City more than it would ever help. What is being discussed is a fraud and theft of public property, but legally – namely the Historic Seaport District, the unique and irreplaceable national treasure is imperiled by real estate interests seeking an inappropriate tower of luxury condominiums, that will threaten the foundations of the surrounding historic buildings, one of which was evacuated for instability just this week, to break the zoning precedents. The rezoning and lease applications create a geographical fiefdom for a single private property owner, in this case Howard Hughes, that will privatize public spaces beyond when any of us is alive. The oversized building that the Howard Hughes Corporation has applied for has implications that are being overlooked in the haste and priority the Mayor's administration has awarded it.

What is most immediately important is the danger to public health posed by this rush. 250 Water Street is a toxic nightmare. The parking lot borders both the public Peck Slip Elementary School and the Blue School serving hundreds of families, "sensitive receptors" residents now imperiled by Howard Hughes' threat to break through the site's protective cap almost immediately upon

receiving approvals, exemplifying the shock doctrine applied to a local community. Their plan does not even consider COVID protocols. The parents and community appeal to everyone to stop this excavation before safety is insured adequately.

The Seaport Coalition, which is a local volunteer alliance of parents, residents and historic preservationists brought together to support livability and long term neighborhood viability opposes this project. Community Board 1, elected officials, dozens of organizations and almost 10,000 individuals have petitioned and testified against 250 Water St. Please listen to the people.

Please do not be complicit in this vulture capitalism scheme to defraud the City of its assets. Please consider the need to protect the school children, residents, and visitors to the Seaport from hasty exposure to dangerous toxins, a developer whose plans do not represent the public interest. Howard Hughes and their advocates are rushing to endanger everyone to achieve its profit goals. Please do not approve these applications. In fact, I call on you to actively advocate for the defeat of these applications at this time.

Thank you.

Adrienne Andi Sosin, Ed.D.

From: [Adrienne Sosin](#)
To: [Land Use Testimony](#)
Subject: [EXTERNAL] Vote No on 250 Water & SoHo/NoHo/Chinatown Upzoning Plan
Date: Friday, November 5, 2021 10:20:40 AM

To the City Council:

I strongly urge the City Council to vote no on BOTH 250 Water St AND the disastrous SoHo/NoHo/Chinatown upzoning plan. This proposal would fulfill none of its affordable-housing promises, as it actually makes it more profitable to build without affordable housing than with. It will create huge incentives for destroying the hundreds of existing units of rent-regulated and loft-law affordable housing in the neighborhood, disproportionately occupied by lower-income, senior, artist, and Asian American residents, many of whom would be displaced. It will push out arts and any other small businesses with its allowance for giant big-box retail of unlimited size. It will encourage grossly oversized development up to 2.5 times the size current rules allow, and more than 2.5 times the size of average buildings here now. It will encourage the destruction of historic buildings, and allow developers to add luxury condos and apartments with no affordable housing so long as they don't exceed 25,000 sq ft per zoning lot. Even in this relatively wealthy neighborhood, new development even with the 25–30% “affordable” housing will still overall make the neighborhood richer, less diverse, and more expensive, as the new market-rate units would be so expensive and the “affordable” ones unaffordable to even a significant share of residents here.

The City has consistently lied about the impact the rezoning would have and who would be hurt by it. It's the lower-income tenant-renters, artists, seniors, and Chinatown residents who will be most hurt. Neighbors support an alternative plan for real affordable housing without displacement, oversized development, and big-box chain stores. Vote no.

Regards,
Adrienne Sosin

New York, NY 10038

From: [Liscio, Alex](#)
To: [Land Use Testimony](#)
Subject: [EXTERNAL] 250 Water Street
Date: Friday, October 22, 2021 9:16:35 AM
Attachments: [image877789.png](#)

Good afternoon. My name is Alex Liscio and on behalf of Brookfield Properties I am pleased to provide our enthusiastic support for this very important project. It is our view that the Howard Hughes Corporation's proposed development at 250 Water Street will be an outstanding addition to the Lower Manhattan community via the transformation of a 50-year-old parking lot with no historical significance into a sustainable mixed-use development that will further enhance the historic Seaport District.

In addition to dramatically improving the surrounding streetscape, this project will also create ~~thousands of jobs~~, introduce over 70 affordable apartments and help facilitate the reopening of the South Street Seaport Museum.

Brookfield has a long history of collaborating in New York with the project's architect, SOM, and it is our position that the recalibrated design is both understated and highly appropriate relative to the South Street Seaport Historic District.

We appreciate City Council's consideration, and we look forward to welcoming 250 Water Street to the Lower Manhattan community. Thank you

Alex Liscio

Senior Vice President, Asset Management | U.S. Office Division

Brookfield Properties
Brookfield Place New York
250 Vesey Street, 15th Floor, New York, New York 10281
T +1.212.417.7026 | M +1.917.344.9696
Alex.Liscio@brookfieldproperties.com

www.brookfieldproperties.com

Brookfield
Properties

View important disclosures and information about our e-mail policies [here](#)

From: [Bob Ghassemieh](#)
To: [Land Use Testimony](#)
Subject: [EXTERNAL] Support for 250 Water
Date: Monday, October 25, 2021 1:25:21 PM

My name is Bob Ghassemieh and I represent the ownership of the hotel commonly known as Mr C Seaport located very close to 250 Water on the corner of Peck Slip and Front Street. Our group owns the real estate in addition to operating hotel business located there, which hotel business is one of the largest employers in the Seaport District. We strongly support the proposed development. Us property owners are very lucky to have an organization like the Howard Hughes Corporation who have spent billions improving our community and making it a desirable place to live, work and visit. Their investment and developments have been carefully thought out and well planned and have allowed the Seaport to be competitive with other parts of Manhattan and Brooklyn. As we all know the Seaport was quite dilapidated just as recent as 7/8 years ago but it has significantly improved in all facets mainly from Howard Hughes's vision and commitment to the neighborhood. The 250 Water project is appropriate in design and scale and will only further improve the viability and longevity which us property owners and businesses need to survive and compete. The mixed use development will boost economic development, add much needed residential housing near public transit (both affordable housing and market rate housing) and create the valuable jobs this city desperately needs as we try and surface from COVID. Of course the museum will bring a cultural draw to the Seaport which Howard Hughes is funding in association with the development. We are one of the closest large properties and businesses next to the parking lot and it's an eyesore and is in need of improvement. Howard Hughes has proven to be a responsible developer and we are lucky it is them leading the construction. We all know construction can be disruptive temporarily and few property owners are as impacted based on proximity as we will be but it is still the right decision to approve the project and improve our Seaport community. Thank you!

From: [Caroline Miller](#)
To: [Land Use Testimony](#)
Subject: [EXTERNAL] Testimony Re: 250 Water Street, Oct 25, 2021 Hearing
Date: Sunday, October 24, 2021 11:28:50 AM

Testimony in OPPOSITION to the 250 Water Street project

New York City Council Land Use Subcommittee on Zoning and Franchises
Hearing Oct. 25, 2021
From Caroline Miller

My name is Caroline Miller. I live at 275 Water Street, in the South Street Historic District. Let me start by saying that. I do not have a view that will be ruined by the building proposed for 250 Water Street.

Although the developer and its supporters would like everyone to believe that the opposition to this project is based on self-interest, there are in fact many people who want to see historic districts in this city protected from high rise development that depends on BUSTING ZONING HEIGHT LIMITS and the transfer OF PUBLIC AIR RIGHTS INSIDE the historic districts that were designed to be transferred outside it .

There are many people who don't want to see the entire island of Manhattan turned into a homogenous mass of luxury residential and office towers. Despite the glut of luxury apartments and offices all over the city, these projects are sold to city officials by dangling a few affordable apartments on the lower floors. (In this case, of course, HHC has also been dangling money for the Seaport Museum, even though the amount is declining before our eyes (as promises of public amenities tend to do). And it's questionable whether this money for the museum is even legally attached to the 250 Water Street Project.).

Then we learned that in order to accomplish this air rights slight-of-hand, the Hughes Corp is asking to add several of the main streets in the Seaport to the areas it controls, to ANNEX parts of Fulton, Front and Water Streets to connect Pier 17 to 250 Water Street via some vague kind of "spine."

I oppose the transfer of air rights to this non-receiving lot, shattering the contextual height in the historic district. I oppose granting control of those demapped streets in the Seaport to HHC. This is a wrong-headed project that would, in essence, be using city created air rights and public streets and solidify HHC's control on this area – in a strategy the company likes to call "monopoly control" of a community it's developing . It would effectively remove 10

percent from this already tiny low-rise HISTORIC district (which, trust me, is not the site of any of New York's more expensive homes). And it would lay the groundwork for HHC, and/or someone else, to find the next vulnerable, "underutilized" lot in this or some other historic district.

It begs credulity to say that it doesn't set a precedent or it's a "unique" situation, as HHC has argued. In fact there are aggressive moves being made.

I am especially offended that the Hughes Corp. is taking advantage of the fact that every other new construction project in the historic district has complied with zoning height limits to preserve the low-rise character of this small area. The unobstructed views that the developer will be featuring in their high-floor luxury apartments are only possible because all other developers have complied with the law they are seeking to violate.

Caroline Miller
275 Water Street Apt [REDACTED]
New York, NY 10038

**Testimony of Catherine McVay Hughes before the New York City Council
Monday, October 25, 2021 at 10:00AM— Virtual**

**A parking lot. Application is to construct a new building at:
250 Water Street - South Street Seaport Historic District
Manhattan - Block 98 - Lot 1, Zoning:C6-2A, CD: 1
and
89 South Street (aka 175 John Street) - South Street Seaport Historic District
Manhattan - Block 74 - Lot 1 Zoning:C5-3 CD: 1**

Good morning. My name is Catherine McVay Hughes, I served on Manhattan Community Board 1 for 20 years, half that time as Chair or Co-chair. I have lived downtown since 1988.

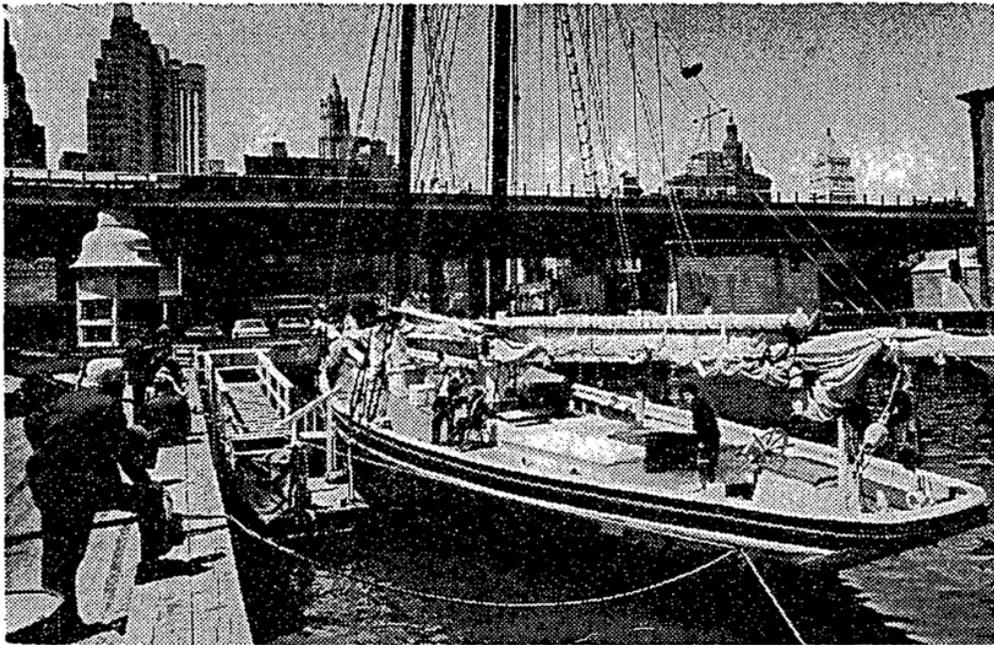
For all those 33 years, 250 Water Street was an urban blight, and nothing was done. It's great to see change coming at last. As someone who cares about our neighborhood and is committed to its future, here are seven facts about this proposal:

1. 250 Water, an eyesore, replaces a 50-year-old parking lot, with a beautiful building designed by a world-renowned architect
2. It removes a contaminated brownfield that has threatened the neighborhood for more than a century
3. It restores affordable housing lost when Southbridge Towers went private
4. It brings new residential customers to the restaurants and small businesses of the neighborhood
5. It provides new facilities for schools including a play street and community center
6. It creates a new future for the South Street Seaport Museum, its vessels & collections, and its education mission
7. It demonstrates a billion-dollar commitment to lower Manhattan post COVID and post-Sandy, a transformative investment that echoes and expands on the recovery of downtown after 9/11.

This project provides amenities that we have needed for decades, at a time of significant budgetary constraints.

When the Seaport District was created in the 1960s, with the South Street Seaport Museum at its heart, the city planners included in the district the nearby blocks of Lower Manhattan specifically for redevelopment — not for preservation — to support the Museum and the District for the long term. The article from May of 1969 attached to my testimony confirms this. Now is the time to execute on this vision, seize this unique opportunity, and support the 250 Water Street project, the right project at the right time. Thank you.

Affiliations (for purposes of disclosure): Catherine McVay Hughes served as Manhattan Community Board 1 Chair, Governors Island Trustee, Earth Institute at Columbia University Advisory Board, NY Rising Community Reconstruction Program for Southern Manhattan Co-Chair. She is currently a member of the Board of Directors for South Street Seaport Museum, Battery Park City Authority, CERES Presidents Council, Lower Manhattan Development Corporation, WTC Scientific Technical Advisory Committee, Princeton University School of Engineering and Applied Science Andlinger Center for Energy Environment External Advisory Council, Princeton Climate Institute, Storm Surge Working Group, Climate Coalition for the Seaport-Financial District and Financial District Neighborhood Association. She holds an MBA from the Wharton School of Business and a Bachelor of Science degree in Civil Engineering from Princeton University.



NEW "OLD NEW YORK": Gloucester fishing boat being exhibited at South Street Seaport yesterday. Area, part of waterfront restoration plan, is near the Brooklyn Bridge.

The New York Times (by Patrick A. Burns)

Planners Back South Street Seaport

By EDWARD C. BURKS

It was all fair weather and clear sailing yesterday for the South Street Seaport restoration in Lower Manhattan as it came before the City Planning Commission for approval.

The planners approved the urban renewal plan for the 12-block area known as Brooklyn Bridge South East, of which a large part will be a restoration of early nineteenth century waterfront.

The over-all renewal area, about 38 acres, extends from Dover Street in the shadow of the Brooklyn Bridge on the north, southward to John Street, and from the waterfront back to Pearl Street.

It is the area in the vicinity of the Fulton Fish Market that is scheduled for restoration to its nineteenth-century seaport flavor. Many old structures in that area are to be refurbished by private interests, especially the blockfront of buildings on the south side of Fulton Street known as Schermerhorn Row.

When the fish market moves to the Bronx, its block, just north of Schermerhorn Row, would be cleared as an open waterfront square, and many

early nineteenth century buildings nearby would be restored.

The South Street Seaport Museum, a tax-exempt corporation that plans to develop the "old New York" port area, told the commission that it already has financial backing for buying up at least 70 per cent of the required properties.

The seaport restoration project covers about 4½ blocks of the total renewal area. The blocks to be restored to their appearance in the sailing ship era are bounded by Peck Slip on the north and John Street on the south and either Water or Front Street to the west.

The rest of the renewal area will be given over to modern uses—high-rise apartments perhaps 25 to 35 stories tall for 2,000 to 2,500 residents on the north side of the renewal area, north of Peck Slip and about four blocks of commercial and office buildings.

The commission announced its approval of the renewal plan after being assured of the economic viability of the museum project. The developers emphasized that the waterfront restoration will not be an old-style museum but an active commercial operation, with res-

taurants and waterfront-connected shops in the rehabilitated structures.

Several old-time sailing ships are to ride at anchor at three piers as permanent "exhibits" of the South Street Seaport. Already a Gloucester fishing vessel and Ambrose light ship are there.

Both the developers and the planning commission look toward the eventual depression of Franklin D. Roosevelt drive in that area to permit an unobstructed view of the restored waterfront area.

Schermerhorn Row was designated as an official landmark by the city last December, but the real-estate developing firm headed by Sol G. Atlas and former City Corporation Counsel John P. McGrath, which owns most of the row, has sought to upset that designation through court action.

The seaport developers indicated yesterday, however, that the Atlas-McGrath firm might now be willing to drop its opposition.

The City Planning Commission action on the renewal area is subject to final approval by the Board of Estimate, probably in July.

From: [DAVID SHELDON](#)
To: [Land Use Testimony](#)
Subject: [EXTERNAL] 250 Water Street
Date: Monday, October 25, 2021 11:11:44 AM

Pershing Square, the hedge fund of New York billionaire Bill Ackman, is the single largest stockholder in the Howard Hughes Corporation. Howard Hughes as we know today is the Economic Development Corporation's chosen developer of the South Street Seaport Historic District. I ask: Why does our city seem determined to make Bill Ackman richer? I also wonder if Mr. Ackman has been given good reason to believe that the developer will do well in New York. It will be interesting to watch the revolving doors between our city government, the EDC, and private capital.

What then, will be the future of New York's South Street Seaport?

Here was once New York's fabled Street of Ships. Here was the New York of Whitman, and of Melville. In our own century here was the waterfront of Mitchell, the studios of Rauschenburg and Johns and so many others. Here was the feisty Fishmarket that roiled at 4 AM and had happy hour at breakfast.

It's gone.

But to preserve what we could, our own City established this Historic District, the first of its kind, to keep this irreplaceable portion of our city alive. We would keep it, preserve it, not only in buildings and in artifacts, but in ships and in the crafts and practices of their day, and in the lively commerce of a New York neighborhood just a bit skewed toward another century.

This is the plan.

Air rights were established that could be sold to sites outside the District in order to support the District itself while maintaining its low scale environment.

This is the plan.

After many disputes over what could be accepted as an appropriate height for new construction within the Seaport Historic District, all parties agreed on a height limit included as part of the zoning code.

This is the plan.

Now, our own Economic Development Corporation seems to be selling our Seaport not to the highest bidder, but to the only bidder it will hear from, the Howard Hughes Corporation. What do we see of this developer's scheme for the South Street Seaport?

Start with the Orwellian rebranding of the South Street Seaport Historic District itself as “The Seaport District.” Then take a walk from Pier 17, newly rebuilt, and unable to accommodate the tall ships that even recently thrilled the area with their arrival. Listen to the roof’s concert sound system that we were promised would not be audible. Walk then past the Cadillac car lot at the foot of the pier. From there, walk past what is now Sarah Jessica Parker Shoes at the corner of Fulton and South Streets. Nothing says maritime history like a pair of glittery spike heels.

Continue up Fulton Street past the array of DJ speakers that now dominate what is left of the pedestrian mall not taken up by the Sapphire Lounge. Continue on to 250 Water Street. Here, the developer’s luxury housing will provide the synergy it boasts of to its stockholders, a marriage of hi-end residential with what it calls “aspirational shopping” in a setting of “monopoly-like control.” That it’s grotesquely out of scale is obvious. That’s its impact of the Historic District will be destructive is all too clear in the larger context of the developer’s scheme.

Where is the beating heart of the District, the South Street Seaport Museum? Squeezed of resources for years between the EDC and the developer, the Museum is now held hostage. We hear from all quarters talk of the windfall due the Museum if the developer’s plans are approved. That’s all it is, still, is talked about.

In fact, revenue from the sale of District air rights, to any developer, for sites outside the District, could equally provide such a windfall.

I ask this committee what it intends for our Seaport Historic District. I ask this committee to stick to the plan. Don’t fall for the scam.

Sent from [Mail](#) for Windows

From: [FIDi Families](#)
To: [Land Use Testimony](#)
Subject: [EXTERNAL] In Support of 250 Water Street (Clean Up and Building on 250 Water)
Date: Monday, October 25, 2021 10:26:52 AM

To Whom it May Concern:

I would like to voice my support of the clean up and building on 250 Water Street. I

strongly urge the City Council to support and approve the land use actions necessary to make 250 Water Street possible. The parking lot at 250 Water Street has been an unsightly eyesore for over 50 years. The building design has been restructured many times, with the input by local community leaders, residents and stakeholders. The new design has been approved by the NYC Landmarks Preservation Commission, and it is respectful of history and its urban context. Not to mention, it will dramatically enhance the neighborhood and the Historic District. In addition to the enhancement of the neighborhood, the clean up and the new building at 250 Water Street, will assist the many businesses in the Seaport and throughout our City; this neighborhood is struggling, and this project will bring needed new customers to local restaurants and retailers.

The 250 Water Street project will make possible significant funding for the struggling South Street Seaport Museum, an essential component and anchor of the Historic District. With this funding, the Museum will be able to restore and reopen its historic buildings and plan for future expansion in the heart of the Historic District. The Seaport Museum is a hidden gem and over the years has been a great destination for my family and for my children who attended their Seaport Museum Mini Mates program, had field trips there and participated in an after-school program, which was supported by HHC. It is important to save the South Street Seaport Museum and bring it back to life.

As a local resident, parent and business owner, I am someone who has witnessed the transformation of the Seaport, over the last 20 years and I look forward to the future development of 250 Water. I also greatly appreciate the community-building efforts of HHC and their willingness to revise the proposed structure, height and

timeline. HHC continues to support our schools, as recently as last weekend, with sponsorship of the Taste of the Seaport, which raises money for enrichment programs at Peck Slip and Spruce Street Schools. Their engagement with the downtown community continues to improve the school experience for over 1,000 public school students. Their community efforts continue, even as some have been against the project. The organization continues to support local non-profits such as the Fulton Street Market and continues to host fun events such as community concerts, and holiday events, which all lead to increased visibility of this amazing neighborhood. Their support and engagement is appreciated by the school kids that have thrived, non-profits that receive financial and on-the-ground support and NYC-based businesses in Lower Manhattan and beyond. There are many reasons to support the efforts to clean up and develop a mixed-used building at 250 Water Street. Creating a safe and healthy neighborhood for all to enjoy, is just one reason. Therefore, I'm happy to offer my support and represent many others from Lower Manhattan, who feel the same and support the efforts of HHC to improve the Seaport.

Thank you,

Denise Courter

Parent-Business Owner-Homeowner

Denise Courter
C: 917-513-0011
Founder of [FiDi Families](#)
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Follow on [Twitter](#)



From: [Anna Frenkel](#)
To: [Land Use Testimony](#)
Subject: [EXTERNAL] Written Testimony from Ernest Tollerson - Oct. 25
Date: Monday, October 25, 2021 3:06:52 PM

NYC Council Subcommittee | Re: 250 Water Street | EJTH's Testimony | 10.25.21, Monday

Good afternoon, my name is Ernest Tollerson.

I'm on the board of the South Street Seaport Museum and I've lived in Lower Manhattan, or what ought to be called New Amsterdam, for 40 years.

Without the museum's pier-side and landslide treasures, New York would have a difficult time unpacking the phenomena, people and forces that turned a sleepy trading outpost into a world city. The museum's assets are what makes this historic district come alive.

As a trustee with the fiduciary responsibility to rebuild the museum's sources of recurring operating revenue, I have a deep and abiding interest in the community-benefits fund that would be created if the 250 Water Street site is developed.

Frankly, revenue from any kind of commercial activity within the South Street Seaport Historic District, including revenue from any new land-use development, should, indeed must, provide financial support for the museum and its mission to tell the unvarnished truth, the good and the problematic, about the rise of New York from the 1600s till today.

As the conscience of your constituents, the City Council has the power to resuscitate a bedrock principle of this historic district, which was created after the birth of the museum and was intended to support the museum as the historic district's anchor institution.

As the city's legislature, I hope that you choose to breathe new life into this foundational principle: again capturing new sources of commercial revenue within the South Street Seaport Historic District to support and advance the museum's mission.

If a viable development proposal emerges from the ULURP process, the museum and affordable housing should be the primary beneficiaries of community-benefit funds. Those funds will not only ensure that this museum exists to tell the unvarnished truth about New York, it will also prevent this historic enclave from being disfigured by the geography of nowhere.

In short, the community-benefits fund should prioritize two smart and worthy investments, restoring the financial stability of the South Street Seaport Museum and building affordable housing in a neighborhood that sorely needs it. Thank you.

Best,
Ernest

--

Anna Frenkel | Vice President for External Affairs

afrenkel@seany.org | Office: (212) 748-8731



From: [James Kaplan](#)
To: [Land Use Testimony](#)
Cc: [James Kaplan](#)
Subject: [EXTERNAL] 250 Water Street
Date: Friday, October 22, 2021 10:19:40 AM

My name is James S. Kaplan. I am the Chairman and Past President of the Lower Manhattan Historical Association, which is a consortium of various historical groups in Lower Manhattan, including the Fraunces Tavern Museum, the New York Veterans Corps of Artillery, the Museum of American Finance and various patriotic groups such as the Sons of the American Revolution, the Daughters of the American Revolution and the Colonial Dames of America.

I am speaking on behalf of my self in support of the proposal of the Howard Hughes Corporation for 250 Water Street.

I remember almost 50 years ago when I began working in Lower Manhattan in the 1970's and things were much worse economically how the South Street Seaport Museum and it 1976 Parade of Ships showed us how perhaps things could get better. I remember particularly how the concerts at Pier 16 with performers such as Peter Paul and Mary, Pete Seger , Joan Baez, Bob Dylan and Oscar Brand inspired us to believe that the City could recover from its economic and psychological doldrums. In fact things did get better in Lower Manhattan creating the developments which are here today.

I understand that the South Street Seaport Museum and Pier 16, once a great cultural center have now fallen on hard times and funds are needed to revive it. There is now fighting over zoning that has stunted its development and this project might provide that funding. I have now sat through and testified at five public hearings on this subject. From my perspective the focus has been on what is and the failures of the recent past, but I urge you the members of the City Council to focus on not the recent failures, but what once was and what could and should be. Let us rebuild the great cultural and historical center which once stood here on the East River to an even greater one in the future. In our view, more than even finance, the future of Lower Manhattan is as a great tourist historical and culture center, which as the great historian Kenneth Jackson testified at one of these hearings, should be second to none in the world. We have never in the fifty years I have worked on Wall Street begrudged letting a private developer make some money from a project in which he invests.

Our organization the Lower Manhattan Historical Association, this July 4 ran for the first time since the pandemic our July4 march through Lower Manhattan ending at the Pier 16 at the South Street where the folk singer Linda Russell and the Hudson River Story teller Jonathan Kruk performed. You may not know Linda Russel or Jonathan Kruk but I would put them up against Pete Seeger and Peter Paul and Mary any day., and I urge you to look at the video on our website. In their performances, I saw the past, but more importantly I saw the future. We can have a great cultural and historical center here on the East River again. I say to the mothers who have so eloquently opposed this project at these hearings do not deprive you children of the benefits which I had in my 20's years ago, and I believe it is the children of the Peck Slip school and others throughout the City who will ultimately benefit more than I from what you do here today.

I urge you to support this project.

James S. Kaplan
Chairman & Past President,

Lower Manhattan Historical Association

I'm Jay Hellstrom. I live at 273 Water Street a half block from the Howard Hughes project at 250 Water. I am submitting this as my written testimony, since my oral testimony was interrupted and then completely cut due to internet issues.

To the members of the City Council: The Seaport needs your immediate attention and a commitment to turn down this project. The choice is between rejecting a precedent-setting 200 foot zoning variance and the eventual demise of the Historic district itself. The choice is NOT between saving the Museum and building the building. Those are false choices. Whether the building is built or not, the city can save the Museum. The 2 are not connected.

You can, right now, preserve our historic district, a cultural and economic engine, where we and the world can see the birthplace of Modern New York City. Or... you can open the floodgates to a multitude of variances, contrived street abandonments and dubious precedents.... for what? Just another luxury generic tower with no legal commitment for affordable units, that will jump-start the demise of the Historic Seaport district.

Already in the neighborhood we see evidence of this anticipation of breaking the zoning. Water Street with its row of 18th and 19th century buildings in their true setting, is showing a sad glimpse into the future of its demise. Two large abandoned buildings at each corner of our block, recently put on the market, have been left to run down..... with broken windows and graffiti, just waiting to be developed maybe many stories higher, as soon as 250 Water goes up. And who testified for HHC at every hearing???... 4 downtown developers.

Gayle Brewer and Margaret Chin are trying to save a Museum but risk ruining the Historic District that the Museum is supposed to steward..... This, in league with Howard Hughes Corp, who lied about making a \$50 million donation to save the Museum. While basking in applause for being so generous, HHC invented a scheme to get the CITY to give the money to the Museum. And HHC says the Museum won't get any money unless their demands are met for a variance 204 feet over the 120 foot zoning that the community, elected officials and C B 1 worked for months to enact into law.

Years from now when the Historic district is just another ordinary bunch of tall buildings, and nobody comes here because it's not different, lacking light and air and they can't find the historic part, the demise of the Seaport will be on your backs. You as Council Members don't owe HHC your vote at all because THEY aren't paying the \$50 million to the Museum. The CITY is and can do that whether or not this building is built. They are two completely separate things.

HHC broke the deal. Vote no!



--- Submission - via email landusetestimony@council.nyc.gov

To: New York City Council, Land Use: Subcommittee on Zoning and Franchises

From: Joanne Gorman,
Joanneg95@gmail.com
on behalf of *Friends of South Street Seaport*

Re: Oct 25, 2021 Hearing - **250 Water Street**

CEQR No. 21DCP084M - Final Environmental Impact Statement (FEIS)

Related applications

CPC: 2021M0224 ULURP and non-ULURP related actions - 250 Water Street
(C210438(A) ULURP amended Aug 2, 2021; LPC-CofA updates - 250 Water

These comments relate to the required environmental impact review for the Howard Hughes Corp. (HHC) proposed development at 250 Water that was determined to have significant negative impacts on the environment. Many aspects are covered in related ULURP testimony and are not repeated here.

The comments follow on the *Notice of Completion [NOC] of the Draft Environmental Impact Statement (DEIS) - 250 Water Street*, CEQR No. 21DCP084M, May 17, 2021¹, inclusive of the *Technical Memorandum*² of Aug 17 2021 which references the amended 250 Water ULURP (C210438(A) ZSM) that incorporated modifications tied to the May 4, 2021 Landmarks Preservation Commission HHC approved design of a 324 ft tower at the 250 Water site.

NY City Planning held a public hearing on Sept 1, 2021 on the DEIS along with the related ULURP hearing for 250 Water Street.

On Oct 8, 2021, NYC Dept of City Planning (DCP) issued a *Notice of Completion for a Final Environmental Impact Statement (FEIS)* for 250 Water Street. The Notice and the FEIS itself were slightly modified on Oct 10, 2021 to reflect a small number of comments and responses.

¹ Notice of Completion of the DEIS – 250 Water Street; May 17, 2021

<https://www1.nyc.gov/assets/planning/download/pdf/applicants/env-review/250-water-street/noc-deis.pdf>

² **Technical Memorandum 001 – 250 Water St; Aug 17 2021; CEQR No. 21DCP084M**; ULURP Nos. C210438ZSM, C210439ZRM, N210441ZAM, M130053(B)ZSM, C210445ZAM, C210438(A)ZSM

<https://www1.nyc.gov/assets/planning/download/pdf/applicants/env-review/250-water-street/tech-memo-001.pdf>

Land Use, Zoning, and Public Policy

p.8 (NOC) "A detailed assessment determined that the Proposed Project would not result in significant adverse impacts on land use, zoning, or public policy."

As the Proposed Project has direct bearing on and relevance to the roles of City Planning and other city agencies in a very controversial proposal that will directly impact land use, zoning, and public policy, I strongly disagree with the above statement.

In terms of environmental impact, little has changed over the intervening months since the Dec. 17 2020 CPC hearing on the *Draft Scope of Work* for the DEIS.

HHC's latest design does little to address the significant adverse impacts that this project poses to the environment.

With regard to public policy - in seeking to bend zoning and exploit public assets to its own purpose, HHC would, if successful, undermine the role of city planning, and promote distrust in our city agencies in general. By waving the banner of affordable housing and dangling a deceptive 'contribution' of funding for community benefits, it gets 'political cover' and a pass on rules it doesn't want to abide by.

The tower that HHC / 250 Seaport District, LLC now proposes to build on the 250 Water site would rise to a height of **324 ft**, almost 3x the 120 ft height allowed under the C6-2A contextual zoning of the **South Street Seaport Historic District**.

The proposed project lies within an 18th and 19th C landscape of low-scale buildings - a scale that was recognized as a defining quality in the *1977 South Street Seaport Historic District Designation Report*.

250 Water lies within a 10-block area that was purposefully down-zoned in 2003 after considered planning and concurrence by city agencies, Community Board 1, civic groups, elected officials, business leaders, preservation and community representatives.

It is a unique setting that the Howard Hughes Corp wants to capitalize on by building a skyscraper that doesn't belong there. To accomplish this, HHC is going to great lengths to get around zoning and public asset framework put in place to protect the Seaport from just such development.

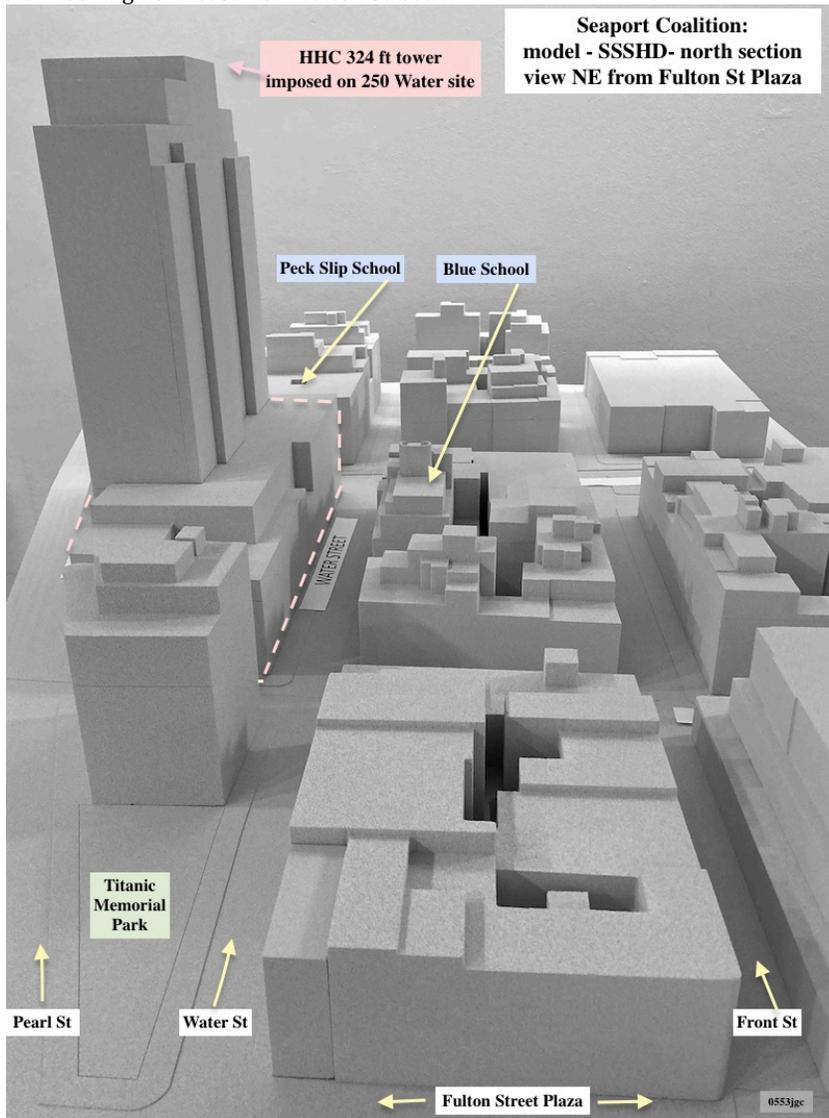
It would require changes to planning regulations and guidelines put in place over many years of careful consideration for this special city, state, and national historic area - including zoning and landmark concerns - all to serve a single developer's interests.

In the DEIS Notice of Completion (NOC), under G-Probable Impacts of the Proposed Project / Land Use, Zoning, and Public Policy, there is a statement that redefines the meaning of comparable scale and respectful development. p. 8 NOC:

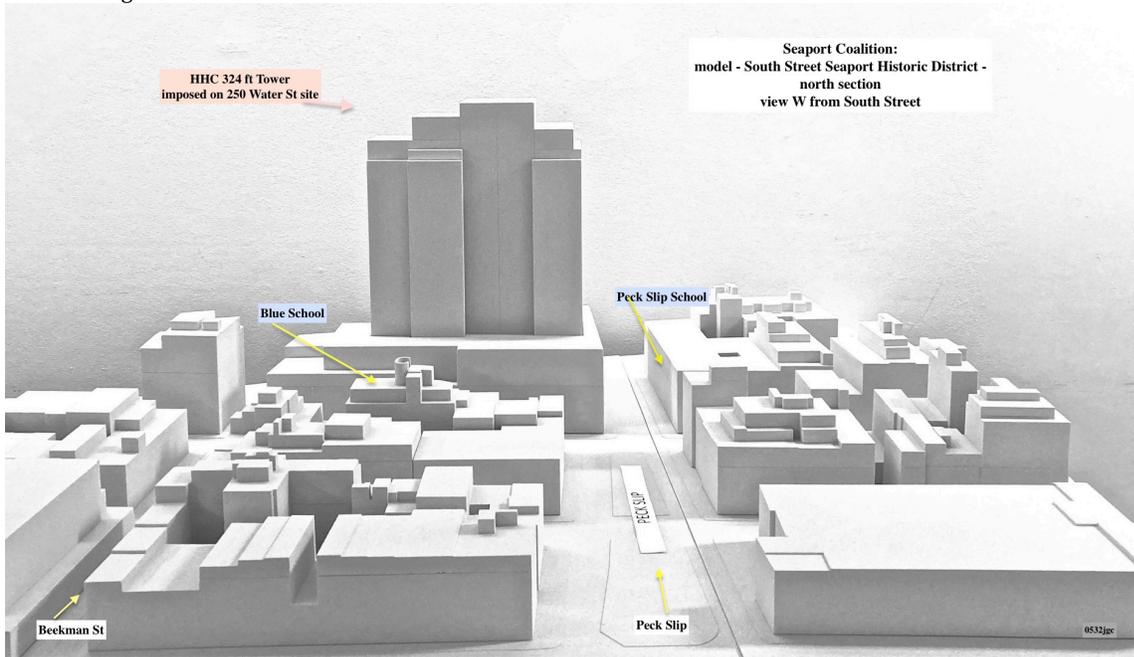
“... the proposed building would be of a comparable scale to other buildings in the study area while being respectful of smaller scale buildings nearby.”

Model of the South Street Seaport Historic District with the proposed “LPC contextually appropriate” 250 Water tower (324 ft) superimposed on the 250 Water site that lies within the Seaport’s protected bounds

View looking northeast from Fulton Street



View looking west from South Street



p.7 (NOC) Future Without the Proposed Project

Not wanting to open the door to possibilities it didn't want anyone to envision, the Howard Hughes Corp. chose not to present even one of any number of designs that would respect the Seaport's scale.

The Seaport has many examples of new buildings from the 20th and 21st centuries that meld in with their historic neighbors. They are clearly identifiable as new, yet they exist in balance with the old, and do so while staying within the contextual zoning height limit, and maintaining a scale and character that neither dominates nor destroys the feel of what draws individuals to the Seaport.

It is also important to note that any new building on the site could introduce mixed-uses containing both market-rate & affordable housing, retail, office & community spaces.

It would include construction jobs, permanent full and part-time jobs post-development, foot traffic to the neighborhood; it could include a mix of residents and appropriate new retail opportunities.

A building within the existing zoning envelope of 120 ft in no way precludes any of the above,

--- AND it would not come at the cost of undermining an historic district, undermining planning by manipulating zoning rules, and exploiting our public assets.

Reasonable Economic Return

At the time of the historic district's rezoning to C6-2A with a 120ft height limit, a 2002-3 NYC EDC Study was undertaken. It concluded that a building built within the 120' height limit could provide a reasonable return on investment.

And yet, there is no attempt to analyze the current economic environment that might prove that an as-of-right build may be even more appropriate today, where a glut of high-end residential units are being held back from the market, and the office work environment post-covid is undergoing a real change, with many individuals looking to continue working remotely, at least part of the time.

* * *

The DEIS review categories and comments

1. **Land Use, Zoning and Public Policy** (additions to NOC comments above) – EIS descriptive text³: The proposed actions would alter existing land uses and zoning by allowing an increase in development on the development site beyond that currently permitted under existing zoning. In addition, the effects of the proposed actions may not be compatible with one or more of the public policies that are applicable to portions of the study area.

The Seaport Historic District is recognized worldwide for the historic and cultural contribution it makes to our heritage. It brings value to surrounding areas, and is an economic draw for visitors.

It is important to ensure that policies put in place to protect the Seaport are not undermined. Allowing an out-of-scale tower to set root within the district's bounds to loom over, dominate and confuse the district's purpose would be the first, but not the last attempt at other destructive land and air grabs, within and outside the Seaport.

There is a name for allowing a developer to effectively buy its way into zoning changes to further its own self-interests under the ruse of providing community benefits, and it is not 'planning'.

2. **Socioeconomic Conditions** – The proposed actions are not expected to result in the direct displacement of residents or businesses. However, the proposed actions would introduce approximately 338 new dwelling units and approximately 247,846 gsf of new commercial uses that would result in a substantial population increase.

p. 8 NOC: "...the incomes of the project population would be similar to and **less than** the study area's existing average household income." [emphasis added]

This statement begs the question: What is the source of this data and what study area was actually considered, because the statement makes no sense.

The proposed building would have luxury condos, which would rival the wealthy FIDI area to the south and west in household income, and likely exceed it in most instances. The site has NYCHA housing directly to the north above the Brooklyn Bridge, moderate to middle income at Southbridge Towers (SBT) to its immediate west across Pearl St, low-income supportive housing at St Margaret's House, also across Pearl St next to SBT.

The threat of luxury tower developments on surrounding middle and low-income housing and the businesses supporting them is a reality we have seen in many upscale developments.

Indirect residential displacement is a real after effect of luxury intrusion on middle and low-income areas– property values go up, but so do property taxes. The costs of living rise as an area starts catering to a new, wealthier, mobile clientele where one home is just one of many, and connections to a single place are fleeting.

³ The EIS descriptive text, after the category heading, is from the DCP Nov 16, 2020-*Positive Declaration*

The loss of existing low and middle-income families with long-standing and well-integrated roots in the community does not necessarily happen all at once, and because the impact is not immediately felt, it does not get the consideration it deserves.

Small businesses along Front St inside the Seaport, and along Fulton St outside -may be faced with competing upscale retail in a new luxury tower - where rents are set at a price to pay luxury housing bills.

3. **Open Space** – The proposed actions may have an indirect effect on open space resources due to increased demand for use of publicly accessible spaces by the potential net increase of approximately 645 new residents and 1,107 new workers.

As noted in the DEIS – the impact on Open Space is not mitigated by the 324 ft approved tower. This is not limited to Southbridge Towers.

The influx of new residents and workers will definitely affect the limited open spaces in the area.

And open space will be seriously impacted for an extended period during a lengthy construction period.

In addition to the Brownfield remediation actions, the subsequent best-estimate 3+ year construction period (projected 2026 Cof O) required to build the proposed 324 ft. tower on the 250 Water St site will have major, direct impact on the limited, open spaces in and around the Seaport – due to noise, vibration, dust, massive construction equipment, street closings and associated traffic issues.

Anyone who was around for the Pier 17 pile driving knows the damage noise can do, extending several blocks from its originating site. The following open spaces will be effectively closed down to the public during much, if not all, of the day during active construction:

- Titanic Park seating
- Pearl St Playground
- Pearl St public seating
- Beekman de-mapped street public seating
- Fishbridge Gardens
- Fishbridge Dog Run
- Peck Slip.

4. **Shadows** – The proposed actions would allow an increase in development density and greater building heights within the project area. Shadows cast by the new development proposed could affect publicly accessible open spaces and sunlight-sensitive architectural resources in the area.

As noted in the DEIS – this impact is not mitigated by the 324 ft approved tower, with SBT seriously impacted.

From actual, visual experience, the following areas will be directly impacted, some for extended periods of time:

- Pearl St Playground
- Pearl St-west side at Fulton St & at de-mapped Beekman St –gardens and public seating
- Tree Canopies: along Pearl St – from Fulton St up to Dover St, along de-mapped Beekman St

(between St Margaret's House- SBT);
DeLury Sq Park
SBT- de-mapped Cliff St – tree canopies, plantings; main interior plaza; Frankfort/Gold plaza with swings; de-mapped Spruce St (between SBT & 100 Gold St (city-owned)
Smith Houses - tree canopy & open green spaces, play areas
Spruce St School (Gehry)-upper east outdoor play area
Peck Slip School – roof playground; Blue School
Peck Slip Park (Water to South Sts)
Seaport District: impact on residents in nearby low-lying buildings

5. Historic and Cultural Resources – The project area lies within a designated historic district. The proposed actions may directly or indirectly affect designated historic landmarks and/or buildings that may be eligible for designation. In addition, the proposed actions may result in additional in-ground disturbance and therefore has the potential to affect archaeological resources that may be present.

A looming tower in the middle of the northern section of the historic district along Pearl St - what is its clear western boundary - will disrupt a clearly defined line for the district, separating the block between Peck Slip and Dover St along the Brooklyn Bridge above the tower from the portion to the south from Beekman to Fulton Sts. It will impose a jarring, and completely inappropriate change in scale that belongs with the skyscrapers of the Lower Manhattan Financial District, not the Historic Seaport.

6. Urban Design and Visual Resources – The proposed actions and subsequent development would result in physical changes within the project area beyond the bulk and form currently permitted as-of-right; therefore, these changes could affect a pedestrian's experience of public space and may alter the urban design character and visual resources of the surrounding area.

A tower would confuse the Historic District geographic boundaries, and affect:

- Pedestrian experience - walking north from Fulton St and south from Brooklyn Bridge along Pearl St
- View from Brooklyn Bridge pedestrian path
- Views from within the district – dominated by a tower from Peck Slip Park
- View of the open sky - a natural part of the Seaport experience

7. Natural Resources – The proposed actions may have the potential to result in significant adverse natural resource impacts, if a natural resource is on or near the site of a project, to either directly or indirectly, cause a disturbance of that resource.

Impacts that are barely touched on:

- Effect below ground: on surrounding landfill, Seaport area water table; 100-Year floodplain concerns
- Effect of a 250 Water St massive walled-off tower foundation, and ground and below grade flood proofing on the surrounding land filled spaces
- Potential redirection of water to surrounding properties
- Above ground: direct sunlight, overall light.

8. **Hazardous Materials** – The proposed actions would result in additional in-ground disturbance, which, given the historical on-and off-site uses and conditions, has the potential to result in hazardous materials impacts.

Refer: Brownfield Cleanup Program

9. **Water and Sewer Infrastructure** – The proposed actions would result in a net increase of building space within the project area which could place additional demands on infrastructure, including water supply and storm water management. Per pg16 – an analysis of sewer impacts will be included in EIS.

[Note: I disagree with the following draft scope statement (p. 8): “As per the EAS, three technical areas have been screened out based on the guidance of the *CEQR Technical Manual* and do not require further analysis in the EIS. These are community facilities, solid waste & sanitation services, and energy.

I am including comments below relating specifically to waste & sanitation services that I consider require further action. They are not specifically tied to HHC’s development, but HHC’s development will contribute to an existing problem.

Newtown Creek Wastewater Treatment Plant (NCWWTP) – latest expansion was completed in 2009.

It is already hitting maximum capacity during light rains, triggering increased Combined Sewer Overflow (CSO) events into the East River.

Despite the NCWWTP expansion noted above, Combined Sewer Overflows (CSOs) all along Manhattan’s waterfront still contribute to the lack of compliance with the Federal Clean Waters Act– occurring even on light rainfall days, only to be amplified by increasing events due to resiliency issues: rising sea levels, storm surge, more extreme flooding along coastal shorelines.

The State demanded that CSO events be prevented by 2013. The city is still not in compliance, and instead is constantly playing catch-up due to new development.

An environmental impact study is required to carefully consider and provide up-to-date data on the cumulative impacts to infrastructure resources and city services of both recent and planned developments. This would include updated data for both water & sewer – and for both NCWWTP capacity (which 250 Water will feed into) and its tie in to increased CSO events.

The EIS for the proposed 250 Water St project is completely lacking in serious consideration of the impact of 250 Water in conjunction with other new developments in the area on the environment, particularly as it affects the waters of the East River.

Some recently completed developments:

- Brooklyn: Williamsburg - Domino Factory Buildings; Greenpoint – new buildings along waterfront;
- Manhattan: 56 Fulton St, 118 Fulton St.

Some projects underway:

- Manhattan: 102-110 John St - through to Platt St.; 130 William St

Some planned projects - spanning the 250 Water St proposed project period:

- Manhattan: 4 Planned towers above Two Bridges; Pace University - sell off of Pace Gold St. building for development; new Manhattan Jail.

Resilient below ground features that aid in flood control, and help provide backup support to the existing city infrastructure should be promoted in any new development.

10. Transportation – The proposed actions would result in an increase in the number of vehicular trips and increase ridership on mass transit facilities. The proposed actions would also affect pedestrian movements in the area due to the increased number of residents and workers expected to be introduced to the area.

As noted in the DEIS – this impact is not mitigated. The proposed traffic changes don't seem likely to do much if any good even to correct the existing problem, no less what a tower will introduce.

During peak hours, the Brooklyn Bridge ramps are already a traffic headache.

In these days of growing Internet ordering, compounded by current Covid-19 stay-at-home requests, additional deliveries are an absolute. A proposed luxury tower off Pearl St right below the Bridge ramps will add to existing traffic bottlenecks in the area of the Bridge; the same holds for the new retail and commercial spaces in the proposed tower.

250 Water Parking Considerations:

- pg3-C. Draft scope states that the current surface parking lot has “approximately **400** spaces”. How will the loss of this parking affect the side streets; where will the cars park? The DEIS response is inadequate. Saying they will find places elsewhere is not a constructive response.

11. Air Quality – Increased demand for heating, ventilating, and air conditioning (HVAC) and additional vehicular traffic introduced by the proposed actions may affect air quality.

Refer: Brownfield Cleanup for remediation period. Needed community buy-in is still lacking as of Oct. 2021 on the Remedial Action Work Plan (RAWP) for an extremely hazardous site.

13. Noise – The proposed actions would increase the volume of traffic in the area, which could result in additional traffic related noise and may have the potential to result in mobile and/or stationary source noise impacts.

Construction:

- The noise from pile driving needed to support a huge tower is unnerving. It will affect the mental well being of healthy as well as compromised individuals; also our companion animals.
- The vibrations will shake the fragile historic buildings around it, as well as neighboring residential buildings, and city infrastructure (nearby NYC Cliff St Substation- off Fulton St), with possible attendant damage and outages.
- Monitoring won't help if the damage is already done.

14. Public Health – The proposed actions could potentially result in unmitigated significant adverse impacts in technical areas related to public health.

- There are vulnerable populations throughout the immediate project vicinity: 2 schools housing young students; St. Margaret's House – housing elderly and disabled residents who don't have the luxury of escaping to another location; NY Presbyterian-Downtown Hospital;

Pace Univ.

- Even after Covid lockdown is lifted, more people are likely to be staying in the area and working from home.

As noted above (under air quality), necessary community buy-in on the safety concerns around the RAWP have not been satisfactorily addressed.

15. **Neighborhood Character** – The proposed actions have the potential to alter certain constituent elements of the project area’s neighborhood character, including land use patterns, socioeconomic conditions, traffic, and noise levels.

Previous comments already speak to many aspects that contribute to neighborhood character.

From an historical context, the HHC project would add out-of scale height and residential density to the historic Seaport that has no bearing on the land use patterns and living conditions of a 19th C Historic District.

16. **Construction** – The proposed actions would increase the allowable density resulting in new development that involves activities which may result in construction-related impacts.

(Draft Scope, pg5 – 5 yr construction, [start 2022 after ULURP 2021 certification]; occupancy 2026)

The referenced 3+ -year construction period will have major impact on:

- Adjacent schools – Blue School, Peck Slip
- Use of Pearl St as entrance to the Seaport along Peck Slip and Beekman St, and exit from within the Seaport north of Fulton Plaza
- Residents, businesses & restaurants within the Seaport along Peck Slip, Water, Front Sts
- Overall resident and general public use of Pearl St as pathway north & south
- Access to hotel & other businesses on north-east side of Pearl St.

Extreme engineering practices would likely be needed to support a 324 ft tower (and to avoid the issues that the slanting Fortis building is now facing at 151 Maiden Lane)

- due to landfill, high water table, depth needed to insure a solid foundation

Heavy, massive equipment - cranes, pile drivers would also be needed

A comprehensive Safety Plan would be a given - to protect residents, visitors, workers, businesses.

Plans need to insure that important facilities – water, sewer pipes, cables etc. – are protected, and that any damage is addressed quickly.

* * *

Resiliency

250 Water lies within the FEMA 100-year flood plain. It is within the city’s Coastal Zone which is the focus of widespread planning to guide resilient, water-related uses along the waterfront.

The site is on landfill, with a high water table –which would force enormous engineering practices to come into play to ensure that a building of the height proposed is on a stable foundation at this location. (The slanting Fortis Building, under now halted construction, at Maiden Lane is an example of what can go wrong.)

It defies common sense at this time of growing awareness of the potential impact of climate change and sea level rise for a building of the size and density proposed, to be built at this location. It would bring a significant number of residents to an area located over landfill within the current 100-year flood plain that in Oct 2019 experienced major damage and disruption of basic services from Hurricane Sandy. And while the luxury condo owners would have ample resources to relocate elsewhere to ride out any storm, this would not be an option readily available to residents of affordable rental units, who like all the public housing residents north of the Brooklyn Bridge - if past experience is an indicator - would likely be left to fend for themselves.

* * *

Alternatives:

No action: Consideration of contextual, **as-of-right**, 120 ft mixed use development was not only inadequate; it was barely even considered.

Refer comments, page 5 above under: **p.7 (NOC) Future Without the Proposed Project**

A reasonable design, under existing guidelines, drawn up by an impartial designer, should be made a requirement in proposals for any project introducing this magnitude of change both to the environment and to the city planning actions required to make it a reality.

EIS Summary Chapters

Draft Scope - Unavoidable Adverse Impact

With CPC green-lighting HHC's proposal (Oct 20, 2021) involving overriding the zoning height limit of 120ft, allowing a contrived LSGD mechanism to enable public air rights transfer to further this private development inside the Historic District, and dismissing all other red flags that jump out in the environmental review and ULURP process, it is :

- a) Sanctioning a building that forever undermines the scale and context of the historic district
- b) Opening the door to continuing erosion of the Seaport by setting a precedent for future development,
- c) Undermining its own role in city planning.

The “unavoidable adverse impacts” of the current 250 Water Proposal are avoidable - by simply not allowing such projects as proposed here.

For all the reasons contained herein, as well as in all the community testimony in opposition to date, the City Council should stop this project before wasting any more city resources, and send a clear message that long considered planning, including the Seaport Historic District 2003 zoning amendment limiting height to 120 ft, provides clear guidance for the advancement and success of any future proposal for development within the Historic District.

On May 16, 2021, the Seaport Coalition initiated a legal challenge to the Landmarks Preservation Commission's (LPC) May 4, 2021 approval of the 250 Water development of a 324 ft tower in the Historic District. The judge dismissed the motion without prejudice, as not yet being “ripe” for judicial review - able to be pursued at a later date.

It would be irresponsible to allow this proposal to advance at this time.



friendsofsouthstreetseaport.com

From: [John West](#)
To: [Land Use Testimony](#)
Cc: [Jeffrey Kroessler](#); [michael kramer](#); [Michael Yamin](#); [Michael Gruen](#); [Brendan Sexton](#); [Alice Blank](#); [Francoise Bollack AIA](#)
Subject: [EXTERNAL] 250 Water Street
Date: Tuesday, October 26, 2021 10:20:47 PM
Attachments: [Seaport Museum Dowery - F.pdf](#)

City Council,
26 Oct '21

The City Club opposes the zoning application for 250 Water Street in the South Street Seaport and recommends a different approach to supporting the South Street Seaport Museum. Please see the attached testimony: This is also available on the City club website at; <https://cityclubny.org/wp-content/uploads/2021/06/SeaportMuseumDowery.pdf>. (Please excuse the misspelling of Dowry).

John

7 June 2021

The South Street Seaport Museum and its Dowery

The City Club advocates for the success of New York City. We believe this is best achieved through participatory planning which balances the equities among residents, businesses, politics, and in this case a beloved institution, the South Street Seaport Museum.

The City Club opposes the application for zoning changes to allow the transfer of development rights from Pier 17 to 250 Water Street.

The original purpose of the Special South Street Seaport District was to put the South Street Seaport Museum on a better financial footing and thereby encourage a vibrant cultural destination in the city. The Museum was to occupy buildings for its own use, tenant others to provide revenue for its operations, restore historic buildings, and bring ships and activities to the piers and the streets. The granting sites were to be the Museum's dowery so that it would not need financial support from the City.

If the City were to return to this original approach it would have the EDC pay the net revenues from the three upland blocks and the several piers to reliably support the Museum's operations.

Instead, the City proposes to:

- Sell some excess development rights from Pier 17 and the Tin Building to the Howard Hughes Corporation through the Economic Development Corporation directing a portion of the proceeds — \$50 million – to the Museum.
- Have the City Planning Commission amend the zoning to transfer the new TDRs from Pier 17 to 250 Water Street and modify height and setback limits to create a much larger zoning envelope into which the zoning floor area can fit.

As an initial step Howard Hughes applied to the Landmark Preservation Commission for approval of a very large building at 250 Water Street. Recently, after modifications to the original application, LPC found the design to be appropriate. LPC did not officially consider the zoning issues that conflict with the resulting building. It also did not officially consider the promised \$50 million payment to the Museum. And LPC denied that (i) transferring development rights within an historic district and (ii) treating a site within an historic district as a “transitional” site taking some its cues from the historic district and some from the surrounding area would become precedents.

This new approach is the wrong path for many reasons:

- Pier 17 and the Tin Building are owned by the City and do not need to be protected by removing their unused development rights.

- The monetization of unused development rights by making them transferable is bad public policy – zoning-for-dollars. Zoning is a tool for regulating buildings, not taxing them.
- The building that would result at 250 Water Street is egregiously out of scale, even if only measured against the existing zoning.
- The payment to the Museum does not ensure its long-term viability.
- The approach puts the Museum and its neighbors at odds with each other.

How can we find a better path?

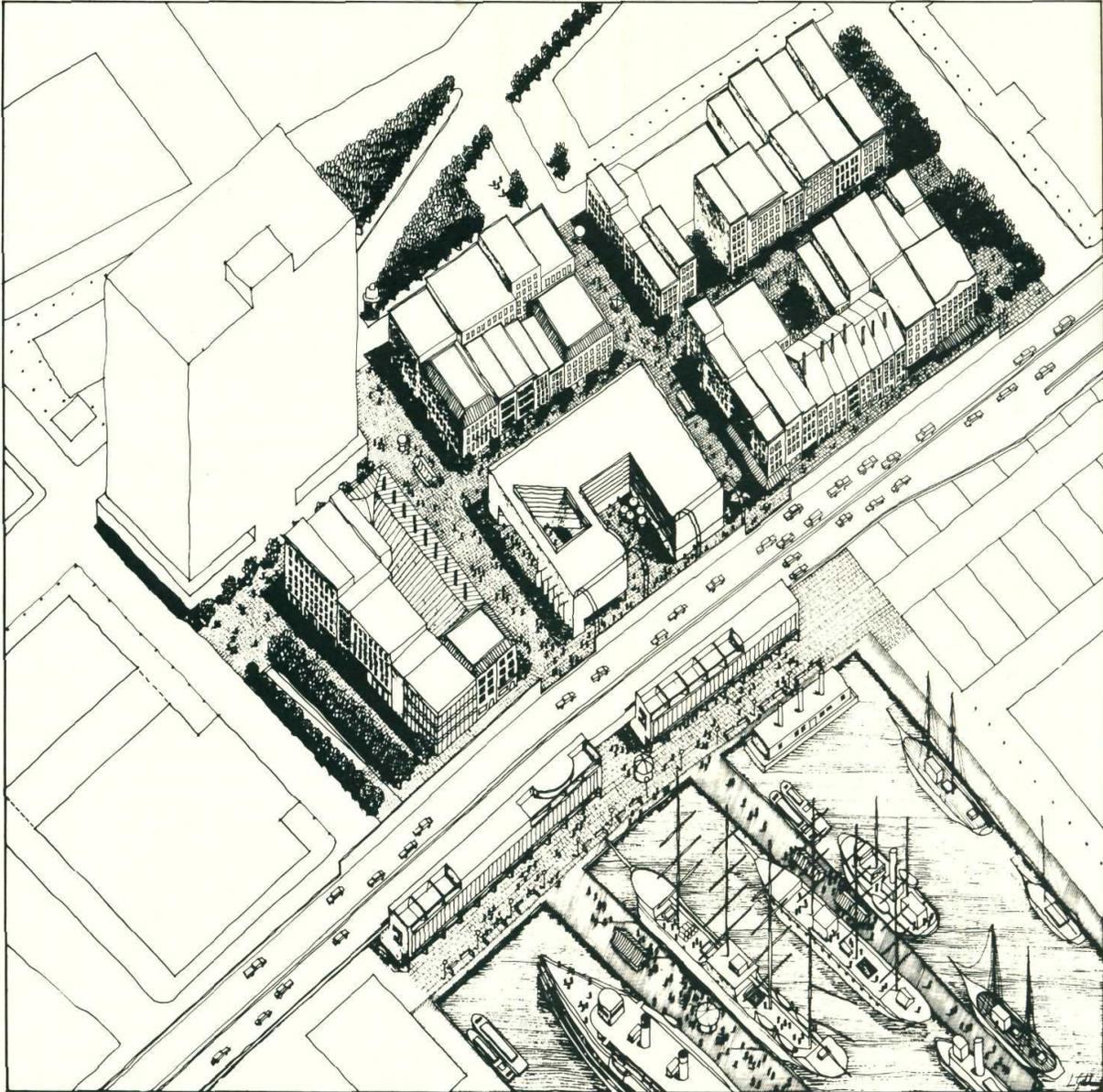
First some history and then a recommendation.

History: The South Street Seaport was saved for future generations by the South Street Seaport Museum which acquired enough property around Fulton Street to block the development of Office buildings that was marching up Water Street. These acquisitions were eventually reimbursed through the Special South Street Seaport District by trading air rights for mortgages. The Museum was designated the sponsor of the Brooklyn Bridge South East Urban Renewal Area and the properties it had acquired plus other properties owned by the City were leased to the Museum to provide it with a dowry. The Landmarks Preservation Commission designated individual landmarks south of Fulton Street and a district north of Fulton Street to protect the area. The underlying zoning was changed from C6-4 to C6-2A to better reflect the scale of the area.

The Original Special Zoning District: The Special South Street Seaport District was crafted in 1972 by OLMD (Mayor John Lindsay's Office of Lower Manhattan Development). The goal was to support the South Street Seaport Museum and to preserve the district. Among the purposes of the district as recited in the zoning text:

- (a) To encourage the preservation, restoration and, in certain cases redevelopment of real property and buildings thereon within the Brooklyn Bridge Southeast Urban Renewal Area into a south street seaport environmental museum having associated cultural, recreational and retail activities; ...
- (c) To assure the use of the south street seaport area as an area of small historic and restored buildings, open to the waterfront, having a high proportion of public spaces and amenities which serve as an urban retreat from the neighboring commercial office buildings and activity of lower Manhattan;
- (d) As a means of accomplishing the aforesaid purposes, to permit the transfer and disposition of *development rights* from designated *granting lots* in the seaport area to south street commercial development in a manner consistent with the provisions of this district;

FULTON SQUARE



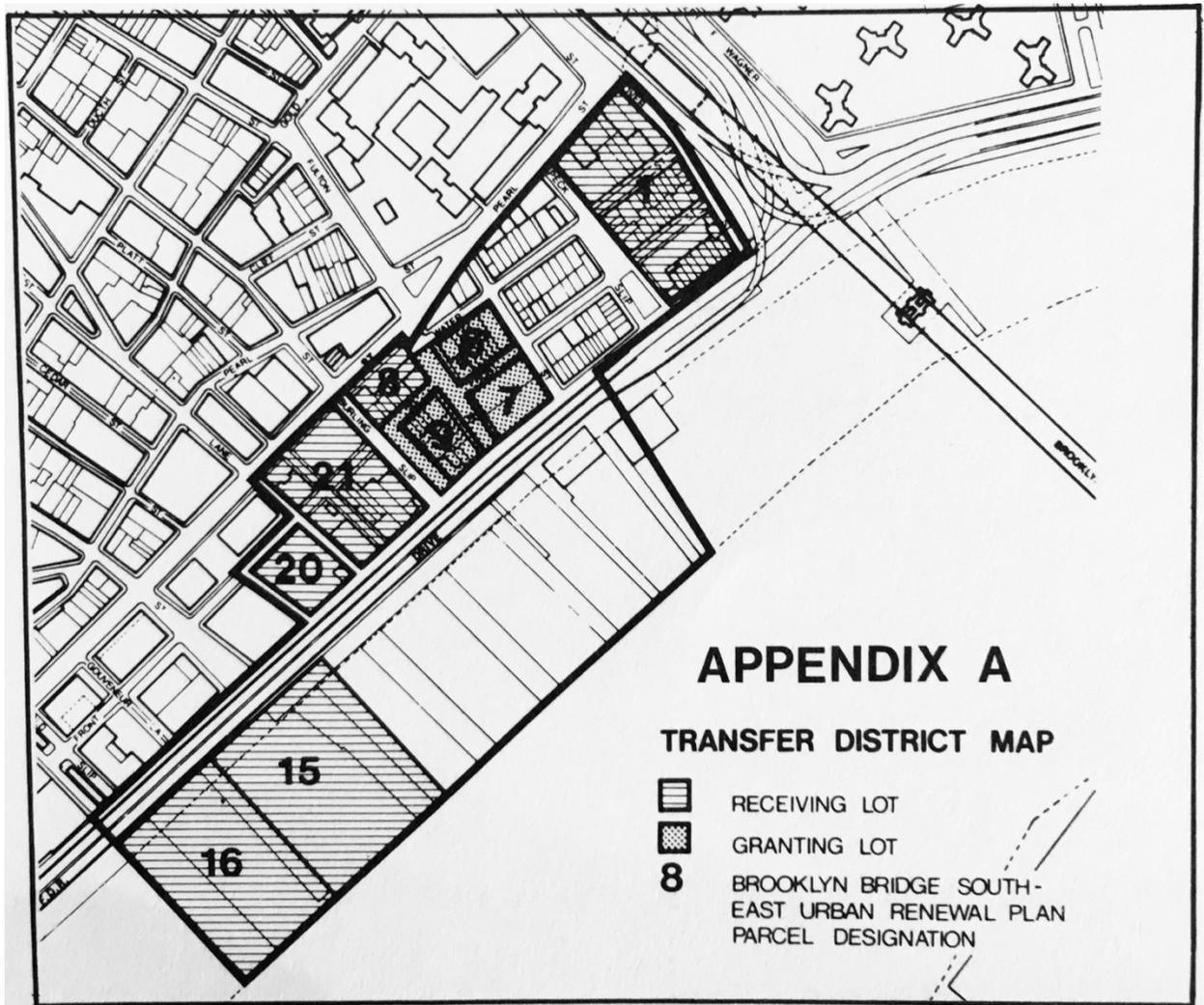
SOUTH STREET SEAPORT

This drawing was prepared by OLMD early in 1972 to suggest what the Special South Street Seaport District might make possible. The tall building at the left is the wire center and department store planned by the New York Telephone Company. To its right, near the top of the page, are the two triangles of Fulton Square. The Titanic Memorial Lighthouse appears at the entrance to the Seaport, and the triangles are shown planted with trees.



OLMD
OFFICE OF LOWER MANHATTAN DEVELOPMENT, OFFICE OF THE MAYOR, CITY OF NEW YORK

The intention of the special zoning district was financial support of the South Street Seaport Museum rather than specifically historic preservation. For example, similar buildings in blocks further north, as far as the Brooklyn Bridge, were not designated as granting lots. Preservation was provided by the Landmarks Preservation Commission. It designated the Schermerhorn Row block, on the south side of Fulton Street, and the Baker, Carver & Morrell building, on John Street, as individual landmarks in 1968 and it established the South Street Seaport Historic District in 1977 and extended it in 1989.



Concerning the special zoning district, *A Survey of Transferable Development Rights Mechanisms in New York City* published by the Department of City Planning in February 2015 (

<https://www1.nyc.gov/assets/planning/download/pdf/plans-studies/transferable-development-rights/research.pdf>) says on page 28:

“Why Here? The motivating factors here were the mortgage liens placed on many of the South Street Seaport’s historic buildings. The city devised the TDR scheme, including the TDR bank, to prevent the potential foreclosure, demolition, and redevelopment of buildings the city considers particularly important to its maritime history. The TDRs and redevelopment of the area also helped to support the continued existence of the South Street Seaport Museum founded in 1967. By creating development rights and transferring them to banks, the city could satisfy the mortgage obligations without an outright budget outlay.”

Before this time the transfer of unused development rights had been limited to merging adjacent parcels or, as in the case of Grand Central, through a special permit from a landmark parcel to a more remote parcel. It was considered good planning policy that the public benefit of the smaller building be near the disbenefit of the larger building. By designating granting and receiving sites the Special South Street Seaport District allowed transfers that were more remote while controlling the locations of the taller buildings.

In retrospect it might have been better for the City to have written a check rather than monetize the unused floor area, which has proven to be a challenging precedent. Furthermore, it was probably particularly bad public policy to close streets to create additional transferable development rights.

Real Estate: Many of the properties that originally comprised the South Street Seaport Museum were acquired by the Museum. Without the initiative of the Museum the redevelopment that was marching up Water Street would have consumed the South Street Seaport and replaced it with office buildings.

The only granting lots in the Special South Street Seaport District were the Schermerhorn Row block on the south side of Fulton Street, two blocks on the north side of Fulton Street, and development rights from closed streets between them. This produced just enough transferable zoning floor area to compensate the banks for lifting mortgages from the properties. Title to the properties that had been acquired by the Museum passed to the City. Those properties along with others that were owned by the City were then leased to the Museum in its role as sponsor of the Brooklyn Bridge South East Urban Renewal Area. This became the Museum’s dowery.

The Contextual Rezoning: The zoning map was amended in 2003 to change most of the upland Seaport from a C6-4 district to a C6-2A district. The goal was to better align the zoning with the City's goals for the Seaport by shrinking the FAR and envelope to more nearly reflect the existing historic context. C6-4 allowed an FAR of 10.0; C6-2A allows an FAR of 6.5. C6-4 did not limit the heights of buildings; C6-2A limits building height to 120 feet. C6-4 did not

require a street wall; C6-2A, being a contextual district, requires a street wall not higher than 85 feet.

Coincidentally, this did not erase any of the development rights that had been transferred.

Also coincidentally, C 020213 ZMM, the report on the rezoning says on page 22 (<https://www1.nyc.gov/assets/planning/download/pdf/about/cpc/020213.pdf>): “The Commission notes that designating the block (250 Water Street) as a granting site raises major policy concerns. First, within the Seaport district, the basis for designation of a site as a granting lot is that there is a historical resource on that lot that merits protection through the alleviation of development pressure on that site.”

The Current Proposal: The current zoning proposal has five major parts:

- It would designate 250 Water Street as a receiving site.
- It would land the 30,000 square feet that remain in the TDR bank on 250 Water Street.
- It would expand the Pier 17 Large Scale General Development plan to include 250 Water Street.
- It would transfer 257,000 square feet of unused development rights from Pier 17 and the Tin Building to 250 Water Street.
- It would relax height and setback controls at 250 Water Street to allow it to greatly exceed the constraints of the underlying zoning.

250 Water Street is currently allowed an FAR of 6.0 for commercial uses, 6.02 for residential uses and 6.5 for community facility uses. As a building with a mix of all three uses it is allowed a total FAR of 6.5; the proposed building would have an FAR of 12.47. If 250 Water Street were a receiving site, which it is not, it would be allowed a maximum FAR of 8.02, using transferred floor area; however, the available 30,000 square feet only add 0.63 FAR. The 257,000 square feet from Pier 17 and the Tin Building add 5.35 FAR.

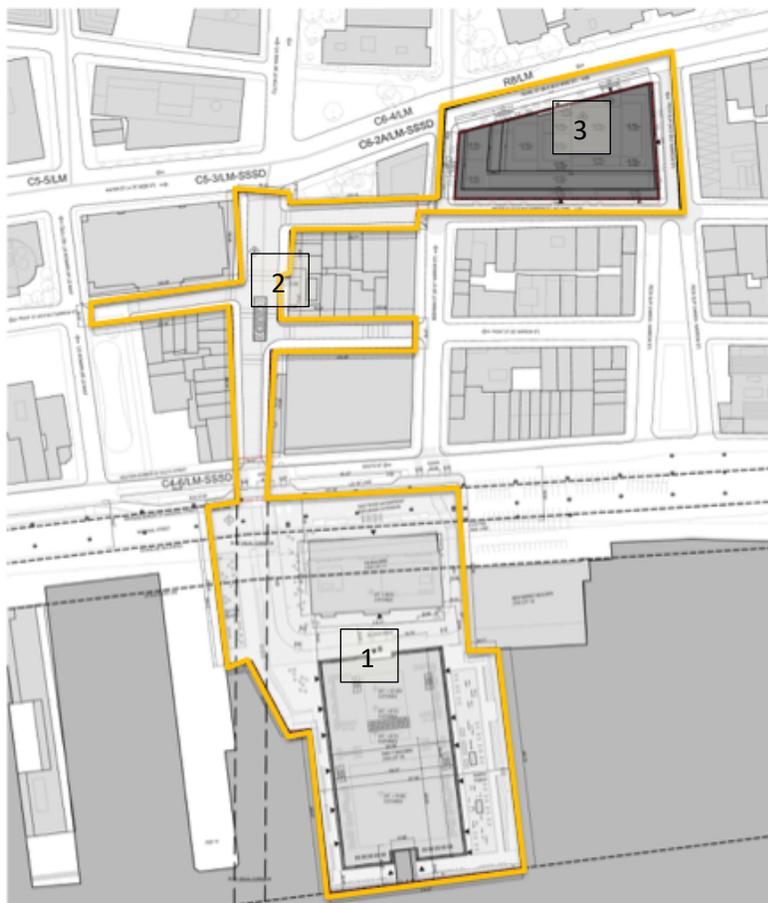
In the original special zoning district two of the three granting blocks were historic buildings and the goal was to remove mortgage debt from all three blocks so that space could either be economically occupied by the Museum or would produce revenue to support the Museum. The proposed granting site -- Pier 17 and the Tin Building -- is not of historic importance. Also, the \$50 million inducement for the Museum to support the rezoning does not provide funds to build the proposed Museum expansion or an adequate ongoing subsidy.

So, in 1972 the special district was created to allow the central three blocks of the Seaport to be mortgage free and in 2003 the zoning was modified to better model the low rise and low-density character of the Seaport. Now, (when the original transferable development rights are almost all used) the proposal is to create new transferable development rights on sites of no historic interest and use them to make a building twice as large as allowed by the existing zoning.

Zoning-for-Dollars: Spot or contract zoning is defined as “rezoning of a parcel of land to a use category different from the surrounding area, usually to benefit a single owner or a single development interest”. (See *Zoning and the Comprehensive Plan*, pp 5-6 http://occainfo.org/wp-content/uploads/2015/01/Zoning_and_the_Comprehensive_Plan.pdf .) In this case the City is the beneficiary because the zoning changes allow it to sell development rights from Pier 17 and transfer them to 250 Water Street. The developer and the Seaport Museum benefit indirectly.

When changes to the City’s regulatory regime are motivated by profit to an applicant or to the municipality rather than the interests of the citizens the result is likely to be averse to the public’s benefit.

Zoning is intended to regulate buildings, not to monetize their development rights. The most basic TDR is a merged zoning lot which allows a smaller building to remain on the lot and a larger building to occupy the remainder of the lot. The overall density of the lot does not change: the configuration of the bulk does -- a low building on part of the zoning lot balances a



The proposed Large Scale General Development plan includes three sites:

1. The existing LSGD (Pier 17, the Tin Building, and Marginal Street).
2. The demapped streets (Fulton, Water, and Front).
3. 250 Water Street.

larger building on the remainder of the lot. Landmark TDRs expand the transfer to adjacent sites or sites across a street or, in high density districts, across an intersection; however, the balance of the low preserved building and the "air park" above it remains close to the larger building that blocks light and air and creates greater congestion. Special districts, as in the Theater District and originally at Grand Central allow TDRs to travel farther but constrain the increases on receiving sites.

The proposed Large Scale General Development plan in the Special South Street Seaport District goes beyond these traditional limitations: it releases development rights from a site, unlike Grand Central or a theater, that is not deserving of preservation: it allows transfer to a location where the impacts and benefits are not shared: and it removes limits on the increase of FAR on the receiving site.

A complementary change to the Special South Street Seaport District, section 91-68, says: "In addition, the designated pedestrian ways referenced in paragraphs (a), (b) and (c) of this Section may be considered a single #zoning lot# for purposes of the definition of #large-scale general development# in Section 12-10 (Definitions)." This is to allow the closed streets to be a zoning lot linking Pier 17 and 250 Water Street.

The Large Scale General Development plan would transfer approximately 257,000 square feet of floor area from the waterfront to 250 Water Street. However, having demonstrated their transferability it would leave several hundred thousand square feet of unused floor area on the waterfront. This could encourage future efforts to move this floor area to another site where it might be used.

Comprehensive Planning: NYS law requires NYC to base its land use regulations on a comprehensive plan. However, the law allows two versions of a comprehensive plan: statutory and common law. (See *Zoning and the Comprehensive Plan* for a discussion of the distinction between the two approaches http://occainfo.org/wp-content/uploads/2015/01/Zoning_and_the_Comprehensive_Plan.pdf) The statutory approach calls for the adoption of a defined comprehensive plan on which zoning is based; the common law approach accepts the existing regulations and their history as the comprehensive plan. The latter approach allows the City to treat the Zoning Resolution as its comprehensive plan.

Using the Zoning Resolution as a comprehensive plan is, therefore, legally permissible but fundamentally wrong. The Zoning Resolution addresses only a portion of our urban environment and is therefore not comprehensive. It deals only with land use and building density and form. It does not address matters outside of zoning, such as providing schools or parks or cultural institutions. A comprehensive plan would address much more than the Zoning Resolution does.

However, City Planning claims that the Zoning Resolution is our comprehensive plan. If so, the plan for the South Street Seaport is contextually scaled buildings north of Fulton Street and

larger buildings interspersed with designated landmark buildings south of Fulton Street. The application is grossly inconsistent with that plan.

Comprehensive planning would consider alternatives that preserve the scale and character of the South Street Seaport and provide for the success of the Seaport Museum. It would also consider alternatives other than zoning to support the Museum.

Recommendation: The City's current proposal may do the Museum as much harm as good. Given its financial plight the Museum finds a payment of \$50 million very attractive. The price, however, is a very large building at 250 Water Street that diminishes the South Street Seaport and puts the Museum and its neighbors at odds with each other.

The City needs to support the South Street Seaport Museum. It is an important cultural and tourist attraction that adds considerable value to New York. The City needs to provide a reliable stream of revenue to support the Museum's operations and provide an economic foundation that would give donors confidence in the Museum's future and facilitate fundraising. There are undoubtedly many alternatives to the City's current proposal but here are two:

- The City could return to the original approach of using its real estate in the South Street Seaport as a dowry for the Museum. In this case it would have the EDC pay the net revenues from the three upland blocks and the several piers to the Museum to reliably support its operations and provide a foundation for fundraising by the Museum.
- The City could add the Museum to the Cultural Institutions Group of the Department of Cultural Affairs. These 35 institutions receive significant capital and operating support from the City to help meet basic security, maintenance, administration and energy costs (<https://www1.nyc.gov/site/dcla/cultural-funding/city-owned-institutions.page>).

The City Club recommends that the City withdraw its plan to transfer floor area from Pier 17 to 250 Water Street and instead support the South Street Museum through measures other than zoning.

#####

From: [Laura Colacurcio](#)
To: [Land Use Testimony](#)
Subject: [EXTERNAL] ABNY Testimony for the City Council Land Use Committee's Subcommittee on Zoning and Franchises, 10/25
Date: Tuesday, October 26, 2021 9:37:31 AM
Attachments: [Outlook-lb0urljv.png](#)
[Outlook-3dbxt0yg.png](#)
[Outlook-o3bgzof.png](#)
[Outlook-r4bkq1ky.png](#)
[ABNY Written Testimony for the City Council Subcommittee on Zoning and Franchises Regarding 250 Water Street.pdf](#)

Good morning,

Please find attached written testimony from the Association for a Better New York (ABNY), Inc. related to the Monday, October 25, 2021 hearing held by the City Council Land Use Committee's Subcommittee on Zoning and Franchises in strong support of the of the Howard Hughes Corporation 250 Water Street proposal.

Please let me know if you have any questions.

Many thanks,
Laura Colacurcio

Laura Colacurcio

Vice President



www.abny.org

@ABetterNY





**WRITTEN TESTIMONY FROM THE ASSOCIATION FOR A BETTER NEW YORK (ABNY) INC.
SUBMITTED TO THE NEW YORK CITY COUNCIL COMMITTEE ON LAND USE SUBCOMMITTEE ON ZONING & FRANCHISES
IN SUPPORT OF THE 250 WATER STREET PROPOSAL**

October 25, 2021

Thank you for the opportunity to submit testimony on behalf of the Association for a Better New York (ABNY). My name is Melva M. Miller, and I am the Chief Executive Officer of ABNY. At ABNY, it is our mission to foster dialogue and connections between the public and private sectors to make New York City a better place to live, work, and visit for all.

ABNY is a nonprofit organization dedicated to the healthy growth and renewal of New York City's people, businesses, and communities. We are a 50-year-old civic organization representing more than 250 corporations, nonprofits, unions, government authorities, and educational, cultural, and health institutions.

ABNY strongly supports the Howard Hughes Corporation (HHC) proposal to develop a mixed-use building at 250 Water Street in Lower Manhattan's Seaport neighborhood. This proposal will transform the full-block parking lot at 250 Water Street into a productive mixed-use development that is consistent with the character of the neighborhood.

The proposal from HHC offers a vital and timely opportunity to bring jobs, economic development, and affordable housing to the Seaport and Lower Manhattan, when it is most urgently needed in the context of the City's ongoing economic recovery from the COVID-19 pandemic.

The plan will generate a substantial additional investment by HHC in the Seaport of \$850 million; create more than 1,600 construction jobs and more than 1,700 permanent jobs in the commercial, retail, and nonprofit sectors; and, importantly, add new patrons to support local businesses and merchants.

Moreover, across New York City there is an urgent need for housing, and this project will bring roughly 270 total apartments with about 80 affordable units at 40 percent AMI, roughly \$45,000 for a family of four.

The community engagement aspect of development is extremely important to ABNY, and this proposal is the result of a robust stakeholder engagement and public review process—one that resulted in project refinements, including lowering the height of the building, increasing pedestrian access to the waterfront, and maximizing community benefits.

As such, the plan has the strong support of local City Council member Margaret Chin and Manhattan Borough President Gale Brewer and counts a host of local residents, local business owners, preservationists, pro-housing advocates, cultural nonprofits, and civic groups among its backers. The building design itself was approved by the New York City Landmarks Preservation Commission, and HHC has pledged to work with the agency to protect nearby historic buildings during construction.

The project also will make possible significant funding for the imperiled South Street Seaport Museum, a beloved anchor of the Historic District, allowing it to restore and reopen its historic buildings and plan for future. This helps further demonstrate that the applicant has proven to be a good neighbor to the community, providing programming and support of local civic groups and making substantial investments in restoration and refurbishment in the Historic District.

In order to spur economic development, to add residential housing near transit and good jobs, to create permanent, deeply affordable housing, and to generate funding for the Seaport Museum, ABNY urges the City Council Land Use Committee's Subcommittee on Zoning and Franchises to support the reasonable land use actions necessary to make this development possible. Thank you so much for your consideration.

From: [Lili Chopra](#)
To: [Land Use Testimony](#)
Subject: [EXTERNAL] 250 Water Street Testimony
Date: Friday, October 22, 2021 4:23:33 PM

My name is Lili Chopra, I am the Executive Director Artistic Programs at the Lower Manhattan Cultural Council known as LMCC. On behalf of LMCC, I am honored to testify today in support of the Howard Hughes Corporation plan as we care deeply about the South Street Seaport neighborhood, both its physical assets and the local community within it and around it.

For more than a decade, the Howard Hughes Corporation has been strongly committed to supporting and enhancing arts and culture in the Seaport area. We're thrilled to see, after so many years, an achievable proposal come together to provide the South Street Seaport Museum with a plan to thrive for the long-term. It is our strong desire that the Museum and its landmark spaces and historic assets will continue to be an important cultural anchor in the Seaport for decades more to come.

The proposal for the parking lot at [250 Water Street](#) will bring affordable housing and community space to that long underutilized site, which LMCC is indeed in support of both the inclusion of affordable housing and a dynamic community space as being further important assets to the Downtown diverse community.

Under its leadership, the Howard Hughes Corporation has proven to be responsive to local concerns as well as a supporter of arts and culture within and around the district. We appreciate their outreach to the local community and their commitment to making the redevelopment of 250 Water Street inclusive of local voices and responsive to their concerns. SOM's design is sensitive to the Historic District and responds to the issues raised by many community members.

It is our hope that the commission will approve this appropriate, sustainable development which offers a vital opportunity to strengthen the Historic District and bring affordable housing, jobs, economic development and enhance the cultural offering of the Seaport and of Lower Manhattan. Thank you for your consideration.

--

Lili Chopra
Executive Director, Artistic Programs
LOWER MANHATTAN CULTURAL COUNCIL (LMCC)
LMCC serves, connects and makes space for artists and community.

212-219-9401 x.103
lchopra@lmcc.net
125 Maiden Lane, 2nd Floor
New York, NY 10038

LMCC.net

[Twitter](#) (@LMCC)

[Instagram](#) (@LMCC_NYC)

[Facebook](#)

Fax: [212-219-2058](tel:212-219-2058)

Please consider the environment before printing, and [support us](#).

Written testimony from Linda Hellstrom
273 Water Street, a Seaport historic building, built in 1733 and a half block from the
250 Water St. site.

I am submitting my complete testimony that was cut off when my internet failed and
bumped me out of ZOOM:

**I am asking you to vote NO on the Howard Hughes mega tower in the Historic
Seaport district.**

**Just because HHC promised a donation to Gayle Brewer and Margaret Chin's
favorite Charity, along with a small number of units of affordable housing that
likely will never be built, ONE COMPANY, is then allowed to break the rules
that everyone else who builds in the Seaport has had to follow and in doing so
they set a dangerous precedent, jeopardizing the entire Historic district.**

**Elected officials, in trusting this private developer with total control, you
should then be asking why Howard Hughes is purposely letting things run
down especially around the parking lot, demanding that HHC clean up trash,
smelly water and piles of shards of broken glass on the corner of the Peck Slip
school street.**

**Howard Hughes is rushing to dig by January. 1200 truckloads of soil
containing thermometer mercury and garage oil will be removed. Beep beep
beep from backing trucks loaded with toxic soil, all day long with kids and
teachers sitting in Covid mandated open window classrooms. You should be
actively working to prevent HHC from breaking ground during school
sessions.**

**Our granddaughter attends Peck Slip school, built with the expectation that
zoning rules would be followed. An as of right building 120 feet tall?... only
takes one year to build. This monster tower, 200 feet over zoning that looks
exactly like Creedmore Hospital, will take over 5 years to build. 5 years of
dust, pile driving, clanking steel and beeping trucks rumbling all day long
during 6 hours of the school day for 800 kids, some of them for their whole
elementary career.**

**You, the City Council members, who will vote on this, should be out front
demanding that this process STOP until we have SAFE answers about the
toxins. We are NOT a divided community as some incorrectly say, far from it.
We are hundreds who live directly next to the site and thousands who live in
the district. Don't turn your backs on those 800 children, teachers, families
and elderly residents living near this site.**

**It's the city who is paying the Museum, not Howard Hughes. Saving the
Museum is completely separate from this building. Vote no and let the city
save the Museum as it should!**

TO: New York City Council Subcommittee on Zoning & Franchises, Public Hearing 10/25/2021

FROM: Lisa Wong, Lower Manhattan Resident, Written Testimony

RE: IN FAVOR OF the 250 Water Street Project by Howard Hughes Corp.

October 29th, 2021

Thank you New York City Planning Commission for Monday's Hearing. I had attended 4 hours of the meeting and signed up to speak, but somehow was not able to connect when I was called to speak. Kindly find my written testimony in support of 250 Water Street.

ABOUT ME: I am Lisa Wong and have lived 41 yrs in NYC and am a Lower Manhattan resident 14 joyous years...I'm absolutely in **love** with the *rich history and character* of Lower Manhattan, and it's been a treasured home where our son, Taylen Mongiovi, attended excellent neighborhood public schools (PS 234/LMC/Millennium HS) and I was Co-President of Millennium High School's Parents' Association for 3 years. Taylen also recently sat on Community Board 1 as the only student member of 50 adults, at Gale Brewer's urging. He is now in college. Professionally I sell/rent residential real estate for 24 years, have worked for decades with painters and sculptors and am a professional modern dancer and teacher for 42 years as well. I have a unique perspective of how successful commerce and real estate work, combined with the sensitivities of quality of life issues as a parent and resident.

STRONG SUPPORT FOR HHC's 250 WATER ST. DEVELOPMENT: As a real estate professional, I've seen first-hand how a mixed-use development can positively transform and become a "New Nexus" for a neighborhood. Just as 200 Chambers and 101 Warren did for Tribeca, shifting the Nexus from Leonard/North Moore to Chambers/Warren...250 Water will do this for our Downtown Neighborhood. 250 Water would bring vitality and be a much **needed** New Nexus for our beloved Seaport Area, and our beautiful Front and South St restaurants/shops that have *struggled* ever since and *before* the hurricane. To be honest, the South Street Seaport and associated Pier area is and has always been a *challenging and complex site*. Do we even remember the sad mall that occupied Pier 17 previously that struggled financially and detracted from the area? Aren't Jean George Vongerichten, Andrew Carmellini and David Chang a huge step up from the previous fast food at the old mall? And not everyone can pull this off...as evidenced at how Pier A ended up not working out, even with a seasoned restaurateur like Harry Poulakakos. Howard Hughes Corporation's projects have "vision", quality, style, energy, excitement, and 250 Water will additionally invigorate the location by bringing the foot traffic of office workers, low-income tenants, new condo owners, retail customers, community-facility users, to join with the extraordinary restaurants already planted on Pier 17 as well as the struggling local eateries, shops and cultural sites...all while creating 1,000 jobs. As I've likened it before, it would take the site from a Graveyard to a Flourishing Garden Nexus of Life and Commerce the area deserves. I am honestly perplexed by and do not understand a fight to keep/maintain a run-down parking lot over a vibrant life source of commerce, culture, and energy.

SAVING SOUTH STREET SEAPORT MUSEUM: Most importantly, our beloved historic **South Street Seaport Museum** desperately needs the support of this project and President and CEO Mr. Boulware and the SSSM clearly **support** this project. It does baffle me how people claim they love the SSSM, but oppose the only way it can continue? Who else will support it and a \$50Million (or so) endowment? Mr. Boulware is the perfect person to consult with regarding the transfer of air rights, as the Historical

Area and zoning was formed many years ago with the specific “intent” to support the SSSM. Any argument against the transfer of the air rights, is as well in essence, also against actual, tangible support of the South Street Seaport Museum.

HHC A GOOD NEIGHBOR/ RARE ENGAGEMENT: My resident experience has shown that HHC has been a most supportive, sensitive, responsive member of our neighborhood and community, hosting community-building events, sports teams, school fundraisers, street fairs, etc., as well as beautifying and enhancing the area in every way. Working in real estate 24 years, I’ve worked with and have known first-hand the character of many real estate developers. To support and engage with a community as HHC has, is ***extremely rare*** in my experience. 90% of developers would never venture to into any such dialogue. HHC is brave of heart and has shown themselves to be solid in intention. It is a tribute to HHC’s commitment to welcome dialogue in such a complex project.

SCALE: HHC has redesigned the project several times, each time scaling down the design and considering all the comments, while changing design to sensitively address the historic low-rise blocks surrounding on the south and east sides. The appropriate western high rise at 26 floors, is ***less than*** Southbridge Tower’s 27 floors. I do not see the arguments for density as viable, as it compares to Southbridge quite *similarly*. As well, you do require a certain amount of volume to make any substantial positive economic impact on the nearby establishments’ business.

TRACK RECORD OF CONSTRUCTION: Of course proper environmental remediation of the site and construction must have oversight and be done properly, but we already have a track record of HHC doing this safely, well and responsibly...this is not an unknown.

UNDERSTANDING A SUCCESSFUL PROJECT: I also don’t have the luxury of being naïve as to how a **viable** constructive project works. There must be some density for a project to be successful....a suggested 100 ft building would inevitably fail and financially be unable to support itself...the numbers just would simply not work, that is basic real estate knowledge. The last thing our area needs is a failed building. A community wish list that desires no dust, shadows, noise during the temporary construction process as a reason to not develop the site, and to simply leave it a brownfield parking site, seems to be shortsighted, unreasonable and a huge long-lasting benefit missed...indeed, these temporary inconveniences are part of any substantial economic and community development.

It is no wonder that experienced city planners, esteemed and serviced city officials, experienced for-profit and non-profit business-owners, commerce engineers, respected newspapers/ media institutions, and knowledgeable and informed individuals and neighbors support 250 Water St. Kindly consider approving this beautiful and integral addition to our neighborhood, as a new life-blood that it so desperately needs.

Thank you for your generous time and consideration.

From: [Siena Maggie](#)
To: [Megan Malvern](#); [Land Use Testimony](#); [Moya, Francisco](#)
Subject: RE: 250 Water Street Testimony and Request for Meeting with Council Member Moya
Date: Monday, October 25, 2021 4:00:01 PM

Dear Chair Moya –

I am desperate for meaningful support. Please let me know when we can meet.

Sincerely,

Maggie Siena
Principal, Peck Slip School
1 Peck Slip
New York, NY 10038
212-312-6260 X0

From: Megan Malvern <meganmalvern@gmail.com>
Sent: Monday, October 25, 2021 2:38 PM
To: landusetestimony@council.nyc.gov; FMoya@council.nyc.gov
Cc: Siena Maggie <MSiena@schools.nyc.gov>
Subject: 250 Water Street Testimony and Request for Meeting with Council Member Moya

Chair Moya,

I have watched your work as Chair of the subcommittee on Zoning and Franchises over the past many months and think it is vital for someone to help us break the muzzle Ms. Chin has placed on my community. Our School Principal Maggie Siena would love the opportunity to be heard and convey the concerns stemming from this project. (I've CC'd Ms. Siena on this letter for your convenience.)

The questions Ms. Chin lightly posed to the developer at today's hearing should have been in front of HHC months ago and HHC should have delivered answers today. These are not your average "quality of life" concerns that can be addressed after the fact. There are "forever" consequences attached to inaction here.

Council Member Alan Gerson is the measure by which Ms. Chin should be judged. CM Gerson fought tooth and nail to achieve protections for [PS 234 when the Whole Foods building was seeking approvals from the City Council](#). He had the developer contractually agree to a construction schedule, the use of specific machinery, massive sound mitigation procedures and barriers BEFORE he allowed the vote. It was an unprecedented level of care. Margaret Chin is only pantomiming her duties to the community. Please listen to the Peck Slip Community. She has refused us.

Please call the Independent Community Monitor that Saul likes to take credit for but the community negotiated for. HHC is a proven bad community partner who will not make good on any of the amenities being showcased. HHC's history speaks for itself.

Lawra Dodge - ldodge@excelenv.com (732) 322-8312
Excel Environmental Resources, Inc.

Thank you for your thoughtful consideration of this highly controversial matter. My contact information is at the end of this email.

In addition, please find my written testimony in opposition to the application(s) for 250 Water street before the City Council.

#####

TESTIMONY AGAINST 250 Water Street ULURP Application:

Chair Moya and the distinguished members of this subcommittee - thank you for holding this hearing.

My name is Megan Malvern - I am a 15 year plus resident of the Seaport area, a mom, a hard worker, PTA Vice President and a NYC resident who has been wholly disregarded by the woman you are prepared to give deference to on a project of which she has no meaningful knowledge or depth of care. For more than a year and a half - my school's Principal has asked Ms. Chin to hear the concerns of parents who have children going to school just inches from where a rushed and incomplete toxic remediation in the State's Brownfield program is set to start in January ahead of this building's construction.

The last time the city trusted another agency about the safety of the air in Lower Manhattan tens of thousands of residents were poisoned by the toxic air of the September 11th terror attacks. To this day - thousands suffer from our city's failure to do their OWN work and verify findings. This FEIS is a blueprint for disaster that defers the safety of NY's Children to an out-of-reach agency filled with people who DO NOT have any skin in this game. It's **MY** son will be exposed to neurological toxins - not theirs.

I beg you, please watch CBS News' report on "Mercury Fears" at the Seaport by Natalie Duddridge about the problematic work done to date.

This council has the life, and health and education of nearly 800 children in its hands. Margaret's gone in 8 weeks. You will be left to explain why you approved a project that will (A) cost the city millions of dollars in devalued asset sales benefitting Howard Hughes,(B) relies solely on the **State** to oversee a never-before-attempted elemental mercury cleanup just inches from young children, (C) believes in HHC's "un-official" MIH delivery and (D) *trusts* that the promised funding of an undetermined amount of money via an yet-to-be seen agreement will find its way to the perpetually poor and poorly managed South Street Seaport Museum.

A proposal, I'd like to point out, that sets a precedent to sidestep the Council's authority on allocating City monies to cultural centers. Why does HHC get to pick who gets the money? I thought city asset distribution was Council's work.

I respectfully ask the subcommittee to delay this project's vote until a time where CRITICAL, and REQUIRED testing is completed.

And directly to Chair Moya, would you please take a meeting with my school's principal to

hear our concerns - Ms. Chin no longer values her constituents' input. **We need a redevelopment plan that will provide the most protective plan of human health and safety imaginable.**

Thank you
Megan Malvern
917-733-4761

From: [Megan Malvern](#)
To: [Land Use Testimony](#); [Moya, Francisco](#)
Cc: [Siena Maggie](#)
Subject: [EXTERNAL] 250 Water Street Testimony and Request for Meeting with Council Member Moya
Date: Monday, October 25, 2021 2:38:37 PM

Chair Moya,

I have watched your work as Chair of the subcommittee on Zoning and Franchises over the past many months and think it is vital for someone to help us break the muzzle Ms. Chin has placed on my community. Our School Principal Maggie Siena would love the opportunity to be heard and convey the concerns stemming from this project. (I've CC'd Ms. Siena on this letter for your convenience.)

The questions Ms. Chin lightly posed to the developer at today's hearing should have been in front of HHC months ago and HHC should have delivered answers today. These are not your average "quality of life" concerns that can be addressed after the fact. There are "forever" consequences attached to inaction here.

Council Member Alan Gerson is the measure by which Ms. Chin should be judged. CM Gerson fought tooth and nail to achieve protections for [PS 234 when the Whole Foods building was seeking approvals from the City Council](#). He had the developer contractually agree to a construction schedule, the use of specific machinery, massive sound mitigation procedures and barriers BEFORE he allowed the vote. It was an unprecedented level of care. Margaret Chin is only pantomiming her duties to the community. Please listen to the Peck Slip Community. She has refused us.

Please call the Independent Community Monitor that Saul likes to take credit for but the community negotiated for. HHC is a proven bad community partner who will not make good on any of the amenities being showcased. HHC's history speaks for itself.

[Lawra Dodge - ldodge@excelenv.com](mailto:ldodge@excelenv.com) (732) 322-8312
[Excel Environmental Resources, Inc.](#)

Thank you for your thoughtful consideration of this highly controversial matter. My contact information is at the end of this email.

In addition, please find my written testimony in opposition to the application(s) for 250 Water street before the City Council.

#####

TESTIMONY AGAINST 250 Water Street ULURP Application:

Chair Moya and the distinguished members of this subcommittee - thank you for holding this hearing.

My name is Megan Malvern - I am a 15 year plus resident of the Seaport area, a mom, a hard worker, PTA Vice President and a NYC resident who has been wholly disregarded by the woman you are prepared to give deference to on a project of which she has no meaningful knowledge or depth of care. For more than a year and a half - my school's Principal has asked Ms. Chin to hear the concerns of parents who have children going to school just inches from where a rushed and incomplete toxic remediation in the State's Brownfield program is set to start in January ahead of this building's construction.

The last time the city trusted another agency about the safety of the air in Lower Manhattan tens of thousands of residents were poisoned by the toxic air of the September 11th terror attacks. To this day - thousands suffer from our city's failure to do their OWN work and verify findings. This FEIS is a blueprint for disaster that defers the safety of NY's Children to an out-of-reach agency filled with people who DO NOT have any skin in this game. It's **MY** son will be exposed to neurological toxins - not theirs.

I beg you, please watch CBS News' report on "Mercury Fears" at the Seaport by Natalie Duddridge about the problematic work done to date.

This council has the life, and health and education of nearly 800 children in its hands. Margaret's gone in 8 weeks. You will be left to explain why you approved a project that will (A) cost the city millions of dollars in devalued asset sales benefitting Howard Hughes, (B) relies solely on the **State** to oversee a never-before-attempted elemental mercury cleanup just inches from young children, (C) believes in HHC's "un-official" MIH delivery and (D) *trusts* that the promised funding of an undetermined amount of money via an yet-to-be seen agreement will find its way to the perpetually poor and poorly managed South Street Seaport Museum.

A proposal, I'd like to point out, that sets a precedent to sidestep the Council's authority on allocating City monies to cultural centers. Why does HHC get to pick who gets the money? I thought city asset distribution was Council's work.

I respectfully ask the subcommittee to delay this project's vote until a time where CRITICAL, and REQUIRED testing is completed.

And directly to Chair Moya, would you please take a meeting with my school's principal to hear our concerns - Ms. Chin no longer values her constituents' input. **We need a redevelopment plan that will provide the most protective plan of human health and safety imaginable.**

Thank you
Megan Malvern
917-733-4761

From: [Mimi Duvall-Sajda](#)
To: [Land Use Testimony](#)
Cc: emilyhellstrom@me.com
Subject: [EXTERNAL] Horrifying situation with 250 Water Street
Date: Monday, October 25, 2021 10:54:51 AM

To whom it may concern:

I am a resident of the Seaport with two school aged children in early stages of development. We have been families of both Blue School and Peck Slip. I am beyond concerned and upset beyond measure about the prospect of this happening where I live and where my kids go to school.

We are HORRIFIED with the ongoing process regarding 250 Water which has not only ignored community input but has shown a blatant disregard for children's health DURING A PANDEMIC in which no children are yet vaccinated. The kids needs fresh air. They need to be able to open windows, use their outdoor spaces, and play streets SAFELY until they are vaccinated.

The pollutants underground are known neurotoxins. NO one can positively say it is safe to expose children to these knowingly. EXPERTS agree it is simply NOT SAFE.

Howard Hughes needs to show some compassion and caring for those of us who feel like we will have to **EVACUATE OUR HOMES AND OUR SCHOOLS** if they move forward this school year.

Please I BEG everyone who has the power to NOT let this proposal pass during this school year. They can proceed when kids are vaccinated and unmasked - but NOT BEFORE!!!

Thank you for your consideration,
Mimi

Sent from my iPhone

From: [Nicole Rossi](#)
To: [Land Use Testimony](#)
Cc: saul.scher@howardhughes.com; [Jonathan Boulware](#)
Subject: [EXTERNAL] 250 Water Street -testimony, continued
Date: Monday, October 25, 2021 4:25:24 PM

Apologies, I was not finished with my testimony when time ran out.

I am adding the intended testimony, in its entirety, below.

My name is Nicole Rossi, I am Vice President of the 265-267 Water Street Coop and maintain a board seat on the Peck Slip PTA. I have two small children, Siena and Luca, ages 6 and 5 and they attend Peck Slip school.

I would like to request that the city and building regulators maintain accountability for the projects they approve. As of now, there appears to be rationale in favor of 250 Water Street because of its ability to provide affordable housing. Unfortunately, it is my understanding that this affordable housing will come at the cost of possible mercury contamination to residents and elementary school aged children of the Seaport area during construction.

There appears to be an inconsistency in approval processes, and later, accountability. Owners on Water Street applying for glass railings on rooftops are shut down and yet approvals of large structures that "check" a affordable housing box, despite the human cost otherwise pass with approval. It is a bit much to ask me to continue to trust in the current building approval standards, as is.

I would like to provide two anecdotes:

1. The Peck Slip school was built, thereby, checking a box for elementary school education with many exceptions for a historic district. Years later, the residents at 264 Water Street were given notice to evacuate for structural issues (happening real-time). 264 Water Street is directly behind the Peck Slip School. 26 families are homeless as of tomorrow because of these building exceptions. Residents on the entire block are fearful of a building collapse.
2. A townhouse and condo building was approved in a once vacant 10 foot wide alley between 267.5 Water street and 254 Front Street. Throughout construction, the neighboring buildings physically vibrated and rattled. My building, is directly next to this building and despite many complaints, including to Margaret Chin's office, exceptions were granted and I am awaiting the day that I too will need to be evacuated for structural issues caused by approvals and exceptions that allowed for this building to be added to a historic district.

Council Member Chin, I am so completely unimpressed by your leadership. Your assurances that you are mobilizing to care for my children's health are empty. DE mapping a playstreet well in advance of construction should be simple to do, allowing the school more options for protection and yet even low hanging options are not selected.

Saul,

You and I know one another a bit. You were kind, and supportive of the FSM and I am appreciative. I cannot imagine that you would put my children in harms way, but the controls in place by this city as of today, are not sufficient. I want to plea to you that you institute controls over the construction process as if your children lived and studied across the street. I simply do not trust the city to protect my children and Howard Hughes to set on a path to satisfy zoning and building standards are simply not sufficient (see 2 anecdotes above). Please think of my children (and many others) as you make decisions regarding this building. I dislike the parking lot very much and welcome the improvements you have made to the area. There has to be a scenario where you can proceed with improving the parking lot, build a luxury building, but, not at the cost of residents and children living in the area during construction. Post-Covid, I would never again live in a high-rise. Certainly there is a market for extra high luxury apartments with car ports that rise into units, over more of the same that FiDi offers. I want you to do well, I want the museum to do well. I also want to keep my babies safe. Let's find common ground.

Respectfully,

Nicole Rossi



Sent from [Mail](#) for Windows



**Statement of the Partnership for New York City
New York City Council
Subcommittee on Zoning and Franchises
250 Water Street
October 25, 2021**

Thank you, Chair Moya and members of the subcommittee for the opportunity to testify in support of the proposed project at 250 Water Street. The Partnership for New York City represents private sector employers of more than one million New Yorkers. We work together with government, labor and the nonprofit sector to maintain the city's position as the preeminent global center of commerce, innovation and economic opportunity.

The Partnership offices have been in Lower Manhattan since 1991 and we have contributed to the transformation of the financial district into a model mixed-use, live-work neighborhood. The proposed development by the Howard Hughes Corporation (HHC) is totally consistent with the objectives of renewal, growth and preservation that we and the majority of this community have supported for the past twenty years.

Redevelopment of the World Trade Center site has moved the center of gravity in Lower Manhattan to the West. The HHC investment in a significant mixed-use development in the Seaport District provides important balance to this community, helping to ensure that the east side of the district will remain vital and vibrant. It also introduces the first major addition of affordable housing in half a century, ensuring that Lower Manhattan achieves the diversity that we aspire to in a model city neighborhood.

In response to the damage that Lower Manhattan experienced because of September 11th and Superstorm Sandy, the neighborhood has benefited from enormous public investment that will only be justified by increasing its residential and commercial density. The HHC project accomplishes this while preserving the historic character of the built environment. The HHC investment in the Seaport Museum is of particular importance to the community's status as a cultural and tourism hub.

It is important to note that HHC has worked diligently with community interests to plan a project that achieves local goals and transforms an unproductive lot that has needed redevelopment for 50 years into a vibrant community asset. In response to comments from the Landmarks Preservation Commission, HHC revised the proposal to reduce the height and bulk of the building. This project is important to the future of Lower Manhattan and to the city struggling to recover from the devastating impact of the pandemic. We urge its approval.

From: [Colson, Brandon](#) on behalf of [Speaker Corey Johnson](#)
To: [Land Use Testimony](#)
Subject: FW: [EXTERNAL] 250 Water Street
Date: Saturday, October 23, 2021 7:36:12 PM

-----Original Message-----

From: paul bronstein <pbronstein18@gmail.com>
Sent: Saturday, October 23, 2021 6:58 PM
To: Speaker Corey Johnson <speakerjohnson@council.nyc.gov>
Subject: [EXTERNAL] 250 Water Street

Dear Councilperson,

I understand a new proposal for 250 Water Street will be brought up at the next City Council meeting on Monday Oct. 25th. This must be turned down. I believe this proposal is totally out of the boundaries of the legislated height limit for the Historic Seaport District. To consider this type of remediation and construction next door to two schools and senior living is insulting.

I live in the district and feel it will ruin the landscape of what HHC has “proudly” marketed as New York’s original neighborhood.

It is a disgrace that HHC is trying to push and shoe-horn this out-of-legal-limits and out-of-character building into the general low-scale space of this historic area.

Sadly, HHC has not been a reliable past partner, so it’s promise of salvation for the Seaport Museum can not be taken seriously. There’s no guarantee that the Museum will survive nor get a new building per HHC’s proposal. The community was promised green spaces and access to the rooftop of Pier 17 before it’s re-construction. Upon completion nothing close came to fruition as Pier 17 became a concert venue and a restaurant locale.

I encourage you to VOTE AGAINST the 250 Water Street building project. HHC should stay within the legal height limits for this block.

Sincerely,
Paul Bronstein
100 Beekman Street
[REDACTED]
New York, NY 10038
[REDACTED]

My name is Paul Hovitz, retired Vice Chair of CB#1, Advisory Board Member Downtown Hospital, Board Member of Manhattan Youth, resident Southbridge Towers 37 years. I support the extension of HHC's ground lease in the Seaport.

Before Pier 17 was rebuilt the Seaport was a ghost town. HHC brought life, jobs and renewed activity to our Seaport and our Community.

11 years ago our school, Spruce St. School, was in need of fundraising. The Taste of the Seaport was born. HHC provided funding each year since in the hundreds of thousands \$. Now this event includes our Peck Slip School as well.

Community support extends to our Bowery Mission, our hospital, and our South Street Seaport Museum, centerpiece of the Historic District.

The proposal before us provides for all the above as well as the desperately needed affordable housing. Six years ago Southbridge Towers voted to exit the Mitchell-Lama Program for private ownership. This removed 1651 middle income affordable housing units from our district. Our children live in a diverse world and need the benefit afforded by that diversity.

This lease extension is smart for all parties. It will allow HHC to move ahead with real planning for the Seaport and NYC, resulting in support for our arts and cultural entities including the Seaport Museum.

HHC has invested \$1 Billion in our community. They've shown that their intent is tied up with mutual benefit for the locality in total. We sink or swim together.

Please give them the tools they need to accomplish our goals.

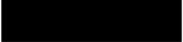
Respectfully submitted.

Paul Hovitz

From: [Philip Santini](#)
To: [Land Use Testimony](#)
Subject: [EXTERNAL] Use of 250 Water Street
Date: Monday, October 25, 2021 9:33:38 AM

My name is Philip Santini and I strongly support the HHC proposal to develop a mixed-use building at 250 Water Street that will spur economic development, add jobs, create permanent, deeply affordable housing in Lower Manhattan's affluent South Street Seaport neighborhood and generate funding to stabilize the Seaport Museum. I urge the City Council to support and approve the land use actions necessary to make 250 Water Street possible.

Best,

Philip Santini


From: [Reed Super](#)
To: [Kelley, Chelsea](#); [Land Use Testimony](#)
Subject: [EXTERNAL] Written testimony on 250 Water Street (LU 0906-2021, LU 0907-2021)
Date: Thursday, October 28, 2021 9:10:23 AM
Attachments: [Exhibit 5 - 020214 \(2003 - 2\).pdf](#)
[Exhibit 4 - 020213 \(2003 -1\).pdf](#)
[21-1028 SSSC Comments on LU 0906-2021 0907-2021 \(250 Water Street\).pdf](#)

Good morning Chelsea:

Attached please find written testimony (comments) submitted to the Subcommittee on Zoning and Franchises on behalf of South Street Seaport Coalition, Inc., et al. on the land use applications for 250 Water Street (LU 0906-2021, LU 0907-2021).

There is a main letter document (92 pages) that includes attachments/exhibits, as well as two other exhibits (Exh. 4 which is 31 pp., and Exh. 5, which is 15 pp.) that are in separate PDFs because they cannot be combined into the main PDF document.

Can you please confirm that these have been received and are being added to the record?

Thank you very much,
Reed Super

Reed W. Super
SUPER LAW GROUP, LLC
110 Wall Street, 3rd Floor
New York, NY 10005

(212) 242-2273 (direct)
(212) 242-2355 (main)

(646) 345-9658 (mobile)
(855) 242-7956 (fax)

reed@superlawgroup.com

www.superlawgroup.com

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SUPER LAW GROUP, LLC

WRITER'S DIRECT DIAL: 212-242-2273
EMAIL: reed@superlawgroup.com

October 28, 2021

Via email to: landusetestimony@council.nyc.gov, CKelley@council.nyc.gov
New York City Council
Subcommittee on Zoning and Franchises
City Hall
New York, NY 10007

Re: **LU 0906-2021 – Application No. C 210438(A) ZSM (250 Water Street)**
LU 0907-2021 – Application No. N 210439 ZRM (250 Water Street)
Related ULURP Nos. N210440ZCM, N210441ZAM, M210442LDM,
M210443LDM, M130053BZSM, N210445ZAM, N210446ZCM

Dear Chair Moya and Members of the Subcommittee on Zoning and Franchises:

These comments on the above-referenced land use applications for 250 Water Street in Manhattan are submitted on behalf of South Street Seaport Coalition, Inc., Save Our Seaport, Seaport Coalition, Children First, Linda Hellstrom, Jay Hellstrom, Emily Hellstrom, Zette Simmons, and Colleen Robertson.

Our clients and their representatives, including the undersigned, have made extensive comments, both written and oral, at earlier stages of the ULURP process. We wish to call to your attention those comments, which present numerous legal and policy-related reasons why the subcommittee, committee, and full council should vote to disapprove the decisions of the City Planning Commission (CPC). In particular, please see the comments made at the public hearings and submitted in writing on the land use applications, the Draft Scope of Work, and the Draft Environmental Impact Statement (DEIS), all of which appear in the CPC's record for this project and many of which also appear in Appendix F of the Final Environmental Impact Statement (FEIS).¹ Rather than repeating those comments here, we refer you to them and hereby incorporate them by reference. In addition, for your convenience, we have attached hereto the September 13, 2021 letters of George M. Janes & Associates to Marisa Lago, then-Chair of the CPC, and to Olga Abinader, then-Director of the Department of City Planning's Environmental Assessment and Review Division, and the September 13 and October 15, 2021 letters from the undersigned to Ms. Abinader and to the CPC Commissioners, all of which are also incorporated here by reference.

¹ The transcript of the December 17, 2020 public hearing and our written comments on the draft scope appear in the Final Scope of Work, available at <https://zap.planning.nyc.gov/projects/2021M0224> (last visited October 27, 2021), filename: 21DCP084M_Final_Scope_Of_Work_05172021.

The transcript of the September 1, 2020 public hearing and our written comments on the DEIS are in Appendix F of the FEIS, including the written comments identified as follows: SSSC_182, Kramer_SSSC_066, Kramer_SSSC_176, Kramer_SSSC_187, Janes_165, Gorman_FoSSS_047, Gorman_FoSSS_090, Hellstrom_PSPTA_CF_013, Hellstrom_PSPTA_CF_073, Robertson_PSPTA_063, Malvern_CF_067, Malvern_CF_175, Kennedy_ST_096, Kennedy_ST_183 Hellstrom_071, Hellstrom_170, Hellstrom_087, Lee_080.

As explained therein, among other things, the proposed development is inappropriate for the South Street Seaport Historic District and South Street Seaport (Zoning) Subdistrict; many of the purported “public benefits” of the proposed project are illusory and will not occur or are not public benefits at all; the development rights at Pier 17 were improperly excluded from competitive bidding; the DEIS and FEIS do not comply with SEQRA for the reasons stated in our SEQRA comments; the zoning approvals for the benefit of the developer constitute illegal spot zoning and contract zoning; and the Zoning Resolution’s requirements for a Large-Scale General Development (LSGD) and to distribute bulk from one zoning lot to another within that LSGD have not been met; the South Street Seaport’s Designated Pedestrian Ways cannot be used for that purpose; and Section § 25-305(b)(1) of the NYC Administrative Code prohibits the CPC from issuing a Special Permit until the Landmarks Preservation Commission (LPC) has issued a Certificate of Appropriateness (COA).²

In addition, several other points bear emphasis here, including that modifications were made to the land use applications, as referenced in the CPC reports, but if the modified applications were submitted to the CPC they were submitted extremely late in the process, well after the CPC’s public hearing closed, and the modified applications and related documents never appeared in the Zoning Application Portal. The CPC did not hold a public hearing on the proposed modifications to the applications, nor did it refer the proposed modification to the Community Board or Borough President, as required by the ULURP rules. Relevant application documents referred to in the CPC reports are purported to have been revised just three business days before the CPC vote and were not available to the public. Furthermore, the CPC did not make the findings required by Section 74-743(b) of the Zoning Resolution, and the proposed Restrictive Declaration, which was not available until after the CPC vote, is only in draft form and remains incomplete.

For all of those reasons and those contained in our prior comments, the decisions of the City Planning Commission for 250 Water Street should be disapproved.

Sincerely,



Reed Super

Attachments

cc: Chelsea Kelley

² On October 4, 2021, the Supreme Court for the State of New York, New York County, in *South Street Seaport Coalition, Inc. v. Landmarks Preservation Commission of the City of New York*, Index No. 154812/2021, decided, based on the representations of the City and 250 Seaport District, LLC, that the certificate voted on by the LPC in May 2021 was not a “final COA” and was instead “only a provisional approval.” See Decision and Order on Motion (NYSCEF No. 71) and e-filed documents referenced therein. Accordingly, the CPC lacked authority under § 25-305(b)(1) to grant the Special Permits it granted on October 20, 2021.

GEORGE M.
JANES &
ASSOCIATES

September 13, 2021

250 EAST 87TH STREET
NEW YORK, NY 10128

www.georgejanes.com

T: 646.652.6498

E: george@georgejanes.com

New York City Department of City Planning
Attn: Olga Abinader, Director
Environmental Assessment and Review Division
120 Broadway, 31st Floor
New York, New York 10271
Via email: 21DCP084M_DL@planning.nyc.gov

RE: Comments 250 Water Street -
Draft Environmental Impact
Statement CEQR No. 21DCP084M

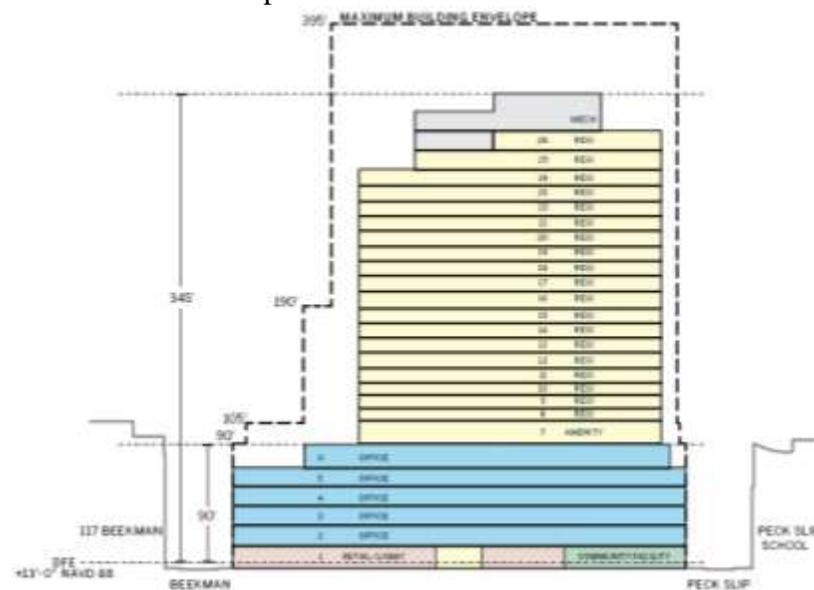
Dear Ms. Abinader:

These are comments on the DEIS prepared for 250 Water Street. These comments were prepared at the direction of the South Street Seaport Coalition, Inc.

Project Description

There are several inconsistencies or missing data in the drawings the DEIS uses to describe the action. These should be corrected. Selected drawings are identified below, but the Lead Agency should ensure that all drawings are correct and fully and accurately dimensioned. These errors could be a part of larger systematic errors to understate the size of the action studied.

Figure 1-3b, for instance, is a section going through the proposed development, a detail of which is reproduced below:



Detail of Figure 1-3b

The dimension labels show that the drawing has a base height of 90 feet, a building height of 345 feet, and the maximum building envelope is 395 feet. But if the base height is 90 feet, the building shown is actually larger than what the labels show.

My office brought this image into CAD and scaled it according to the 90-foot base height. If the base height is 90 feet, the section drawing shows a building that is 356.65 feet, not one that is 345 feet. The maximum building height as shown in the drawing is 409.2 feet, not 395 feet.

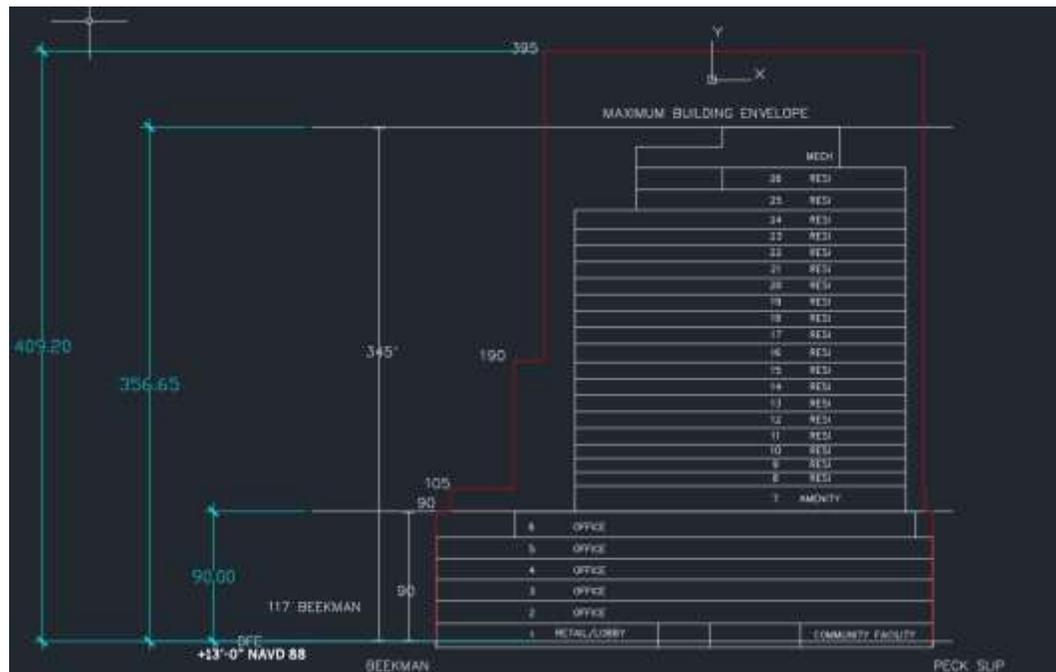


Figure 1-3b imported into CAD with CAD scaled dimensions shown in turquoise

Simply, the dimensions shown in Figure 1.3b do not match the building shown in the same drawing. If the base height is correct, then the building needs to be 345 feet, and not just labeled as such. Either the dimension labels need to change or the drawing needs to change. The difference, which is about 1 story of height, is material and the drawing should be corrected so that it is internally consistent.

For a Lead Agency, these types of errors are worrying because modern digital tools used to create these drawings make it difficult to make these types of errors. Someone needed to make this inconsistent. Is it the sign of more systemic problems with the data used to evaluate the project's impacts? More than just correcting this drawing, the Lead Agency should understand what led to this error, if it is propagated through the analysis and if there is a systemic problem with the information in the DEIS.

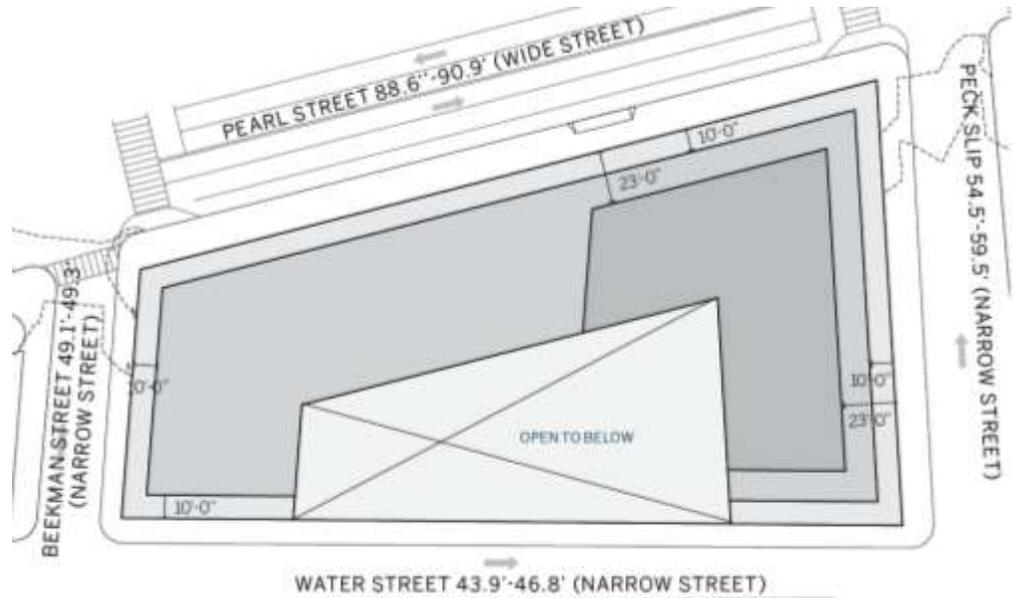
Other drawings are just missing information. Take the site plan, for instance:



Detail of Figure 1-3c

What are the overall dimensions of the proposed action? How tall is the building? How many stories? How long is the street wall along Pearl Street? The CEQR Technical Manual instructs that “all significant dimensions should be labeled clearly.” Yet, this site plan has limited information, much less than is typically shown, and less than required by the Manual. Further, what are the small rectangles under 91’2” and 83’6” labels? They look like they might be bulkheads, but there is nothing in the section that suggests bulkheads are planned on top of the mechanical floors, nor does the massing shown in Figure 7-32. The development should be described consistently throughout the DEIS; the bulkheads in plan should be removed or they should be added to the other drawings.

The No Action site plan (Figure 1-4c) is even worse, with only setback distances dimensioned. The No Action site plan has an area labeled “Open to below.” What does that mean? Figure 1-4a shows that the No Action Alternative does, indeed, have a ground floor, so “Open to below” does not mean that it is open to the street level. Since there is nothing indicating height or stories on this plan, it is not clear what it means.



Detail of Figure 1-4c

The Lead Agency should require that all the site plans be properly dimensioned as the Technical Manual requires.

Further, this Chapter is supposed to include, “a description of the Proposed Actions, the Development Site and Museum Site, the Project Area existing conditions, project purpose and need, Proposed Project, reasonable worst-case development scenario (RWCDS) under the No Action and With Action Conditions, and public review process required for approval of the Proposed Actions.” (Page 1-4). But the description of the Museum site is at a completely different level of detail than the Development Site. There is no site plan for the museum, there are no sections or elevation for the project proposed for the Museum site. Should the information for the Museum site be at the same level of detail as the Development Site? If so, this information needs to be added. If not, then the description of the information should be changed to clearly explain that the Museum site is not described at the same level of detail and the reasons why this distinction is being made.

Land Use, Zoning and Public Policy

The development of 250 Water Street is facilitated by a Large-Scale General Development (LSGD) plan. As discussed in the attached review of the appropriateness of the use of LSGD regulations on the expanded area, the applicant is proposing changes to how LSGDs are defined and applied, including, for the first time, streets as a part of an LSGD. The impacts of this radical proposed change in New York City’s Zoning Resolution has not been evaluated in the Land Use, Zoning and Public Policy chapter. What are the consequences of assuming that streets can be a zoning lot? It is fundamental to New York City’s zoning that streets define the edges of blocks and zoning lots are found within blocks. To facilitate the development of 250 Water Street as analyzed in the

DEIS, the applicant has proposed turning this fundamental building block of our zoning regulations on its head. What are the larger impacts of this action on the New York City Zoning Resolution specifically, and development in New York City generally? The applicant could have achieved a materially similar building by pursuing a zoning map change, which would have been much more straightforward and transparent. Yet, the applicant chose to change the law to make streets a zoning lot. Should this application move forward, will we be seeing other applications that use the same tactic? If so, what is the potential impact on the Zoning Resolution? Should there be boundaries on fundamental principles of zoning that should not be crossed because of their potential impact on the New York City Zoning Resolution?

Further, the LSGD requires that findings be made. One of the findings (74-743(b)(4)) requires:

“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;”

The DEIS has disclosed significant transportation impacts on vehicular and pedestrians at certain intersections of streets. There must be a discussion as to how the DEIS can disclose significant transportation impacts, and yet the CPC could make this finding to allow the project to proceed. What is the relationship between significant impacts disclosed in the DEIS and findings that must be made to allow this discretionary action to occur? Can the CPC simply ignore significant impacts on transportation that occur on streets and still find that the project meets this required finding of the LSGD?

Finally, despite the radical zoning solution put forth by the applicant, there remains a real question as to the legality of the LSGD as proposed. There are questions about the limited lease rights the applicant has over the streets and whether it qualifies as ownership, and if it is proper to move floor area from a zoning lot when there is an existing building at the time of the application. If these interpretations are accepted in this LSGD, there should be a discussion as to the impacts of these new interpretations on existing LSGDs, or ones which may be formed in the future. A Zoning Resolution that allows for the inclusion of public streets as a part of an LSGD and the movement of floor area from existing buildings in the LSGD signals a major change in the interpretation of the Zoning Resolution, the impact of which needs to be analyzed.

Shadows

The Tier 3 Shadow Assessment is not presented as the Technical Manual instructs. Figure 8-7 of the Technical Manual shows the proper way to show a Tier 3 assessment. In this DEIS, the labels showing the time of each part of the shadow sweep are missing from the Tier 3 Analysis. See below:



Detail of Figure 5-4

The FEIS should correct the Tier 3 shadow assessments that are missing the time labels in the shadow sweeps by adding those labels.

Urban Design and Visual Resources

There are serious problems with the quality of the images showing No Action and With Action conditions in this chapter. Simply, they are not accurate. While they look like photographs of existing conditions merged with No Action and With Action conditions, they are artist renderings showing what may be the intent of the applicant. As we demonstrate below, these renderings do not accurately depict the action as proposed in the scene in which it is shown. These images should be disregarded and accurate images should be required by the Lead Agency.

It appears the applicant started with a photograph and then manipulated it. It is unclear why this was done in the assessment of visual resources, but manipulation of images that attempt to show projects as they are imagined or hoped to be, not as they actually will be, is relatively common in architectural renderings. While the applicant is free to use any images to discuss their vision of this project, for a DEIS images that are included need to be accurate, and these, as we show below, are not.

Visual materials in a DEIS need to be an accurate depiction of the action

Best practices for visual materials in a DEIS call for verifiable digital photomontages¹ (more commonly known as photosimulations) on an existing

¹ The full method to produce verifiable digital photomontages can be found here:
<http://www.georgejanes.com/PDF/TechnicalMethods/TechnicalMethods002-Photosimulation.pdf>

conditions photograph. Typically, existing conditions, no action and with action scenarios are shown so that the differences between them can be understood and the impacts evaluated. In a verifiable digital photomontage, the no action and with action conditions are rendered from a digital 3D model using the exact lens and location of the camera used to take the photograph. The existing conditions photograph and the digital model rendered with a computer camera that matches the real world camera used to take the photograph are then matched using references that exist in both the photograph and the digital model and then the different images are then merged together. This method is best practices for a DEIS because it is verifiable and repeatable.²

The applicant's images do not follow anything like this process. First, the renderings do not use an unaltered photograph. Instead, the base image is heavily manipulated. For instance, the following is a reproduction of Figure 7-36.



Reproduction of Figure 7-36 with red box showing approximate area of detail below

² The Scope of Work did not require that the analysis for the project's impact on Visual Resources include photosimulations, but the applicant cannot include visual information that is inaccurate in the DEIS, which is what they did.

The red box above shows an area of detail of an existing building, which is enlarged below left. Below right is an existing conditions photograph of the same portion of the same existing building:



Detail of Figure 7-36 on the left, photograph of same area on the right

The photograph of the existing building shows the messy details of window mullions, a plant on the roof, doors, light fixtures, all detail that was omitted or simplified in the applicant's rendering. To be clear, this kind of simplification of existing conditions is not, by itself, a fatal error. Even though similar simplifications are found throughout all of these artist renderings, they still give enough of the sense of the area to be used to assess impacts. Instead, this detail is being highlighted to demonstrate to the Lead Agency that even though these renderings appear to be on an existing conditions photograph, they are an artist interpretation of this viewpoint.

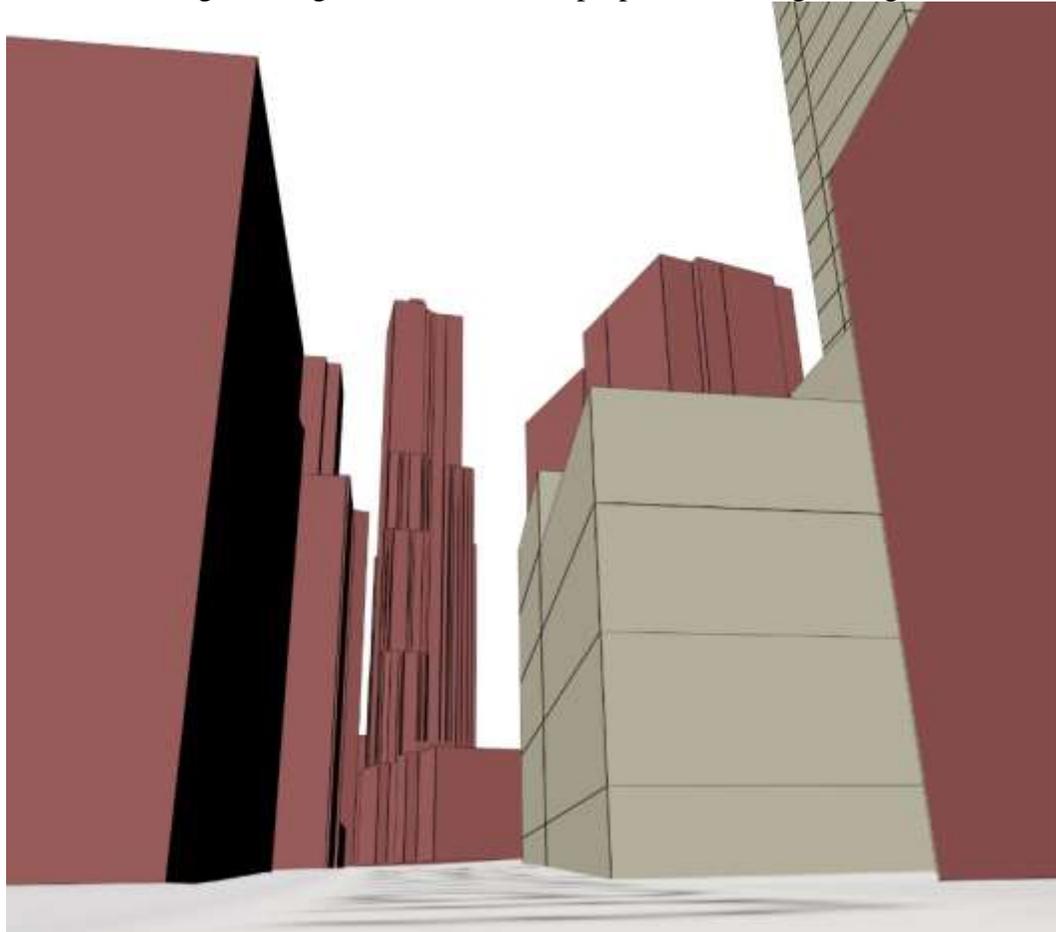
While not a best practice, artist renderings are acceptable evidence to use to assess impacts on visual resources, if they accurately show existing and proposed buildings in their proper location and their proper size and are allowed by the Scope of Work. The problem with the renderings that appear in the DEIS is that they do not show buildings in their proper location or at their proper size. For example, consider Figure 7-35:



Reproduction of Figure 7-35

Using the 3D LIDAR model of the City of New York and a 3D model of the proposed action constructed by my office using the description found in the DEIS, we have replicated this viewpoint digitally using only 3D computer models

below. Existing buildings are in red and the proposed building is beige.



Reproduction of the viewpoint of Figure 7-35 using only 3D digital models

We then matched the proposed action as shown in the applicant's renderings with the 3D model rendered using a 30mm lens.³ Then, we overlaid an outline of the rendered 3D model on top of the applicant's rendering.

³ My office tried many lenses to match the image, 30mm seemed closest, but no lens could match this image since it was so manipulated. There is no information in the DEIS to communicate what kind lens this image was supposed to represent.

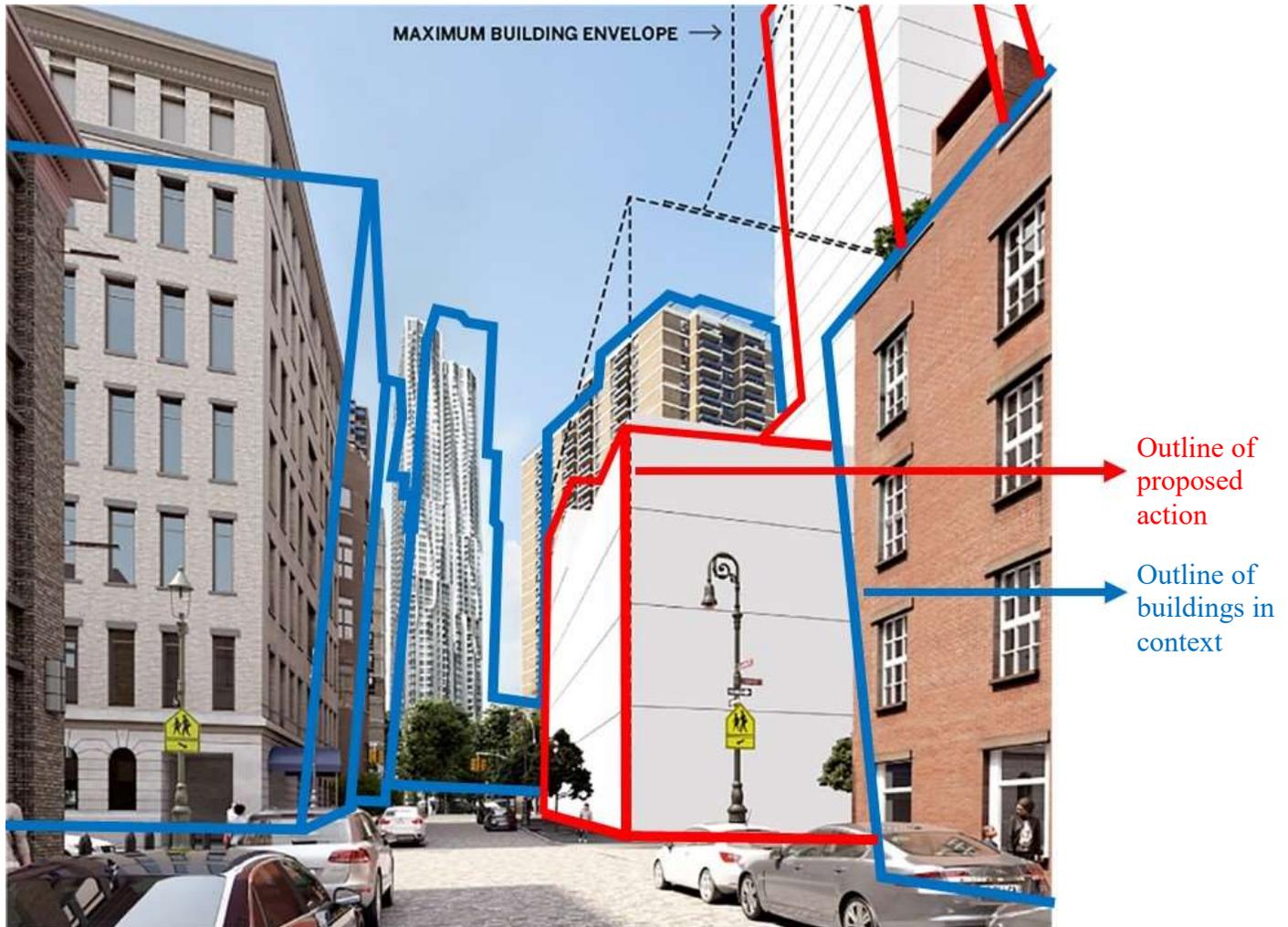


Figure 7-35 from the DEIS overlaid with the outline of rendered 3D digital model from this same viewpoint, matched with the proposed action

In this overlay, the proposed building matches pretty well with the 3D model. But the context buildings, especially those in the left of the image, are way off. They are telling us that in reality, they are smaller than what is shown in the rendering.

If we instead try to match the 3D context models with the existing buildings, focusing on those on the left, the proposed action is in the wrong place:

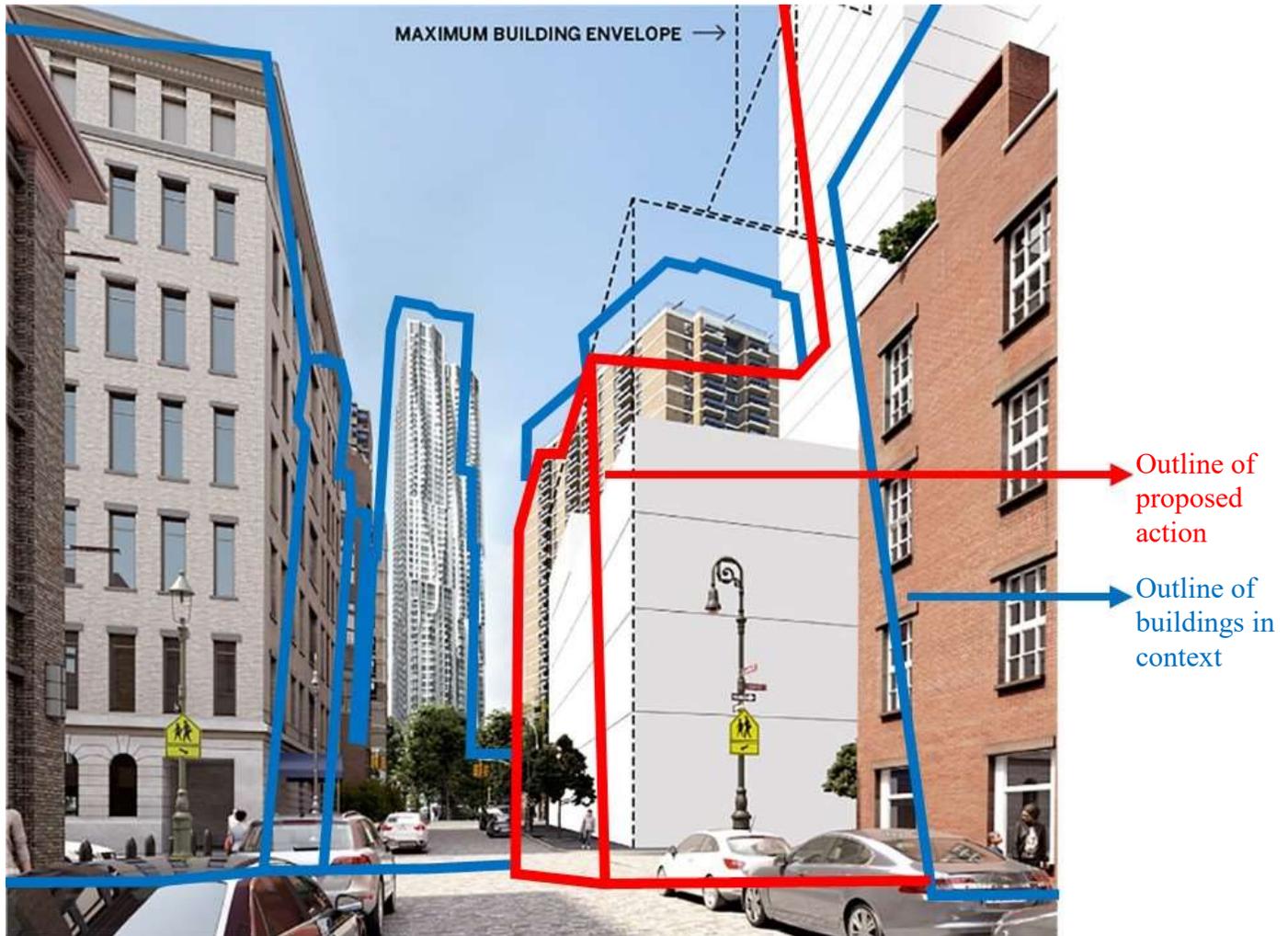


Figure 7-35 from the DEIS overlaid with the outline of rendered 3D digital model from this same viewpoint, matched with the existing buildings to the left of the image

When the 3D models match the context model on the left, then the proposed building is in the wrong place, and its base height would appear much taller.

In sum, while these renderings may show design intent, they do not represent reality and should not be used in any decision-making regarding the project's impact on visual resources or urban design. The Lead Agency should remove them from the FEIS and instruct the applicant to produce either renderings that are described in the CEQR Technical Manual, or, preferably, photosimulations.

New visual materials should be accompanied by a key map showing the location of the viewpoints being studied. The DEIS has a key map showing existing conditions photographs, but no key map showing studied viewpoints. This is especially important for Figure 7-37, which shows the view from the Brooklyn Bridge, but from where on the Brooklyn Bridge? The reader cannot know.

Inventory and evaluation of all Visual Resources

Nowhere in the DEIS does the applicant provide an inventory of visual resources within the study area. It only tells us that there are four visual resources in the project area. The CEQR Technical Manual states: “For visual resources, the view corridors within the study area from which such resources are publicly viewable should be identified. The land use study area may serve as the initial basis for analysis; however, in many cases where significant visual resources exist, it may be appropriate to look beyond the land use study area to encompass views outside of this area, as is often the case with waterfront sites or sites within or near historic districts.” This development site is proposed to be part of an LSGD which is in a waterfront block, so it meets both of the conditions that the Manual includes to examine resources outside the study area.

Further, as the CEQR Technical Manual instructs, there should be “[a]n area map showing existing view corridors and access to visual resources both within and outside the project area.” Such a map would be useful if there were an inventory of visual resources so that view corridors and the visual resources they include can be shown, but the DEIS does not inventory all visual resources that have the potential to be impacted, nor does it map the visual resources it does mention.

Unlike the renderings, which I can say with certainty are wrong, I do not know if all the visual resources this project might impact have been evaluated and disclosed. Is there a viewpoint outside the study area that has a view to a pier of the Brooklyn Bridge that could be impacted by the proposed project? The streets in Lower Manhattan do not form a regular grid and what resources will or will not be impacted by the proposed development site may not be as apparent as in other parts of Manhattan. That is one reason why the DEIS should have looked more broadly, inventoried visual resources, mapped them and then evaluated how the proposed project impacted views to them from public view corridors,⁴ as the Manual instructs. The Development Site is in an historic district; it is close to the shoreline, which requires a more detailed analysis, an inventory of all nearby visual resources and the projects’ impact on them to be included in the FEIS.

⁴ The applicant may wish to explore newer interactive tools that help identify visual resources at risk and evaluate potential impacts. One such tool is described here: <https://pro.arcgis.com/en/pro-app/2.7/help/mapping/exploratory-analysis/interactive-viewshed-basics.htm>

Close

Thank you for your attention to these comments and questions. Please feel free to contact me should you have any questions at george@georgejanes.com.

Sincerely,

A handwritten signature in black ink, appearing to read "G. M. Janes". The signature is fluid and cursive, with the first name "George" and last name "Janes" clearly distinguishable.

George M. Janes, AICP
George M. Janes & Associates

Attachments: GMJ&A letter regarding the LSGD

September 13, 2021

GEORGE M.
JANES &
ASSOCIATES

250 EAST 87TH STREET
NEW YORK, NY 10128

www.georgejanes.com

T: 646.652.6498
E: george@georgejanes.com

Marisa Lago, Chair
City Planning Commission
120 Broadway
New York, NY 10271

RE: ULURP # N210439ZRM,
M130053BZSM, C210438AZSM,
C210438ZSM 250 Water Street Large-Scale
General Development Plan Findings

Dear Ms. Lago:

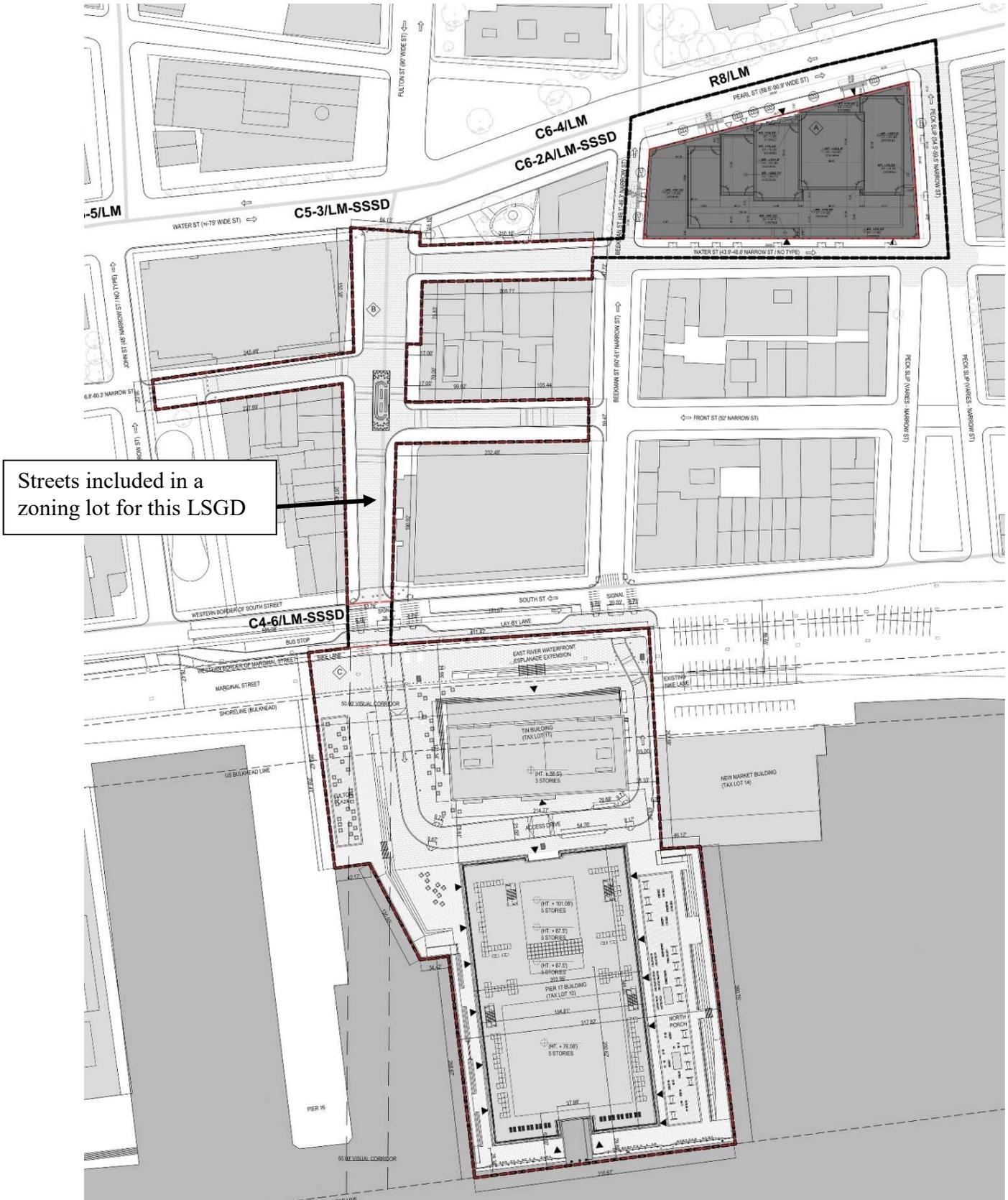
On the behalf of the South Street Seaport Coalition, Inc., I have prepared this evaluation of the Applicant's discussion of Conditions and Findings for the proposed amendments to the Large-Scale General Development Plan for 250 Water Street, Pier 17, the Tin Building, and the demapped streets in between.

The Large-Scale General Development Plan

The Applicant proposes using a zoning mechanism called a Large-Scale General Development (LSGD) Plan, which allows floor area to be distributed within the plan area irrespective of zoning lot lines. As proposed, the LSGD will allow floor area to be moved from Pier 17 to 250 Water Street. A Large-Scale General Development Plan already exists, which covers Pier 17 and the Tin Building (Block 73, lots 10 and 11). The Applicant proposes to extend the LSGD plan to include 250 Water (Block 98, lot 1) and portions of Water, Pearl and Front Streets that are designated as Pedestrian Ways on Map 6 (91-A6). These pedestrian ways are explicitly defined as #Streets# in ZR 91-62.

Under current zoning, a LSGD must be made up of one or more zoning lots. The LSGD plan can cross a street or an intersection, but that street never becomes a part of the LSGD, as public streets are never parts of zoning lots. The exclusion of streets from zoning lots is fundamental to the Zoning Resolution: streets define the boundaries of blocks and zoning lots are found within blocks. By including streets, the proposed LSGD plan is clearly contrary to current law.

The following image shows the proposed new boundaries of the LSGD plan. The demapped streets are not only defined as streets, but they look like streets and most of them have never been assigned a block and lot number:



Detail of the proposed amended LSGD Plan from the application

The application proposes to address this illegal condition by changing the zoning text as follows:

In addition, the designated pedestrian ways referenced in paragraphs (a), (b) and (c) of this Section [portions of Water, Pearl and Front Streets shown in the LSGD plan] may be considered a single #zoning lot# for purposes of the definition of #large-scale general development# in Section 12-10.

This one sentence of zoning text proposes a radical zoning solution that the Commission should reject.

The proposed expanded LSGD is both bad zoning and the site does not qualify to be considered an LSGD

If nothing else, this zoning text change is bad zoning. Streets, with limited exceptions for private roads, define the boundaries of blocks and zoning lots but they cannot be zoning lots. The proposal requires a fundamental change to how we think of streets and zoning lots. While this text would only apply to this subdistrict, new special district zoning text often finds its way to other parts of the Zoning Resolution over time. The Commission should not consider blurring the line between streets and zoning lots. They are always different, and they should remain so.

Second, to qualify as an LSGD, the definition requires that an LSGD must have “been or is to be used, #developed# or #enlarged# as a unit:” (12-10) The Zoning Handbook explains that the LSGD “can include existing buildings, provided that they form an integral part of the development.” There is nothing about Pier 17 and the Tin Building that create an integral part of the proposed development at 250 Water. The Applicant has given no evidence to the contrary, other than stating that since they are purported to be in common fee ownership, they qualify. The zoning lot east of South Street that contains Pier 17 will remain largely unchanged and is not integral to the mixed use development proposed at 250 Water. The purpose of expanding the LSGD is simply to move floor area from Block 73 to Block 98, which does not make the existing buildings integral to the new one.

Third, not only is the development at Pier 17 not integral to the development at 250 Water, neither are the pedestrian ways. These pedestrian ways are integral to the existing development on Blocks 74, 95, and 96, blocks that are NOT a part of the LSGD, and which form the historic core of the South Street Seaport. The pedestrian ways provide the only access to several buildings on these blocks. The Commission is reminded that these streets, which are absolutely integral to the buildings of the historic core, do NOT abut 250 Water or Pier 17. They provide no direct access to either site, both of which are bounded by mapped streets that define their zoning lot edge. It is an absurd construct that the Commission should reject.

Fourth, the Applicant claims ownership of the streets because they have a lease over them. The lease held by the Applicant describes very limited rights, including providing pedestrian access to the buildings in the core and the right for the Applicant to place awnings over it. The Applicant cannot close the streets; they cannot develop the streets; they cannot materially change the streets, as their current lease provides no such rights.¹ The very limited rights the Applicant has over the streets under their current lease cannot be considered to convey “ownership” for the purposes of the Zoning Resolution. Further, the Applicant does not have an exclusive lease over the streets. The South Street Seaport Museum also has similar limited rights to use portions of the former Fulton Street.

Fifth, the expanded LSGD does not qualify as an LSGD under the definition of such in ZR 12-10. Floor area is being moved from Pier 17, an existing building that was given its temporary certificate of occupancy (“TCO”) in 2017. ZR 12-10 states:

[LSGD] #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#.** [Emphasis added]

Since the Applicant proposes moving floor area from Pier 17 to 250 Water Street, and Pier 17 has an existing building, the application for an LSGD would have had to been made prior to the issuance of the TCO for Pier 17 in 2017 to qualify as an LSGD. It was not, and so, therefore, this site cannot qualify as an LSGD as proposed by the applicant under the definition of an LSGD in ZR 12-10.

Sixth, when this proposal was first presented to the City Planning Commission, Commissioner Burney called this LSGD “gerrymandered like a Texas Congressional District,” recognizing its odd shape. LSGDs do not look like what’s been proposed. Commissioner Burney’s observation on the unusual shape was apt. The streets included in the LSGD proposal allow for floor area to be moved between noncontiguous zoning lots that are more than 500 feet apart. Such distance was never contemplated for LSGDs since there are no streets in NYC that are 500 feet wide. The only way for two distant zoning lots to connect is to absurdly gerrymander the LSGD plan with streets pretending that they are a zoning lot in the LSGD plan. Simply, it looks strange because it is strange.

Consider the following image taken from the New York City Tax map:

¹ They do have a concessionaire agreement that describes activities that may occur in the street and responsibilities that the Applicant has for holding that concession. However, the concessionaire agreement cannot be considered a long-term land lease for the purposes of conveying ownership under the Zoning Resolution.



Detail of New York City Tax Map captured 9/10/2021, annotated with the locations of the proposed development

Excluding a small portion of Front Street, which was given a block and lot number, the City of New York Tax map shows the demapped streets as streets. Since the two blocks in the proposed LSGD are quite far from each other, the only way to connect the two is to assume streets are zoning lots. Considering the construct of the Zoning Resolution, this results in the absurd gerrymandered appearance noted by Commissioner Burney.

Finally, and perhaps most frustratingly, a zoning map change could have facilitated a materially similar development at 250 Water Street. The Applicant has proposed developing 250 Water at 11.45 FAR. A map change to a commercial district with an R10 residential equivalent district would have allowed a mixed use building on this site at the proposed size with the same uses. (Although doing so would effectively revert this site to its 1961 zoning, which the CPC changed in 2003.)

There is no reasonable planning rationale for the adulteration of fundamental principles of the New York City Zoning Resolution when such a simple solution was available. The Applicant could have applied for a zoning map change for 250 Water, and then proposed a building materially similar to their proposal. Perhaps the Applicant believed such an application would be difficult, considering the 2003 change, but that is not a good reason to inflict damage on the Zoning Resolution and the City's zoning policy. Further, a zoning map change would have been more transparent and understandable. From a zoning policy perspective, this was the right way forward. Commissioners should not only be

concerned with the built results, but they also need to be concerned with the integrity of the solution.

The Applicant's Findings and Discussion of LSGD

The following is a replication of the Applicant's findings and discussion of the proposed amended LSGD Plan. The Applicant's discussion is replicated below in black, and my comments on the Applicant's responses are made in red.

Items that are not applicable have been eliminated for brevity, as have items relating to the proposed curb cut and compliance with waterfront zoning, for which I have no comments.

**12-10
Definitions**

Large-scale general development

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 LSGD contains one or more buildings on three zoning lots that would be contiguous but for their separation by South Street and Beekman Street. The LSGD is neither a large-scale residential development nor a large-scale community facility development.

Response: The LSGD only contains three zoning lots if the pedestrian ways are considered a zoning lot. They are streets and under current law they cannot be considered a zoning lot, as streets are never parts of zoning lot. The Applicant has proposed a radical text amendment that would allow streets to be considered a zoning lot, even though these streets will still be streets and will continue to provide the only legal access to several developments that are NOT a part of this LSGD.

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

The LSGD has a lot area of 336,601 sf, which is approximately 7.72 acres.

The proposed LSGD only has this area if the pedestrian ways are considered a zoning lot in the LSGD. Block 98, Lot 1 is too small to be an LSGD and must be combined with other lots to become a part of an LSGD. Block 73, lots 10 and 11 are already a part of an LSGD and are more than 1.5 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*

(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**

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

The fees comprising the LSGD are owed [sic] by the applicants for this application.

The proposed LSGD is NOT to be used, developed or enlarged as a unit and the proposed LSGD fails this eligibility criteria. The following item does not define “#developed# or #enlarged# as a unit;” it is simply another condition, in addition to being developed and enlarged as a unit. 250 Water Street is unrelated to the development at Pier 17 and the Tin Building, and there is certainly no relationship between either development and the demapped streets.

Further, Andrew Schwartz, Deputy Commissioner of Small Business Services wrote: “The City of New York is the fee owner of Block 73, part of Lots 8 and 10, and all of Lot 11, part of Marginal Street, and the demapped portion of Fulton Street between South Street and Water Street, the demapped portion of Water Street between Fulton Street and Beekman Street, the demapped portion of Front Street between Beekman Street and John Street (the “City-owned Site”) located in the South Street Seaport Historic District.”

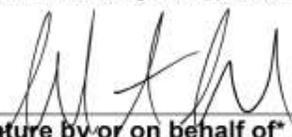
According to the land use application, there is exactly one applicant, as shown below:

250 Seaport District, LLC

Printed Name of Applicant
(name, company/agency or organization)

Saul Scherl

Printed Name of Applicant Attester
(person authorized to sign the application, if different from 'Applicant' above)



Signature by or on behalf of Applicant

Vice President

Title

5/2/21

Date

The application does not list the City of New York as an applicant, yet the City of New York is the fee owner. At minimum, this discussion must clarify how this project meets the minimum definition of an LSGD considering the Applicant is not the fee owner. While a corporate affiliate of the Applicant has a lease that references the demapped streets, the lease terms do not give it an ownership interest.

The land is owned by the City. The lease the Applicant currently holds grants limited rights to the demapped streets, which do not constitute ownership under the definition of zoning lot. Further, the lease of the streets is not exclusive, as a portion of the street leased by the Applicant is also leased by the South Street Seaport Museum. Simply, the proposed expanded LSGD does not qualify as an LSGD as it cannot meet the definition of an LSGD. The existing LSGD, however, does qualify and amendments to it are legitimate.

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

The LSGD is wholly located in Commercial Districts, and is not located in any of the districts listed in ZR Section 74-743.

Agreed

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#. In C5 and C6 Districts, however, a #large-scale general development# having a minimum #lot area# of five acres may include a #zoning lot# that contains an existing #building# that is not integrally related to the other parts of the #large-scale general development#, provided that such #building# covers less than 15 percent of the #lot area# of the #large-scale general development# and provided that there is no #bulk# distribution from a #zoning lot# containing such existing #building#.

The LSGD does not include land occupied by any building that existed at the time an application was submitted to the City Planning Commission under the provisions of Article VII, Chapter 4.

The proposed LSGD DOES contain land occupied by a building that existed at the time an application was submitted to the City Planning Commission. Pier 17 got its first Temporary Certificate of Occupancy on 10/12/2017. Once it received this TCO, it became a building subject to the restrictions of the definition of an LSGD in section 12-10 of the Zoning Resolution. The application was certified May 17, 2021, and there is bulk distribution from Block 73 to Block 98, which is clearly not permitted under the ZR definition of LSGD. The commission needs to reconsider their certification in light of the restrictions of the LSGD.

74-74

Large-scale General Development

For #large-scale general developments# involving several #zoning lots# but planned as a unit, the district regulations may impose unnecessary rigidities and thereby prevent achievement of the best possible site plan within the overall density and #bulk# controls. The regulations of this Section are designed to allow greater flexibility for the purpose of securing better site planning, while safeguarding the present or future use and development of the surrounding area.

No portion of a #large-scale general development# shall contain:

(a) any #use# not permitted by the applicable district regulations for such portion, except as otherwise provided in Section 74-744 (Modification of use regulations). When an existing #building# in a #large-scale general development# is occupied by a #non-conforming use#, any #enlargement# of such existing #building# shall be subject to the requirements set forth in Section 52-00 (DEFINITIONS AND GENERAL PROVISIONS);

The uses proposed on all parcels of the LSGD are permitted as-of-right by the applicable district regulations for such portion of the LSGD.

Agreed

(b) any #zoning lot#, or portion thereof, that is part of a #large-scale residential development# or #large-scale community facility development#.

No portion of the LSGD contains a zoning lot or portion thereof that is part of a large-scale residential development or large-scale community facility development.

Agreed

74-741

Requirements for application

An application to the City Planning Commission for the grant of a special permit pursuant to Section 74-74 for a #large-scale general development# shall include a site plan showing the boundaries of the #large-scale general

development# and the proposed location and #use# of all #buildings or other structures# on each #zoning lot# comprising the #large-scale general development#.

A site plan showing the boundaries of the LSGD and the proposed location of use of all buildings on each zoning lot comprising the LSGD is appended to this application as Z-001 and Z-002.

The plan and zoning table does show these elements, if the use of the pedestrian ways as a part of an LSGD were a legitimate use of streets, which it is not (see above).

74-742

Ownership

Except as otherwise provided in this Section, any #large-scale general development# for which application is made for a special permit in accordance with the provisions of Section 74-74 (Large-scale General Development) shall be on a tract of land which at the time of application is all under the control of the applicant(s) as the owner(s) or holder(s) of a written option to purchase. No special permit shall be granted unless the applicant(s) acquired actual ownership (single fee ownership or alternate ownership arrangements according to the #zoning lot# definition in Section 12-10 (DEFINITIONS) for all #zoning lots# comprising the #large-scale general development#) of, or executed a binding sales contract for, all of the property comprising such tract.

250 Seaport District LLC, the applicant, is the single fee owner of 250 Water Street (Manhattan Block 98, Lot 1) (“Zoning Lot A”). The City of New York is the single fee owner of the zoning lots comprising Pier 17 (parts of Lots 8 and 10 and all of Lot 11 on Block 73 and p/o Marginal Street) (the “Pier 17 Zoning Lot”) and the demapped portion of Fulton Street between South Street and Water Street, the demapped portion of Water Street between Fulton Street and Beekman Street, the demapped portion of Front Street between Beekman Street and John Street (collectively the “Demapped Street Portion”).

The Applicant has a lease for the demapped street portion of the proposed LSGD, but they have limited rights to this portion of their leasehold. Their lease is non-exclusive as the South Street Seaport Museum has similar rights for part of the same area. These limited rights do not constitute ownership under the definition of a zoning lot and so the proposed expansion of the LSGD does not qualify under 74-742. In its discussion of this condition, the Applicant admits that it is not the fee

owner of the demapped streets, and thus it not eligible for a Special Permit under ZR 74-74.

74-743

Special provisions for bulk modifications

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

(1) distribution of total allowable #floor area#, #rooming units#, #dwelling units#, lot coverage and total required #open space# under the applicable district regulations within a #large-scale general development# without regard for #zoning lot lines# or district boundaries, subject to the following limitations:

(i) no distribution of #bulk# across the boundary of two districts shall be permitted for a #use# utilizing such #bulk# unless such #use# is permitted in both districts;

The residential and commercial uses for which the floor area will be distributed are permitted in C4-6, C5-3 and C6-2A zoning districts.

Agreed, assuming the use of streets as a part of the LSGD is legitimate, which it is not (see above).

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

The Applicant is seeking waivers with regard to height and setback regulations, including street wall location requirements, for the Proposed Development on Zoning Lot A, as shown on sheets Z-402 through Z-407. The waivers would allow portions of the base height of the Proposed Development to be 43.17 feet, which is less than the minimum as-of-right base height of 60 feet, portions higher than the maximum base height of 85 feet, and the building height of the Proposed Development to be 324 feet, which is taller than the maximum as-of-right building height of 120 feet. Above the proposed base height of 74.33 feet, the waivers would allow for the Proposed Development to provide setbacks that are less than

15 feet along Peck Slip and less than 10 feet along Pearl Street. In addition, a street wall location waiver along a wide street frontage (Pearl Street) is requested to allow portions of the Proposed Development to not be located at the street line of Pearl Street.

The height “43.17 feet” does not appear on plan Z-402. It does appear in the section Z-406 but that height does not match the same height in the plan Z-402. The Applicant needs to clarify the waivers being sought for the minimum base height and produce drawings that are internally consistent.

(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 shorelines 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 proposed bulk modifications would distribute 207,414 sf of floor area from the Pier 17 Zoning Lot to Zoning Lot A. The minimum base height would be reduced from 60 feet to 43.17 feet, the maximum base height would be increased in limited areas from 85 feet to 324 feet, and the maximum building height would increase from 120 feet to 324 feet, with less than 10 feet of setback along Pearl Street and less than 15 feet of setback along Peck Slip.

The distribution of floor area from Pier 17 to the Zoning Lot A will result in a better site plan and a better relationship between buildings, benefiting both the occupants of the LSGD and the surrounding neighborhood. The floor area appurtenant to Pier 17 would be more effectively utilized on the Zoning Lot A than on Pier 17 due to the pier’s proximity to the shoreline.

Distributing the floor area away from the shoreline would maintain the current scale of Pier 17 and shift bulk to the upland portion of the Historic District. Further, distributing this floor area to the Zoning Lot A would result in being able to utilize this floor area more effectively on a single, full block site, creating more housing, community facility, office, and retail opportunities for nearby residents.

The height and setback modifications will facilitate the addition of floor area onto the Zoning Lot A while allowing the Proposed Development to be constructed (i) with the taller portions of the building concentrated along Pearl Street, which is both appropriate to this portion of the Historic District and consistent with the context of the surrounding area outside the Historic District, and (ii) with lower base heights and deep setbacks from Beekman and Water Streets, maintaining a streetscape that is consistent with and appropriate to the Historic District. The Zoning Lot A has been used as a surface parking lot for over 50 years, and the Proposed Development will fill a major gap in the surrounding neighborhood and significantly improve the streetscape.

This discussion is wholly inadequate, especially considering the CPC's 2003 report explaining why it downzoned 250 Water Street and other blocks of the historic core. How exactly does the new distribution of floor area "benefit both the occupants of the #large-scale general development#, the neighborhood and the City as a whole?"

In 2003, the CPC discussed the zoning change to C6-2A on this site including changes it wanted to see in the application. Some of the LSGD special permit waivers being sought are consistent with the CPC's 2003 positions, including a lower base height and full lot coverage. But the CPC also wrote that "the Commission believes that the downzoning from a 10 to 6 FAR district is appropriate." And "the Commission believes that the maximum building height for developments in the C6-2A should be increased from 120 feet to 170 feet."

The CPC's 2003 report is full of reasoning and justifications for the position it took at that time, and that position, especially as it regards permitted FAR and building height, is quite different than what the Applicant has proposed in its LSGD waivers. The Applicant's response to the requirements of ZR 74-743 needs to be completely re-written and the CPC needs to carefully consider it in the context of its previous findings for development in this area.

(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 floor area distributed to the Zoning Lot A would be concentrated on the northwestern portion of the block, towards Pearl Street, a wide street, and away from Water Street and Beekman Street, and would not unduly increase the bulk of buildings on the block. No other buildings would be located on the block occupied by the Zoning Lot A, and the Proposed Building would not

unduly obstruct access to light and air for occupants on nearby blocks or people using the public streets surrounding the Zoning Lot A.

The block to the north of the Zoning Lot A across Pearl Street would not be unduly obstructed from light and air because Pearl Street is a 90-foot wide street that offers a large buffer between the Zoning Lot A and any buildings on that block. The block to the west of the Zoning Lot A across Beekman Street would not be unduly obstructed from light and air because of the reduced base height and the deep setback provided above the lower base height. Similarly, the block to the east of the Zoning Lot A across Peck Slip would not be unduly obstructed from light and air due to the setback that gradually widens up to 14.47 feet as it gets closer towards Water Street. The block to the south across Water Street would not be unduly obstructed from light and air due to the reduced base height and the deep setback provided above the lower base height. Further, the base of the Proposed Development would be of a similar scale with the historic district to the south, east, and west of the Proposed Development. Given the smaller scale of the base, and the setbacks described above, the bulk of the Proposed Development would not unduly obstruct access of light and air to the detriment of the users of buildings in the surrounding blocks.

Again, the CPC wrote: “the Commission believes that the downzoning from a 10 to 6 FAR district is appropriate.” Not 11.45 FAR. And “the Commission believes that the maximum building height for developments in the C6-2A should be increased from 120 feet to 170 feet.” Not 324 feet.

What has changed over the past 18 years to allow a near doubling of building size and height on this site? Certainly, things can change over time, but this is an important, relatively recent planning document from the CPC showing their desired planning direction for this area. If anything, the Applicant’s proposal is notable for how different it is from the conclusions of the CPC report for the rezoning of this area.

The Applicant should be explaining why a 324-foot building is better than a 170-foot building (or the 120-foot building they can construct as-of-right). They need to demonstrate how it does not “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#.”

How much light is lost to the sidewalks? How much light is lost to the nearby residential windows? How does that compare with the as-of-right solution? It would also be useful to see how such change would compare to a 170-foot solution promoted by the CPC in 2003 (and reduced to 120 feet by the City Council). Requiring that this distribution of floor area does not “unduly obstruct” light and air means that light and air needs to be measured. Before and after evaluations of light and air need to be calculated before anyone can determine if the obstruction

that will occur is unduly. The application's assertions are unsupported by data and no finding can be made with the information provided by the applicant.

(3) 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;

The Proposed Development's location on Pearl Street provides convenient access to a wide street from the LSGD and the LSGD is well served by a network of major streets, which are designed to handle traffic within and through the Lower Manhattan area. Pearl Street, a 90-foot wide street, is the primary thoroughfare providing access to the Proposed Development. It provides connections from the Brooklyn Bridge to Water Street and the Lower Manhattan Central Business District. FDR Drive, a parkway on the east side of Manhattan, is accessible by a ramp off of Pearl Street, to the east of Dover Street. An on-ramp to the Brooklyn Bridge is located across the street from the ramp to FDR Drive. Because of the various thoroughfares near the LSGD and the Proposed Development more specifically, the existing street system is adequate to handle traffic the resulting traffic therefrom.

This answer is wholly inadequate, considering that the DEIS for the project states: "A detailed analysis concluded that the Proposed Project would result in significant adverse traffic impacts at three intersections and a significant adverse pedestrian impact at the southeast corner of Pearl Street and Frankfort Street." The DEIS is stating that the streets are inadequate "to handle traffic resulting therefrom" because there are significant adverse impacts. The findings for a LSGD special permit are not simply a disclosure document like a DEIS; it is requirement that the project must meet prior to the CPC issuing a special permit. It is not at all clear how the DEIS can disclose significant traffic and pedestrian impacts on the neighboring streets while the CPC still finds that this condition is met.

This is yet another reason that the LSGD special permit was the wrong zoning solution for this project: it should have been proposed and evaluated as a zoning map change, where such significant impacts would have been disclosed in the DEIS, but there would have been no requirement to mitigate those impacts if doing so was not practicable. For the LSGD, however, the CPC must find that the streets are "adequate to handle traffic resulting therefrom," and the DEIS says that they're not. This finding cannot be met.

(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; and

A declaration that the LSGD meets the ownership requirements in paragraph (b) of the definition of a large scale general development in ZR Section 12-10 is being filed with the Commission in conjunction with this application.

The Commission is reminded that the Applicant has a limited, non-exclusive lease for the demapped streets. Those streets still provide the only legal access to some buildings that are not a part of this LSGD. As much as the Applicant wishes this lease conveyed ownership, it does not.

250 Water Street Authorization pursuant to ZR Section 91-65 Applicant's Discussion of Conditions

91-65

Addition of Development Rights to Receiving Lots

Within the South Street Seaport Subdistrict, all or any portion of the #development rights# transferred from a #granting lot# may be added to the #floor area# of all or any one of the #receiving lots# in an amount not to exceed the ratio of 10 square feet of #development rights# to each square foot of #lot area# of such #receiving lot#, except that with respect to a #receiving lot# having a lot area of less than 30,000 square feet, the total #floor area ratio# shall not exceed 21.6. However, if a #receiving lot# is located in a C4-6 District, the total #floor area ratio# shall not exceed 3.4 and if a #receiving lot# is located in a C6-2A District, the total #floor area ratio# shall not exceed 8.02. Development rights transferred to a #receiving lot# may be applied to a #mixed building# to increase the #floor area# of the #residential#, #commercial# and/or #community facility# portions of such #building# so that the maximum #floor area# for such #building# may be increased by the aggregate of #development rights# so transferred. In no event shall the #residential# #floor area ratio# exceed 12.0.

The receiving lot is located in a C6-2A district, and the total amount of floor area being transferred is 30,216 sf (0.63 FAR). With the transferred floor area, the as-of-right floor area ratio of the Site would be 7.13, which does not exceed the maximum of 8.02 FAR. The residential FAR of the receiving lot will not exceed 12.0.

The City Planning Commission shall certify that any #zoning lot# that utilizes such transferred #development rights# conforms to this Section and, for

those #receiving lots# within the Urban Renewal Area, to the regulations and controls of the Urban Renewal Plan.

The zoning lot that utilizes such transferred development rights conforms to the requirements of this Section of the Zoning Resolution and is not inconsistent with the regulations and controls of the Brooklyn Bridge Southeast Urban Renewal Plan.

The Applicant should include a discussion of why the addition of 250 Water Street is appropriate as a receiving site, especially considering its location within a historic district during the 2003 rezoning and the CPC's 2003 comments regarding the appropriate amount of floor area on this site. All or virtually all receiving sites have been outside of the Historic District and outside of the zoning Subdistrict.

250 Water Street

Minor Modification to the previously approved Large-Scale General Development 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) was requested for the 2013 Approved Design (C 130053 ZSM) 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. The proposed performance stage will remain as previously approved.

(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 shorelines 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;

In 2013, there was a modification granted to modify the waterfront yard regulations, which facilitated the activation of Fulton Plaza with a performance venue, a feature which encourages visitors to the site by allowing live music and other entertainment on the pier. In addition, there were several site plan improvements proposed in connection with the 2013 design, which greatly enhanced the public's experience of the waterfront, notably the development of the "North Porch" as a new open space resource, the development of the roof of the Pier 17 Building for passive open space uses and as a flexible event space, and the creation of new view corridors through the Pier 17 Building toward the Brooklyn Bridge and the water. In 2016, there were no changes made to the improvements to the design and use of Fulton Plaza or other public access areas around the pier, except for the removal of the Pier 17 head house and the Link Building which opened up additional public access areas on the pier and views toward the Brooklyn Bridge and the water. The Commission determined that the modification to the waterfront yard regulations under the 2013 approvals and the changes made under the 2016 approvals resulted in a better site plan and a better relationship among buildings and open areas to adjacent streets, surrounding development, adjacent open areas and shorelines, and thus benefit both the occupants of the LSGD, the neighborhood, and the City as a whole.

In line with the Commission's determination, the prior modifications to the waterfront yard regulations continue to enhance the site plan and the public enjoyment of the waterfront at Pier 17 while providing for the same view corridors. The proposed modifications to the LSGD site plan would extend the boundaries of the LSGD to include upland zoning lots - Zoning Lot B (Demapped Street Portion) and Zoning Lot A (250 Water Street). Zoning Lot B (Demapped Street Portions) will remain unbuilt and open, except for an existing Use Group 6, open air eating and drinking establishment (the Garden Bar"), contributing to the activation along the waterfront area. The existing Garden Bar is approximately 72.50 feet by 20.50 feet, and provides a bar and seating near the corner of Fulton Street and Front Street. Zoning Lot A will be developed with the Proposed Development, a mixed-use building with 550,000 square feet of zoning floor area, of which approximately 376,300 square feet of residential use, including a significant amount of affordable

units, 153,000 square feet of office use, 15,900 square feet of retail use, and 4,800 square feet of community facility use. The Proposed Development would provide a significant amount of affordable housing, revitalize the streetscape adjacent to the site and transform a parking lot into a building that provides new retail, housing, community facility space, and office space. By extending the LSGD boundary to include the upland lots, bulk is located further away from the waterfront to preserve the open views toward the Brooklyn Bridge and the water while providing a variety of uses to contribute to the economic vitality, activation, and livelihood of the Lower Manhattan neighborhood.

Accordingly, modifications granted to the waterfront yard regulations would still result in a site plan that benefits both the occupants of the LSGD, the neighborhood, and the City as whole.

(2) the distribution of #floor area# and location of #buildings# will not unduly increase the bulk of #buildings# in any one #block# or unduly obstruct access of light and air to the detriment of the occupants or users of #buildings# in the #block# or nearby #blocks# or of people using the public #streets#;

In 2013, a modification was granted to increase the FAR on the Pier 17 Zoning Lot from 1.14 to 1.56. The Commission determined that the distribution of floor area would 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 of buildings in the block or nearby blocks or of people using the public streets. In 2016, the FAR on the zoning lot decreased to 1.33. In comparison to the 2013 and 2016 approvals, the floor area of buildings within the Pier 17 zoning lot would only increase by 105 square feet to allow for three guard booths. The distribution of bulk on the Pier 17 Zoning Lot would not be affected by the expansion of the LSGD boundaries to include Zoning Lot B and Zoning Lot A, except that unused development rights would be distributed away from the Pier 17 Zoning Lot to Zoning Lot A. Accordingly, the distribution of bulk and location of building pursuant to the revised LSGD Site Plan would not unduly increase the bulk of buildings on any one block or unduly obstruct access of light and air to the detriments of users of nearby buildings.

This whole discussion needs to be clarified. Floor area is being moved from Pier 17 to Zoning Lot A. There are both major changes to the LSGD and minor modifications to the existing LSGD special permit on Pier 17. The addition of zoning lots to the LSGD is not minor; the additional waivers being sought by 250 Water are not minor, the movement of floor area from Pier 17 to Zoning Lot A to facilitate the construction of a 600,000 SF building is not minor; and it will likely result in unduly obstructing light and air around 250 Water. If this finding just relates to the minor modification being sought for the existing LSGD, then it should

be focused on those changes. The guard booth and the changes to the bollards are minor and should not be confused with the major actions.

(3) 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;

In 2013, it was determined that the streets providing access to the LSGD were adequate to handle the resulting traffic and no street network changes were necessary in connection with the creation of the LSGD. However, a lay-by lane was added along South Street to function as a drop-off/pick-up location for taxis and other vehicles. In 2016, it was determined that the addition of the Tin Building would not materially change the amount of traffic generated by the project. The changes proposed to the LSGD Site Plan would not negatively affect traffic accessing the Pier 17 as vehicles accessing the Proposed Development on Zoning Lot A would mainly travel through Pearl Street. Pearl Street, a 90-foot wide street, would be a primary thoroughfare providing connections to the LSGD from Brooklyn Bridge to Water Street and the Lower Manhattan Central Business District. FDR Drive, a parkway on the east side of Manhattan, is accessible by a ramp off of Pearl Street, to the east of Dover Street. An on-ramp to the Brooklyn Bridge is located across the street from the ramp to FDR Drive. Thus, considering the size of the proposed LSGD, access to the LSGD would remain adequate to handle resulting traffic.

Again, the Applicant is mixing minor modifications with major changes. The DEIS has shown that Zoning Lot A will produce significant traffic impacts for both vehicles and pedestrians, and it remains unclear how this finding can be made for that portion of the project. The minor changes on Pier 17, however, will not have the same impacts. The Applicant should rewrite this section to clarify what exactly this portion addresses.

SUPER LAW GROUP, LLC

WRITER'S DIRECT DIAL: 212-242-2273
EMAIL: reed@superlawgroup.com

October 15, 2021

Via Email and Hand Delivery

Commissioners of the City Planning Commission
City of New York
c/o: Calendar Information Office
120 Broadway, 31st Floor
New York, New York 10271

Re: **250 Water Street - Large-Scale General Development and Related Applications**
October 20, 2021 Calendar Nos. 21-26; CD No. 1. ULURP Nos. N210439ZRM,
N210440ZCM, N210441ZAM, M210442LDM, M210443LDM, M130053BZSM,
N210445ZAM, N210446ZCM, C210438AZSM, C210438ZSM;

Dear Chair Laremont and Commissioners of the City Planning Commission:

These comments on the Land Use Applications for 250 Water Street in Manhattan (2021M0224) are submitted on behalf of South Street Seaport Coalition, Inc., Save Our Seaport, Seaport Coalition, Children First, Linda Hellstrom, Jay Hellstrom, Emily Hellstrom, Zette Simmons, and Colleen Robertson.

The zoning lots proposed to be included in an expanded South Street Seaport / Pier 17 Large-Scale General Development do not satisfy the Zoning Resolution's ownership requirements. Zoning Lot A (250 Water Street) is owned by the applicant 250 Seaport District, LLC; proposed Zoning Lot B (Designated Pedestrian Ways) is owned by the City of New York; and Zoning Lot C (Pier 17) is owned by the City with South Street Seaport Limited Partnership as the ground lessee. Neither the applicant nor any other private entity has a lease or other right to the Designated Pedestrian Ways that constitutes "fee ownership" or "alternate ownership arrangements" as required by the Zoning Resolution. See ZR 12-10 (definition of LSGD, subsection (b)) and ZR 74-742.

ZR 74-743(b)(10) requires the Commission to find that "a declaration with regard to ownership requirements . . . has been filed with the Commission." While the applicant stated that a "declaration that the LSGD meets the ownership requirements . . . is being filed with the Commission in conjunction with this application," such declaration is not among the Public Documents on the Zoning Application Portal. If and when it is filed, we urge the Commissioners to carefully review the ownership declaration and to determine for yourselves, prior to granting any project approvals, whether the ownership requirements have been met.

In addition, the proposed "gerrymandered" LSGD fails to meet other requirements of those same sections of Zoning Resolution. The proposed LSGD has not been and is not "used, developed, or enlarged as a unit" and the existing buildings on the Pier 17 lot are not "integral" to the building proposed for 250 Water Street. Rather, the expanded LSGD was proposed in order to distribute floor area from Pier 17 to 250 Water Street through the length of the

pedestrian ways and to disregard applicable height, setback, and street wall regulations on 250 Water Street. The last paragraph of the definition of LSGD in ZR 12-10 prohibits bulk distribution from the Pier 17 zoning lot because that lot is occupied by a building that existed when the Special Permit application was filed.

These issues are further explained in the September 13, 2021 letter to Marisa Lago from George M. Janes & Associates and on pp. 11-13 of my September 13, 2021 comment letter on the Draft Environmental Impact Statement (DEIS), which was resubmitted through the on-line CPC Comments Form on October 8, 2021.

A colored-coded diagram of the zoning lots proposed to be included in the LSGD is attached hereto.

The proposed expanded Large-Scale General Development and associated Special Permits should be denied.

Sincerely,

A handwritten signature in black ink, appearing to read "Reed Super", with a stylized flourish at the end.

Reed Super

Attachment: Map of proposed LSGD

cc: Ryan Singer, Senior Director Land Use and Commission Operations

CB1 Land Use Committee - June 14, 2021
CPC ULURP presentation - HHC 250 Water development proposal
Lot A: HHC - 250 Water St site
proposed Lot B: City-owned de-mapped public streets, around Fulton Plaza
Lot C: Pier 17 existing LSGD





**COMMENTS FOR THE DRAFT ENVIRONMENTAL IMPACT STATEMENT
250 Water Street**

Olga Abinader, Director (212) 720-3493
Environmental Assessment and Review Division
New York City Department of City Planning
120 Broadway, 31st Floor
New York, New York 10271

Project Identification Lead Agency

CEQR No. 21DCP084M

ULURP Nos. 210439ZRM, 210441ZAM, M130053BZSM, 210445ZAM, 210438ZSM

SEQRA Classification: Type I

Dear Ms. Abinader,

On behalf of our South Street Seaport Coalition Inc., Attorney Reed Super has drafted a memorandum summarizing our comments on this land use item. We wish to put City Planning on notice of serious defects in this draft FEIS for 250 Water Street.

1. We ask that City Planning return this critical "work-in-progress" to the applicant (the Howard Hughes Corporation), in order to correct these deficiencies now.
2. We are also asking that your office extend the public comment period to review the corrected DEIS, before proceeding to a Final Environmental Impact Statement.

Sincerely,

Michael Kramer, President

South Street Seaport Coalition, Inc.

SUPER LAW GROUP, LLC

WRITER'S DIRECT DIAL: 212-242-2273
EMAIL: reed@superlawgroup.com

September 13, 2021

Via email (21DCP084M_DL@planning.nyc.gov)

Marisa Lago, Chair
City Planning Commission
City of New York
120 Broadway, 31st Floor
New York, New York 10271

New York City Department of City Planning
Attn: Olga Abinader, Director
Environmental Assessment and Review Division
120 Broadway, 31st Floor
New York, New York 10271

Re: **250 Water Street - Draft Environmental Impact Statement**
CEQR No. 21DCP084M

Dear Ms. Lago and Members of the City Planning Commission:

These comments on the Draft Environmental Impact Statement (“DEIS”) for the proposed development at 250 Water Street are submitted on behalf of South Street Seaport Coalition, Inc., Save Our Seaport, Seaport Coalition, Children First, Linda Hellstrom, Jay Hellstrom, Emily Hellstrom, Zette Simmons, and Colleen Robertson. Our clients previously submitted comments on the draft scope for the DEIS, appeared at the September 1, 2021 public hearing before the City Planning Commission (“CPC” or “Commission”), and are submitting written comments on the DEIS. Please consider this letter in conjunction with their separate comments. In addition, our clients and/or their representatives intend to submit further written comments on the pending land use applications prior to the Commission’s vote.

In light of the numerous failures to meet mandatory requirements of the State Environmental Quality Review Act (“SEQRA”),¹ SEQRA regulations,² and City Environmental Quality Review (“CEQR”)³ discussed below, the Commission erred when it accepted the DEIS as “adequate with respect to its scope and content for the purpose of commencing public review”⁴ in the May 17, 2021 Notice of Completion of the DEIS. Instead, pursuant to Section 617.9(a)(2)(i) and (ii) of the SEQRA regulations, the CPC should have returned the DEIS to the project sponsor, 250 Seaport District, LLC, an affiliate of The Howard Hughes Corporation (“HHC”), to correct those deficiencies, and then determined whether the resubmitted DEIS was adequate. Having failed to do that in May 2021, the Commission should return the DEIS to HHC to correct the deficiencies now, reopen the public comment period on the corrected DEIS, and only then proceed to a final EIS.

¹ Environmental Conservation Law (“ECL”), Art. 8.

² 6 NYCRR Part 617.

³ Mayoral Executive Order No. 91 of 1977, as amended, 62 RCNY § 5-01 *et seq.*

⁴ 6 NYCRR § 617.9(a)(2).

As you are no doubt aware, the lead agency is responsible for the adequacy and accuracy of the EIS regardless of who prepares it. The Commission should resist HHC’s pressure to rush its applications through the approval process without proper scrutiny, as the ULURP timing provisions do not supplant a lead agency’s substantive obligations under SEQRA.

The following comments are organized into three major sections, with the primary DEIS chapters relevant to each discussion listed under each major heading.

I. The DEIS’s Description of the Project and its Purpose and Need Is Fundamentally Flawed, the Proposal to Fund the Museum Through HHC’s Purchase of Development Rights Is Infeasible and Will Not Occur Because It Violates the City Charter, the Amended and Restated Lease Marketplace Lease Is Not a Type II Action, and the Project Has Been Improperly Segmented.

(Project Description and Analytical Framework / Alternatives; DEIS Chs. 1, 3)

The first item that every DEIS must contain is “a description of the proposed action” along with its “purpose, public need and benefits, including social and economic considerations.”⁵ Importantly, the “purpose” of a proposed project is legally distinct from any “public need and benefit” it might have, as the SEQRA Handbook explains:

“Purpose” is a goal or objective to be achieved. *The purpose of most privately sponsored projects is to make a profit from some development activity on their property. . . .*

“Need” is a lack of something required, desirable, or useful. The need for an action may be public, private, or a combination of both. *Public need may apply to publicly or privately sponsored projects that satisfy a societal need. . . .*

“Benefit” is something that promotes well-being. The benefits of an action relate to satisfaction of need. . . .

* * *

In reaching a decision on whether to undertake, fund, or approve an action that is the subject of an EIS, each involved agency is *required to weigh and balance public need and other social, economic, and environmental benefits of the project against significant environmental impacts*. Thus, for an agency to approve an action with potential to create a significant environmental impact, or to adversely affect important environmental resources, the agency must be able to conclude that the action that the agency will approve, including any conditions attached to that approval, avoids or minimizes anticipated adverse impacts to the maximum extent practicable, or that public need and benefit outweigh the identified

⁵ ECL § 8-0109(2)(a); 6 NYCRR § 617.9(b)(5)(1).

environmental impact. *Where public need and benefit cannot be shown to outweigh the environmental impacts of a project, the agency may be compelled to deny approvals for the action.*⁶

Further, “[t]his balancing process must be documented in the written SEQRA findings that each involved agency is required to make for a project that has been the subject of an EIS.”⁷ Accordingly, if an EIS understates environmental impacts or overstates the public benefits and need of a proposed project (both of which have occurred here), the lead agency will lack a sound basis on which to undertake the balancing process required by SEQRA and make the written findings statement required by Section 617.11 of the SEQRA regulations.

A. The Public Benefits that HHC’s DEIS Purports Will Result from its Development Project Are Illusory and Will Not Occur.

The SEQRA “purpose” of HHC’s Proposed Project—from that private developer’s perspective—is to maximize its revenues from the proposed development.

The earliest DEIS Scope of Work for the Proposed Project (November 12, 2020) described the proposed project as an approximately 912,762-gsf mixed-use building that would include approximately 640,186 gsf of residential uses. It further stated that the applicant intends to construct approximately 360 dwelling units, of which 25 percent (90) would be affordable, 257,886 gsf of office uses, 9,690 gsf of retail uses, 5,000 gsf of community facility uses, and 128 parking spaces. The building would consist of a seven-story, full-block base with mixed uses (approximately 100 feet tall) on which towers would be set. North and south towers, each containing residential uses, would rise from the base to 37 and 38 stories respectively, with both towers reaching a total height of approximately 470 feet).

In contrast, the May 17, 2021 DEIS states that the “Proposed Project is an approximately 680,500-gsf mixed use building” with “a total height of up to approximately 395 feet,” proposed to be constructed at 250 Water Street.⁸ And the August 2, 2021 Project Description attached to HHC’s revised land use application states that the current application is for a “324-foot tall, 550,000 zoning square foot mixed-use” development. Yet another figure is given in a subsequent document, the August 17, 2021 Technical Memorandum 001, which states that the “amended application would facilitate the development of an approximately 616,483 gsf mixed-use building.” Thus, nearly four months after the DEIS was issued for public comment, the size of the proposed development remains unclear and in flux. HHC should have determined the size of its proposal before seeking to rush it through the approval process.

⁶ NYSDEC, The SEQRA Handbook (4th Ed. 2020) at 113–114 (emphasis added).

⁷ *Id.* at 114.

⁸ DEIS at S-4.

As a City agency conducting a SEQRA analysis, the Commission does not (or, at least, should not) have the same profit-maximizing objective as the developer. Instead, the CPC must consider whether and the extent to which the proposed project would fulfill any public need or provide any public benefit. For that reason, in hopes of gaining CPC approval, HHC appended to its project description several items that, it contends, would provide some measure of public benefit. These purported benefits are, however, completely illusory and cannot be given any consideration by the CPC because they will not come to fruition and/or would not provide any public benefit, due to insurmountable legal obstacles, as explained below.

1. The Proposed Project Will Not Provide the Purported Benefit of Funding the South Street Seaport Museum Through HHC’s Development Rights Purchase Because the City Charter Section 109 Prohibits that Proposed Funding Mechanism.

The DEIS states, repeatedly, that “[t]he Proposed Project would also facilitate the restoration, reopening, and potential expansion of the South Street Seaport Museum.” Indeed, this statement appears three times within the first six pages of the Executive Summary.⁹ The DEIS, however, is very short on details as to how the development project at 250 Water Street would “facilitate” the museum’s “restoration, reopening, and potential expansion,” other than stating that:

Funding provided to the Museum would stabilize and strengthen its finances, setting the stage for its potential expansion.¹⁰

The mechanism for providing funding to the Museum to “stabilize and strengthen its finances” and the amount of any such finding is left entirely unexplained. Notably, the Alternatives chapter of the DEIS speculates that “the Museum is assumed to permanently close under the No-Action Alternative, and no restoration, reopening, or potential expansion would occur.”¹¹ As the No-Action Alternative is defined as a 327,000-gsf mixed-use building that uses only the development rights presently on the 250 Water Street site, it is clear that HHC is taking the position that any purported public benefits to the museum from its 250 Water Street project would come from funding generated by HHC’s purchase of development rights on Pier 17. Indeed, outside of the DEIS, HHC has frequently claimed that \$50 million from its purchase from the City of Pier 17 development rights would be provided to the museum. In her testimony on this matter in front of the City Planning Commission on September 1, 2021, the Manhattan Borough President stated that:

⁹ DEIS at S-1, S-4, S-6.

¹⁰ DEIS at S-6; *see also id.* at 1-4 (same).

¹¹ DEIS at 18-2; *see also id.* at 2-14 (“Without the zoning changes proposed, the Development Site would be developed as-of-right under the existing C6-2A zoning and it is not anticipated that the Museum would be restored, reopened, or expanded.”).

It has been my intention to support this project 250 Water Street, but, as you heard from Anna Levin, at least from my perspective, that support has been *contingent on securing the \$50 Million for the South Street Seaport Museum*. And at this time as I understand it, *the final mechanism for approval and for delivery has not yet been established*. I'm aware, the negotiations are continuing over approval of the \$50 Million to establish an endowment for the museum but I am waiting for conclusion of these discussion before I support this application, (and I am very conscious of the fact that this is not a land use item, but it is what I care about).¹²

Because the \$50 million figure first arose in the context of HHC's original proposal, for a 912,762-gsf mixed-use building, which would have needed approximately 585,000 gsf of development rights from Pier 17, the current smaller proposal for a 550,000 gsf project needing only closer to 200,00 gsf of development rights from Pier 17 would result in a much lower dollar amount for development rights—that is, *assuming* a Large-Scale General Development could be used to move development rights to 250 Water Street and that HHC was using a correct unit price for the development rights. In fact, both of these assumptions are very much doubt. (As discussed below, the Zoning Resolution *prohibits* the expansion of a Large-Scale General Development as proposed by HHC.)

Moreover, apart from the estimated dollar amount of any development rights proposed to be purchased at Pier 17 and used at 250 Water Street, there is a more fundamental legal impediment to HHC's proposal to direct *any* of that money to the South Street Seaport Museum. Section 109 of the New York City Charter 109 provides in full:

§ 109. General fund. All revenues of the city, of every administration, department, board, office and commission thereof, and of every borough, county and other division of government within the city, from whatsoever source except taxes on real estate, not required by law to be paid into any other fund or account shall be paid into a fund to be termed the “general fund.”

NYC Charter § 109.

The Charter requirement to pay all revenues of the City into the General Fund plainly prohibits any New York City agency or department, or any person or entity acting on the City's behalf, including the New York City Department of Small Business Services or the New York City Economic Development Corporation (“EDC”) from paying any revenues from the sale of City-owned development rights appurtenant to the City-owned Pier 17 site to the South Street Seaport Museum (or to any other corporation, not-for-profit corporation, charity, project, or

¹² DCP transcript MBPO Brewer testimony 09.01.21; *see also* written recommendation of Borough President Brewer, 09.01.21, at 9 (recommending that the applicant “[p]resent a legal mechanism that will ensure the Seaport Museum obtains its \$50 million in funding. This mechanism should be in place before the ULURP application receives final approval”), available at <http://www.manhattanbp.nyc.gov/wp-content/uploads/2021/09/MBP-Brewer-ULURP-Recommendation-N210439ZRM-250-Water-2021-09-01.pdf>.

enterprise). The Charter mandates that such funds must be paid into the General Fund and nowhere else. (Once in the General Fund, it is the right and responsibility of the City Council to appropriate all moneys.)

Because the DEIS has not explained how one of the primary purported “public benefits” is supposed to result from the Proposed Project, and why those benefits would not accrue from the No-Action Alternative, and because the mechanism for museum funding that HHC has proposed outside of the DEIS is plainly not possible, the DEIS has failed to comply with SEQRA’s requirement to describe the Proposed Project’s “purpose, public need and benefits, including social and economic considerations.”¹³

2. Other Purported Benefits of the Proposed Project Are Illusory and/or Inadequately Explained in the DEIS.

According to the DEIS, other public benefits of the Proposed Project are that it would distribute unused floor area from the waterfront, helping to preserve and maintain its low-scale character, and facilitate the development of the Proposed Project on the currently underutilized Development Site, introducing new mixed-uses and affordable housing (the first affordable units under Mandatory Inclusionary Housing in Manhattan Community District 1) on a previously contaminated site that is undergoing remediation. None of those purported public benefits are legitimate.

First, the “unused floor area” on Pier 17 is not “unused floor area” and could not be used at the waterfront anyway. The low-scale character of the South Street Seaport Historic District and South Street Seaport Subdistrict under the Zoning Resolution would forever be altered by a tower of up to 395’ tall (or even 324’ tall) at 250 Water Street. If what HHC refers to as “unused floor area”¹⁴ remains where it is, it will not be used at the waterfront (*i.e.*, it cannot be used there). Thus, adding that floor area to a development in an Historic District a few short blocks from the waterfront is not a public benefit but a detriment.

Second, this would NOT be the “first” affordable units in CB1. 7 Dey Street is a current example of such housing that has already been constructed. The DEIS does not explain why affordable units could not be included in an as-of-right development that complies with the current zoning, or why a development as large as the Proposed Project is necessary to include

¹³ ECL § 8-0109(2)(a); 6 NYCRR § 617.9(b)(5)(1).

¹⁴ There are no “unused floor area from the waterfront” under the guidelines of the Seaport Transfer District of 1972. Although there are currently eligible “receiving sites” designated by the Urban Renewal Plan of 1969, there are no currently eligible “transmitting sites” from the waterfront. The developer seeks to “invent” a new TDR mechanism to solve an imaginary problem. There is no public benefit. Other restrictions, zoning and otherwise, prevent the floor area from being used at Pier 17. The Air Rights implied by the applicant are currently “land-locked.” The applicant has already purchased the remaining Air Rights from CHASE Bank and transferred almost all of them to 80 South Street. Other developers, outside the South Street Seaport Historic District have also evinced an interest in transferring Air Rights (CB1 brought one such offer to the MBPO Brewer and CM Chin earlier this year at \$175 psf).

affordable housing. Moreover, since the size of the project is constantly evolving, has the amount of affordable housing been reduced proportionately?

Third, as as-of-right development would introduce mixed-uses on a previously (currently) contaminated site. That is not a benefit of the Proposed Project compared to the No-Action Condition as defined in the DEIS.

Fourth, the DEIS lacks a basis for its assumption that the Museum would close but for the project. With respect to environmental impacts, the DEIS (and the Response to Comments on the Draft Scope) states that assuming closure of the Museum is a conservative assumption which results in a larger increment of environmental impacts from Museum expansion being analyzed. However, that is not a proper assumption when it comes to assessing public benefits. A “conservative” public benefits assumption would be that the Museum will remain open and be able to expand using funds other than those that HHC suggests, incorrectly, could come from the Proposed Project. This Museum has managed “on a shoe-string” for much of its history. Other funding sources have been proposed and discussed. There is no record basis to support a finding by the CPC that the Museum would close but for the Proposed Project.

B. The Proposed Disposition of City-Owned Property in the Third Amended and Restated Lease with HHC in 2020 and the Currently Proposed Fourth Amended and Restated Lease Are Not Type II Actions, and Have Been Improperly Excluded from SEQRA Review and Segmented from the Scope of the 250 Water Street DEIS.

The DEIS’s Project Description and Analytical Framework chapter describes one of the “discretionary actions [sought] in connection with the development of the Proposed Project” as follows:

[T]he New York City Department of Small Business Services (SBS) is filing an application seeking approval of the disposition of leasehold and easement interests with respect to various city-owned properties located within the South Street Seaport area, which would allow for the renewal and extension of the term of an existing lease [with HHC or one of its affiliates] for 99 years, until 2120.¹⁵

That same page of the DEIS then states: “The renewal and extension of the lease is a Type II action pursuant to 6 NYCRR Part 617.5(c)(32).”¹⁶ That is incorrect.

What may become the Fourth Amended and Restated Lease currently, which is currently being negotiated between an HHC affiliates and SBS (and which is already going through ULURP, in a separate ULURP proceeding from the 250 Water Street applications, *despite the absence of a proposed lease agreement for anyone to review*) is not Type II because it involves

¹⁵ DEIS at 1-1.

¹⁶ DEIS at 1-1, n.2.

material changes in permit conditions or the scope of permitted activities. There are two important aspects to this. First, the forthcoming Fourth Amended and Restated Lease is expected to itself include changes to the 2020 version of the lease arrangements. Second, the Fourth Amended and Restated Lease, when released, will also include material changes in the lease that were negotiated in 2020 as part of Third Amended and Restated Lease, but those changes have not yet been subjected to SEQRA review (or ULURP, despite it being a disposition of City-owned property).

Discretionary actions are subject to SEQRA unless they are on the Type II list of exempt actions. Section 617.5(c)(32) of the SEQRA regulations, exempts as Type II “license, lease and permit renewals, or transfers of ownership thereof, *where there will be no material change in permit conditions or the scope of permitted activities.*”¹⁷ As the SEQR Handbook explains:

In its basic form, each activity described in this section [617.5(c)(32)] consists of a *name or date change* on a permit form. There is no environmental impact.

*If the action does involve a material change, then it is no longer Type II. . . .*¹⁸

In the July 26, CPC meeting to certify the ULURP application for the forthcoming amended and restated lease DCP staff told the Commission that consideration for the new lease was still being negotiated and is expected to include improvements to City-owned properties. Community Board 1 (“CB1”), which, under ULURP, is presently tasked with making a recommendation on the proposed lease amendment, has asked for a copy of the proposed lease agreement to review, and was told that it is still being negotiated. And the EDC has summarized expected proposed changes to the lease in a slide attached hereto as Exhibit 1. Accordingly, the forthcoming amended lease is not merely a change to the names or dates on the lease; it involves material changes and is therefore not Type II. Indeed, the DEC’s Zoning Application Portal (“ZAP”) states that the amended lease is a “Type I” action.¹⁹

Second, the Third Amended and Restated Lease, which is available (*see* Exhibit 3, attached hereto) also involves material changes. For example, as staff told the Commission on July 26, and as EDC previously told CB1, the Third Amended and Restated Lease adds 133 Beekman Street to the leasehold premises and makes other changes to rents, uses of leased properties, and other aspects of the lease. We are not aware of the Third Amended and Restated Lease ever having gone through ULURP or being subjected to SEQRA review. That is improper.

¹⁷ 6 NYCRR § 617.5(c)(32) (emphasis added).

¹⁸ NYSDEC, The SEQR Handbook (4th Ed. 2020) at 39 (emphasis added).

¹⁹ <https://zap.planning.nyc.gov/projects/2021M0422> (last visited, Sept. 13, 2021); *see also* Exhibit 2 hereto.

The amendments to the Marketplace Lease that have been made or are proposed to be made to the October 2017 Second Amended and Restated Lease²⁰ (including both the Third Amended and Restated Lease and any Fourth Amended and Restated Lease) must now go through ULURP and be reviewed under SEQRA.

Two further serious SEQRA deficiencies relating to the lease are that (i) they have been improperly “segmented”²¹ from the 250 Water Street DEIS, and (ii) despite including the lease amendment/extension as part of the discretionary approvals needed for and sought in connection with the Proposed Project, the 250 Water Street DEIS does not explain the relevance of the amended lease and which aspects of the Proposed Project it would facilitate.

In enacting SEQRA, the State Legislature declared its intent “that, to the maximum extent feasible, a comprehensive project review approach shall replace separate and individual permit application reviews.”²² Segmentation is prohibited except in limited circumstances.²³ The Commission should not have treated the lease amendment as a separate application subject to its own ULURP process and its own SEQRA determination unless it is “functionally independent” from the 250 Water Street development project.²⁴ Furthermore, the relationship between the lease amendment and the development project has not been adequately explained in the DEIS.

* * *

All of these legal deficiencies in the DEIS’s Project Description and related chapters and related aspects of the SEQRA process should be corrected in a revised DEIS.

²⁰ The first amendment was dated January 2017. These are amendments to a lease first with HHC’s affiliate dated June 2013, which was itself an amendment to a 1981 lease between the City and another lessee.

²¹ “Segmentation” is “the division of the environmental review of an action such that various activities or stages are addressed under [SEQRA] as though they were independent, unrelated activities, needing individual determinations of significance.” 6 NYCRR § 617.2(ah).

²² ECL § 70-0103(5).

²³ NYSDEC, The SEQR Handbook (4th Ed. 2020) at 54.

²⁴ *Id.*

II. The DEIS’s Discussion, Analysis, and Conclusions Regarding the Adverse Impacts of Approving a Development Nearly Triple the Height and with Nearly Twice as Much Zoning Floor Area as Permitted at 250 Water Street Is Wholly Inadequate.
(Land Use, Zoning, and Public Policy / Historic and Cultural Resources / Urban Design and Visual Resources / Neighborhood Character / Mitigation / Unavoidable Adverse Impacts; DEIS Chs. 2, 6, 7, 16, 19, 20)

The 250 Water Street development site is in the South Street Seaport Historic Subdistrict (within the Special Lower Manhattan Subdistrict) under the Zoning Regulation, and in the South Street Seaport Historic District under the Landmarks Law. The lot is zoned C6-2A, with a maximum building height of 120 feet,²⁵ and maximum Floor Area Ratio of 6.0 to 6.5 (depending upon the type of use).²⁶ 250 Water Street is not a Receiving Lot under the transfer-of-development-rights rules of the Subdistrict, and is not included in any Large-Scale General Development (“LSGD”). Yet, HHC is proposing to build a development that (in its present iteration) is up to 395 feet tall with allowances for Coastal Resiliency and Mechanical Voids — nearly triple the maximum height limit—and has an FAR of 11.45 (550,000+ gsf) — nearly double the density limit of 6.0 – 6.5 FAR (313,000) gsf. HHC is seeking to do so not with a map change to up-zone the lot, but through a proposed amendment to the Pier 17 LSGD that is infeasible because it is prohibited by the Zoning Resolution. Further, as discussed below, authorizing a development of that size at that location, and, in particular, doing so through the particular discretionary approvals that HHC is seeking, would have significant adverse environmental impacts with respect to land use, zoning, public policy, historic and cultural resources, urban design, visual resources and neighborhood character that have not been analyzed and mitigated as required by SEQRA.

A. The Certificate of Appropriateness the Landmarks Preservation Commission Voted to Approve on May 4, 2021, Is Invalid and Is Subject to Being Invalidated in the Pending Article 78 Proceeding.

As an initial matter, the New York City Landmarks Law prohibits the CPC from issuing permits for this project unless and until the Landmark Preservation Commission (“LPC”) has first issued a Certificate of Appropriateness (“CoA”).²⁷ On May 4, 2021, the LPC voted to grant a CoA to HHC for the 250 Water Street Proposed Project. That approval is being challenged in *South Street Seaport Coalition, Inc. v. Landmarks Preservation Commission of the City of New York*, Index No. 154812/2021 as having been made in violation of lawful procedure, affected by an error of law, and arbitrary, capricious, and/or an abuse of discretion. If the CoA is invalidated in that case or any other case, on those or any other grounds, HHC would not be permitted to proceed with its applications before the CPC in light of NYC Admin. Code §25-305(b)(1), and,

²⁵ ZR § 91-661.

²⁶ ZR §§ 91-21, 91-22.

²⁷ NYC Admin. Code § 25-305(b)(1).

furthermore, there will be no basis on which the EIS could conclude that there will be no significant adverse impacts on the historic district.

B. The Proposed Zoning Actions Are Not Feasible Because the Zoning Resolution Prohibits a Large-Scale General Development that Uses the Demapped Streets to Connect 250 Water Street to Pier 17.

To construct a 324-foot-tall building in zoning district with a 120-foot maximum building limit and with far more zoning floor area than allowed by the FAR limits, HHC proposes to, first, make 250 Water Street a “Receiving Lot” for South Street Seaport Subdistrict transferable development rights and transfer the 30,216 sf of development rights remaining from what was the Seaport Development Right Bank. For the other 195,784 sf of additional development rights that the Proposed Project would require, HHC proposes to obtain a Special Permit under Section 74-743 of the Zoning Resolution to expand the Pier 17/Tin Building LSGD to include 250 Water Street and the demapped portions of Fulton Street, Front Street, and Water Street to connect the Pier 17/Tin Building site and 250 Water Street. By expanding the LSGD in this gerrymandered fashion, HHC hopes to be able to disregard the 120-foot height limit and use development rights from Pier 17/Tin Building site at 250 Water Street. However, the Zoning Resolution does not permit HHC to do this.

Two different applicable provisions of the Zoning Resolution prohibit the expansion of the LSGD that HHC proposes. First, ZR § 12-10 includes the definitional requirement that the LSGD:

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:

* * *

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

The LGSD proposed by HHC does not meet these requirements for several reasons. First, HHC (and its corporate affiliates) do not own the all the zoning lots and proposed zoning lots²⁸ in the proposed expanded LSGD. The City of New York owns the demapped streets, which are both “Streets” and “Designated Pedestrian Ways” under the Zoning Resolution.²⁹ Neither the Marketplace Lease, nor any other instrument, has given HHC a sufficient property interest in the demapped streets to qualify HHC as the owner of those streets, as is required by § 12-10 of the Zoning Resolution. This is not only a matter of the term length of the lease but, perhaps more importantly, that the limited lease rights HHC has on the demapped streets is plainly not enough to constitute ownership of those streets.³⁰

Another provision of the Zoning Resolution, ZR § 74-742, imposes a similar ownership requirement:

74-742 Ownership

Except as otherwise provided in this Section, any #large-scale general development# for which application is made for a special permit in accordance with the provisions of Section 74-74 (Large-scale General Development) shall be on a tract of land which at the time of application is *all under the control of the applicant(s) as the owner(s) or holder(s) of a written option to purchase. No special permit shall be granted unless the applicant(s) acquired actual ownership (single fee ownership or alternate ownership arrangements according to the #zoning lot# definition in Section 12-10 (DEFINITIONS) for all #zoning lots# comprising the #large-scale general development#) of, or executed a binding sales contract for, all of the property comprising such tract.* * * *³¹

This ownership requirement also prevents the CPC from granting the Special Permit HHC is seeking because the limited lease rights HHC has on the demapped streets is not enough to constitute ownership of those streets for purposes of Section 74-742. As HHC itself states in the “Applicant’s Discussion of Conditions” appended to its Land Use applications:

The City of New York is the single fee owner of the zoning lots comprising Pier 17 (parts of Lots 8 and 10 and all of Lot 11 on Block 73 and p/o Marginal Street) (the “Pier 17 Zoning Lot”) and the demapped portion of Fulton Street between South Street and Water Street, the demapped portion of Water Street between

²⁸ The demapped streets are not presently a zoning lot, but HHC seeks a text amendment that would allow them to be considered a zoning lot for purposes of the LSGD.

²⁹ ZR §§ 91-68, 91-62, 12-10.

³⁰ As a further problem, the proposed enlarged LSGD does not meet the requirement of ZR § 12-10 that it “has been or is to be used, #developed# or #enlarged# as a unit.”

³¹ ZR § 74-742 (emphasis added).

Fulton Street and Beekman Street, the demapped portion of Front Street between Beekman Street and John Street (collectively the “Demapped Street Portion”).³²

Accordingly, given the lack of common ownership over the parcels proposed to be included in the LSGD, the Proposed Project is completely infeasible and the DEIS is also inadequate for failing to provide any basis on which the Commission could even consider issuing the Special Permit requested by HHC.

C. The DEIS Did Not Take the Required “Hard Look” at Zoning and Related Impacts in that it Completely Fails to Analyze the Significant Conflicts Between the Proposed Project and the “Contextual C6-2A Zoning” Purposely Enacted in 2003 to Replace the High-Density Commercial District Mapped in the 1961 Zoning Resolution.

Even if there was an available mechanism to allow use of Pier 17 development rights on 250 Water Street and to disregard the height limit, doing so would cause significant adverse impacts on the South Street Seaport Subdistrict’s zoning, land use, public policy, historic and cultural resources, urban design, visual resources and neighborhood character, given that in 2003, the CPC downzoned the 250 Water Street Development Site—as part of a 10-block area entirely within the South Street Seaport Subdistrict—was from C6-4 (10 FAR, no height limit) to its current C6-2A (6 FAR, with building heights capped at 120-foot limit), and did so for important reasons explained at length by the Commission.³³ The DEIS utterly fails to acknowledge the downzoning and to analyze the obvious the conflict of the Proposed Project with that carefully crafted set of zoning controls.

The 2003 downzoning was initiated in an application filed CB1, which received “widespread support from not only area residents and business owners, but also from elected officials, area developers, and various civic groups” and was opposed only by the then-owner of 250 Water Street and the Real Estate Board of New York. “The principal objective of [the 2003 zone change was] to adjust the underlying zoning of the area to be more consistent with the existing buildings and historic character of the Seaport area” and “to *ensure that future development in the area would occur at the appropriate scale.*”³⁴ As the Commission explained in its report:

The buildings within the area are predominantly four and five stories tall and date back to the 18th and 19th centuries. . . . The applicant [CB1] has stated that the proposed C6-2A contextual zoning district would strengthen the existing neighborhood context by mandating a built form similar to that of the surrounding

³² Applicant’s Discussion of Conditions, 250 Water Street, Special Permit pursuant to ZR § 74-743, at 2–3.

³³ ULURP No. C020213ZMM. *See* CPC Law Use Reports, Exhibits 4 and 5, attached hereto.

³⁴ This and the other quotations in this section are from Exhibit 4, hereto.

buildings while allowing medium-density residential and commercial development.

The area contains 91 buildings which average approximately 50 feet, or four to five stories in height. . . . New buildings since the 1960s . . . were all designed to be consistent with the existing massing and scale of buildings in the district. . . .

The existing underlying zoning of C6-4 dates back to 1961. The C6-4 district is a high-density commercial district that allows a base maximum FAR of 10 . . .

The proposed contextual rezoning would decrease the maximum allowable floor area ration in the rezoning are from 10 to 6 FAR for commercial, 6.02 FAR for residential, and 6.5 FAR for community facilities. . . . Building heights would be capped at 120 feet.

C6-2A districts are medium-density, contextual commercial zones . . . typically located outside the core of central business districts.

CB1’s attorney and other representatives testified at the 2003 public hearing that: “[their] primary concern was that the bulk and height allowed by the [1961] C6-4 zoning generate buildings that are out of character with the existing physical context” and that the intention was to “rezone so that developers, *such as owners of the 250 Water Street site*, would have a reasonable set of parameters to use in development efforts. . . .[A] financial feasibility study for the 250 Water Street site, prepared by the EDC, . . . demonstrated the financial viability of a 6 FAR project with or without the use of Liberty Bonds.”³⁵

“The Community Board’s . . . environmental consultant noted that the proposed C6-2A district is a contextual district that has proven successful, in both architectural and economic terms, in neighborhoods such as Greenwich Village, Chelsea, and Tribeca . . . and that a mandatory contextual envelope for future development would help reinforce the historic appeal of the Seaport. *The architectural consultant presented the C6-2A building envelope as a viable building envelope for the 250 Water Street site.*”³⁶

“Those who spoke in opposition to the application included two attorneys for Milstein Properties, owner of the site known as 250 Water Street.”

Following the public hearing, the Commission voted to approve the proposed the contextual C6-2A zoning district for reasons it articulated at length in its report as follows:

³⁵ *Id.* (emphasis added).

³⁶ *Id.* (emphasis added).

The Commission views the South Street Seaport as one of the city’s most treasured historic places. It serves as an important reminder of the early commercial development and history of New York, and indeed of the nation. The character of the area is largely defined by low-rise 18th and 19th century mercantile buildings flanking narrow, stone-paved streets. The unique character of the Seaport is enhanced by the *juxtaposition of its low-rise historic buildings to nearby modern skyscrapers*. The Commission supports the Community Board's efforts to better protect the Seaport by adjusting the underlying zoning to be more compatible with the existing scale and character of the historic neighborhood.

The Commission believes that the existing C6-4 zoning district is *inappropriate in the historic Seaport area*. The area of rezoning includes all but two blocks and three piers of the historic district, and is largely composed of four and five story 18th and 19th century buildings. . . .

The Commission believes that the C6-4 zoning district reflects obsolete planning goals for the area. The C6-4 district dates back to 1961, when the planning objectives envisioned substantial clearing of historic buildings and their replacement by highrise [sic] towers along the Seaport’s waterfront. The past four decades of public policy has demonstrated a marked shift away from promotion of high rise development and towards goals that reinforce the low-scale character, of the Seaport. . . . The Commission believes that the density allowed by the proposed C6-2A zoning district more accurately reflects the built density in the surrounding area.

At the public hearing, the Commission heard testimony from speakers in opposition to the applications that the zoning need not be modified since the Landmarks Preservation Commission is required to review all proposed developments for appropriateness. However, the mere fact that there exists a backstop to protect against inappropriately scaled development does not justify the retention of an inappropriate zoning district designation.

The historic Seaport area simply is not an appropriate place for high density development. In fact, the Commission firmly believes that the Seaport will make a more valuable contribution to the revitalization of Lower Manhattan if its existing character is enhanced, not contradicted, by new development.³⁷

The DEIS fails entirely to mention any of this. The Proposed Project would allow development on the 250 Water Street that is not in line with the contextual zoning that this Commission enacted after careful consideration, and would revert to 1961-style high-density development that the CPC rejected for the Seaport subdistrict generally and for 250 Water Street specifically. It would make 250 Water Street a receiving site for development rights, whereas

³⁷ *Id.* (emphasis added)

this Commission recognized that such transfers should be made only to sites outside the historic district. To comply with SEQRA/CEQR, an agency must properly identify the “relevant areas of environmental concern,” take a “hard look” at them, consider project alternatives, and make a “reasoned elaboration” of the basis for its determinations. Because the DEIS does not take into account the 2003 contextual rezoning, it fails to take the required “hard look” at zoning and related impacts of the Proposed Project and violates SEQRA.

III. The DEIS Also Fails to Take a “Hard Look” at Impacts from Hazardous Materials, and the CPC Violates SEQRA by Delegating its Responsibilities to Other Agencies to Address Through Future Reports and Plans. *Hazardous Materials / Public Health / Construction / Mitigation (DEIS Chs. 9, 15, 17, 19)*

250 Water Street is heavily contaminated with hazardous materials such as elemental mercury, chlorinated solvents, volatile organic compounds (“VOCs”), polychlorinated biphenyls (“PCBs”), metals, pesticides, petroleum and tar-related products, and per- and polyfluoroalkyl substances (“PFAS”) released from thermometer factories and other industrial operations that historically occupied the site. Under the existing conditions, the surrounding community—including the two adjacent schools and a large number of residences in the immediate vicinity—are *not* at risk of exposure to, or harm from, these subsurface hazardous materials because the current use of the site is as a parking lot and the entire lot is covered by asphalt.

However, as the DEIS acknowledges, by removing that protective asphalt layer and excavating the contaminated soil during construction, the Proposed Project may threaten human health and the environment by creating “exposure pathways”—including vapors or fugitive dust—through which human “receptors” in the neighboring community may ingest, inhale, or dermally contact the hazardous materials at harmful levels.³⁸

Unfortunately, the DEIS fails to fully and properly analyze these adverse environmental impacts, improperly delegates and defers its SEQRA obligations with respect to hazardous materials, concludes in the absence of evidence and analysis that the impacts will be insignificant, and fails to require necessary and appropriate mitigation measures to prevent or minimize those impacts.

A. SEQRA Does Not Permit the Commission to Delegate its Responsibilities to Any Other Agency or to Defer Mitigation to Future Plans and Reports.

Under SEQRA, a lead agency must exercise its own critical judgment on all issues presented in the DEIS—including the risks to human health and the environment from hazardous materials—and may not delegate its responsibilities to the NYSDEC, NYSDOH, or any other agency.³⁹ Instead, to comply with SEQRA and CEQR (which can be not less stringent than

³⁸ See DEIS at 9-1.

³⁹ *Penfield Panorama Area Community, Inc. v. Town of Penfield Planning Bd.*, 253 A.D.2d 342, 350 (4th Dept. 1999), and cases cited therein; *id.* at 349 (“We agree with petitioner . . . that the Planning Board improperly deferred

SEQRA), the Commission must make its own independent determination, based on evidence and analysis, as to whether the proposed project may increase the exposure of people or the environment to hazardous materials, and, if so, whether this increased exposure would result in potential significant public health or environmental impacts.⁴⁰ If significant adverse impacts are identified, SEQRA and CEQR require that the impacts be disclosed and mitigated or avoided to the greatest extent practicable.⁴¹

This is not to say that lead agencies cannot benefit from the expertise of other agencies; they should do so by consulting with them and drawing upon available analyses, but they may not simply assume that compliance with another agencies' regulations or direction will necessarily avoid all significant adverse environmental impacts, many not defer investigation of impacts and development of mitigation to future plans and programs outside the SEQRA process—including the New York State Brownfield Cleanup Program (BCP)—and cannot depend upon other agencies to impose and enforce necessary mitigation measures.⁴²

B. The Commission DEIS Improperly Assumes that Compliance with the Brownfield Cleanup Program Will Necessarily Avoid All Significant Adverse Environmental Impacts Related to Disturbance of Contaminated Soils During Construction.

The DEIS improperly takes the position that 250SD's participation in the BCS program, administered by NYSDES with assistance from NYSDOH, will necessarily eliminate all significant adverse impacts that could be caused by the Proposed Project's soil-disturbing activities. A Public Meeting on the draft RAWP by NYSDEC will not take place until AFTER the deadline for DEIS comments (September 21, 2021) and written comments on the draft RAWP are not due to the NYSDEC until September 30, 2021. Therefore, the DEIS lacks a basis for its conclusions on hazardous materials, and the public's comments on the DEIS's Hazardous Materials and Construction chapters may be incomplete. Specifically, and without evidence or analysis, the DEIS merely assumes that "the potential for significant adverse impacts related to hazardous materials resulting from the Proposed Project *would be avoided through compliance with existing regulatory requirements* and conforming to New York State Department of

resolution of the hazardous waste remediation issue. The Planning Board conditioned its approval of the project on [the applicant's] agreement to get approval of a site remediation plan from the NYSDEC and MCDOH [Monroe County Department of Health] before any construction begins. In our view, however, deferring resolution of the remediation was improper because it shields the remediation plan from public scrutiny, and thus the [trial] court properly annulled the determination of the Planning Board.").

⁴⁰ CEQR Technical Manual at 12-1.

⁴¹ *Id.*

⁴² *Matter of Bronx Comm. for Toxic Free Sch. v. N.Y.C. Sch. Constr. Auth.*, 86 A.D.3d 401, 403 (1st Dept. 2011), *aff'd*, 20 N.Y.3d 148 (2012) (citing *Town of Penfield*, 253 A.D.2d at 349) (in matter concerning remediation of contaminated soil and groundwater at the Mott Haven School Campus in the Bronx, courts held that "relying on BCP procedures" did not allow School Construction Authority to "defer consideration" of "a known remediation issue").

Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) requirements.”⁴³ The DEIS reaches this same unsupported conclusion in the Hazardous Materials, Construction, and Public Health chapters.⁴⁴ This is improper under SEQRA and CEQR for the reasons given by the courts in the cases cited above and for the additional reasons discussed below.

1. In Lieu of the Required Hard Look, the DEIS Merely Cuts and Pastes a Bullet-Pointed List of “Conceptual Remedial Elements” from a Draft BCP Plan that Remains Very Much in Flux.

Instead of analyzing the extent to which the Proposed Project will increase the exposure of people and the environment to hazardous materials, the resulting significant public health and environmental impacts, and mitigation measures for those impacts, and making an independent determination of the sufficiency of mitigation to eliminate or minimize impacts—as required by SEQRA—the DEIS merely repeats a bullet-pointed list of “conceptual” remedial elements copied from the *draft* Remedial Investigation Report (RIR) being prepared under the BCP and early reports (a Phase I ESA and Phase II ESI) that were even more preliminary.⁴⁵ This is improper because, among other things, the DEIS lacks sufficient detail and analysis of these issues and, as discussed below, the BCP plans that the DEIS cuts and pastes from are themselves incomplete and inadequate.

2. The BCP Cleanup Plans and Reports Are Incomplete.

The Commission may have originally assumed that a complete and final Remedial Action Work Plan would be available to it for use in the DEIS. But that did not happen. The Response to Comments on the Draft Scope of Work stated that “[t]he Remedial Action Work Plan [RAWP] is *anticipated* to be submitted to NYSDEC before completion of the DEIS.”⁴⁶ However, a *final* RAWP has not yet been prepared and neither the *draft* RAWP nor the draft Remedial Investigation Plan (RIR) was released to the public until well *after* the Commission accepted the DEIS as adequate. Thus, the DEIS refers only to a “Conceptual Remedy” and

⁴³ DEIS at 15-2 (emphasis added).

⁴⁴ *Id.*; DEIS at 9-9 (“With the [BCS] measures outlined above . . . no significant adverse impacts related to hazardous materials would be anticipated to occur during or following construction of the Proposed Project.”); DEIS at 17-41 (“with the implementation of a variety of [BCS] measures prior to and during construction . . . no significant adverse impacts related to hazardous materials would be expected to be associated with the Proposed Project”). The DEIS similarly assumes that, in the absence of NYSDEC oversight, two other city agencies would necessarily ensure that all significant adverse impacts relating to hazardous materials would be eliminated. DEIS at 9-9 (“[S]hould the developer not perform the remediation under the BCP . . . , the developer would be required to perform these activities . . . under the oversight of the [NYC]DEP and/or [NYC]OER.”).

⁴⁵ DEIS at 9-4 to 9-7.

⁴⁶ Response to Comment 59 (emphasis added).

“conceptual remedial elements,”⁴⁷ and states that, in the future, “a Remedial Action Work Plan . . . will be prepared. . .”⁴⁸

Moreover, the “conceptual remedial elements”—like the entire Brownfield cleanup—remain in a significant state of flux as NYSDEC is only now accepting comments on the draft RAWP and has not yet held the public meeting required by the Brownfield program’s public participation plan. NYSDEC must take those comments into account before making its determinations as the remedy. For example, the NYSDEC has not yet determined whether the remedial track proposed in the draft RAWP (Track 2), or one of the two alternative tracks presented in the draft RAWP (Tracks 1 or 4) should be implemented. Further, the final RIR and draft RAWP admit that yet another set investigation—including a Remedial Design Work Plan for a Remedial Design Investigation (RDI) and a Remedial Design Memorandum (RDM)—must still be completed in the future to, among other things, provide a “[s]upplemental site-wide waste characterization sampling to further define contaminant source areas and obtain data sufficient for off-site disposal facility approvals.”

Accordingly, while, as lead agency, the CPC may consider and utilize expertise of other agencies to assist it in its analysis, the various plans and reports, and the investigation of hazardous materials on the site, and the selection and design of a remedy remains inchoate and insufficiently developed for the CPC to rely on for its own legally-mandated analysis.

3. The BCP Cleanup Plans and Reports Are Inadequate.

Furthermore, as the comments on the draft RAWP will demonstrate, that work plan and the remedy proposed therein remain inadequate for several important reasons. For one thing, a test pit investigation should have been conducted during the Remedial Investigation, instead of merely using soil borings. Test pits aid in the visual identification of the anomalies of potential concern and should have been excavated during the RI to as to screen larger soil samples for mercury and monitoring for mercury and VOC vapor. Notably, 250SD’s engineering firm, Langan Engineering, has recognized that excavation of test pits may be necessary in order to investigate subsurface anomalies identified during the geophysical survey, further investigate potential contaminant sources, further characterize the nature and extent of contamination at the site, support the qualitative human health exposure assessment, to provide sufficient information to evaluate remedial alternatives.⁴⁹ Langan also admits that the results of the test pit investigation may require revision to the HASP [Health and Safety Plan], CAMP [Community Air Monitoring Program] and/or QAPP [Quality Assurance Project Plan].⁵⁰

⁴⁷ DEIS at 9-6.

⁴⁸ *Id.* (emphasis added).

⁴⁹ Remedial Investigation Work Plan (May 13, 2020) at 20.

⁵⁰ *Id.* at 21.

These test pit excavations should have been done already for several reasons. For one, the extremely narrow diameter of the soil borings conducted during the Remedial Investigation are not an adequate proxy for what will occur when the asphalt is removed during any remediation because the surface area exposed by those borings is tiny compared to the area that would be exposed during implementation of the Proposed Project. In contrast, the test pits would more closely replicate conditions that would be occur during remediation and construction. While test pit excavations may now be conducted during the next stage of investigation by Langan—*i.e.*, the Remedial Design Investigation—the fact that they have not been done yet leaves the DEIS with a significant gap in data and analysis. This is particularly significant given that, as discussed below, the Remedial Investigation showed troubling levels of mercury vapor and particulates in soil boring samples and ambient air samples at the perimeter of the site at Pearl Street and Peck Slip—facts that were not even mentioned in the DEIS.

4. The DEIS Failed to Disclose and Analyze Critical Facts from the Remedial Investigation.

While the DEIS notes that “[m]ercury associated with the historical thermometer factory/workshops was detected in soil samples at levels above [Soil Cleanup Objectives],”⁵¹ the DEIS completely omits the crucially important facts that, during the Remedial Investigation, mercury vapor concentrations in excess of the mercury Action Level were recorded at the perimeter of the Development Site and the edge of Pearl Street near Peck Slip, and that mercury vapor levels screened from samples of extracted soil were, at times, more than 600 percent of the Action Level.⁵² Particulates in excess of the Action Level were also measured at the perimeter monitoring station on Peck Slip closest to the Peck Slip School.⁵³ These highly significant results of the investigation were not even mentioned in the DEIS.

The potential for exposure pathways for mercury vapor and other contaminants to reach “sensitive receptors” (*i.e.*, children and other human beings) during remediation and construction is extremely troubling given the DEIS’s recognition in the Response to Comments on the Draft Scope of Work that, “[i]n accordance with the CEQR Technical Manual, operable windows on

⁵¹ DEIS at 9-5 to 9-6.

⁵² Final RIR at PDF p. 269 (Soil Vapor Sampling Log Sheet reporting “maximum initial mercury vapor concentration of 1.13 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) was observed” on 7/9/20); *id.* at PDF p. 296 (Site Observation Report reporting “Mercury vapor concentrations above background were identified at a maximum concentration of 6.63 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$)” on 7/27/20); *id.* at PDF p. 40 (soil findings for mercury: “highest mercury vapor screening value of 6.63 $\mu\text{g}/\text{m}^3$ ”); *id.* at PDF p. 302 (“Mercury vapor concentrations above background were identified . . . at a maximum concentration of 1.72 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$)” on 7/28/20); *id.* at PDF p. 422 (Daily Air Monitoring Report showing mercury concentration of 1.4 $\mu\text{g}/\text{m}^3$ in ambient air at perimeter monitoring station PM-1 (on Pearl Street near Peck Slip) on 7/27/20); *id.* at PDF p. 434 (Daily Air Monitoring Report showing mercury concentration of 0.9 $\mu\text{g}/\text{m}^3$ (just under Action Level) in ambient air at perimeter monitoring station PM-5 (on Peck Slip) on 7/27/20).

⁵³ Final RIR at PDF p. 434 (Daily Air Monitoring Report showing PM10 particulates in dust measured at 525.9 $\mu\text{g}/\text{m}^3$ (approximately 500% of Action Level) at perimeter monitoring station PM-6 (on Water Street) on 7/27/20).

schools are considered sensitive receptor locations” and that “Peck Slip adjacent to the Development Site is a low traffic street that closes during certain school hours to accommodate a ‘play-street’ [for students at Peck Slip School].”⁵⁴

The failure of the DEIS to even mention these mercury and PM10 findings is a critical omission, and like so many of the DEIS’s legal shortcomings, not one that can be corrected in a FEIS after the comment period has closed. Instead, a revised DEIS must be circulated for public review and comment.

5. The DEIS Fails to Undertake a Public Health Assessment of Hazardous Materials Impacts.

The DEIS notes that “The *CEQR Technical Manual* states that a public health assessment is warranted for a specific technical area if there is an unmitigated significant adverse impact found in other CEQR analysis areas, such as air quality, water quality, hazardous materials, or noise.”⁵⁵ The Public Health chapter of the DEIS did not, however, conduct a public health assessment for hazardous materials based on its improper assumption that significant adverse impacts related to hazardous materials resulting from the Proposed Project would be avoided through compliance BCP requirements.⁵⁶ For the reasons discussed above, this was improper. A public health assessment should have been conducted for hazardous materials.

6. The DEIS Improperly Defers and Excludes Long-Term Monitoring Plans from the SEQRA Process.

Long-term maintenance and monitoring of remediation measures for contaminated soil and groundwater must be analyzed in an EIS, particularly where, as here, contaminants may be left in the ground after remediation and construction. The two of the proposed “conceptual remedial element” bullet points copied from the draft RIR into the DEIS are described as follows:

- If required, recording of an environmental easement to memorialize the remedial action the institutional controls (ICs) to prevent future exposure to remaining contamination at the Development Site. If engineering controls (ECs) are part of the final remedy the ECs will be memorialized in the environmental easement; and
- If required, development of a Site Management Plan for long-term management of remaining contamination as may be required by the

⁵⁴ Response to Comments 66 and 89

⁵⁵ DEIS at 15-1.

⁵⁶ DEIS at 15-2.

environmental easement, including plans for: (1) ECs and/or ICs, (2) monitoring, (3) operation and maintenance, and (4) reporting.⁵⁷

It is highly likely, however, that all of these institutional and engineering controls and related plans and easements will, in fact, be required because 250SD is proposing a Track 2 remedy under the BCP, which would leave contaminants in the soil after remediation and construction.

By failing to describe these long-term monitoring plans in any detail in the DEIS and failing to analyzing whether they will be adequate, the DEIS for this project commits the same error that the School Construction Authority (the “Authority”) committed in the Brownfield school site in the *Bronx Committee for Toxic Free Schools v. N.Y.C. School Construction Authority* case cited above.⁵⁸ In that case, which involved a contaminated former railroad yard which was to be remediated and used as a new school campus in the Bronx, the Court of Appeals considered whether the Authority violated SEQRA “by failing to discuss in an EIS the methods it adopted for long-term maintenance and monitoring of the controls it used to prevent or mitigate environmental harm.”⁵⁹ The Authority went through the SEQRA process *after* getting NYSDEC’s conditional approval of the RAWP, but *before* preparing the site management plan required by NYSDEC. Neither the draft nor final EIS described the long-term maintenance and monitoring procedures to be used. The Authority then made findings that the project’s adverse environmental impacts will be minimized or avoided to the maximum extent practicable by incorporating mitigation measures. But there had been no discussion in the EIS of the long-term monitoring plans, which had not yet been developed at that time.⁶⁰

On those facts, the Court of Appeals found that the Authority had violated SEQRA and was required to supplement its EIS to describe those remedial measures because they were “too important not to be described in an EIS” and “were ‘essential’ to protecting the site’s occupants from dangerous contaminants.”⁶¹ The court explained further:

Nor does the submission of the site management plan to the DEC, or the approval of that plan as part of the Brownfield process, justify short-circuiting SEQRA review. The Brownfield Program and SEQRA serve related but distinct purposes. SEQRA is designed to assure that the main environmental concerns, and the measures taken to mitigate them, are described in a publicly filed document identified as an EIS, as to which the public has a statutorily-required period for review and comment.⁶²

⁵⁷ DEIS at 9-7.

⁵⁸ *Matter of Bronx Comm. for Toxic Free Sch. v. N.Y.C. Sch. Constr. Auth.*, 20 N.Y.3d 148 (2012).

⁵⁹ *Id.* at 153.

⁶⁰ *Id.* at 153-54.

⁶¹ *Id.* at 156.

⁶² *Id.* at 156-57.

In comparison here, while there is no proposal to build a new school on a Brownfield in South Street Seaport, given the very close proximity of the two existing, adjacent schools to the contaminated site—across extremely narrow cobblestone streets (one of which, Peck Slip, is a play-street for the school)—as well as other vulnerable adults in low-rise homes within the South Street Seaport Historic District and in nearby Southbridge Towers just outside the South Street Seaport Historic District, the facts are highly similar to those in the *Bronx Committee* case.⁶³ Moreover, while the Authority in that case waited until there was an RAWP approved by NYSDEC, here the DEIS was issued for public comment even before the draft RAWP was released by NYSDEC for public comment. Although, given the particular manner that the *Bronx Committee* case worked its way up from the Supreme Court to the First Department and Court of Appeals, the high court in that case directed the Authority to supplement its EIS with the long-term monitoring plans, here the Commission should include the required analysis in a revised DEIS before proceeding to finalize the EIS and make findings. By failing to describe in detail and analyze the adequacy of the entire Brownfield remedy, including the long-term monitoring plans, the DEIS fails to comply with SEQRA.

C. The Commission Must Impose Mitigation Measures.

The Response to Comments on the Draft Scope of Work stated that “[t]he DEIS . . . will include requirements to minimize potential exposures during excavation to workers and the community.”⁶⁴ However, the DEIS did not do so. Instead of including such requirements, the DEIS merely assumes that compliance with whatever Brownfield cleanup plan NYSDEC ultimately arrives at will necessarily avoid all significant adverse environmental impacts related to hazardous materials and excavation of contaminated soils during remediation and construction. As a result, the Mitigation chapter of the DEIS is inadequate.

Beyond the potential public exposure to hazardous substances, the Brownfield remediation would impose significant other environmental impacts on the community relating to noise, vibration, dust, odors, construction traffic, and other impacts in addition to those resulting from the building construction itself. These impacts are a result of the proposed development project and the CPC must fully analyze and mitigate these as well.

The Commission should mandate the following mitigation measures as enforceable requirements of the project:

⁶³ Teachers and others at the Mott Haven, Bronx site adjacent to P.S. 156 reported headaches, rashes, and other health complaints during pre-construction activity. Reportedly, there was a limited amount of soil disturbance during that activity, but the Seaport Coalition does not have adequate information to evaluate any relationship between the activity and the complaints. We note that the applicant is planning, for its major excavation projects, full dust containment and monitoring, but it is likely that, during both excavation and construction, dust, vehicle fumes, and noise from the 250 Water Street site, will be an inconvenience or distraction, even if not a significant health threat, at the existing Peck Slip and Blue Schools.

⁶⁴ Response to Comment 59.

- **Test Pits.** The test pit excavations that were not completed during the Remedial Investigation must be done before any other work is done on the site and before the Remedial Action Work Plan and Remedial Design are approved.
- **Negative-Pressure Tent.** All remedial work, particularly excavation of mercury-impacted soils, must be conducted under a tent with negative air pressure.
- **Schedule Investigation/Remediation Only When School Not In Session.** The community appreciates that, thus far, the Remedial Investigation has been conducted largely during the summer or on nights and weekends when school is not in session. This must continue for the Remedial Design Investigation and, to the extent possible, for the remediation itself. In particular, any remediation should start on approximately July 1 of the year in which it starts. That would provide several important benefits. First, it would ensure that *at least* three months of the remediation are while school is not in session. Second, since the excavation of mercury-impacted soil is planned to commence first, that would align that work with the schools' summer vacation. Third, if the remediation takes less than 12 months, it would be contained within one school year, rather than straddling two school years. Fourth, if, alternatively, the clean-up was to extend for more than a year (*e.g.*, 15 months), then six months of that work would occur over the schools' summer breaks. Fifth, it would allow families to decide whether to return to their schools in the fall and to plan for it.
- **No Stockpiles of Contaminated Soil.** HHC must be prohibited from stockpiling any excavated soil on or near the Site. Instead, all excavated soil must be loaded immediately into outgoing trucks and transported (after tarping) off-site.

The Commission must make the mitigation measures enforceable conditions of the project.

Sincerely,



Reed Super

Attachments: Exhibits 1–5

cc: Susan Amron, General Counsel, City Planning

Exhibit 1

Land Use Action

Seeking authority to negotiate terms of new 99-year Marketplace Lease

Proposed Lease Modifications

- New 99-year term expiring in 2120
- Additional rent reset in 2097; 3% annual increases in between
- Remove John Street Lot ROFO
- Swap retail space on Schermerhorn Block with Seaport Museum to occupy prime corner location

Proposed Public Benefits

- HHC to construct or fund esplanade improvements north of leasehold (\$8.8M)
- HHC to perform Titanic Park improvements (\$1M)
- HHC continues to offer Fulton Stall Market free space in 133 Beekman through April 2031

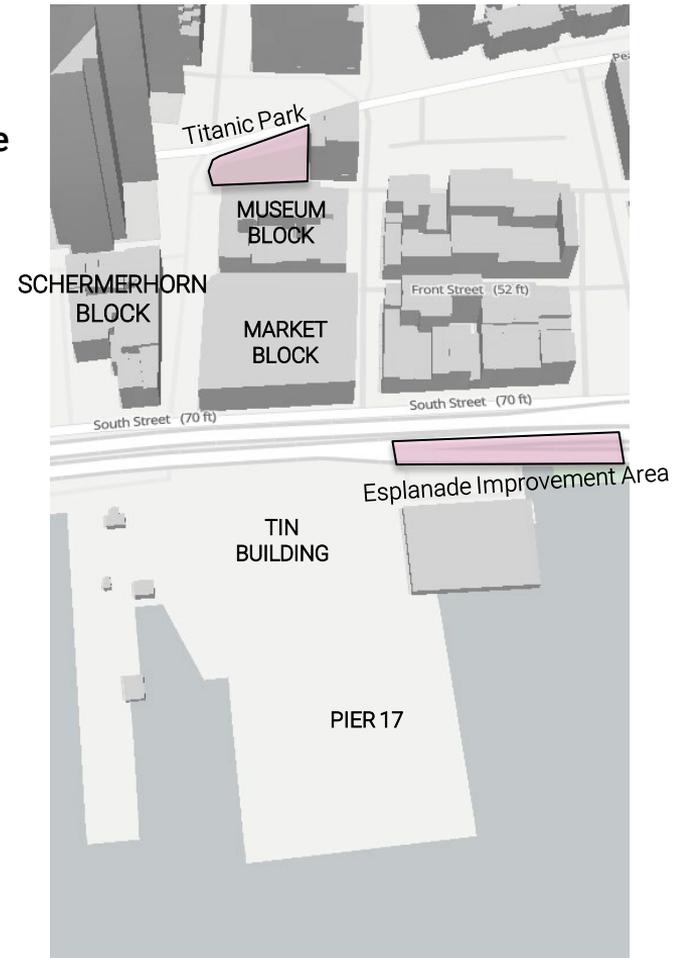


Exhibit 2

Disposition of Seaport Properties

Applicant Team:

[Share Project](#)

SBS - NYC Small Business Services (Primary Applicant)

Project Brief:

NYC Department of Small Business Services (DSBS) seeks approval for the disposition of leasehold and easement interests to extend the term of the existing lease agreement for 99 years, until 2120, with respect to various city-owned properties located within the South Street Seaport area (Block 73, p/o Lots 8, 10, and Lot 11; Block 74, p/o Lots 1, 20; Block 95, Lot 101; Block 96, Lot 1, p/o Lots 5, 8, 12, 13; p/o Marginal Street; and the Seaport pedestrian streets), Manhattan, Community Board 1.

Public Documents

Status: In Public Review

ULURP

Actions

 **Disposition of Non** ⁱ
ULURP Number: 210444PPM
Certified

Milestones

▶  **Completed**

▼  **In Progress**

Community Board Review ⁱ
August 4 – October 4, 2021

▼  **Not Started**

Borough President Review ⁱ

Borough Board Review ⁱ

**Review Session - Pre-Hearing
Review / Post Referral**

**City Planning Commission
Review** ⁱ

**Post Hearing Follow-Up /
Future Votes**

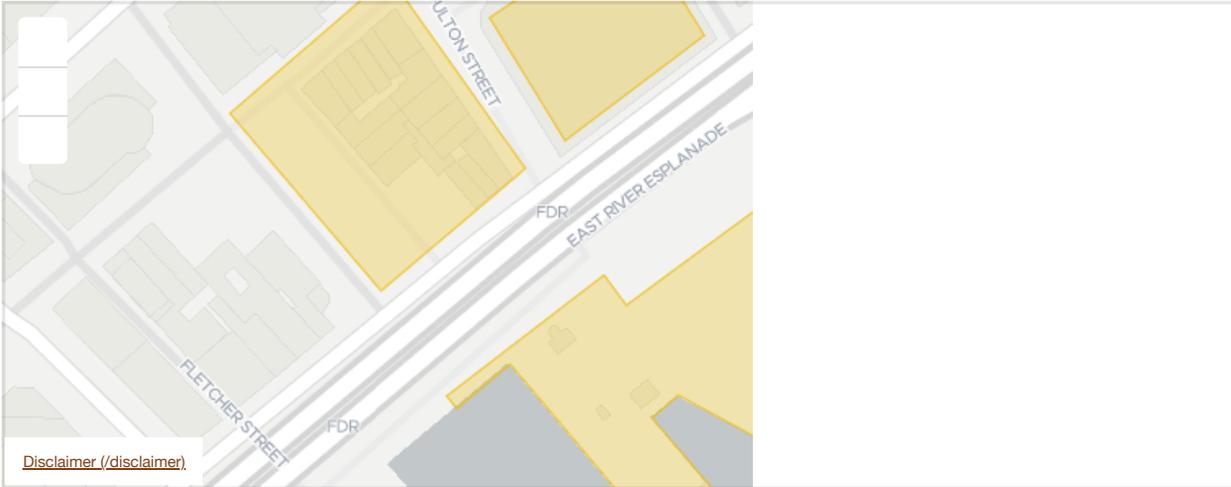
City Planning Commission Vo

Need Support

City Council Review ⁱ

Mayoral Review ⁱ

Approval Letter Sent to Responsible Agency



CEQR ⁱ: Type I [21DCP084M](https://a002-cegraccess.nyc.gov/ceqr/) [_](https://a002-cegraccess.nyc.gov/ceqr/) (<https://a002-cegraccess.nyc.gov/ceqr/>).

FEMA Flood Zone: Zone A Zone Shaded X

WRP Number ⁱ: 21-056

LPC Number ⁱ: 21-03235

Borough: Manhattan

Community Districts: Manhattan | CD [1](http://communityprofiles.planning.nyc.gov/manhattan/1) (<http://communityprofiles.planning.nyc.gov/manhattan/1>).

Addresses:

BBLs: 1000730008 1000730010 1000730011 1000740001 1000740020 1000950101 1000960001
1000960005 1000960008 1000960012 1000960013

Exhibit 3

**THIRD AMENDMENT TO
AMENDED AND RESTATED AGREEMENT OF LEASE**

This THIRD AMENDMENT TO AMENDED AND RESTATED AGREEMENT OF LEASE (this "Third Amendment") is dated as of this ___ day of October, 2020 (the "Translux Building Commencement Date"), by and among THE CITY OF NEW YORK (AS SUCCESSOR IN INTEREST TO THE SOUTH STREET SEAPORT CORPORATION), a municipal corporation of the State of New York, having an address at City Hall, New York, New York 10007, as landlord (the "Landlord"), and SOUTH STREET SEAPORT LIMITED PARTNERSHIP (AS SUCCESSOR IN INTEREST TO SEAPORT MARKETPLACE, INC.), having an address at c/o The Howard Hughes Corporation, One Galleria Tower, 13355 Noel Road, 22nd Floor, Dallas, Texas 75240, as tenant (the "Tenant").

RECITALS

1. Landlord and Tenant are parties to an Amended and Restated Agreement of Lease dated as of June 27, 2013 (the "Original Lease") with respect to the South Street Seaport Project as more particularly described therein, as amended by that certain First Amendment to Amended and Restated Agreement of Lease dated January 11, 2017 (the "First Amendment"), and by that certain Second Amendment to Amended and Restated Agreement of Lease dated October 3, 2017 (the "Second Amendment"), and the Original Lease as amended by the First Amendment and Second Amendment, the "Marketplace Lease").

2. Pursuant to Section 23.9 of the Marketplace Lease, Tenant has the option to lease certain Option Premises, including the first and second floors of 133 Beekman Street from Landlord, and Landlord and Tenant desire to modify the Marketplace Lease to add the first floor and a portion of the second floor of 133 Beekman Street, as more particularly described on Exhibit 1 annexed hereto ("Third Amendment Premises") to the Premises demised under the Marketplace Lease and to make certain other changes in relation to such addition.

3. Landlord and Tenant also desire to modify certain provisions of the Marketplace Lease with respect to the Former Streets (as defined in the Marketplace Lease).

NOW, THEREFORE, in consideration of the foregoing and the covenants of the Parties set forth herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

Section 1. Definitions.

(a) Unless otherwise defined herein, all capitalized terms used herein shall have the respective meanings given to such terms in the Marketplace Lease.

(b) Article 1 of the Marketplace Lease is hereby modified as follows:

(i) The definition of "Restrictive Declaration" is deleted in its entirety, and replaced with the following: "Restrictive Declaration" means that

certain Restrictive Declaration dated as of June 27, 2013 and entered into by and between the City of New York and SSSLP, as amended and restated by that certain First Amended and Restated Declaration dated as of January 11, 2017, and as further amended from time to time.”

(ii) The following definitions shall be added to Article 1:

“Former Streets Liquidated Damages” has the meaning provided in Section 23.4 hereof.

“Former Streets Notice” has the meaning provided in Section 23.4(a) hereof.

“Stall Market Operator” means Fulton Market Association, Inc. currently doing business as the Fulton Stall Market, or any other public market operator as mutually agreed to by Landlord and Tenant, together with its successors and/or assigns.

“Stall Market Operator Agreement” has the meaning provided in Section 10.9 hereof.

“Stall Market Premises” means that certain portion of Parcel II of the Premises identified on Exhibit 2 attached to this Third Amendment.

“Translux Rent” means annual rent in the amount of Two Hundred and Seventy Thousand and 00/100 Dollars (\$270,000.00).

Section 2. Amendments. The Marketplace Lease is hereby modified as follows:

(a) The diagrams in Exhibit A-4 to the Marketplace Lease are hereby deleted and replaced with the diagrams in Exhibit 3 annexed hereto.

(b) The legal description of Parcel II of the Premises set forth in Exhibit A to the Marketplace Lease is hereby deleted in its entirety and substituted therefor is the legal description of Parcel II of the Premises set forth in Exhibit 4 annexed hereto.

(c) Section 3.2(a)(i) of the Marketplace Lease is hereby deleted in its entirety and replaced with the following:

Base Rent Payments.

(i) Tenant shall pay Landlord annual base rent throughout the Term as follows: (A) commencing on July 1, 2013 (the “Amendment Commencement Date”), One Million Two Hundred Thousand Dollars (\$1,200,000); plus (B) commencing on January 11, 2017 (the “Tin Building Commencement Date”) \$0.00 for the Tin Building Area (the “Tin Building Rent”); plus (C) commencing on April 1, 2021, the Translux Rent.

Notwithstanding anything to the contrary set forth herein, from April 1, 2021 until the earlier to occur of (i) the termination of the Stall Market Operator Agreement (as defined in Section 10.9), (ii) the effective date under any sublease, license, permit or any other agreement that Tenant enters into allowing for the use of the Stall Market Premises or any portion thereof, by any Person other than the Stall Market Operator as provided in Section 10.9, (iii) provided that Tenant has not theretofore entered into a Stall Market Operator Agreement, the date that Landlord provides written notice to Tenant that (A) the Stall Market Premises or any portion thereof, may be repurposed for other uses consistent with the Marketplace Lease and (B) Tenant shall not be obligated to continue to use commercially reasonable efforts to enter into a Stall Market Operator Agreement pursuant to Section 10.9 (provided that Landlord shall not be permitted to send such notice until the date which is thirty-six (36) months from the date hereof unless Tenant waives such restriction in writing) and (iv) ten (10) years from the Translux Building Commencement Date, the Translux Rent shall be reduced by \$127,295 per annum (the "Reduction Amount"), which such Reduction Amount is the product of (x) \$36.37 per rentable square foot and (y) the aggregate rentable square footage of the Stall Market Premises, which Landlord and Tenant tentatively agree is approximately 3,500 rentable square feet, such that the resulting Translux Rent shall be \$142,705 per annum. Notwithstanding the foregoing sentence, the Translux Rent shall be adjusted upon confirmation of the Stall Market Premises rentable square footage by Tenant and Landlord. In addition to the foregoing, if Tenant has not entered into a Stall Market Operator Agreement and the Stall Market Premises are vacant for thirty-six (36) months or longer, then, provided that Tenant notifies Landlord, (1) Tenant shall not be obligated to continue to use commercially reasonable efforts to enter into a Stall Market Operator Agreement pursuant to Section 10.9, (2) Tenant may enter into Subleases in accordance with Section 10.2, and (3) Tenant shall pay to Landlord the Translux Rent without the reduction contemplated in the preceding sentence.

The amounts referred to in clauses (A), (B) and (C) of this subparagraph (i) shall increase on each anniversary of the Amendment Commencement Date by three percent (3%), compounded annually (subject to adjustment as provided in subparagraph (ii) and subsection (b) of the Marketplace Lease, "Base Rent") and shall be payable in equal monthly installments in advance on the first day of the month for which such monthly installment of Base Rent is due; provided, however, that the Translux Rent shall not increase pursuant to the terms of this paragraph until the anniversary of the Amendment Commencement Date occurring in 2021.

(d) Reserved.

(e) Section 10.2(b)(vi) of the Marketplace Lease is hereby deleted in its entirety and replaced with the following:

(vi) Enter into Subleases for the Premises (except for the Stall Market Premises) in accordance with this Section 10.2;

(f) Section 10.2(i) of the Marketplace Lease is hereby deleted in its entirety and replaced with the following:

Subleases. Except as provided in Section 10.9 below, nothing herein set forth shall require Tenant to obtain Landlord's consent to a Sublease which is not a Major Sublease so long as (A) the Sublessee is not an Unqualified Person, (B) the Sublease conforms to the requirements of Section 10.5(a) hereof, and (C) is consistent with Article 23 hereof.

(g) The following Section 10.9 is hereby added to Article 10 of the Marketplace Lease:

Section 10.9 Stall Market Premises. Tenant shall use reasonable efforts to enter into an agreement ("Stall Market Operator Agreement") with Stall Market Operator that allows for the use of the Stall Market Premises by such operator for a period of no less than ten (10) years from the Translux Building Commencement Date. The Stall Market Operator Agreement shall be subject to the reasonable approval of Landlord. The Stall Market Operator Agreement shall permit the use of the Stall Market Premises in a manner consistent with the uses outlined in Exhibit 5 annexed hereto. If either (x) the Stall Market Operator elects to terminate the Stall Market Operator Agreement or (y) the Stall Market Operator defaults under the Stall Market Operator Agreement beyond any applicable notice and/or cure periods (such termination or default being referred to as a "Stall Market Default"), then Tenant may elect to terminate the Stall Market Operator Agreement, provided, however, that in the case of a termination due to default by the Stall Market Operator, Tenant shall send a copy of any default notice or notice to cure to Landlord at the same time that Tenant serves such notice on Stall Market Operator, and (a) to the extent such default is monetary in nature, Landlord shall have an additional thirty (30) days from the expiration of Stall Market Operator's cure period, to cure such monetary default, and (b) to the extent such default is non-monetary in nature, Landlord shall have sixty (60) days from the expiration of Stall Market Operator's cure period, to cure such non-monetary default. In the event that the Stall Market Operator Agreement is terminated in accordance with this paragraph, Tenant may repurpose the Stall Market Premises for uses consistent with the Marketplace Lease. For so long as the Stall Market Operator Agreement is in effect and has not been terminated, Tenant shall not enter into a sublease, license, permit or any other agreement allowing for the use of the Stall Market Premises or any portion thereof, by any Person, other than Stall Market Operator, without the prior written consent of Landlord in Landlord's sole and absolute discretion in each instance; provided, however, that the foregoing shall not restrict Tenant from entering into a sublease, license, permit or other agreement allowing for the use of the Stall Market Premises or any portion thereof prior to the termination or

expiration of the Stall Market Operator Agreement so long as such sublease, license, permit or other agreement does not commence until a date which is after the termination or expiration of the Stall Market Operator Agreement.

(h) Section 2(b) of the Second Amendment is hereby amended by adding the following phrase to the end thereof:

“Notwithstanding anything to the contrary set forth above, provided that all applicable Requirements are satisfied, the third floor areas in the Market Block identified on Exhibit 6 annexed hereto, and up to 2,000 square feet of Gross Leasable Area on the ground floor of the Market Block in order to provide access to the third floor, may be used by Tenant or any Subtenant as general executive and administrative office space and the area used for such purposes in accordance with this paragraph shall not be counted as part of the Limited Office Use Area.”

(i) Section 23.4 of the Marketplace Lease is hereby replaced with the following:

Section 23.4 Liquidated Damages for Failing to Maintain a Right of Way. Tenant hereby acknowledges the vital importance to maintain the accessibility of the Former Streets to emergency vehicles in accordance with Sections 23.5(b) and (d) of the Marketplace Lease. Tenant acknowledges that Tenant’s failure to comply (or to cause its Subtenant(s), contractors and licensees to comply) with the requirements regarding accessibility to emergency vehicles of the Former Streets in Sections 23.5(b) and (d) will cause loss and damage to Landlord and jeopardize the safety of the public, the precise extent of such losses and damages being difficult to ascertain and, therefore, Landlord and Tenant desire to provide fair and reasonable compensation to Landlord for such losses and damages, which compensation shall not be construed as a penalty. It is therefore agreed that, without limiting any of Tenant’s obligations under Sections 23.5(b) and (d) of this Marketplace Lease, if Tenant (or its Subtenant(s), contractors or licensees) fails to maintain a minimum of a fifteen (15)-foot right of way in the Former Streets in accordance with Sections 23.5(b) and (d) of this Marketplace Lease, there shall accrue to Landlord liquidated damages (“Former Streets Liquidated Damages”) as follows:

(a) If at any time during the Term, Tenant fails to maintain at minimum a fifteen (15)-foot right of way in the Former Streets, or to cause its Subtenant(s), contractors or licensees to maintain at minimum a fifteen (15)-foot right of way in the Former Streets, Landlord shall notify Tenant in writing of such non-compliance (each such notice shall be referred to herein as a “Former Streets Notice”), and Tenant shall cure such non-compliance within the time periods provided under the Marketplace Lease. Upon receiving a Former Streets Notice from Landlord with respect to a second failure to maintain such right of way, Tenant shall pay Landlord

\$5,000. Upon receiving a Former Streets Notice with respect to a third failure to maintain such right of way, Tenant shall pay Landlord \$7,500. Upon receiving a Former Streets Notice with respect to a fourth failure to maintain such right of way, Tenant shall pay Landlord \$10,000. Upon receiving a Former Streets Notice with respect to a fifth failure to maintain such right of way, Tenant shall pay Landlord \$15,000. Upon receiving a Former Streets Notice with respect to a sixth failure to maintain such right of way, Tenant shall pay Landlord \$20,000. Upon receiving a Former Streets Notice with respect to a seventh failure to maintain such right of way, Tenant shall pay Landlord \$30,000. Subject to subsection (ii) below, Tenant shall pay Landlord \$40,000 upon receiving any subsequent Former Streets Notice. The amounts described above, shall be payable within thirty (30) days of receipt of a Former Streets Notice and such amounts shall be assessed, if at all, by Landlord on a "per violation" basis and not a "per diem" basis for each violation.

(b) If Landlord does not issue a Former Streets Notice for a period of nine calendar months after the date of any Former Streets Notice, then any Former Streets Notice sent by Landlord after such nine calendar month period shall be deemed to be the first Former Streets Notice, provided that Tenant has paid all Former Streets Liquidated Damages previously incurred.

(c) Commencing January 1, 2027, Former Streets Liquidated Damages amounts shall be increased annually to an amount equal to the product obtained by multiplying the amount of Former Streets Liquidated Damages in the immediately preceding Lease Year by the sum of one and the CPI Increase. All Former Streets Liquidated Damages payable shall constitute Rental hereunder.

(d) Nothing contained herein shall constitute a waiver of any other rights or remedies available to Landlord under the Marketplace Lease.

(j) Section 23.9(b) of the Marketplace Lease is hereby deleted in its entirety and replaced with the following:

(b) The term "Option Premises" shall mean the following portions of Landlord's Premises, as each is depicted on Exhibit A-4: (w) the first floor at Nos. 12 and 14 Fulton Street in Schermerhorn Row (except that then existing public circulation areas within No. 12 Fulton Street shall remain as public circulation areas), (x) certain space located on the second floor of 133 Beekman Street, (y) the first floors at 207, 209, 211 Water Street, and (z) the first and second floors of 213-215 Water Street, other than a portion of each of those floors at 213-215 Water Street to be retained by Landlord (the "Retained Areas") for access to the other floors in such buildings, which such Retained Areas shall (i) be large enough to allow for elevators and stairs (such elevator and stairs to be separately demised and to be compliant with all applicable laws, rules, regulations and codes), as determined by Landlord in its reasonable

discretion; and (ii) will be available for use by all tenants and occupants of the buildings, and their employees, guests and invitees.

Section 3. Miscellaneous.

(a) Neither this Third Amendment nor any provision hereof may be changed or canceled except by agreement in writing signed by the party (acting by a duly authorized partner or officer thereof if the party is a partnership or corporation) against whom any purported change is sought to be enforced.

(b) This Third Amendment shall be governed by, and construed in accordance with, the laws of the State of New York.

(c) Each of the signatories below represents that it has authority to sign on behalf of the party for which it signed and has the power to bind such party.

(d) Except as expressly stated in this Third Amendment all terms and conditions of the Marketplace Lease shall remain in full force and effect, and upon execution of this Third Amendment, any references to the Marketplace Lease shall include this Third Amendment. In the event of a conflict between the terms of this Third Amendment and the Marketplace Lease, the provisions of this Third Amendment shall be controlling.

(e) This Third Amendment may be signed in counterparts, all of which counterparts, when taken together, shall be deemed a fully-executed instrument.

[REMAINDER OF PAGE INTENTIONALLY BLANK]

STATE OF NEW YORK)
: SS.:
COUNTY OF NEW YORK)

On December 4 2020, before me, the undersigned, personally appeared Andrew Schwartz personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

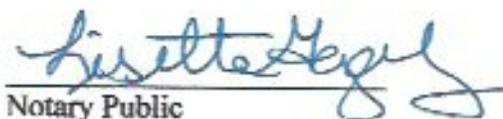


Notary Public

Carlos A. Guerra
Notary Public, State of New York
No. 01GU6292830
Qualified in New York County
Commission Expires 11/12/20 21

STATE OF NEW YORK)
: SS.:
COUNTY OF NEW YORK)

On September 30 2020, before me, the undersigned, personally appeared Saul Scherl personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.



Notary Public



EXHIBIT 1

Third Amendment Premises

[See attached]

LOCATION KEY PLAN



SOUTH STREET SEAPORT
LIMITED PARTNERSHIP

SITE PLAN

SCALE: 1" = 20'-0"

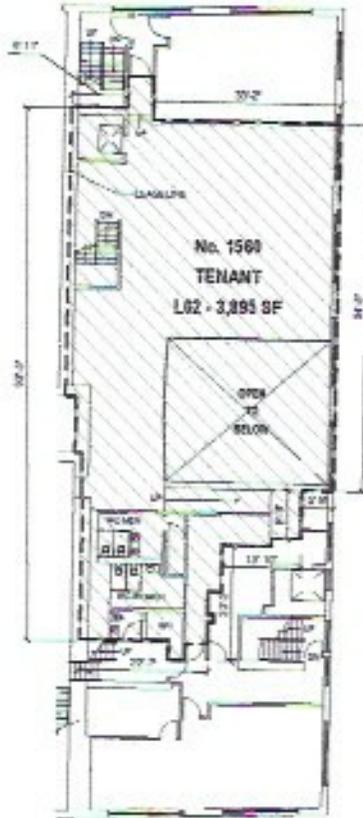
DATE: 10-31-18



SPACE: 1560

EXHIBIT 1

THIRD AMENDMENT PREMISES



LEVEL 1 GLA:	6,033 SF
LEVEL 2 GLA:	3,895 SF
TOTAL GLA:	9,928 SF

SOUTH STREET SEAPORT
LIMITED PARTNERSHIP

LEASE OUTLINE DRAWING
SCALE: N.T.S.
DATE: 10-31-18



SPACE 1500 - Level

EXHIBIT 3

**Replacement Exhibit A-4 to Marketplacc Lease
New Diagrams of Option Premises**

[See attached]

EXHIBIT 3

EXHIBIT A4 - OPTION PREMISES FIRST FLOOR

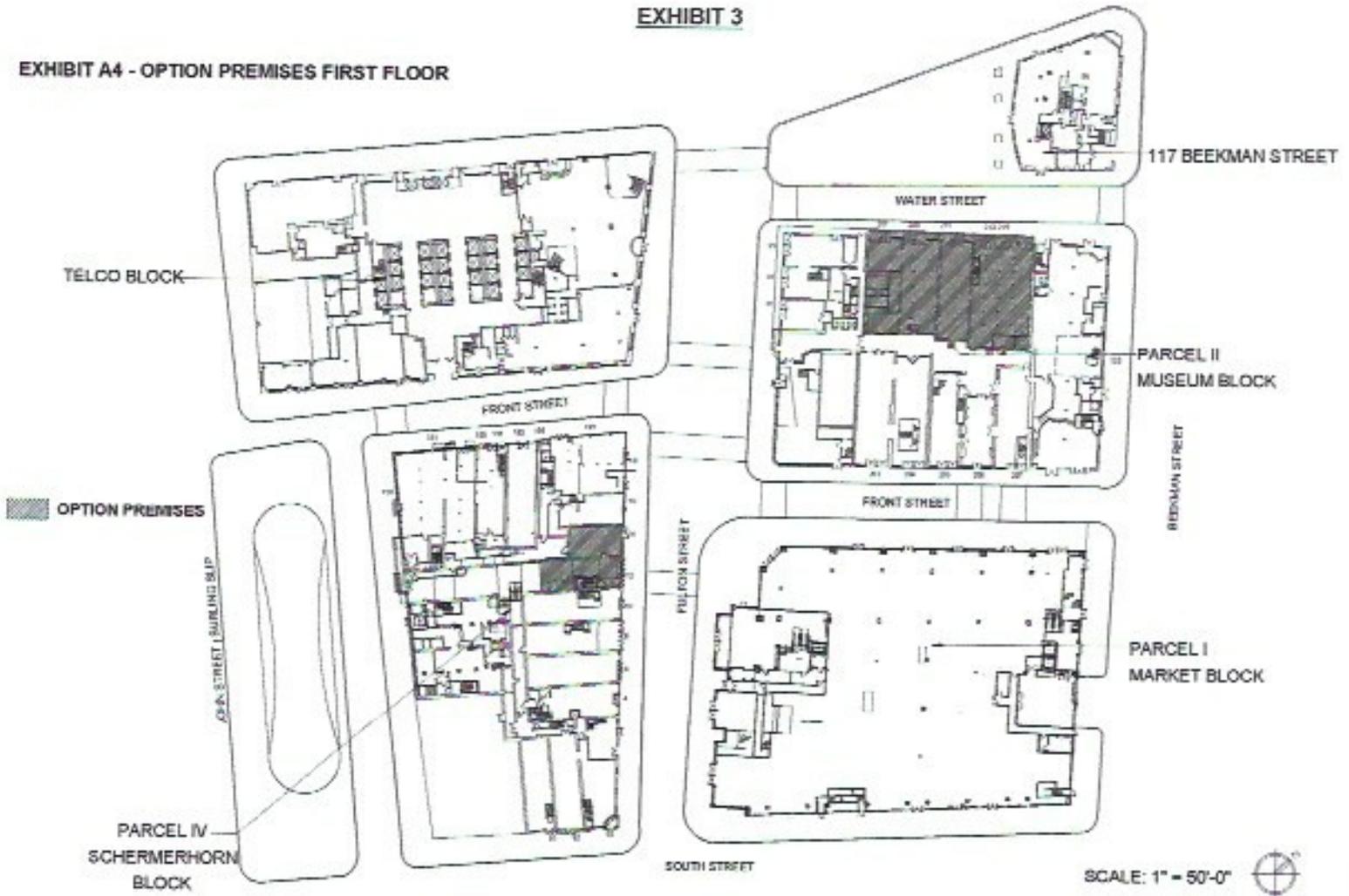


EXHIBIT 3

EXHIBIT A4 - OPTION PREMISES SECOND FLOOR

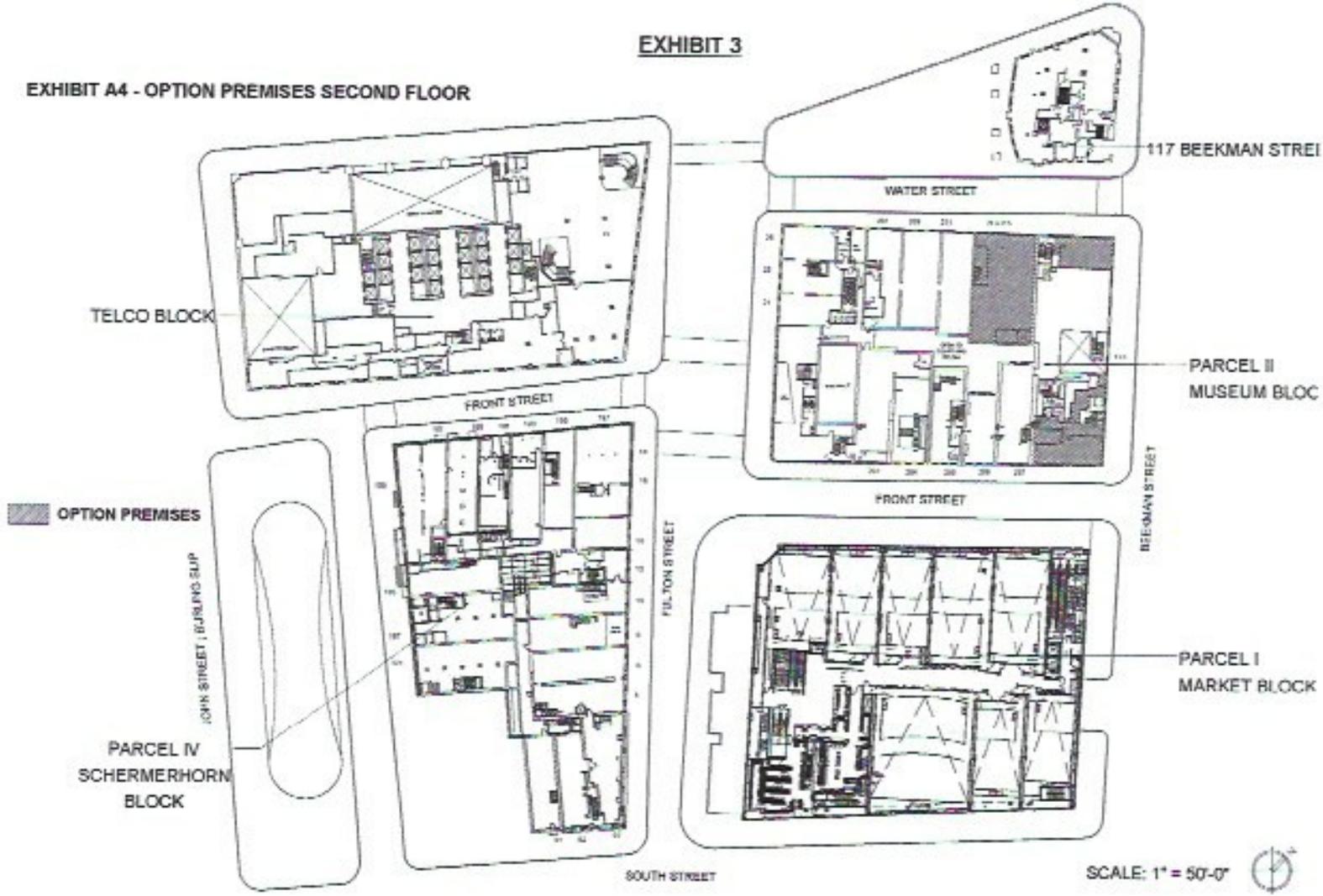


EXHIBIT 4

New Description of Parcel II

[See attached]



EXHIBIT 4

EXHIBIT A2 - MUSEUM BLOCK TENANT PREMISES - SECOND FLOOR

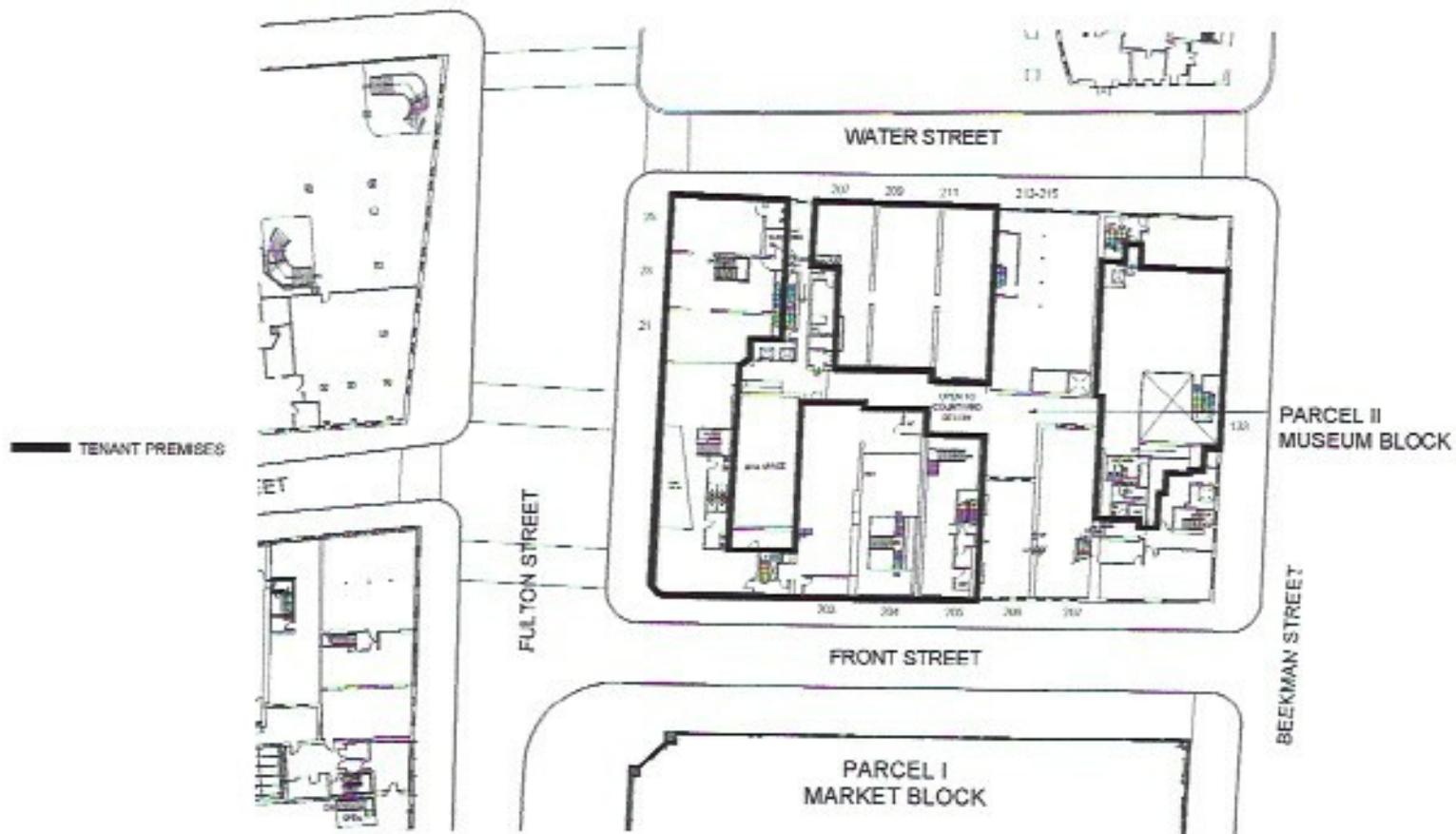


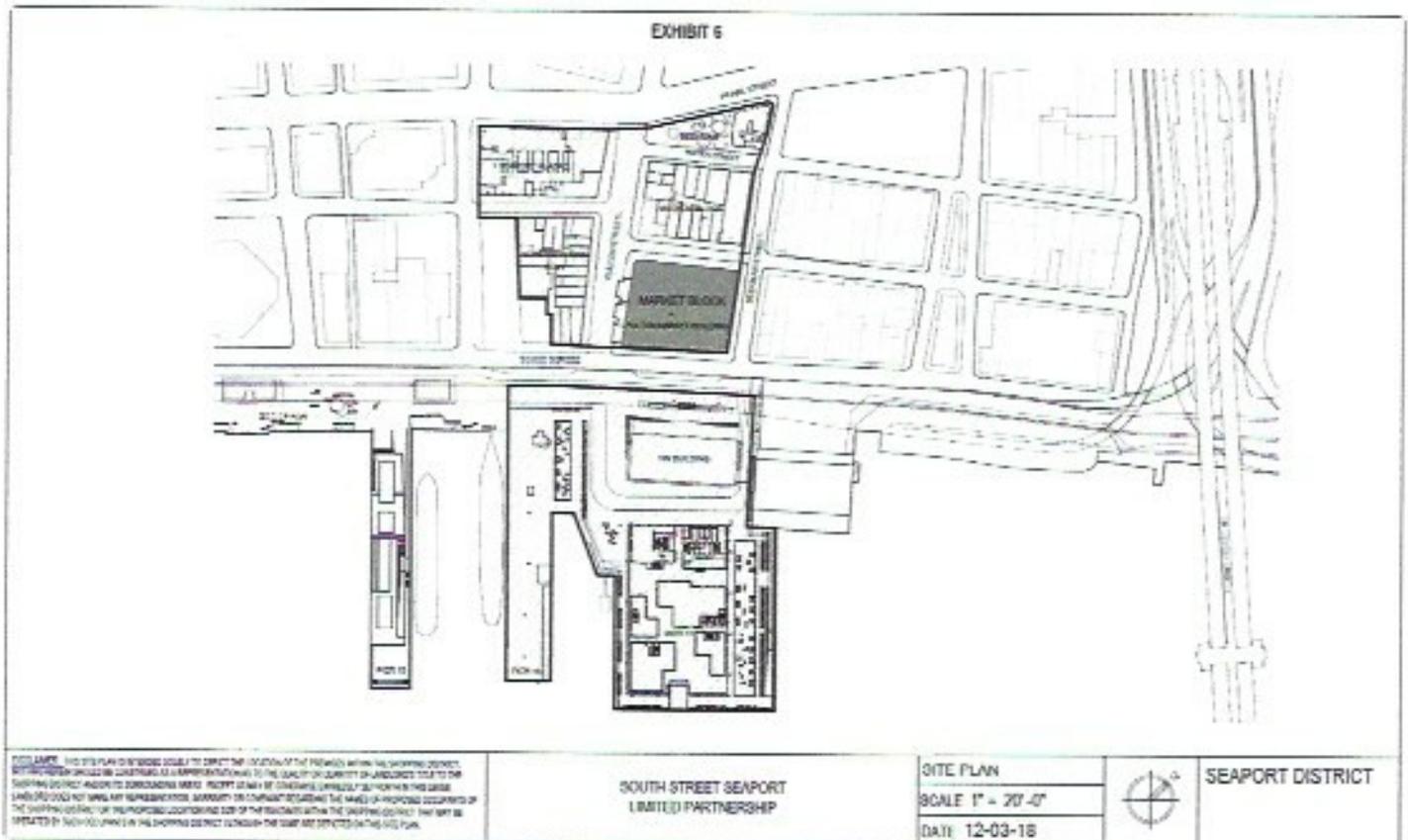
EXHIBIT 5

Stall Market Uses

A market offering items from multiple purveyors including, but not limited to, local and regionally sourced fruits and vegetables, baked goods, grocery items, curated assortment of non-food merchandise (including branded NYC Public Markets goods), fish, cheeses, and meats as well as some prepared food.

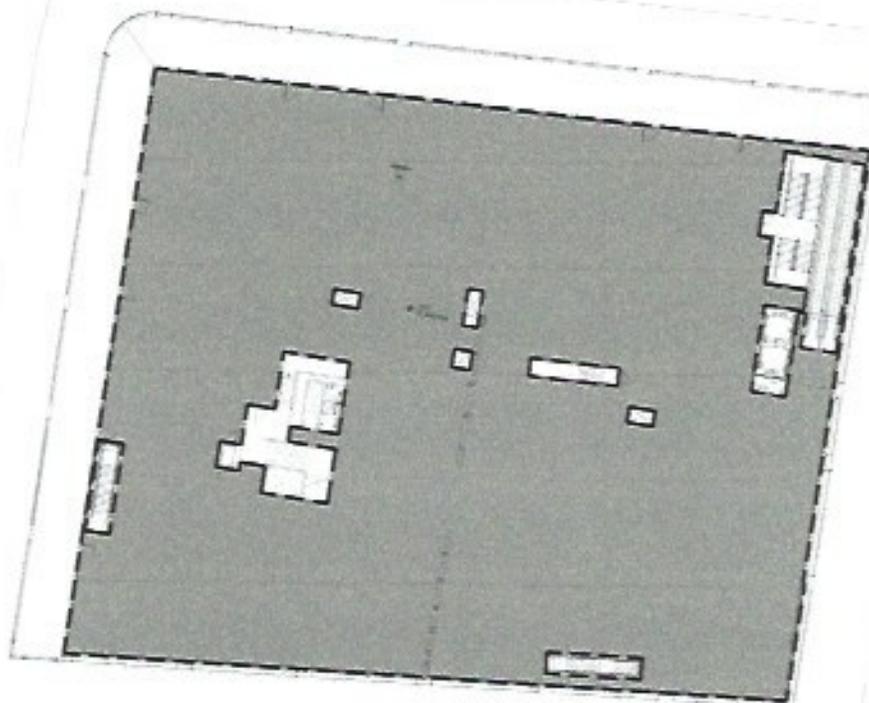
EXHIBIT 6

Third Floor Market Block



FULTON STREET

BEEKMAN STREET



DISCLAIMER: THIS SITE PLAN IS PROVIDED SOLELY TO DEPICT THE LOCATION OF THE PROPOSED WORK ON THE PROPERTY. NOTHING HEREIN SHOULD BE CONSIDERED AS A REPRESENTATION AS TO THE QUALITY OR QUANTITY OF LABOR OR TITLE TO THE PROPERTY WORK OR SURROUNDING AREA. DESPITE ANY OTHERS EXPRESS OR IMPLIED IN THIS CASE, SCHEDULED DOES NOT MAKE AN REPRESENTATION, WARRANTY OR CONTRACT REGARDING THE NATURE OF PROPOSED OCCUPANTS OF THE PROPERTY OR THE PROPOSED LOCATION AND USE OF THE BUILDING OR COMMON AREAS NEAR THE PROPERTY THAT MAY BE OPERATED BY SUCH OCCUPANTS ON THE PROPERTY THROUGH THE SAME AS DEPICTED ON THIS SITE PLAN.

**SOUTH STREET SEAPORT
FULTON MARKET BUILDING**

SITE PLAN

SCALE: 1" = 30'

DATE: 04-25-19



3RD LEVEL

CITY PLANNING COMMISSION

March 5, 2003 / Calendar No. 16

C 020213 ZMM

IN THE MATTER OF an application submitted by Community Board 1 pursuant to Sections 197-c and 201 of the New York City Charter for **an amendment of the Zoning Map, Section Nos. 12b and 12d**, changing from a C6-4 District to a C6-2A District property bounded by Dover Street, Water Street, Dover Street, South Street, a line 17 feet southeasterly of the northwesterly street line of South Street, the centerline of former Fulton Street, Water Street, Fulton Street, a line bisecting an angle formed by the northeasterly prolongation of the northwesterly and southeasterly street lines of Pearl Street, Pedestrian Street, and Pearl Street, within the Special Lower Manhattan District, as shown on a diagram (for illustrative purposes only) dated September 30, 2002, Borough of Manhattan, Community District 1.

The application for an amendment of the Zoning Map, Section Nos. 12b and 12d, was filed by Manhattan Community Board 1 on November 19, 2001, to change from a C6-4 district to a C6-2A district, a 10-block area within the South Street Seaport Subdistrict, bounded by Fulton Street, Pearl Street, Dover Street, and South Street.

RELATED ACTIONS

In addition to the amendment of the Zoning Map, Section Nos. 12b and 12d, which is the subject of this report, this project requires action by the City Planning Commission on the following application which is being considered concurrently with this rezoning application:

1. N 020214 ZRM **Zoning Text Amendment** to Sections 91-211, 91-212, 91-23, 91-30, 91-32, 91-42(e), 91-61, 91-65, and 91-66 of the Special Lower Manhattan District.

BACKGROUND

This is an application to rezone an area within the South Street Seaport Historic District from C6-4 (10 FAR) to C6-2A (6 FAR). The proposal affects a 10-block area north of Fulton Street and includes all but two blocks and three piers of the historic district. The buildings within the area are predominantly four and five stories tall and date back to the 18th and 19th centuries. The area is entirely within the South Street Seaport Subdistrict, a special purpose zoning subdistrict within the Special Lower Manhattan District. The subdistrict provides for the transfer of development rights held in the Seaport Development Rights Bank.

The principal objective of this application is to adjust the underlying zoning of the area to be

more consistent with the existing buildings and historic character of the Seaport area. The applicant has stated that the proposed C6-2A contextual zoning district would strengthen the existing neighborhood context by mandating a built form similar to that of the surrounding buildings while allowing medium-density residential and commercial development.

Area Description

The proposed area of rezoning is the 10-block area bounded by Dover Street to the north, South Street to the east, Fulton Street to the south, and Pearl Street to the west. The area is characterized by a variety of uses: commercial, residential, institutional, and wholesale market. Commercial uses include retail along Fulton Street and a branch of the U.S. Post Office on Peck Slip. There are a number of well known hotels, bars, restaurants in the area, including Carmine's and the Paris Hotel. Institutional uses include the Seaman's Church Institute and the Seaport Museum. A Con Edison substation is located within the area of rezoning. Part of the Fulton Fish Market is located within the area and is concentrated along South Street. Additional fish wholesalers are located on Peck Slip, Front and Water Streets. The Fulton Fish Market is expected to move to Hunts Point.

The area contains 91 buildings which average approximately 50 feet, or four to five stories in height. A large number of the structures were built for the shipping industry in the 18th and 19th centuries. New buildings since the 1960s, including the Fulton Market building, the Con Ed substation, the Seaman's Church Institute and the Jehovah's Witness Hall, were all designed to be consistent with the existing massing and scale of buildings in the district. Since the area is within a historic district, all developments are subject to approval by the Landmarks Preservation Commission (LPC). In 2001, a proposal for an 11-story hotel next to the Post Office (at 320 Pearl Street) was rejected by LPC and the proposal was modified to a building with a 7-story street wall, consistent with the adjoining buildings on the block.

Within the area are a number of vacant lots including an approximately 48,000 square foot site known as 250 Water Street. This site occupies the full block bounded by Peck Slip, Water,

Beekman, and Pearl Streets. 250 Water Street, currently occupied by a parking lot, has been the subject of numerous proposals submitted for approval at the LPC in the past two decades. Only one proposal, for a 7.9 FAR, 11-story office building was approved by the LPC in 1991.

In 2001, the city's Economic Development Corporation (EDC) issued a Request for Proposals for seven city-owned parcels comprising approximately 33,000 square feet along Front Street, between Peck Slip and Beekman Slip, on Block 97. A developer was chosen in May of 2002 to build a mixed-use project for Block 97 which would include ground floor retail, gallery space, nearly 100 residential units, and an expansion of the Seamen's Church Institute. A proposal has been accepted by EDC which complies with the proposed C6-2A zoning, except for regulations regarding zoning lot coverage on corner lots and quality housing.

The area surrounding the rezoning area also contains a wide variety of uses and densities. To the north is the Brooklyn Bridge. Immediately west of the rezoning area, across Pearl Street, is Southbridge Towers, 27-storied Mitchell-Lama residential buildings built under the Southwest Brooklyn Bridge urban renewal plan. The NYU Downtown Hospital, St. Margaret's Home for the elderly and the Fulton retail corridor are other notable uses further west of Seaport area. Immediately to the south of the rezoning area, across Fulton Street, is the historic Schermerhorn Row block. Further south and southwest is the densely developed Lower Manhattan commercial core, the nation's third largest central business district, and home to a number of skyscrapers. To the east of the rezoning area and under the elevated FDR (East River) Drive is the Fulton Fish Market, the landmarked "Tin Building," and the Rouse Seaport marketplace at Pier 17. The eastern edge of the surrounding area is the East River.

Zoning/Legislative History

The C6-4 zoning district was first mapped on the proposed area of rezoning in 1961. The C6-4 is a high-density commercial district with an FAR of 10. The Seaport area has been subject to evolving planning and policy goals throughout the past four decades, as summarized below.

- 1966 Lower Manhattan Plan and first preservation efforts** Commissioned by the Department of City Planning, the Lower Manhattan Plan called for high-density development along the waterfront. The first step towards preservation of the Seaport occurred in 1966 when State legislation created the South Street Maritime Museum Association which was responsible for developing the Schermerhorn Row block as a state maritime museum. Concurrent private efforts to create an historic Seaport district led to the creation of the South Street Seaport Museum as a private nonprofit corporation in 1967. The Schermerhorn Row buildings were designated a New York City landmark in 1968.
- 1968 Brooklyn Bridge Southeast Urban Renewal Plan** In 1968 the City Planning Commission adopted an urban renewal plan in the area to the southeast of the Brooklyn Bridge. The plan's objectives were to remove blight, and to encourage new construction, parks and recreational uses, retail shopping, and parking. The urban renewal plan was amended in 1970 to set forth the Seaport redevelopment plans in greater detail. It included a Seaport 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 renewal area was to be developed with high-rise apartments and commercial buildings.
- 1972 Special South Street Seaport District** The Special South Street Seaport District was created as a special purpose zoning district to help implement the goals of the urban renewal plan. The goals were to preserve the scale and character of the Seaport area, while allowing for the transfer of excess development rights from specific lots in the historic core to designated receiving lots.

The special district designates granting lots from which development rights may be transferred, and receiving lots which are eligible to use the development rights. The granting lots include the blocks between Fulton, Beekman, Water and South Streets, and the Schermerhorn Row Block (Lots 6, 7, 9), as well as portions of Fulton, Front, and Water Streets that had been demapped and designated as pedestrian ways. The receiving lots include the three blocks north of Peck Slip, between Pearl and South Street (Lot 1), as well as the blocks immediately south and west of Schermerhorn Row block, bounded by Fulton, John, Water, and Front Streets (Lots 8, 20, 21), Piers 9, 11, 13 (Lots 15 and 16) and the block occupied by 55 Water Street (Lot 22) which was added in 2001. Lot 1 is the only receiving site located within the proposed rezoning area.

- 1973 South Street Seaport Development Rights Bank** The Seaport Development Rights Bank was established in 1973. Since then a total of 1,400,000 square feet of development rights have been transferred to Chase Manhattan Bank. To date, there have been a total of 920,925 square feet transferred to receiving sites; 479,075 sf of TDR remain available.

Seaport - Transfers of Development Rights		
Receiving Site	Amt Received	Year
180 Maiden Lane (Continental Center)	303,919 sf	1979
175 Water Street (Ronson Condos)	286,000 sf	1981
199 Water Street (One Seaport Plaza)	276,768 sf	1981
80 South Street	54,238 sf	2001
Total Transferred, to date	920,925 sf	

Starting Balance of TDR from Granting Lots	1,400,000 sf
Less Total Transferred to Receiving Sites	(920,925) sf
Balance Remaining	479,075 sf

1977 South Street Seaport Historic District In 1977 the NYC Landmarks Preservation Commission designated the South Street Seaport Historic District. The district included Schermerhorn Row, the blocks bounded by Maiden Lane, Fulton Street, Pearl Street, Peck Slip, Water Street, Dover Street, and South Street. Piers 15 and 16 were also included in the district. The historic district was subsequently expanded in 1989 to include the block bounded by Pearl Street, Dover Street, Water Street, and Peck Slip.

1998 Special Lower Manhattan District / South Street Seaport Subdistrict The Special Lower Manhattan District (SLMD) was created to allow for more flexible use and bulk regulations to promote development and conversions, and a more "24-hour" downtown. The SLMD also established controls for lot coverage, and height and setback. When the SLMD was created, the South Street Seaport District was incorporated as a subdistrict. There were no substantive changes made to the South Street Seaport Subdistrict regulations. The ability to transfer development rights within the Seaport remained intact, as did the C6-4 zoning designation. Certification by the City Planning Commission is required for a development to utilize transferred development rights. Modifications to bulk regulations, other than floor area, can be made by Commission special permit (Section 91-66).

PROPOSED ZONING MAP AMENDMENT (C 020213 ZMM)

This rezoning proposal would replace the existing C6-4 district within the Seaport Subdistrict with a C6-2A district.

Existing Zoning C6-4

The existing underlying zoning of C6-4 dates back to 1961. The C6-4 district is a high-density commercial district that allows a base maximum FAR of 10, and a wide range of residential, commercial and community facility uses. C6-4 districts are typically located in the heart of dense central business districts. The Special Lower Manhattan District imposes certain streetwall and setback requirements, but there is no building height limit for developments in a C6-4 district. The special district also prohibits floor area bonuses for plazas, arcades, and other privately-owned public spaces for developments within the Seaport Subdistrict.

The maximum floor area ratio for receiving sites with the Seaport Subdistrict under current zoning is 12 FAR. There is one receiving site, "Lot 1," within the area of the proposed rezoning. Lot 1 comprises the three blocks bounded by Peck Slip, Pearl, Dover, and South Streets, located at the north end of the Subdistrict, and includes that Post Office and Con Edison sites.

Proposed Zoning C6-2A

This proposal would rezone the C6-4 district within the Seaport Subdistrict to a C6-2A district. C6-2A districts are medium-density, contextual commercial zones equivalent to R8A districts. They are typically located outside the core of central business districts. Contextual districts are designed to maintain the built form of an existing neighborhood; they require that buildings be placed near the street line and within a prescribed building envelope. C6-2A districts have been mapped in Manhattan in historic neighborhoods such as Tribeca, Union Square, Chelsea and Greenwich Village, where they have successfully functioned to keep the size of new buildings consistent with the scale of historic buildings.

The proposed contextual rezoning would decrease the maximum allowable floor area ratio in the rezoning area from 10 to 6 FAR for commercial, 6.02 FAR for residential, and 6.50 FAR for community facilities. The C6-2A district also includes bulk regulations. Building heights would be capped at 120 feet. The C6-2A typically requires a streetwall base between 60 to 85 feet in height, however, the applicant has submitted a text amendment that would allow streetwalls to be

lower than 60 feet, to match the low streetwalls in the area.

The proposal would not alter permitted uses. Similar to C6-4 districts, the proposed C6-2A zoning is a general central commercial district allowing a full range of residential, community facility, retail and commercial uses (Use Groups 1 through 11). C6 districts are zoned for a wide range of medium to high-bulk commercial uses requiring central locations such as corporation headquarters, hotels, entertainment facilities, retail stores, and some residential development in mixed buildings.

The total amount of transferrable development rights would not be affected. All of the development rights from the Seaport granting lots were transferred to Chase Manhattan Bank in 1973 as an absolute amount. The remaining 479,075 square feet of development rights would not be diminished by the proposed downzoning. Receiving sites would still be able to utilize up to 2 FAR of development rights. The maximum FAR for receiving sites would decrease from 12 to 8.02 FAR. The proposed rezoning area includes one receiving site which comprises three block known collectively as Lot 1. Lot 1 is bounded by Peck Slip, Pearl Street, Dover Street, and South Street. Outside the rezoning area, four receiving sites remain eligible to receive the 479,075 sf of remaining development rights: a portion of Lot 21, Piers 11, 13, and Lot 22 (55 Water Street).

Under the existing C6-4 zoning, assuming a full build-out to 10 FAR, a total of approximately 660,200 square feet of floor area could be developed on the five vacant sites within the rezoning area identified in the Environmental Assessment Statement (EAS). Under the proposed C6-2A zoning, not counting potential utilization of development rights, 397,440 sf of residential (equivalent to 6.02 FAR) or 396,120 sf of commercial (6 FAR) could be developed.

PROPOSED TEXT AMENDMENT (N 020214 ZRM)

In conjunction with the proposed map amendment, the applicant is proposing a zoning text amendment to the Special Lower Manhattan District regulations. The affected sections would be

91-211, 91-212, 91-23, 91-30, 91-32, 91-42, 91-65, and 91-66.

The amendment would reflect the proposed rezoning of the 10-block area within the South Street Seaport Subdistrict from a C6-4 (10 FAR) district to a C6-2A (6 FAR) district. The applicant is also proposing a new provision relating to streetwall height in the proposed C6-2A district. The C6-2A district building envelope requires a streetwall height between 60 to 85 feet. The new provision would allow minimum base height to be less than 60 feet. The maximum streetwall height would remain at 85 feet. The removal of the minimum base height would give new developments in the Seaport area flexibility to match streetwall heights of existing neighboring buildings. The average streetwall height in the Seaport is less than 60 feet. This provision is similar to current zoning which allows the minimum streetwall heights for buildings in historic districts to be lower than the minimum base height in order to match adjacent buildings. Finally, certain corrections and clarifications would be made to the existing Lower Manhattan text, including to the Maximum Floor Area Ratio table in Section 91-23.

ENVIRONMENTAL REVIEW

This application (C 020213 ZMM), in conjunction with the applications for the related actions (N 020214 ZRM), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.* and the New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is. The lead is the City Planning Commission.

After a study of the potential environmental impacts of the proposal, a Negative Declaration was issued on September 30, 2002.

A Technical Memorandum discussed herein, was issued on February 28, 2003, in connection with modifications to the related application (N 020214 ZRM).

UNIFORM LAND USE REVIEW

This application (C 020213 ZMM) was certified as complete by the Department of City Planning on September 30, 2002, and was duly referred to Community Board 5 and to the Borough President in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules, along with the related non-ULURP text amendment application (N 020214 ZRM), and was sent to Community Board 1 and the Borough President for information and review.

Community Board Public Hearing

Community Board 1 held a public hearing on this and the related application (C 0020213 ZMM and N 020314 ZRM) on November 19, 2002, and on that date, adopted a resolution recommending approval of the applications by a vote of 27 in favor, 0 opposed, and 1 abstaining.

Borough President Recommendation

On January 8, 2003, the Borough President issued a recommendation for approval of the proposed map and text amendment (C 0020213 ZMM and N 020314 ZRM).

City Planning Commission Public Hearing

On January 8, 2003, (Calendar No. 4), the City Planning Commission scheduled January 22, 2003, for a public hearing on this application (C 0020213 ZMM).

The hearing was duly held on January 22, 2003, in conjunction with the hearing on related application (Calendar Nos. 9 and 10). There were 32 speakers in favor of the applications and 4 speakers in opposition. Written testimony was also received both in support of and in opposition to the applications.

Those speaking in favor of the applications included representatives of Community Board 1; City Councilmember of the 1st District; representatives from other elected officials including the Manhattan Borough President and the New York State Senator; the president of the Alliance for Downtown New York; representatives from various civic groups including the Municipal Art

Society, the Historic Districts Council, and the Landmarks Conservancy; and many residents, workers, business owners, and leaders of institutions located in the Seaport.

The Community Board was represented by its chairperson, its district manager, an attorney, and environmental and architectural consultants retained by the board especially for this project. Several members of the Community Board were also in attendance and spoke in favor of the map and text amendments. The first speaker in favor of the applications was the community board's attorney. He began by stating that the purpose of the proposed downzoning was not to deter development. Rather, it was to ensure that future development in the area would occur at the appropriate scale. The attorney briefly described the area of the proposed rezoning as a collection of low-rise, historic buildings that average 4 to 5 stories in height. He stressed that the applicant's primary concern was that the bulk and height allowed by the current C6-4 zoning generate buildings that are out of character with the existing physical context. He added that the proposed rezoning would allow buildings up to 120 feet, about two times the average height of existing buildings. The attorney concluded by stating that the rezoning project enjoyed widespread support from not only area residents and business owners, but also from elected officials, area developers, and various civic groups, many of whom were present to testify on behalf of the project.

The second speaker in favor of the application was the chairperson of Community Board 1. The chairperson began her testimony by discussing the two decade history of community efforts to reconcile the conflict between zoning and historic preservation efforts in the area. She spoke of the special character of the Seaport area that is defined not only by the historic buildings, but also by its waterfront location and its juxtaposition to nearby modern skyscrapers. She noted that throughout the years, many new developments within the Seaport have been built at densities well below the allowed FAR of 10. She cited the EDC Block 97 project as an example of new development occurring at the proper scale. The chairperson characterized Community Board 1 as a pro-development entity that has supported numerous high density projects throughout Lower Manhattan. She concluded by expressing strong support for the rebuilding of Lower Manhattan

after the tragedy of 9/11, but cautioned against development in inappropriate areas such as the Seaport.

The next speaker, the district manager of the community board, emphasized the long history of attempts to downzone the Seaport area. He reiterated the need to rezone so that developers, such as owners of the 250 Water Street site, would have a reasonable set of parameters to use in development efforts. He referred to a financial feasibility study for the 250 Water Street site, prepared by the EDC, that demonstrated the financial viability of a 6 FAR project with or without the use of Liberty Bonds. Both this speaker and the board chairperson expressed receptivity to the idea of designating the 250 Water Street site as a "granting site" of the South Street Seaport Subdistrict so that development rights in excess of 6 FAR could be utilized on receiving sites elsewhere.

The Community Board's professional consultants on environmental review and architecture elaborated on specifics of the rezoning. The environmental consultant noted that the proposed C6-2A district is a contextual district that has proven successful, in both architectural and economic terms, in neighborhoods such as Greenwich Village, Chelsea, and Tribeca. He added that the Seaport is a major tourist attraction, and that a mandatory contextual envelope for future development would help reinforce the historic appeal of the Seaport. The architectural consultant presented the C6-2A building envelope as a viable building envelope for the 250 Water Street site.

The developer who was designated by the city's Economic Development Corporation (EDC) to develop the Block 97 project also spoke in favor of the rezoning. He stated that he was able to develop a profitable mixed-use development at a density significantly below the maximum allowable FAR of 10. He added that the request for proposals issued by the EDC required that the proposal be designed to fit into the existing context. He concluded that any developer who chooses to work within a historic district should expect limitations in terms of development potential.

Next, a former chairperson of the Community Board's Seaport subcommittee and present head of the Seaport Community Coalition, gave a historic overview of the Seaport area, describing in further detail the contrast between the small-scale brick buildings and the skyscrapers nearby and the various industries that once thrived in the area.

The next speaker, City Councilmember for the 1st District, testified in support of the proposed rezoning, citing the importance of preserving landmarks and historic resources for present and future generations of New Yorkers. Other elected officials, United States Congressman of New York's 8th District, the Manhattan Borough President, and Assemblymember for the 62nd District submitted written testimony strongly encouraging the preservation of the Seaport area and supporting the downzoning.

The president of the Downtown Alliance, a business improvement district in Lower Manhattan, testified in support of the Community Board's application. He expressed the Alliance's desire to further Downtown as a diversified, mixed use 24/7 neighborhood and improve the overall quality of life. The president stated that once zoning and the historic district designation were made more compatible, consensus on 250 Water Street could be more easily achieved. The speaker also referred to a concept plan for the comprehensive development of the East River waterfront including the Seaport's waterfront. He noted that the plan itself calls for the rezoning of the historic district in order to ensure appropriate development adjacent to the waterfront, widely considered Lower Manhattan's greatest natural asset.

Several civic groups were in attendance to speak in favor of the rezoning application. A representative from the Municipal Art Society of New York (MAS) extended to the applicant its support for the board's community-based planning efforts. Its support dated back to efforts in the 1970s to help achieve historic district designation of the Seaport area. Next, the MAS argued that the C6-2A district would in fact allow up to 25% more density than surrounding buildings. It also referred to the EDC financial feasibility study which demonstrated profitability of a 6 FAR development on the 250 Water Street site.

Civic groups from the preservation community spoke at the hearing. The director of the New York Landmarks Conservancy encouraged the rezoning as the rational solution to end years of tension between the existing zoning and historic preservation goals for the area. He added that a burden has fallen on the Landmark Preservation Commission to modify development proposals that are "as-of-right" in zoning terms so that they are more harmonious with the historic district. This view was shared by speakers from other civic groups, namely the Society for the Architecture of the City and the Historic Districts Council. Finally, various civic groups spoke of the stabilizing quality of historic districts that help make cities more livable.

Many of the remaining speakers identified themselves as residents of the Seaport neighborhood. Most of them spoke about the special quality of the Seaport, the low-scale historic buildings, adjacency to the waterfront, and a dynamic collection of mixed uses that attracted them to locate there in the first place. Several of the residents expressed disapproval of the possibility for a tower to be located in the area of rezoning.

Those who spoke in opposition to the application included two attorneys for Milstein Properties, owner of the site known as 250 Water Street; an architect representing Milstein Properties; and the president of the Real Estate Board of New York (REBNY).

The first speaker in opposition, an attorney for Milstein Properties, asserted that the application was a case of "reverse spot zoning," stating that the purpose of the proposed rezoning was to prevent development on the 250 Water Street site. He noted that a development larger than 6 FAR could be appropriate on 250 Water Street and referred to other sites that under the Community Board's application would be able to achieve up to 8.02 FAR with the use of Seaport development rights. The attorney also corrected a statement made by a previous speaker regarding the height of the Milstein Properties project stating that the current design of the 250 Water Street was not a 43-story building, but a two-tower design at 24- and 13-stories.

The next speaker in opposition was also an attorney for Milstein Properties. He stressed that a

downzoning was the wrong message to send to the development community in the post-September 11th economic climate. He referred to the Mayor's recently announced initiative to increase housing production throughout the City, and in Lower Manhattan in particular. He also addressed an earlier suggestion of designating the 250 Water Street site as a "granting site" within the Seaport Subdistrict. He stated that such designation would not be an advisable idea given the large amount of development rights that are presently available in the Seaport bank and the lack of truly viable receiving sites. He concluded by emphasizing that the rezoning was unnecessary since the Landmarks Preservation Commission would determine appropriateness of any development in the Seaport area including the 250 Water Street site.

The third speaker in opposition was the president of the Real Estate Board of New York (REBNY), a broadly-based trade association of property owners, developers, and real estate professionals. He elaborated on the previous speaker's concern that the downzoning was bad for Lower Manhattan's post-September 11th revitalization efforts, stressing that the promotion of high-density development was urgent at this time given the city's plans to rebuild. He stated that based on the demonstrated track record at the LPC, a 10 FAR building would likely not be approved for the 250 Water Street site; nonetheless, that a reduction by 40% of allowable density, from 10 to 6 FAR, would be a poor message to send to the investment community.

The last speaker in opposition to the Community Board's application was the architect hired by Milstein Properties to design a building for 250 Water Street. The architect stated that according to his analysis, development of 250 Water Street under the proposed C6-2A zoning would not economically feasible. Additionally, due to the block's configuration, a building that complied with the applicant's proposal would be an inelegant, boxy building that would not be compatible with the existing zoning. He showed the Commission an elevation of the Milstein Properties' proposal and described it as a 7.5 FAR building with a low-rise base and two slender towers rising to 24 and 14 stories. He added that he and other representatives of the Milsteins have met on several occasions with the Landmarks Preservation Commission and that they continue to work towards an acceptable design.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the proposed map amendment (C 0020213 ZMM) to rezone a portion of the South Street Seaport area from a C6-4 to a C6-2A district, in conjunction with related proposed text change as modified (N 020214 ZRM), is appropriate.

The Commission views the South Street Seaport as one of the city's most treasured historic places. It serves as an important reminder of the early commercial development and history of New York, and indeed of the nation. The character of the area is largely defined by low-rise 18th and 19th century mercantile buildings flanking narrow, stone-paved streets. The unique character of the Seaport is enhanced by the juxtaposition of its low-rise historic buildings to nearby modern skyscrapers. The Commission supports the Community Board's efforts to better protect the Seaport by adjusting the underlying zoning to be more compatible with the existing scale and character of the historic neighborhood.

Zoning Map Amendment

The Commission believes that the proposed zoning map amendment, in conjunction with the related action, is appropriate.

The Commission believes that the existing C6-4 zoning district is inappropriate in the historic Seaport area. The area of rezoning includes all but two blocks and three piers of the historic district, and is largely composed of four and five story 18th and 19th century buildings. The underlying C6-4 zoning, a high density district, allows an FAR of 10 which on a large development site could produce a tower of approximately 40 stories. The mismatch between zoning and built character is made especially clear when comparing the built character of the Seaport to other areas where the C6-4 is mapped: in Midtown along 42nd Street west of Eighth Avenue, and along Eighth Avenue from 41st to 56th Street, and in Lower Manhattan along portions of West Street/Rte 9, in the courthouse district to the north of City Hall, and along the

Fulton Street shopping corridor to the west of the Seaport.

The Commission believes that the C6-4 zoning district reflects obsolete planning goals for the area. The C6-4 district dates back to 1961, when the planning objectives envisioned substantial clearing of historic buildings and their replacement by highrise towers along the Seaport's waterfront. The past four decades of public policy has demonstrated a marked shift away from promotion of high rise development and towards goals that reinforce the low-scale character of the Seaport. The defining event of the preservation efforts took place in 1977 when the Landmarks Preservation Commission designated the South Street Seaport Historic District. This designation followed years of private and public preservation actions, including at the national level (portions of the Seaport were included on National Register of Historic Districts in 1972.) The Commission points out that far from being hampered by landmarks protection, the area has flourished. The Seaport is an active and dynamic home to residents, shops and restaurants, wholesalers, and cultural institutions, and attracts hundreds of thousands of visitors each year.

The Commission believes that the density allowed by the proposed C6-2A zoning district more accurately reflects the built density in the surrounding area. The C6-2A district is a medium-density contextual district with an allowable FAR of 6.0 for commercial development, 6.02 for residential development, and 6.5 for community facilities. More recent additions to the area such as the Rouse Marketplace, the ConEdison substation building, the Post Office, the Seamen's Church Institute, several residential coops and condos, and the proposed new Block 97 project are all designed at densities closer to the proposed 6 FAR than the currently allowed 10 FAR. The Commission notes that the LPC has not approved a development at the maximum allowable level. For the 250 Water Street site, the only Certificate of Appropriateness secured by the owner, in 1991, was for a 7.9 FAR commercial building that reached a height of approximately 150 feet.

The Commission believes that bulk controls of a contextual district can work to reinforce the built character of a historic district. However, in this case, the Commission believes that the

generic C6-2A standards would require developments to comply with certain bulk standards that may not be appropriate for the Seaport. These bulk regulations are discussed in detail in the Commission's consideration of the related text amendment below.

At the public hearing, the Commission heard testimony from speakers in opposition to the applications that the zoning need not be modified since the Landmarks Preservation Commission is required to review all proposed developments for appropriateness. However, the mere fact there that there exists a backstop to protect against inappropriately scaled development does not justify the retention of an inappropriate zoning district designation.

The Commission also heard testimony from a speaker in opposition to the rezoning that the application was a case of "reverse spot zoning," and that the rezoning was proposed in order to prevent development on a particular site, 250 Water Street. However, the application involves the replacement of the entire C6-4 portion in the Seaport with a C6-2A district. All properties within the area of rezoning would be subject to the regulations of the rezoning and the related text amendment, including other large potential soft sites such as the Post Office and ConEdison parcels at the northern end of the rezoning area. The purpose of the rezoning is to ensure that development at 250 Water Street and other sites occurs at the proper scale, not to "stop development."

The Commission heard testimony that the downzoning would result in an economically infeasible project for the developer of 250 Water Street. The Commission notes that new residential construction built at 6 FAR has been developed successfully in other C6-2A districts throughout the city, in Tribeca, Chelsea, and Greenwich Village. Within the Seaport area itself, there are several examples of new construction built well below the current maximum allowable FAR of 10, including virtually all developments since the establishment of the historic district. The area is a low density neighborhood that continues to see interest in new construction and renovation. Additionally, a financial feasibility study was undertaken by the Economic Development Corporation in order to assess the viability of a 6 FAR project on the 250 Water

Street site. The study showed that a 6 FAR project using market interest rates generated healthy returns for the developer. The return rate would be handsomely enhanced if a developer utilized Liberty Bonds.

Finally, the Commission heard testimony that the rezoning would send the wrong message about the City's commitment to rebuild Lower Manhattan after the tragic events of September 11th, 2001. The Commission is keenly aware of the devastating effects the terrorist attacks inflicted upon the City and its citizens. The call for rebuilding, however, is not cause for indiscriminate development throughout Lower Manhattan. The historic Seaport area simply is not an appropriate place for high density development. In fact, the Commission firmly believes that the Seaport will make a more valuable contribution to the revitalization of Lower Manhattan if its existing character is enhanced, not contradicted, by new development. As envisioned in the Mayor's Lower Manhattan Plan, the Seaport will have an important role to play as the eastern anchor of a revitalized Fulton Street which will connect the historic mercantile waterfront to a soaring new World Trade Center.

Zoning Text Amendment

The Commission believes that the proposed zoning text amendment (N 020214 ZRM) as modified herein, in conjunction with the related zoning map amendment (C 020213 ZMM), is appropriate.

The proposed text change would amend the Special Lower Manhattan District regulations to reflect the rezoning of the C6-4 district portion of the South Street Seaport Subdistrict to a C6-2A district. As detailed above, the Commission believes that the downzoning from a 10 to 6 FAR district is appropriate. References to the C6-4 regulations in the Seaport would be eliminated and replaced with C6-2A regulations. Other sections of the SLMD text including the Maximum Floor Area table in Section 91-23, also would be amended for sake of clarity.

Bulk Modifications

The Commission notes that the proposed amendment includes a provision in the South Street Seaport Subdistrict text that would allow all developments to have lower streetwall heights than what is usually required in a C6-2A district. The C6-2A building envelope mandates a minimum streetwall height of 60 feet and a maximum of 85 feet. The Commission notes that many of the existing streetwall heights in the Seaport area are less than 60 feet, and that a lower streetwall height may be more compatible with the built character. This new section is similar to an existing zoning provision which allows, as-of-right, the lowering of minimum base streetwall heights for developments in historic districts provided that the streetwall match the height of an adjacent building before setback. The existing section, however, does not apply to sites that have no contiguous neighbors. The proposed text would accommodate "freestanding" sites, such as the full-block 250 Water Street site, so that developments there could relate to other buildings in the historic district that are located across the street. The Commission believes that this provision to allow for more flexibility in the streetwall height is appropriate.

Inherent in the Community Board's proposed text amendment to allow variation in streetwall height is the recognition that the generic C6-2A building envelope is not a perfect fit for the Seaport area. While the Commission firmly believes that the 6 FAR is the right density for the Seaport, the Commission questions the appropriateness of other bulk requirements of the C6-2A district for developments in the Seaport. During the public review process, the Commission heard concerns from City Planning staff that compliance with certain other regulations of C6-2A zoning could result in developments that are inconsistent with the character of the Seaport. Of particular concern to the Commission is the maximum building height of 120 feet for C6-2A districts when applied to certain parcels.

These parcels include, among others, 250 Water Street. This approximately 48,000 sf site sits along the westerly edge of the historic district and is flanked on its west and east sides by two very different blocks- across Water Street are the hundreds of years old 4 and 5 story historic buildings; across Pearl Street is the 27-story Southbridge Towers development, built under the Brooklyn Bridge urban renewal plan. 250 Water Street is a large, irregularly-shaped, full-block

site in an area comprised mostly of relatively small and rectangular lots and blocks. Its trapezoidal shape measures over 320 feet along Pearl and Water Streets, but only 109 feet and 189 feet along Beekman Street and Peck Slip respectively.

The C6-2A building envelope provides adequate massing flexibility for developments on a more regularly shaped and sized block, one that has dimensions of at least 200 feet. On such a block, a building could be massed along four sides, as an "o"-shaped building with an inner courtyard. Given the shallowness of the 250 Water Street block, a 6 FAR building would be most likely massed along three sides of the block. A "c"-shaped building massed only along three sides and complying with the 120 foot height limit results in a boxy, bulky building form that would not be responsive to the variegated and dynamic roofline of the Seaport Historic District.

The Commission notes that the 120 foot height is also too restrictive for the receiving sites in the area of rezoning. These sites, the three northernmost blocks of the area of rezoning including the Post Office and Con Edison sites, would be able to achieve up to 8.02 FAR with the utilization of Seaport development rights. The 120 foot height limit, however, was devised with 6 FAR buildings in mind. The Commission believes a higher building height than 120 feet is warranted in order to preserve the viability of the receiving sites.

In determining an appropriate maximum building height for the Seaport's C6-2A district, the Commission considered several urban design/massing principles as recommended by the Department staff with LPC consultation. On 250 Water Street, for example, the massing criteria included shifting bulk away from historic low-rise buildings on Water Street, bringing more light and air to the area, and allowing for asymmetrical massing to prevent a potentially long, boxy form which would not be compatible with the more variegated rooflines of the surrounding buildings in the historic district.

Accordingly, to achieve increased flexibility in massing, viability of receiving sites, and housing development opportunities in Lower Manhattan, the Commission believes that the maximum

building height for developments in the C6-2A should be increased from 120 feet to 170 feet. The Commission stresses that this building height would be allowed, not mandated, and that any new development or renovation would still be subject to review by the Landmarks Preservation Commission for appropriateness and consistency with purposes of the landmarks law.

The Commission notes that this determination for a “looser” building envelope corresponds with views expressed by the LPC, in a letter dated February 3, 2003, which recommends that

“if the City Planning Commission decides to rezone this area to an FAR of 6, it should at the same time adjust the envelope under the regulations governing the Special District to provide the Landmarks Preservation Commission with greater flexibility with regard to new construction, including building form, massing, design and lot coverage, in order to better facilitate projects that are consistent with and appropriate for the South Street Seaport Historic District.”

In addition to the change in maximum building height, the Commission is further modifying the text with respect to the lot coverage and quality housing regulations of C6-2A districts. These modifications would allow for already planned and future projects to be more consistent with the existing character of the Seaport area. The C6-2A district limits lot coverage on corner lots (portions of lots located within 100 feet of a street intersection) to 80%. Such a lot coverage restriction would result in a gap in the streetwall for shallow corner lots. That gap would be inconsistent with the character of the historic district and on Peck Slip in particular where full lot coverage is standard for corner lots. In order to allow for more consistency in the Seaport area, the Commission has modified the proposed text to allow for full lot coverage on corner lot sites.

The C6-2A district also normally requires compliance with Quality Housing regulations of Section 28-00. Quality Housing sets forth regulations on the provision of amenities such as laundry facilities, refuse areas, and recreation space. Given the small scale of infill properties within the historic district, meeting the Quality Housing regulations would pose significant challenges to designing cost-effective, desirable unit layouts. Furthermore, Quality Housing requires the planting of street trees. Trees in the sidewalk are not a historic feature of the Seaport. The Commission has modified the proposed text amendment so that developments within the

C6-2A district of the Seaport area are exempt from meeting quality housing regulations.

The Commission notes that these modifications would facilitate the development of the Block 97 project. The Commission understands that this project enjoys support from the Community Board, the Economic Development Corporation, and the Landmarks Preservation Commission, and complies with the applicant's proposal in all respects, including density and height, except for the lot coverage and quality housing regulations. The Commission believes that these modifications are appropriate and will result in development that is more consistent with the South Street Seaport.

The Commission further notes that the modifications to the text amendment discussed above are the subject of a Technical Memorandum to the CEQR file, dated February 28, 2003, which concludes that the modifications would not result in substantially different or greater environmental effects than those disclosed in the Environmental Assessment Statement of September 27, 2002. Accordingly, the modifications do not alter the conclusions of the Negative Declaration issued on September 30, 2002.

Development Rights/Granting Site

During the public review process, a suggestion was made to designate the 250 Water Street a granting site of the South Street Seaport Subdistrict for purposes of transferring development rights in excess of 6 FAR to a receiving site. The Commission notes that designating the blocks as a granting site raises major policy concerns. First, within the Seaport district, the basis for designation of a site as a granting lot is that there is a historical resource on that lot that merits protection through the alleviation of development pressure on that site. That is not the case with 250 Water Street which is a parking lot. Second, there is still remaining 479,075 square feet of development rights in the Seaport Development Rights Bank. Given the limited opportunities to transfer within the area, the addition of approximately 192,000 square feet of the development rights would raise issues about the marketability of development rights in the Seaport Subdistrict.

RESOLUTION

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

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 12b and 12d, changing from a C6-4 District to a C6-2A District property bounded by Dover Street, Water Street, Dover Street, South Street, a line 17 feet southeasterly of the northwesterly street line of South Street, the centerline of former Fulton Street, Water Street, Fulton Street, a line bisecting an angle formed by the northeasterly prolongation of the northwesterly and southeasterly street lines of Pearl Street, Pedestrian Street, and Pearl Street, within the Special Lower Manhattan District, as shown on a diagram (for illustrative purposes only) dated September 30, 2002, Borough of Manhattan, Community District 1.

The above resolution (C 0020213 ZMM), duly adopted by the City Planning Commission on March 5, 2003 (Calendar No.16), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, Chair

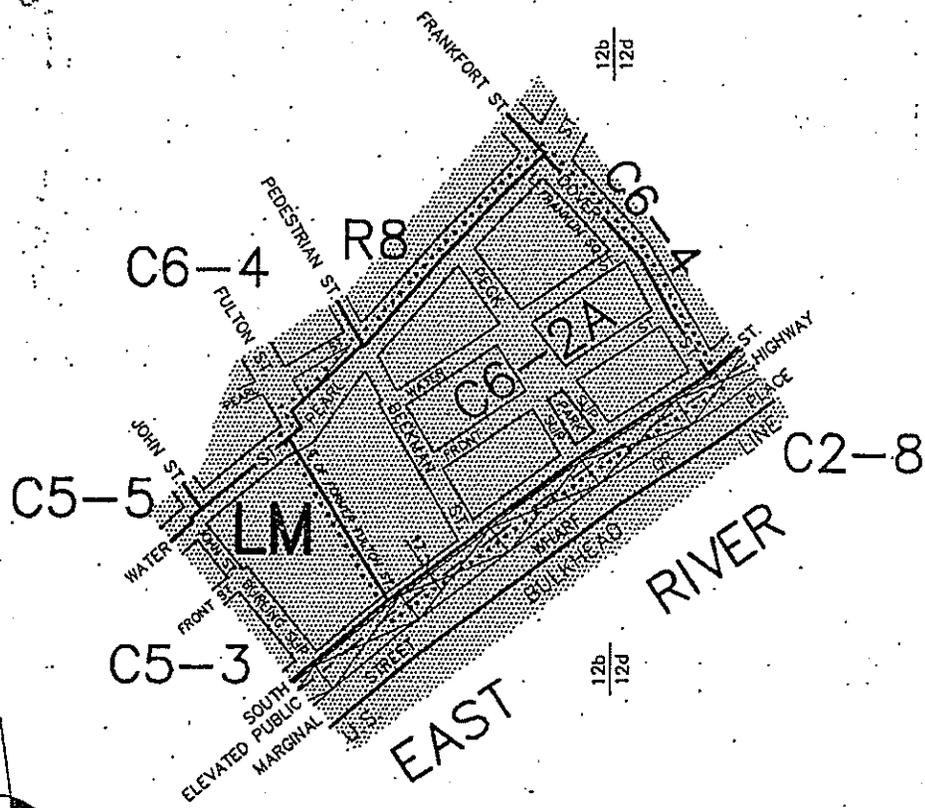
KENNETH KNUCKLES, Esq., Vice-Chair

ANGELA M. BATTAGLIA, IRWIN CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,

RICHARD W. EADDY, JANE D. GOL, WILLIAM GRINKER, JOHN MEROLO,

KAREN A. PHILLIPS, JOSEPH B. ROSE, Commissioners

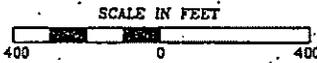
ALEXANDER GARVIN, Commissioner Recused



CITY PLANNING COMMISSION
 CITY OF NEW YORK
 DIAGRAM SHOWING PROPOSED
 ZONING CHANGE
 ON SECTIONAL MAPS
 12b & 12d
 BOROUGH OF
 MANHATTAN

New York, Certification Date
 SEPTEMBER 30, 2002

Acting Director of Technical Review
George



- NOTE:**
- Indicates Zoning District boundary.
 - The area enclosed by the dotted line is proposed to be rezoned by changing a C6-4 District to a C6-2A District.
 -  Indicates a Special Lower Manhattan District.

THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.

COMMUNITY BOARD #1 - MANHATTAN
RESOLUTION

DATE: NOVEMBER 19, 2002

COMMITTEE OF ORIGIN: SEAPORT/CIVIC CENTER

COMMITTEE VOTE: 8 In Favor 0 Opposed 0 Abstained 0 Recused
BOARD VOTE: 27 In Favor 0 Opposed 1 Abstained 0 Recused

RE: South Street Seaport Rezoning

WHEREAS: The New York City Landmarks Preservation Commission describes the South Street Seaport Historic District in its 1977 Designation Report as an area with "a special historical and aesthetic interest" that "retains much of its early 19th century character," consisting primarily of "small-scale brick buildings which contrast dramatically with the soaring skyscrapers nearby," and

WHEREAS: In order to retain and build upon the special character and scale of this district, Community Board #1 has put forth a re-zoning proposal to change the zoning from C6-4 to C6-2A, and

WHEREAS: This area was originally zoned C6-4 in 1961, well before the designation of the Historic District in 1977, and

WHEREAS: C6-4 allows development at base 10 F.A.R. with towers over 40 stories, and

WHEREAS: Studies conducted by the Department of City Planning indicate that the vast majority of buildings in the Seaport Historic District are between 4 and 5 F.A.R. and under 60' in height with no building taller than 96' in height, and

WHEREAS: The proposed C6-2A zoning would allow buildings up to 120' in height and or more than double the average sized Seaport building, and

WHEREAS: The same C6-2A zoning is in place in Tribeca and Chelsea, two thriving communities where the City Planning Commission has successfully adopted zoning that reinforces the look and feel of these neighborhoods, and

WHEREAS: The South Street Seaport Historic District has enjoyed a great deal of redevelopment and restoration since its designation and all the property owners have complied with Landmarks Preservation Commission requirements to maintain the scale and quality of the district, and

WHEREAS: A great degree of confidence in the future of the Seaport Historic District was recently indicated when 24 developers responded to an EDC RFP to restore eleven City-owned buildings and three lots, in a small-scale manner, and

WHEREAS: The inherent conflict between the historic district designation and the current zoning has frequently been illustrated in the failure to develop the 250 Water Street site for the past 20 years, during which time the developer has tried unsuccessfully to gain approval for large scale buildings with towers that meet the C6-4 zoning requirements but have been rejected by the Landmarks Preservation Commission because, in the words of LPC in one instance, the proposed building would "dominate and overwhelm neighboring buildings in the district by virtue of its sheer size", and

WHEREAS: The C6-2A zone is being proposed upon the advice and recommendation of the Department of City Planning following meetings and discussions with the prior Chair of the Commission and officials from the Manhattan Office of Department of City Planning, and

WHEREAS: Prior to certifying this re-zoning proposal, the City, through the Economic Development Corporation, studied the financial feasibility of developing a C6-2A building on 250 Water Street and determined that a developer would receive a fair return on investment under C6-2A zoning, and

WHEREAS: The South Street Seaport C6-2A rezoning proposal has overwhelming support from affected property owners, local residents, local elected officials, and local organizations such as the Seaport North Business Association, the Alliance for Downtown NY, the Seaport Community Coalition, the South Street Seaport Museum and Southbridge Towers Inc., and nearly all of the opposition coming from a single property owner in the district, and

WHEREAS: An architect for the 250 Water Street property was quoted in the NY Times on April 23, 1989 as saying that it may be necessary to consider a downzoning to a floor area ratio of 6 or 7 at 250 Water Street to produce a design that is appropriate, and

WHEREAS: The Community Board has expended considerable time and resources in preparing the current proposal, including retaining the respected planning firm of Buckhurst Fish & Jacquemart to help produce the ULURP application, Environmental Assessment Statement and Rezoning Report, and

WHEREAS: The proposed rezoning represents good comprehensive planning that will retain the essential character of the historic district while allowing appropriate development to go forward, and

WHEREAS: Adoption of the proposed rezoning will encourage the development of housing and other appropriate uses on the vacant 250 Water Street site, to the benefit of the City and all parties, now

THEREFORE
BE IT
RESOLVED

THAT: Community Board #1 strongly supports the South Street Seaport C6-2A rezoning proposal, and

BE IT
FURTHER
RESOLVED
THAT:

Community Board #1 urges the Mayor's Office and the City Planning Commission to abide by the recommendations of the Community Board and the vast majority of individuals and organizations concerned about the future of the South Street Seaport Historic District and adopt this most important rezoning proposal.

02res.nov.19th

Manh.



THE CITY OF NEW YORK
OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN

January 8, 2003

C. VIRGINIA FIELDS
BOROUGH PRESIDENT

ULURP NO:

C020213 ZMM
N020214 ZRM

APPLICANT:

Manhattan Community Board 1
49 Chambers Street, Room 712
New York, New York 10007

RECEIVED

JAN 10 2003

REQUEST:

MANHATTAN OFFICE

Pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 12b and 12d, changing from a C6-4 District to a C6-2A District; property bounded by Dover Street, South Street, a line 17 feet southeasterly of the northwesterly street line of South Street, the centerline of former Fulton Street, Water Street, Fulton Street, a line bisecting an angle formed by the northeasterly prolongation of the northwesterly and southeasterly street lines of Pearl Street, Pedestrian Street, and Pearl Street, within the Special Lower Manhattan District, Borough of Manhattan, Community District 1, as shown on a diagram (for illustrative purposes only) dated September 30, 2002.

PROJECT BACKGROUND/DESCRIPTION:

This is a proposal for a zoning map change and text amendment for the portion of the South Street Seaport Historic District that is presently zoned C6-4. This is a 10-block area, bounded by Dover, Pearl, Fulton and South Streets. The proposed zoning designation is C6-2A. The zoning area is predominantly characterized by four and five-story 19th century commercial structures. The objective of the proposal is to permit the underlying zoning to be more consistent with the low-scale character and architecture of the Seaport Historic District, allowing for sufficient density to encourage new development.

In 1961 the whole area was designated C6-4. Subsequently in 1977 the Landmarks Preservation Commission designated this area as the South Street Seaport Historic District. This 10-block area, however, is still zoned C6-4. In order to assure that the use of this area remains consistent with small historic and restored buildings preserving the low scale, there is a need to transfer air rights

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from these blocks to designated receiving lots, this is known as "Seaport restoration air rights transfer". The intention of the air rights transfer plan was to keep the core of the district in context with the low scale architecture of the surrounding buildings while allowing for higher bulk development in the Financial District south and west of Fulton and Water Streets.

The granting of the proposed zone would ensure that the goals of the Landmarks designation are achieved while allowing for sufficient density to encourage development.

C6-2A districts are contextual commercial zones equivalent to R84 districts, and are typically located outside the central business district. Contextual districts are designed to maintain the built form of an existing neighborhood, requiring that buildings be placed near the street line and are within a prescribed building envelope. C6-2A zoning is mapped in Manhattan in such older, historic neighborhoods as Tribeca, Union Square and Greenwich Village, where it has successfully functioned to keep the size of new buildings consistent with the scale of historic buildings.

The bulk and massing permitted under the C6-2A district regulations are more responsive to the area's existing built environment than the present zoning. Most of the structures in the rezoning area consist of 5-story residential lofts and warehouses with commercial or retail activities on the ground floor levels. The proposed C6-2A zoning district would allow new residential and commercial development at an appropriate scale and design, consistent with the existing streetscapes and roofscapes.

SUMMARY OF COMMUNITY BOARD ACTION:

At the regularly scheduled monthly meeting of Community Board One on November 19, 2002 the community board overwhelmingly voted to approve the resolution with a vote of 27 in favor, 0 opposed, 1 abstained and 0 recused.

BOROUGH PRESIDENT ACTION:

- The Manhattan Borough President recommends approval.
- The Manhattan Borough President recommends disapproval.
- The Manhattan Borough President recommends approval, subject to the conditions detailed below.
- The Manhattan Borough President recommends disapproval, unless the conditions detailed below are addressed as described.

COMMENTS:

This district contains the largest concentration of early 19th century commercial buildings in New York. It is an unparalleled physical representation of the extraordinary development of trade and commerce in the early decades of the 19th century as New York City became the economic and financial capital of the nation. The streets are lined with the countinghouses where New York's

merchants had their offices and warehoused goods. The area deteriorated in the 20th century, but restoration began in the early 1970's with the creation of the South Street Seaport Museum and marketplace. Notable new construction in the area includes 15-19 Fulton Street (four stories), which is faced with steel panels emulating cast iron, and the Seaman's Church Institute at 241 Water Street (6 stories).

In order to retain the environment of this historic area, designation as an extension of the South Street Seaport Subdistrict of Special Lower Manhattan District is essential. With the new C6-2A designation the bulk and massing would permit buildings that more clearly reflect the existing built environment and the sense of this special historic district.

Studies conducted by the Department of City Planning indicate that the vast majority of buildings in the Seaport Historic District are between 4 and 5 F.A.R. and under 60' in height with no building taller than 96' in height. The proposed C6-2A zoning would allow buildings up to 120' in height or more than double the average sized Seaport building which is 40 -50 feet in height. The same C6-2A zoning is in place in Tribeca and Chelsea where the City has successfully adopted this zoning, thus keeping and reinforcing the look and feel of those neighborhoods.

With respect to concern over profitability for the rezoned area, the New York City Economic Development Corporation did an economic feasibility study. The study shows that for this area a 20% profit margin can be expected without the use of Liberty Bonds and a 35% profit margin with the use of Liberty Bonds.

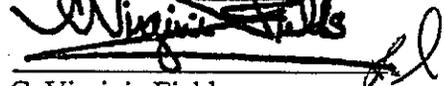
The Manhattan Borough President strongly supports the community in wishing to keep the entire district as a special Historic District and recommends the approval of rezoning to C6-2A.

In addition, the Borough President calls for the City Planning Commission, in consultation with the Economic Development Corporation and the local community to execute a comprehensive economic plan, which will encourage development and revitalization consistent with the historic context of this district.

The Manhattan Borough President recommends approval of this application.

Report and Recommendation _____

Accepted:



C. Virginia Fields
Manhattan Borough President

**Borough President
Recommendation**

City Planning Commission
22 Reade Street, New York, NY 10007
Fax # (212) 720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

Application #: C 020213 ZMM
N 020214 ZRM

Docket Description:

Pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 12b and 12d, changing from a C6-4 District to a C6-2A District; property bounded by Dover Street, South Street, a line 17 feet southeasterly of the northwesterly street line of South Street, the centerline of former Fulton Street, Water Street, Fulton Street, a line bisecting an angle formed by the northeasterly prolongation of the northwesterly and southeasterly street lines of Pearl Street, Pedestrian Street, and Pearl Street, within the Special Lower Manhattan District, Borough of Manhattan, Community District 1, as shown on a diagram (for illustrative purposes only) dated September 30, 2002.

COMMUNITY BOARD NO.: One

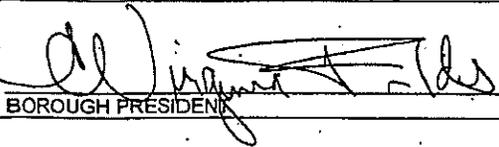
BOROUGH: Manhattan

RECOMMENDATION

- APPROVE
- APPROVE WITH MODIFICATIONS/CONDITIONS (List below)
- DISAPPROVE
- DISAPPROVE WITH MODIFICATONS/CONDITIONS (List below)

EXPLANATION OF RECOMMENDATION - MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

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BOROUGH PRESIDENT

1/7/03
DATE

CITY PLANNING COMMISSION

March 5, 2003 / Calendar No. 17

N 020214 ZRM

IN THE MATTER OF an application submitted by Manhattan Community Board 1, pursuant to Section 201 of the New York City Charter for amendment of the Zoning Resolution of the City of New York, to Article IX, Chapter 1 (Special Lower Manhattan District) relating to regulations for the South Street Seaport, Borough of Manhattan, Community District 1.

This application for an amendment of the Zoning Resolution was filed by Manhattan Community Board 1, on November 19, 2001, to amend certain sections of the Special Lower Manhattan District to reflect the proposed rezoning of an area in the South Street Seaport area from a C6-4 district to a C6-2A district, and to allow modifications to the minimum streetwall height in the area of rezoning.

RELATED ACTIONS

In addition to the text amendment, which is subject of this report, this proposal requires action by the City Planning Commission on a related zoning map amendment application which is being considered concurrently with this application:

1. C 020213 ZMM **Zoning Map Amendment** to rezone a 10-block area within the South Street Seaport Subdistrict from a C6-4 district to a C6-2A district.

BACKGROUND

Zoning Text Amendment

The proposed text amendment would amend Sections 91-211, 91-212, 91-23, 91-30, 91-32, 91-42(e), 91-61, and 91-65 of the Special Lower Manhattan District in order to reflect the proposed rezoning of the C6-4 district within the South Street Seaport Subdistrict to a C6-2A district.

Additionally, the text amendment would allow streetwalls within the area of rezoning to be lower than the minimum streetwall height typically mandated for a C6-2A district. Finally, certain corrections and clarifications would be made to the existing Special Lower Manhattan District text, including to the FAR table in Section 91-23.

A detailed description of the proposed text is included in the report on the related application (C 020213 ZMM).

ENVIRONMENTAL REVIEW

This application (N 020214 ZRM), in conjunction with the applications for the related action (C 020213 ZMM), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.* and the New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 02DCP028M. The lead is the City Planning Commission.

After a study of the potential environmental impacts of the proposal, a Negative Declaration was issued on September 30, 2002.

PUBLIC REVIEW

On September 30, 2002, this text amendment application (N 020214 ZRM) was duly referred to Community Board 1 and the Borough President for information and review in accordance with the procedures for non-ULURP matters.

Community Board Review

Community Board 1 held a public hearing on this application (N 020214 ZRM) in conjunction with related application (C 020213 ZMM) on November 19, 2002, and on that date, adopted a resolution recommending approval of the applications. The vote was 27 in favor, 0 opposed, and 1 abstaining.

A summary of the recommendation of the Community Board appears in the report of the related application for a zoning map amendment (C 020213 ZMM).

Borough President

This application was considered by the Borough President, who issued a recommendation approving the application on January 8, 2003.

A summary of the recommendation of the Borough President is provided in the report on the related application for a zoning map amendment (C 020213 ZMM).

City Planning Commission Public Hearing

On January 8, 2003, (Calendar No. 5), the City Planning Commission scheduled January 22, 2003, for a public hearing on this application (C 0020214 ZRM). The hearing was duly held on January 22, 2003, (Calendar No. 10) in conjunction with the hearing on related application (N 020213 ZMM).

There were a number of speakers, as described in the report on the related application for a zoning map amendment (C 020213 MM), and the hearing was closed.

CONSIDERATION

The Commission believes that the proposed zoning text amendment to the Special Lower Manhattan District regulations, as modified herein, in conjunction with the related proposed map amendment, is appropriate. The text amendment would make changes to the Special Lower Manhattan regulations to reflect the proposed rezoning of the area bounded by Fulton, Pearl, Dover and South Streets, within the South Street Seaport Subdistrict, from a C6-4 zoning district to a C6-2A zoning district. The text amendment also would allow for modifications to streetwall and, as further modified by the Commission, to other bulk regulations of the C6-2A zoning district in the area of rezoning.

A full consideration and analysis of the issues, and the reasons for approving this application appears in the report on the related application for a zoning map amendment (C 020213 ZMM).

RESOLUTION

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

RESOLVED, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination and consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

NOTE: Matter in underlined graytone is new, to be added;
Matter in ~~strikeout~~ is to be deleted; and
*** represents text for which no change is proposed.

* * *

91-20

FLOOR AREA AND DENSITY REGULATIONS

91-21

Floor Area Regulations For Residential Buildings and the Residential Portion of Mixed Buildings

91-211

Maximum floor area ratio for residential uses

Within the #Special Lower Manhattan District#, the maximum #floor area ratio# for a #residential building# or the #residential# portion of a #mixed building# shall be determined in accordance with the regulations of the underlying district and may not be increased except as provided in Sections 91-212 (Floor area increase in a C6-4 District) or 91-213 (Floor area increase for provision of recreation space). The maximum #floor area ratio# for the #residential#

portion of a #mixed building# is specified in the table in Section 91-23 (Floor Area Regulations for Non-Residential and Mixed Buildings) showing maximum #floor area ratios# and #floor area# bonuses, by zoning district, for non-#residential# and #mixed buildings#.

In a C4-6 District, the maximum #floor area ratio# for a #residential building# or the #residential# portion of a #mixed building# shall be 3.4.

91-212

Floor area increase in a C6-4 District

In a C6-4 District, ~~except within the South Street Seaport Subdistrict~~, the #residential floor area# of a #building# may exceed 10.0 in accordance with the provisions of Sections 23-90 (INCLUSIONARY HOUSING) or 91-241 (Floor area bonus for urban plazas), provided that the maximum #residential #floor area# ratio shall not exceed 12.0.

* * *

91-23

Floor Area Regulations for Non-Residential and Mixed Buildings

For non-#residential buildings# or #mixed buildings# within the #Special Lower Manhattan District#, the basic maximum #floor area ratio# of the underlying district may be increased by the inclusion of specific additional bonus #floor area# for a maximum #floor area ratio# as specified in the following table.

The provisions of paragraph (c) of Section 74-792 (Conditions and limitations), pertaining to the transfer of development rights from landmark sites, shall be subject to the restrictions on the transfer of development rights (FAR) of a landmark "granting lot" as set forth in ~~the following~~ this table. Wherever there may be an inconsistency between any provision in Section 74-79 and ~~the following table~~, the provisions of the table shall apply.

~~MAXIMUM FLOOR AREA RATIOS AND FLOOR AREA BONUSES
BY DISTRICT FOR NON-RESIDENTIAL AND MIXED BUILDINGS
BASIC AND MAXIMUM FLOOR AREA RATIOS (FAR)~~

#Special Lower Manhattan District# except within Means for Achieving Permitted FAR Levels on a #Zoning Lot#	Core or Subdistrict			Historic & Commercial Core			South Street Seaport Subdistrict & all waterfront #zoning lots#			
	R8	C6-4	C6-9	C5-5	M1-4	C2-8	C4-6	C6-4	C5-3	C6-9
Basic maximum FAR	6.02*	10	15	15	2.0 ² -6.5 ³	2.0 ² -3.4 ³	3.4	10	15	15
Maximum as-of-right #floor area# bonus for #urban plazas#	NA	2	3	NA	NA	NA	NA	NA	NA	NA
Maximum as-of-right #floor area# bonus for Inclusionary Housing	NA	2	NA	NA	NA	NA	NA	NA	NA	NA
Maximum FAR with as-of-right #floor area# bonuses	6.02*	12	18	15	2.0 ² -6.5 ³	2.0 ² -3.4 ³	3.4	10	15	15
Maximum special permit #floor area# bonuses: subway station improvements & #covered pedestrian spaces#	NA	2	3	3	NA	NA	NA	NA	NA	NA

Maximum total FAR with as-of-right and special permit #floor area# bonuses	6.02 ⁷	12	18	18	2.0 ² -6.5 ³	2.0 ² -3.4 ³	3.4	10	15	15
Development rights (FAR) of a landmark lot for transfer purposes (74-79)	NA	10	18 ⁵	15	NA	NA	NA	NA	NA	NA
Maximum total FAR with transferred development rights from landmark #zoning lot# and as-of-right and special permit #floor area# bonuses	6.02 ⁷	14	21.6	21.6	2.4 ² -7.8 ³	2.0 ² -3.4 ³	3.4	12	21.6 ⁶	21.6 ⁶
Maximum total FAR of designated receiving sites in South St-Seaport Subdistrict (91-60)	NA	NA	NA	NA	NA	2.0 ² -3.4 ³	3.4	12	21.6 ⁶	21.6 ⁶

1. ~~maximum #floor area ratio# and minimum #open space ratio# shall be determined in accordance with the provisions of Article II, Chapter 3~~
2. ~~for a #commercial# or, where permitted, #manufacturing use#~~
3. ~~for a #community facility use#~~
4. ~~if receiving lot is located in a zoning district with a basic maximum FAR of less than 15~~
5. ~~if receiving lot is located in a zoning district with a basic maximum FAR of 15~~
6. ~~for lots greater than 30,000 square feet, may be exceeded by special permit pursuant to Section 91-661.~~

MAXIMUM FLOOR AREA RATIOS AND FLOOR AREA BONUSES
BY ZONING DISTRICT FOR NON-RESIDENTIAL AND MIXED BUILDINGS

Basic and Maximum Floor Area Ratios (FAR)

<u>Means for Achieving</u> <u>Permitted FAR Levels</u> <u>on a #Zoning Lot#</u>	<u>Historic &</u> <u>#Special Lower Manhattan District# except within Core of Commercial Core</u> <u>Subdistrict</u>					<u>South Street Seaport Subdistrict &</u> <u>all waterfront #zoning lots#</u>				
	<u>R8</u>	<u>C6-4</u>	<u>C6-9</u>	<u>M1-4</u>	<u>C5-5</u>	<u>C2-8</u>	<u>C4-6</u>	<u>C6-2A</u>	<u>C5-3</u>	<u>C6-9</u>
<u>Basic max. FAR</u>	<u>6.02¹</u>		<u>10.0⁴</u>	<u>10.0⁴ 10.0²</u>		<u>2.0²</u>		<u>6.00² 6.02⁴</u>		
<u>Maximum as-of-right</u> <u>#floor area# bonus for</u> <u>#urban plazas#</u>	<u>6.5³</u>	<u>10.0^{2,3,4}</u>	<u>15.0^{2,3}</u>	<u>15.0^{2,3,5}</u>		<u>3.4³</u>		<u>6.5 10.0⁴ 15.0^{2,3}</u>		
<u>Maximum as-of-right</u> <u>#floor area# bonus for</u> <u>Inclusionary Housing</u>	<u>NA</u>	<u>2.0</u>	<u>3.0</u>	<u>NANA</u>		<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>
<u>Maximum FAR with as-</u> <u>of-right #floor area#</u> <u>bonuses</u>	<u>6.02¹</u>			<u>2.0² 6.5³</u>		<u>2.0² 3.4³</u>		<u>6.00² 6.02⁴</u>		
<u>Maximum special permit</u> <u>#floor area# bonuses:</u> <u>subway station</u> <u>improvements &</u> <u>#covered pedestrian</u> <u>spaces#</u>	<u>6.5³</u>	<u>12.0</u>	<u>18.0</u>	<u>15.0</u>		<u>10.0⁴</u>	<u>3.4</u>	<u>6.50³</u>	<u>15.0</u>	<u>15.0</u>
<u>Maximum FAR with as-</u> <u>of-right and special</u> <u>permit #floor area#</u> <u>bonuses</u>	<u>NA</u>	<u>2.0</u>	<u>3.0</u>	<u>3.0 NA</u>		<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>
	<u>6.02¹</u>			<u>2.0² 6.5³</u>		<u>2.0²</u>		<u>6.00² 6.02⁴</u>		
	<u>6.5³</u>	<u>12.0</u>	<u>18.0</u>	<u>18.0</u>		<u>3.4³</u>		<u>6.50³</u>	<u>15.0</u>	<u>15</u>

Development rights

(FAR) of a landmark lot

for transfer purposes

(74-79)

NA

10.0

15.0⁴⁵

18.0^{6c}

15.0^{NA}

NA

NA

NA

NA

NA

Maximum total FAR of

designated receiving

sites in South Street

Seaport Subdistrict

(91-60)

NA

NA

NA

NANA

NA

3.4

8.02

21.6⁷

21.6⁷

Maximum FAR with

transferred development

rights from landmark

#zoning lot# and as-of-

right and special permit

6.02¹

2.4² 7.8²

#floor area# bonuses

6.50²

14.0

21.6

21.6

NA

3.4

8.02

21.6⁷

21.6⁷

1. maximum #floor area ratio# and minimum #open space ratio# shall be determined in accordance with the provisions of Article II, Chapter 3
2. for a #commercial# or, where permitted, #manufacturing use#
3. for a #community facility use#
4. for the #residential# portion of a #mixed building#
5. if receiving lot is located in a zoning district with a basic maximum FAR of less than 15
6. if receiving lot is located in a zoning district with a basic maximum FAR of 15
7. for lots greater 30,000 s.f., may be exceeded by special permit (91-661).

* * *

91-30

HEIGHT AND SETBACK AND LOT COVERAGE REGULATIONS

For all #buildings or other structures# in the #Special Lower Manhattan District#, the height and setback regulations of the underlying districts are superseded by the regulations of this Section; except that in the C6-4 District within the South Street Seaport Subdistrict, the provisions of Section 33-432 (In other Commercial Districts) may be applied as an alternative to the height and setback and #lot coverage# regulations of this Section.

The height of all #buildings or other structures# shall be measured from #curb level#.

* * *

91-32

Setback Regulations

Within the #Special Lower Manhattan District#, setbacks are required for any portion of a #building# that exceeds the maximum base heights specified for the applicable #street# in Section 91-31 (Street Wall Regulations).

Required setbacks shall be provided at a height not lower than any minimum base height or 60 feet where none is specified and not higher than any maximum base height specified for the applicable #street# in Section 91-31. The depth of the setback shall be determined by the #lot area# of the #zoning lot# on which the #building# is located, as shown in the following table:

REQUIRED DEPTH OF SETBACKS

#Lot area# of #zoning lot#	Minimum setback depth
Less than 15,000 square feet	10 feet
15,001 to 30,000 square feet	15 feet
Greater than 30,000 square feet	20 feet

However, for predominantly #residential buildings# within a ~~C6-4~~ District within the South Street Seaport Subdistrict, the minimum setback depth may be ten feet.

For "Type 1" and "Type 2" #street walls#, the required setbacks shall be measured from the

#street line#.

For "Type 3" #street walls#, the required setbacks shall be measured from a line drawn at or parallel to the #street line# so that at least 70 percent of the #aggregate width of street walls# of the #building# at the minimum base height are within such line and the #street line#.

For all other #street walls#, the required setbacks shall be measured from a line drawn at or parallel to the #street line# so that at least 50 percent of the #aggregate width of street walls# of the #building# at the minimum base height are within such drawn line and the #street line#. However, setbacks are not required for #street walls# fronting upon the major portion of a bonused #urban plaza#.

For #buildings# within the Historic and Commercial Core as shown on Map 1 in Appendix A, any #building# or portion of a #building# may be located within the required setback area beneath a #sky exposure plane# that rises from a height of 100 feet above the #street line# over the #zoning lot# at a vertical distance of six to a horizontal distance of one.

* * *

91-42

Pedestrian Circulation Space

Within the boundaries of the #Special Lower Manhattan District#, all new #developments# or #enlargements# on #zoning lots# of at least 5,000 square feet that contain more than 70,000 square feet of new #floor area# shall provide pedestrian circulation space in accordance with the provisions of Section 37-07 (Requirements for Pedestrian Circulation Space).

Pedestrian circulation space shall not be required if any of the following conditions exist:

* * *

- (e) the #zoning lot# is located in a ~~C6-4~~ C6-2A or C6-9 District within the South Street Seaport Subdistrict.

* * *

91-60

REGULATIONS FOR THE SOUTH STREET SEAPORT SUBDISTRICT

* * *

91-65

Addition of Development Rights to Receiving Lots

Within the South Street Seaport Subdistrict, all or any portion of the #development rights# transferred from a #granting lot# may be added to the #floor area# of all or any one of the #receiving lots# in an amount not to exceed the ratio of 10 square feet of #development rights# to each square foot of #lot area# of such #receiving lot#, except that with respect to a #receiving lot# having a #lot area# of less than 30,000 square feet, the total #floor area ratio# ~~on such #receiving lot#~~ shall not exceed a #floor area ratio# of 21.6. However, if a #receiving lot# is located in a C4-6 District, the total #floor area ratio# shall not exceed 3.4 and if a #receiving lot# is located in a C6-2A District, the total #floor area ratio# shall not exceed 8.02.

* * *

#Development rights# transferred to a #receiving lot# may be applied to the #development# of a #mixed building# to increase the #floor area# of the #residential#, #commercial# and/or #community facility# portions of such #building# so that the maximum #floor area# for such #building# may be increased by the aggregate of #development rights# so transferred. In no event shall the #floor area ratio# of a #residential building#, or portion thereof, exceed 12.0.

* * *

91-66

Modification of Bulk Regulations

91-661

Special permit for bulk modifications

Bulk modifications in C6-2A Districts

Within the South Street Seaport Subdistrict, for any #zoning lot# located in a C6-2A District, the underlying height and setback regulations shall apply, except the maximum #building# height for any portion of a #building# within 100 feet of a #wide street# shall be 170 feet and the maximum #building# height for any portion of a #building# beyond 100 feet of a #wide street# shall be 160 feet. No minimum base height shall apply, and the depth of a required setback along a #narrow street# shall be at least 10 feet. No #lot coverage# regulations shall apply to #corner lots#. Furthermore, the provisions of Article 2 Chapter 8 (The Quality Housing Program) shall not apply.

91-662

Authorization for modifications of bulk provisions and public space in C6-9 Districts

* * *

91-663

Special permit for bulk modifications

Within the South Street Seaport Subdistrict, the City Planning Commission may modify, by special permit, the height and setback and #lot coverage# regulations of Section 91-30, provided that:

(a) either of the following conditions have been met:

- (1) that the developer has obtained negative easements limiting the height of future #development# to 85 feet or less on any adjoining #zoning lots# which are contiguous or would be contiguous to said #zoning lot# but for their separation by a #street# or #street# intersection, and such easements are recorded against such adjoining #zoning lots# by deed or written instrument. The Commission shall consider the aggregated areas of said #zoning lot# and the adjoining lots subject to such negative easements and the extent to which they achieve future assurance of light and air in determining the maximum permitted coverage. In no event shall such coverage exceed 80 percent of the #zoning lot# on which the #development# will be located; or
- (2) that the #lot coverage# for that portion of a #development# below 300 feet may be increased to a maximum of 80 percent when additional #development rights# have been purchased and converted to increased #lot coverage#. The maximum percentage of #lot coverage# on such #receiving lot# shall be the sum of 65 percent plus one-half of one percent for every .10 by which the total #floor area ratio# on such #receiving lot# would exceed a #floor area ratio# of 21.6, provided that the #development# on such #receiving lot# has achieved a minimum #floor area ratio# of 18.0;

(b) In order to grant such special permit, the Commission shall make the following findings:

- (1) the location of the #development# and the distribution of #bulk# will permit adequate access of light and air to surrounding #streets# and properties;
- (2) any modification of height and setback will provide for better distribution of

#bulk# on the #zoning lot#; and

- (3) such special permit will aid in achieving the general purposes and intent of the Subdistrict.

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

* * *

The above resolution (N 020214 ZRM), duly adopted by the City Planning Commission on March 5, 2003, (Calendar No. 17), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

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ALEXANDER GARVIN, Commissioner Recused

**New York City Council Public Hearing
Committee on Land Use
Subcommittee on Zoning & Franchises
Monday, October 25, 2021**

250 Water Street Project – Howard Hughes Corporation (HHC)

**Testimony from Sam Rivera, Executive Director,
New York Harm Reduction Educators (NYHRE) and
Washington Heights Corner Project (WHCP)**

Introduction / Conclusion

- My name is Sam Rivera, and I'm the Executive Director of New York Harm Reduction Educators (NYHRE) and Washington Heights Corner Project (WHCP) in Manhattan. These 2 non-profits are in the process of merging into one organization to be called OnPoint, connecting medically underserved residents of Manhattan and the Bronx to culturally competent harm reduction services that combat public health crises disproportionately affecting their communities, including a dangerous intersection of the HIV/AIDS epidemic, the opioid epidemic, and the COVID-19 pandemic. While located in East Harlem and Washington Heights, we serve residents from all parts of the borough, including all neighborhoods in lower Manhattan – the Lower East Side, Chinatown, and the Financial District.
- I was born and raised on the Lower East Side, and I still have deep roots and connections to the Lower East Side community. I also have a close friendship with the actor, Luis Guzman, who is also from the same neighborhood, and who also continues to support the work that we do for marginalized communities in New York City. He recently gave me the opportunity to speak about the work of NYHRE and WHCP on his online show, and he also shows support for any community-based projects that create positive opportunities for people in lower Manhattan and in the neighborhood where we both grew up.
- **I strongly support the HHC proposal to develop a mixed-use building at 250 Water Street** that will spur economic development, add residential housing near transit and good jobs, create permanent, deeply affordable housing in Lower Manhattan's affluent Seaport neighborhood and generate funding for the Seaport Museum. I urge this body to support the land use actions necessary to make 250 Water Street possible.

Project Overview

- Before becoming Executive Director last June 2020, I was the Associate Vice President of Housing and Health Services at The Fortune Society – a reentry services organization that owns and operations 2 housing facilities that I oversaw in West Harlem. One was a transitional housing facility and the other was a mixed-use supportive and affordable housing facility that also offered supportive services on the first 2 floors of the building.
- **I can strongly attest to the importance of these types of affordable housing projects as I witnessed first-hand the positive impacts that this had on the entire neighborhood.** Over time, we expanded to provide healthy food to the entire community and to create a thriving rooftop community garden for the residents to participate in and enjoy together.
- **New York City needs more projects like this one** -- which encourages investment and is poised to be a robust part of Lower Manhattan and NYC's economic recovery.
- The proposal offers a vital and timely opportunity to bring affordable housing, jobs, and economic development to the Seaport and Lower Manhattan, when it is most urgently needed. The building design approved by the NYC Landmarks Preservation Commission, is respectful of the history and

its urban context; it will transform this parking lot--enhancing the neighborhood and the Historic District. The plan is the product of a lengthy stakeholder engagement process, and the HHC/SOM team has been responsive to the community, its elected officials and the Community Board; they have refined their plan--lowering the building's height and bulk and incorporated significant benefits for the community and city as a whole.

Affordable Housing / Community Space

- In NYC, **there is an urgent need for housing, especially affordable housing.**
- In the area that comprises Community Board 1, essentially all of Lower Manhattan, the average family income is more than \$150,000, and there is next to no affordable housing.
- Proposed indoor community space will be programmed in consultation with local stakeholders.

Environmental Impacts, Resilience and Sustainability

- The 250 Water Street Project will meet or exceed regulatory requirements for resiliency and sustainability and will be **certified LEED Silver, at a minimum, with a goal to reach Gold.**
- This is so important and exciting – the mixed-use supportive and affordable housing facility that I managed called “Castle Gardens” in West Harlem was a LEED Gold-certified building. So, I know how important sustainable green buildings are to NYC and the positive environmental impacts that LEED-certified buildings have as we face the increasingly harmful effects of climate change.
- HHC is **committed to building resilience and sustainability throughout the Seaport:** The reconstructed Pier 17 is now above the 100-year floodplain and the reconstructed Tin Building has been relocated and built up six feet higher, also above the 100-year floodplain. And both structures are LEED certified.

HHC is good neighbor and community member

- **HHC is a good neighbor,** fostering a community spirit via diverse, engaging programming and support of a broad range of local civic groups, social service organizations and nonprofits.
- **I've now had the opportunity to enjoy two live concerts on the rooftop of Pier 17, including one that was a fundraiser for a local non-profit that provides food to low-income families.** This is just one of the many ways that HHC provides generous support to the local community. HHC is also creating opportunities for people to come together safely and experience moments of joy as we have all been through such tough times during the COVID-19 pandemic. We are excited to be exploring a partnership with HHC as well in ways that could potentially support the work of NYHRE and WHCP, as we are on the front lines in fighting the opioid crisis in NYC and preventing overdoses.
- **Throughout the pandemic, HHC has served the community** to deliver food and PPE, to support the local economy, to keep the waterfront active within safe public health parameters, and to ensure that local small businesses can survive.

Thank you for this opportunity to provide this support for the HHC proposal for 250 Water Street.

Re: 250 Water Street

In Opposition

Oct 21st, 2021

To NYC Council Land Use Committee et al,

Preserve Our Brooklyn Neighborhoods ("POBN"), as advocates for historic preservation of streetscapes and buildings in Brooklyn, supports its neighbors and neighborhood organizations involved in the same concerns throughout New York City. After carefully looking at the Article 78 filed by the Seaport Coalition against the Landmarks Preservation Commission ("LPC"), we are in unanimous agreement that there are serious questions as to the failure of the LPC to follow the Landmarks Law. In flouting its mandate to protect and preserve our treasured places, by giving a rather sketchy 'go-ahead' to the Howard Hughes Corporation, that agency defied both their legal mandate and the spirit of their avowed stewardship.

Nonetheless, would that this alleged 'affordable housing' moral imperative actually help the underserved to get a roof over their head...well- yes, that would merit an honest contrast of opinions as to whether the ends justify the means here. But, anyone not under a rock (nor those who obviously have financial or political self-serving skin in the game) will say, this up-zoning is a farce.

Indeed, this is a barely disguised appropriation of and erasure of NYC's history and patrimony. It can never be accepted as a 'public good' and the question is how many more shameless giveaways by the City Council will be ratified? How complicit will you be in the further emasculation of community voice and residents' ownership of its future and New York's destiny as the unique place it has become as a result of preserving its hundreds of years' footprints?

Preserve Our Brooklyn Neighborhoods, and our members therefore urge you to reject this proposed rezoning.

Please vote NO and perhaps then- you'll be able to look at yourselves in the mirror.

Sincerely,
Sandy Reiburn –President
Preserve Our Brooklyn Neighborhoods
100 South Elliott Place
Brooklyn, NY 11217

From: [Terence Cullen](#)
To: [Land Use Testimony](#)
Subject: [EXTERNAL] NYBC testimony on 250 Water Street
Date: Tuesday, October 26, 2021 12:26:47 PM
Attachments: [CPC 250 Water 10.25.21.docx](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Forward suspect email to phish@cyber.nyc.gov as an attachment (Click the More button, then forward as attachment).

Good afternoon,

I am submitting the attached testimony on behalf of the New York Building Congress, in support of Howard Hughes Corporation's proposal at 250 Water Street. This was heard by the Subcommittee on Zoning and Franchises yesterday, October 25. Please let me know if you have any questions.

Best,
Terence

Terence Cullen | Communications Director
New York Building Congress
t: (212) 481-9230 x136 | e: tcullen@buildingcongress.com
[1040 Avenue of the Americas, 21st Floor | New York, New York 10018](#) | buildingcongress.com

signature_479647056

			
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October 25, 2021

**Testimony Before the New York City Council Subcommittee on Zoning & Franchises
Regarding 250 Water Street and 89 South Street**

Good afternoon,

My name is Terence Cullen, and I am the Communications Director for the New York Building Congress. On behalf of the Building Congress, we support the HHC proposal for 250 Water Street. At a pivotal time in our city, this project to provide affordable housing, create jobs and boost economic activity is critical.

Since our founding in 1921, the Building Congress has advocated for investment in infrastructure, pursued job creation and promoted preservation and growth in the New York City area. Our association is made up of over 550 organizations comprised of more than 250,000 professionals. Through our members, events and various committees, we seek to address the critical issues of the building industry and promote the economic and social advancement of our city and its residents.

As a 100-year-old organization, the Building Congress celebrates the lasting impact of the past on today's urban fabric. We appreciate how the project will complete the prominent streetscape by transforming a parking lot into a contextually appropriate mixed-use development, and how funding for the South Street Seaport Museum will restore the heart of the historic district.

Moreover, HHC has addressed community concerns related to height and massing. The current proposal, approved by the Landmarks Preservation Commission, creates a seamless transition between the more modern, tall structures lining a wide Pearl Street and the historic buildings on the narrower Water and Beekman Streets. The transfer of air rights will also ensure a low-rise waterfront for the neighborhood.

Lastly, with our city at a critical economic moment, this project will create at least 80 affordable housing units for extremely and very low-income New Yorkers; generate \$850 million in economic activity; and support approximately 1,600 construction jobs and 1,700 permanent jobs in the commercial, retail and non-profit sectors.

The Building Congress proudly supports this proposal and urges the Committee to advance 250 Water Street.

Thank you.

From: [timur.galen](#)
To: [Land Use Testimony](#)
Subject: [EXTERNAL] 250 Water Street
Date: Sunday, October 24, 2021 1:41:54 PM

City Council Members,

My name is Timur Galen. I am a resident of Lower Manhattan and an Architect. I submit this testimony to underscore five points already made in testimony to the Landmark Preservation Commission and the City Planning Commission in their review of 250 Water Street.

1. The 250 Water Street site is suitable to receive additional density:

- the full block site easily accommodates the inherent complexity of higher density, mixed-use development;
- it is proximate to public transportation: bus, ferry, subway, PATH, and the cycle path;
- it occupies a zone between the historic Seaport buildings and the Financial District, and
- the site is more appropriate to receive added density than neighboring pier or waterfront sites.

2. The additional density is being deployed to accomplish an appropriate mix of uses:

- market rate housing which will help extend several decades of growth in the residential population of Lower Manhattan;
- affordable housing which is key to sustaining the vibrancy and diversity of the neighborhood;
- retail, services and community-oriented spaces at street level; and
- alternative workplace located in the podium.

3. The economic benefits of greater density are being distributed in a thoughtful way:

- crucial support for the South Street Seaport Museum, an essential public and cultural destination that must be a sound and viable institutional anchor for the District to be sustainable;
- affordable housing; and
- other community facing uses.

4. The planning and fundamental massing of the proposed project is appropriate in the context of the Historic District and has only been improved since its initial hearing on 01/05/21:

- the contextual base is in scale and empathetic with the built fabric of the District;
- the residential tower sets back decisively from the contextual base and has a modest presence on the skyline; and
- ground floor uses and the proposed streetscape successfully **integrates** with those of the District.

5. In summary, the 250 Water Street application demonstrates a sound partnership between essential public interests – first and foremost the Museum, the District, and affordable housing –

and responsible private development. Thank you for your consideration, Timur F. Galen

From: [Todd Haiman](#)
To: [Land Use Testimony](#)
Subject: [EXTERNAL] Reject the Howard Hughes proposal
Date: Tuesday, October 26, 2021 6:05:53 PM
Attachments: [banner 2.png](#)

Hello. My name is Todd Haiman, and have lived in South Street Seaport for over twenty years. I'm one of the owners of the Captain Rose House, a historic building originally constructed in 1773.

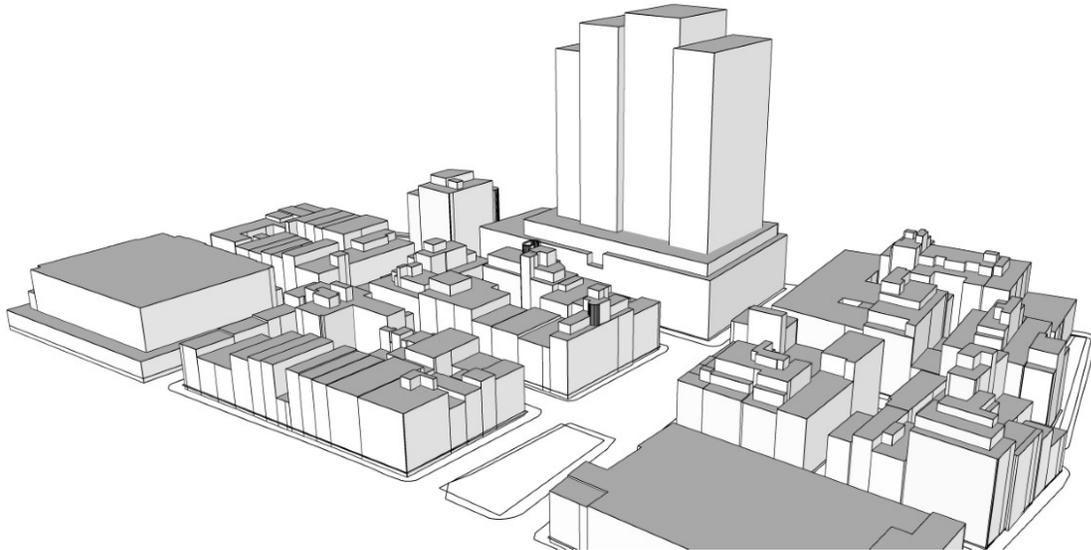
My home and so many others on Water, Front, South Street, Schermerhorn Row are architecturally contextual to the historical nature of the neighborhood. They have certain height, mass, low-density and scale. They have a sense of place and history. Constructing the massive tower at 250 Water Street using gerrymandering, borrowed rights surpassing previous zoning limits, dwarfs and eclipses the character of our neighborhood, and when this is done we slowly disconnect from what makes the Seaport "part of history". This history slowly fades away over generations, It becomes a reference of what was, - we lose uniqueness, authenticity and dissolve into a part of "Forgotten NY."

Look .. 1. There is a definite need for affordable housing in NYC and in the district. But, What is the benefit of affordable housing when the Howard Hughes Corporation brings in restaurants with superstar chefs and expensive entrees. - A bit of a disconnect here. 2. and yes I really want the Seaport Museum to exist and be sustainable. But it should not be tied to a decision on the 250 Water street development.

Please reject the proposal.

Professionally I am a landscape designer - Consider that adding on these additional stories to the original appropriated zoning of 250 Water Street will literally and figuratively overshadow significant amount of public space and the Peck Slip School.

— It will steal sunlight from Peck Slip all year long, the schools entrance, the street which is closed to traffic directly in front of the school and the children's outdoor play space on the sixth floor terrace will all be in shade. Again, the Blue School, Water Street and the newly developed Peck slip park will also be in shadow.



Please reject the proposal.

What Howard Hughes Corp and SOM were not showing in their prepared sales renderings throughout this process were the relative size of this building, the shadows this structure will cast. Virtually all renderings, they have exhibited whether north, west or east views avoid showing the true character of the light. This is disingenuous, Most residents in our neighborhood would appreciate a properly zoned 120 foot high building instead of the existing unsightly 50yr old parking lot. Development is part of progress - but let's keep it within reason and within the parameters of what contextually exists.

Pls reject the proposal....the Truth is these architects and developers are talented and smart enough to create an appropriate building and public space that fulfills not only the needs of the developers financially, but enriches the neighborhood, the community. What is the benefit of this development to the neighborhood? Can the existing infrastructure support the amount of people that this will bring in. The design should reinforce the emotional and physical well-being, strengthen the community and culture, and reifies values. Again, please **reject the proposal** and request Howard Hughes return with a more appropriate proposal. They can do it, Please don't settle.

Respectfully,
Todd Haiman
Todd Haiman Landscape Design, Inc.
917.940.7885
1 Liberty Plaza
23rd Fl. Suite 2341
NY, NY 10006
www.toddhaimanlandscapedesign.com
[blog](#)
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