



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

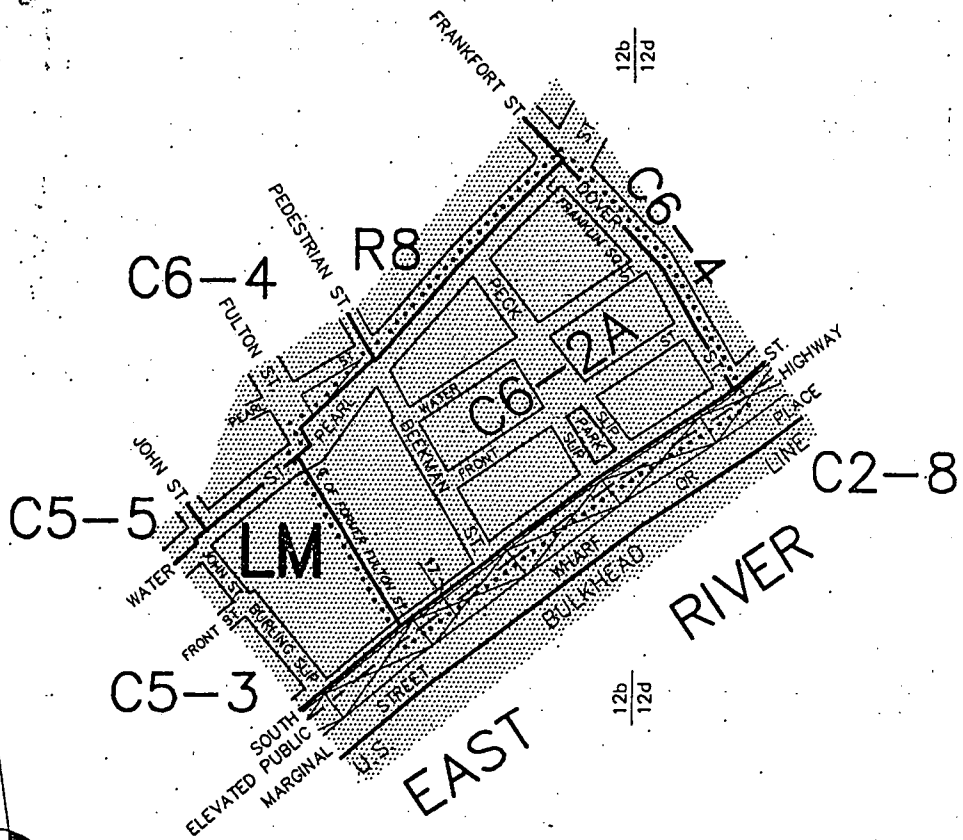
KENNETH KNUCKLES, Esq., Vice-Chair

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

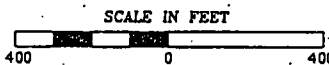
DIAGRAM SHOWING PROPOSED
ZONING CHANGE

ON SECTIONAL MAPS
12b & 12d


BOROUGH OF
MANHATTAN

New York, Certification Date
SEPTEMBER 30, 2002

acting Director of Technical Review
Evoyse



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 Street, 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

CITY PLANNING COMMISSION
2003 JAN - 8 PM 2:24
DEPT. OF CITY PLANNING

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.

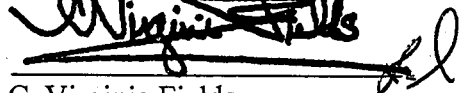
The Manhattan Borough President strongly supports the community in wishing to keep the entire district as a special Historic District and recommends the approval of rezoning to C6-2A.

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

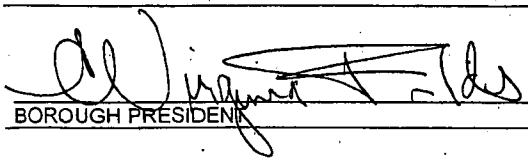
BOROUGH: Manhattan

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)

CITY PLANNING COMMISSION
2003 JAN - 8 PM 1:24
DEPT. OF CITY PLANNING


BOROUGH PRESIDENT

1/7/03
DATE