



## Legislation Text

File #: Res 1885-2021, Version: \*

### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 1885

**Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 210438(A) ZSM, for the grant of a special permit (L.U. No. 906).**

**By Council Members Salamanca and Moya**

WHEREAS, 250 Seaport District, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743(a)(1) to allow the distribution of total allowable floor area without regard for zoning lot lines; and Section 74-743(a)(2) to modify the height and setback requirements of Section 62-341 (Development on land and platforms), Section 35-652 (Maximum height of buildings and setback regulations), and Section 23-662 (Maximum height of buildings and setback regulations), and the street wall location requirements of Section 35-651 (Street wall location) in connection with a proposed mixed use development on property located at 250 Water Street (Block 98, Lot 1), in a C6-2A District, within a Large-Scale General Development generally bounded by Pearl Street, Peck Slip, Water Street, Beekman Street and its easterly prolongation, the U.S. Pierhead line and John Street and its easterly prolongation (Block 73, p/o Lot 10, p/o Lot 8, Lot 11 & a portion of Marginal Street, Wharf or Place, Block 98, Lot 1, Block 74, p/o Lot 20, and the de-mapped portions of Fulton Street, Water Street & Front Street), in C4-6, C5-3, and C6-2A Districts, which in conjunction with the related action would facilitate the development of a mixed-use building with 547,000 square feet of zoning floor area located at 250 Water Street (Block 98, Lot 1) in the South Street Seaport area of Lower Manhattan, Community District 1 (ULURP No. C 210438(A) ZSM) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on October 22, 2021, its decision dated October 20, 2021 (the “Decision”) on the Application;

WHEREAS, the Application is related to application N 210439 ZRM (L.U. No. 907), a zoning text amendment to ZR Section 74-96 (Modification of Use, Bulk, Parking and Loading Regulations in Industrial Business Incentive Areas) also subject to review and action by the Council; and other related actions not subject to review and action by the Council: N 210441 ZAM, a zoning authorization to provide a curb cut on a wide street; N 210445 ZAM, a zoning authorization to provide for modifications within a Waterfront Public Access Area related to permitted obstructions and bollards; N 210446 ZCM, zoning certification pursuant to ZR Section 62-12(c) related to proposed design changes to a Waterfront Public Access Area and the level of compliance; M 130053(B) ZSM, modifications to the previously approved South Street Seaport / Pier 17 LS GD;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d of the City Charter;

WHEREAS, the City Planning Commission has made the findings required pursuant to Sections 74-743

(a)(1) and 74-743(a)(2) of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 25, 2021;

WHEREAS, the Council has considered the land use and environmental implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues, including the Positive Declaration issued November 16, 2020 (CEQR No. 21DCP084M) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on October 8, 2021. The FEIS and the Notice of Completion were revised on October 10, 2021, in which the significant adverse impacts related to hazardous materials, air quality and noise would be avoided through the placement of (E) designation (E-621) on the Development Site (Block 98, Lot 1), and an equivalent mechanism on the City owned Museum Site at Block 74, Lot 1. The FEIS identified significant adverse impacts with respect to shadows, open space (due to shadows), historic and cultural resources (architectural resources), transportation (traffic and pedestrians), and construction activities related to traffic and noise. The FEIS also analyzed this amended application (C 210438 (A) ZSM), which identified the same impacts as the original application except that it would not result in significant adverse impacts with respect to historic and cultural resources or open space, and the shadows impact on one open space resource would be reduced but the impact would remain. Other commitments made related to the environmental review will be codified in a Restrictive Declaration.

**RESOLVED:**

Having considered the FEIS with respect to the Decision and Application, the Council finds that:

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the action[s] that are set forth in this report; and
- (3) The adverse environmental impacts revealed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration dated October 20, 2021, attached as an Exhibit, all as acceptable to Counsel to the Department of City Planning, is executed by 250 Seaport District, LLC, or its successors, and such Restrictive Declaration shall have been recorded and filed on the Office of Register of the City of New York, County of New York, those project components related to the environment and mitigation measures that were identified as practicable; and by the placement of (E) Designations (E-621) on the Development Site (Block 98, Lot 1), and an equivalent mechanism on the city owned Museum Site (Block 74, Lot 1).
- (4) No development pursuant to this resolution shall be permitted until the Restrictive Declaration attached as an Exhibit, as same may be modified with any necessary administrative or technical changes, all as acceptable to Counsel to the Department of City Planning, is executed by 250 Seaport District, LLC, or its successor, and such Restrictive Declaration shall have been recorded and filed in the Office of the Register of the City of New York, County of New York.

The Decision, together with the FEIS constitute the written statement of facts, and of social, economic

and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 210438 (A) ZSM, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter double struck out is old, deleted by the City Council;  
Matter double-underlined is new, added by the City Council

1. The property that is the subject of this application (C 210438(A) ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by T.J. Gottesdiener, Skidmore, Owings & Merrill, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Revised Date</u>
Z-001	LSGD Zoning Analysis	10/15 <u>12/09/21</u>
Z-002	LSGD Zoning Site Plan	10/15/2021
Z-400	Zoning Lot A - Analysis	10/15 <u>12/09/21</u>
Z-401	Zoning Lot A - Site Plan	10/15/2021
Z-402	Zoning Lot A - Waiver Plan	10/15/2021
Z-403	Zoning Lot A - Waiver Sections	10/15/2021
Z-404	Zoning Lot A - Waiver Sections	10/15/2021
Z-405	Zoning Lot A - Waiver Sections	10/15/2021
Z-406	Zoning Lot A - Waiver Sections	10/15/2021
Z-407	Zoning Lot A - Waiver Sections	10/15/2021

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
5. Development pursuant to this resolution shall be allowed only after the attached restrictive declaration, the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, County of New York.

6. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure or breach of any of the conditions as stated above, may constitute grounds for the City Planning Commission or City Council, as applicable, to disapprove any application for modification, renewal or extension of the special permit hereby granted or of the attached restrictive declaration.
7. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

Adopted.

Office of the City Clerk, }  
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on \_\_\_\_\_, 2021, on file in this office.

City Clerk, Clerk of The Council