



**IN THE MATTER OF** an application submitted by the Department of Small Business Services pursuant to Section 197-c of the New York City Charter for the disposition of city owned property located at the South Street Seaport area (Block 73, p/o Lots 8 and 10, and Lot 11; Block 74, p/o Lots 1 and 20; Block 95, Lot 101; Block 96, Lot 1, and p/o Lots 5, 8, 12, 13; p/o Marginal Street; and the demapped portions of Fulton Street between South Street and Water Street, Front Street between John Street and Beekman Street, and Water Street between Fulton Street and Beekman Street.

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This application (C 210444 PPM) for a disposition of City-owned property was filed by the Department of Small Business Services (SBS) on June 17, 2021 in order to facilitate the extension of a lease within the disposition area. The proposed lease disposition from SBS to the South Street Seaport Limited Partnership (SSSLP) would extend the existing lease, which expires in 2072, for 48 years through December 30, 2120. The action would allow SSSLP to continue to make investments in the disposition area. The disposition area is comprised of part of Lot 8, part of Lot 10, and Lot 11 on Block 73, part of Lots 1 and 20 on Block 74, Lot 101 on Block 95, Lot 1, and part of Lots 5, 8, 12 and 13 on Block 96, part of Marginal Street, the demapped portion of Fulton Street between South and Water streets, the demapped portion of Water Street between Fulton and Beekman streets, and the demapped portion of Front Street between Beekman and John streets, in the South Street Seaport waterfront area of Lower Manhattan, Community District 1.

## **BACKGROUND**

The Special South Street Seaport District was created in 1972 by a zoning text amendment (CP-21975) as a means of preserving and encouraging the restoration of the Schermerhorn Row landmark buildings and to encourage further development on the underutilized waterfront. In 1998 the district was incorporated into the Special Lower Manhattan District (SLMD) as a subdistrict. The Brooklyn Bridge Southeast urban renewal plan (CP-20254) (URP) for the South Street Seaport area was approved by the City Planning Commission (CPC) on May 15, 1968 and by the Board of Estimate on July 24, 1969, with a goal to restore and rehabilitate the area southeast of the Brooklyn Bridge. The URP imposes regulations, controls, and restrictions on the

South Street Seaport area until it expires in 2068.

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

Much of the Seaport's current configuration and design dates from a 1977 master plan commissioned by the City, in collaboration with the Seaport Museum and the Rouse Company, which emphasized commercial development in the area. The master plan was ultimately adopted through a series of public approvals in 1981 that included street demappings, an amendment of the URP, and lease dispositions to the Seaport Museum and the Rouse Company. As a part of the master plan, Pier 17 was combined with Pier 18 into a single pier. The term of the original lease would have expired on December 30, 2031, but it included options for extension until December 30, 2072, by option of the tenant. The Howard Hughes Corporation (HHC) has since acquired the Rouse Company's interest in the original lease, which is administered by the New York City Economic Development Corporation (EDC) on behalf of the SBS.

In 2013, the original lease was amended and restated between the City and SSSLP to, among other things, provide for the renovation and rehabilitation of Pier 17 and the existing improvements situated thereon, delete any supplemental or participation type of rent payable under the original lease, release the City from its existing obligation to maintain Pier 17, provide for the assumption by SSSLP of maintenance obligations within the disposition area, and incorporate the terms of a previous agreement into the amended and restated lease (ARL). In addition to conveying leasehold interests to SSSLP, the ARL granted SSSLP various licenses

and easements within the disposition area.

The ARL was further amended twice in 2017. First, the City and SSSLP added the Tin Building to the premises covered by the ARL and conveyed SSSLP a leasehold interest to it. Second, the City and SSSLP made certain operational changes and renovation commitments under the ARL. In 2020, the ARL was amended for a third time to modify certain rights and obligations relating to the premises at 133 Beekman Street (Manhattan Block 96, Lot 5) and the demapped streets.

In 2021 an affiliate of the Howard Hughes Corporation, 250 Seaport District. LLC, filed an application (C 210438 (A) ZSM) for a grant of a special permit to allow distribution of floor area without regard to zoning lot lines, to modify height, setback, and street wall requirements in connection with a proposed mixed use development located at 250 Water Street (Block 98, Lot 1) within a large-scale general development.

### **Surrounding Area**

The disposition area is located in Manhattan Community District 1 to the southwest of the Brooklyn Bridge in lower Manhattan. The area surrounding the disposition area includes the South Street Seaport neighborhood, which is located to the southwest of the Brooklyn Bridge on the East River waterfront, as well as portions of the Financial District, Civic Center, and Two Bridges neighborhoods.

The South Street Seaport neighborhood includes a range of land uses and building types. Nearby blocks include low-rise residential uses and ground floor restaurant and retail uses, with other scattered uses including hotel uses and a Con Edison substation along South Street between Peck Slip and Dover Street. Two schools are located to the east of the disposition area: the Blue School Water Street between Beekman Street and Peck Slip and P.S. 343 on Peck Slip between Pearl and Water streets. The area along the waterfront contains the East River Esplanade open space.

The larger nearby area includes portions of the Financial District neighborhood, generally to the

south and west of the Brooklyn Bridge, and the Two Bridges neighborhood, generally to the north and east of the Brooklyn Bridge. The Financial District, historically the city's primary commercial center with shopping and office uses, has recently undergone significant redevelopment with residential, retail and entertainment uses. There is some modern infill construction, which generally includes residential and retail uses.

The inland area to the south of Fulton Street contains the traditional high-density center of the Financial District. This includes large office towers, generally along Water Street, South Street, and further inland. The area also contains several recently built residential towers or conversions.

The area northwest of the disposition area contains Southbridge Towers, a large housing cooperative built under the Mitchell-Lama housing program that was completed in 1969. Southbridge Towers are on a superblock between Gold and Pearl Streets and include approximately 1,641 residential units within four 27-story buildings and five low-rise buildings. This portion of the neighborhood also contains the New York-Presbyterian/Lower Manhattan Hospital and the facilities of Pace University, both of which are located along Spruce Street west of Gold Street, as well as 8 Spruce Street, a residential tower further to the northwest. The area to the northwest also includes a large surface parking lot with a capacity of approximately 400 parking spaces with a single 25-foot curb cut on Pearl Street. This site is the proposed location for the 250 Water Street mixed use development (Block 98, Lot 1) (C 210438 (A) ZSM).

The area to the north of the Brooklyn Bridge in the Two Bridges neighborhood contains the New York City Housing Authority Governor Alfred E. Smith Houses. Completed in 1953, the complex contains approximately 1,931 residential units within 12 buildings that are between 15 and 17 stories tall, as well as open space and a public school (P.S. 126). This area also contains Murry Bergtraum High School, a public school on Madison Street.

The surrounding area has a variety of public transit options. The Fulton Street Subway Station is four blocks to the northwest of the disposition area and provides service for the 2, 3, A, C, J, Z, 4, and 5 trains, and provides transfers to the E, N, R, and W trains at the World Trade

Center/Cortlandt Street Subway Station. The M15, M15-SBS, and the Free Downtown Connection buses have a bus stop just north of the disposition area. In addition, the Wall Street - Pier 11 ferry terminal, which has access to the Astoria, East River, Rockaway, Soundview, South Brooklyn, and Governors Island routes, is four blocks to the southwest of the disposition area. Further down South Street is Whitehall Terminal which has access to the Staten Island Ferry.

The disposition area is located within the SLMD and South Street Seaport Subdistrict. To the southwest, west, and northwest, the SLMD extends over the rest of lower Manhattan, south of the Brooklyn Bridge and Murray Street, and east of West Street. The South Street Seaport Subdistrict extends two blocks to the northeast and southwest of the disposition area and includes Piers 9 - 14 to the southwest of the disposition area.

On the waterfront, the disposition area is mapped within a C4-6 district, which provides a base maximum floor area ratio (FAR) of 3.4. More upland, the disposition area is mapped partially within a within a C6-2A district, which provides a base maximum FAR of 6.5, and partially within a C5-3 district, which provides a maximum FAR of 15.0. The waterfront to the east of the disposition area, outside of the SLMD, is in a C2-8 district (10.0 FAR). To the northeast of the disposition area is an R8 district (6.5 FAR), which is surrounded by a C6-4 (10.0 FAR) district to the north, east, and west. To the northwest of the disposition area is a C5-5 district (15.0 FAR). Past the Brooklyn Bridge to the northeast of the disposition area, and outside of the SLMD, is a R7-2 district (3.44 FAR).

### **Project Area**

The disposition area is comprised of part of Lot 8, part of Lot 10, and Lot 11 on Block 73, part of Lots 1 and 20 on Block 74, Lot 101 on Block 95, Lot 1, and part of Lots 5, 8, 12 and 13 on Block 96, part of Marginal Street, the demapped portion of Fulton Street between South and Water streets, the demapped portion of Water Street between Fulton and Beekman streets, and the demapped portion of Front Street between Beekman and John streets. The area includes Pier 16, Pier 17, the Tin Building, Schermerhorn Row, Titanic Park, the Fulton Market Building, and the demapped streets.

Pier 17, which is located in a C4-6 zoning district, has a lot area of 227,974 square feet. The underlying zoning regulations permit a maximum floor area of 775,111 square feet (3.4 FAR). Approximately 302,074 square feet of floor area (1.33 FAR) are currently being used on Pier 17. Pier 17 includes public open space and a mixed-use building comprising retail, restaurant, entertainment and office uses and a multi-purpose rooftop space with areas for public access as well as concerts and other events. Pier 17 underwent a redevelopment pursuant to land use actions approved in 2013, which were modified in 2016. The Tin Building is an approximately 60,000 square foot market structure on Pier 17, being developed by the SSSLP pursuant to the modified land use approvals, and slated to open in early 2022. The Tin Building will feature a culinary marketplace offering fresh and prepared foods. Surrounding the Tin Building to the southwest, southeast, and northwest is the access drive. The access drive has a one-way entrance on South Street opposite Fulton Street and a one-way exit back to South Street as a prolongation of Beekman Street. Just outside of the project area, immediately adjacent to the north side of the Tin Building, is the former Fulton Fish Market Building now known as the New Market Building. The building is dilapidated and is currently being demolished.

The disposition area also includes:

- Pier 16 is used as a recreational, cultural and entertainment space and is leased by the City to the South Street Seaport Museum for docking historic ships.
- The block containing Schermerhorn Row (Block 74) includes ground floor retail uses and other commercial uses as well as space for the existing South Street Seaport Museum.
- The Fulton Market Building (southern portion of Block 96) is across Fulton Street from Schermerhorn Row and has restaurant, retail and entertainment uses. The block to the north of the Fulton Market Building (northern portion of Block 96), which contains mostly four-story walk-up buildings with retail on the ground floor and residential apartments above.
- Titanic Memorial Park, which is located at the northern tip of the disposition area and is a roughly 5,400 square foot open space with seating and a 60-foot lighthouse to commemorate those who died on the RMS Titanic.

The demapped streets were originally City-owned mapped streets but were demapped in 1983 pursuant to a city map change (C 830356 MMM) in order to be used as a pedestrian plaza and to spur economic development on the underutilized waterfront.

### **Proposed Action**

The disposition action is a lease disposition by the City of New York, acting by and through the Commissioner of the Department of Small Business Services pursuant to New York City Charter (Section 1301.2.g). The disposition would in effect extend the term of the existing lease for 48 years, through December 30, 2120. The leasehold interests to SSSLP as a part of the disposition action included interests in the land and buildings located in the Fulton Market Building (Block 96, Lot 1), and Pier 17 (Block 73, Lot 10), and certain space in buildings located in Manhattan Block 96, p/o Lots 5, 8 & 12, and Schermerhorn Row (Block 74, p/o Lot 1). The action would allow SSSLP to continue to make investments in the disposition area and South Street Seaport neighborhood.

### **ENVIRONMENTAL REVIEW**

This application (C 210444 PPM) was reviewed along with 250 Water Street's originally referred application (C 210438 ZSM) and the related applications for a zoning text amendment (N 210439 ZRM), zoning authorizations (N 210441 ZAM and N 210445 ZAM), zoning certification (N 210446 ZCM), and modifications to a previously approved special permit (M 130053 (B) ZSM), 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 City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 21DCP084M. The lead is the City Planning Commission.

### **PUBLIC REVIEW**

This application (C 210444 PPM) was certified as complete by the Department of City Planning on July 26, 2021, and duly referred to Manhattan Community Board 1 and the Manhattan

Borough President in accordance with Title 62 of the rules of the City of New York, Section 2-02(b)

### **Community Board Review**

Manhattan Community Board 1 held a public hearing on the application (C 210444 PPM) and on September 20, 2021 voted 40 in favor, none opposed, and two abstaining, to adopt a resolution recommending disapproval the application with conditions. The complete Community Board recommendation is appended to this report.

### **Borough President Review**

The application (C 210444 PPM) was considered by the Manhattan Borough President who issued a recommendation on September 23, 2021, to approve the application and stated the action will ensure the future of the historic district and bring public benefits.

### **City Planning Commission Public Hearing**

On October 6, 2021 (Calendar No. 7), the CPC scheduled a public hearing on this application (C 210444 PPM). The public hearing was duly held on October 20, 2021 (Calendar No. 34). There were five speakers who testified in favor of the application and ten in opposition.

An EDC representative gave a presentation on the project and provided a brief history of the lease with the South Street Seaport Limited Partnership (aka HHC) and noted that it is for an approximately 450,000-square-foot area, the current annual rent is \$1.6 million with three percent annual increases, HHC is responsible for maintenance and security in the area, and that after HHC finishes the relocation and rebuilding of the Tin Building, they will have invested over \$800 million into City-owned assets in the historic district. The representative then gave an overview of some of the possible public benefits associated with the proposed amended and restated lease including investments into the East River Esplanade, Titanic Park, and Pier 17.

Speakers in opposition to the application included Friends of the South Street Seaport, Historic Districts Council, Seaport Coalition, a resident of Southbridge Towers, a representative of the



Community Board, and local neighborhood residents.

A number of the speakers testifying against the project believe the application is being rushed through the land use review process and that the terms of the public benefits related to the lease extension should be finalized prior to the Commission vote. Several speakers asserted that the leaseholder has not followed through on previous commitments for public benefits and access, and that the resulting development and uses permitted under the lease compromises the character of the historic district.

Speakers in support of the application spoke of the economic development that HHC has brought to the area, that the South Street Seaport area has transformed over the years into a positive and vibrant waterfront area, and that HHC has actively supported community organizations, residents and schools.

#### **WATERFRONT REVITALIZATION PROGRAM CONSISTENCY**

This application (C 210444 PPM), in conjunction with the related actions, was reviewed by the City Coastal Commission for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 30, 2013 and by the New York State Department of State on February 3, 2016, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910, et seq.). The designated WRP number is 21-056. This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

#### **CONSIDERATION**

The City Planning Commission believes that this application for a disposition of City-owned property to facilitate the extension of a lease within the disposition area is appropriate.

The Commission notes that the existing lease with HHC has helped to revitalize the Seaport waterfront and create a more active and vibrant neighborhood while supporting the historic

district. When the Commission first established the South Street Seaport Special District in 1972, it was to preserve the historic structures and to redevelop and revitalize the area. Within the disposition area, Pier 17 now has a 180,000-square-foot, three-story structure with restaurants, retail, office use and a roof top open space that hosts seasonal shows and a public space for the community that opened in 2018. The Tin Building is currently being transformed into a 60,000 square-foot fresh food market that will open in early 2022. The Commission is pleased that these developments are not only focused on rehabilitating the waterfront and the Seaport, but they are also focused on resiliency as both buildings are designed on foundations above the 100-year floodplain.

The Commission notes that the business terms of the amended and restated lease will be negotiated subsequently pursuant to the disposition authority. EDC has committed to ensuring that those negotiations will include a package of public benefits.

The Commission notes that the current annual rent from the lease is \$1.6 million with three percent annual increases, HHC is responsible for maintenance and security in the disposition area, and that HHC has invested over \$800 million into City-owned assets in the historic district.

The Commission believes that the extension of the disposition action allows HHC to continue their efforts to make long-term investments in the disposition area which contributes to the continued revitalization and economic development of the historic district area and is critical to bringing residents, workers, and visitors alike, to the Seaport and activating the public waterfront open space.

## **RESOLUTION**

**RESOLVED**, that the City Planning Commission finds that the action described herein will have no significant adverse impact on the environment; and be it further

**RESOLVED**, that the City Planning Commission, pursuant to Section 197-c of the New York City Charter, that based on the consideration described in this report, the application submitted

by the Department of Small Business Services, for the disposition of city owned property located at the South Street Seaport area (Block 73, p/o Lots 8 and 10, and Lot 11; Block 74, p/o Lots 1 and 20; Block 95, Lot 101; Block 96, Lot 1, and p/o Lots 5, 8, 12, 13; p/o Marginal Street; and the demapped portions of Fulton Street between South Street and Water Street, Front Street between John Street and Beekman Street, and Water Street between Fulton Street and Beekman Street, Borough of Manhattan, Community District 1, is approved.

The above resolution (C 210444 PPM), duly adopted by the City Planning Commission on November 3, 2021 (Calendar No. 1), 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.

**RESOLVED**, that having considered the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on October 10, 2021, with respect to this application (CEQR No. 21DCP084M), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and regulations have been met and that:

1. 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
2. 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, 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).

3. 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 report of the City Planning Commission, together with the FEIS, constitutes the written statement of facts, and of social, economic, and other factors and standards, that form the basis of the decision, pursuant to section 617.11(d) of the SEQRA regulations; and be it further

**RESOLVED**, that the City Planning Commission, pursuant to Section 197-c of the New York City Charter, that based on the environmental determination and the consideration described in this report, the application submitted by the Department of Small Business Services, for the disposition of city-owned property located at the South Street Seaport area (Block 73, p/o Lots 8 and 10, and Lot 11; Block 74, p/o Lots 1 and 20; Block 95, Lot 101; Block 96, Lot 1, and p/o Lots 5, 8, 12, 13; p/o Marginal Street; and the demapped portions of Fulton Street between South Street and Water Street, Front Street between John Street and Beekman Street, and Water Street between Fulton Street and Beekman Street., pursuant to zoning, Borough of Manhattan, Community District 1, is approved.

The above resolution (C 210444 PPM), duly adopted by the City Planning Commission on November 3, 2021 (Calendar No. 1), is filed with the Office of the Speaker, City Council, and the Manhattan Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

**ANITA LAREMONT**, *Chair*  
**KENNETH J. KNUCKLES, ESQ.**, *Vice Chairman*  
**DAVID BURNEY, ALLEN P. CAPPELLI, ESQ., ALFRED C. CERULLO, III,**  
**JOSEPH DOUEK, RICHARD W. EADDY, ANNA HAYES LEVIN**  
**ORLANDO MARÍN, LARISA ORTIZ, RAJ RAMPERSHAD**, *Commissioners*



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**Gale A. Brewer, Borough President**

September 23, 2021

Kenneth Knuckles  
Vice Chair  
New York City Planning Commission  
120 Broadway, 31<sup>st</sup> Floor  
New York, NY 10271

Dear Vice Chair Knuckles:

I write regarding the City Planning Commission (CPC)'s schedule to review ULURP No. 210444PPM for the disposition of leasehold and easement interests for several city-owned properties within the Special Seaport District. I am requesting that at its October 6, 2021 meeting, the CPC schedule the public hearing for this application for October 20, 2021.

On September 1, 2021 CPC held a hearing on ULURP Nos. N210439ZRM, N210440ZCM, N210441ZAM, M210442LDM, N210443LDM, M130053BZSM, N210445ZAM, N210446ZCM, C210438AZSM, and C210438ZSM. During that hearing and in my ULURP recommendation also dated September 1, 2021, I expressed my support for those proposed land use actions. I believe these actions, along with the disposition application your Commission is about to review, will ensure the future of the Seaport Historic District and also bring public benefits such as affordable housing and streetscape improvements to the district. It is important that they be considered in a timely manner.

I look forward to seeing these applications proceed through the public review process.

Sincerely,

A handwritten signature in black ink that reads "Gale A. Brewer". The signature is written in a cursive, flowing style.

Gale A. Brewer  
Manhattan Borough President

cc: Hon. Bill de Blasio, Mayor  
Deputy Mayor Vicki Been

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: SEPTEMBER 30, 2021

COMMITTEE OF ORIGIN: LAND USE, ZONING & ECONOMIC DEVELOPMENT

|                 |             |           |             |           |
|-----------------|-------------|-----------|-------------|-----------|
| COMMITTEE VOTE: | 10 In Favor | 1 Opposed | 0 Abstained | 1 Recused |
| PUBLIC VOTE:    | 0 In Favor  | 0 Opposed | 0 Abstained | 0 Recused |
| BOARD VOTE:     | 40 In Favor | 0 Opposed | 2 Abstained | 0 Recused |

RE: Disposition of Seaport Properties ULURP

WHEREAS: This is an application by the NYC Department of Small Business Services (SBS) for approval of a disposition of leasehold and easement interests with respect to various city-owned properties located within the South Street Seaport area (Block 73, p/o Lot 8, p/o Lot 10, and Lot 11; Block 74, p/o Lots 1, 20; Block 95, Lot 101; Block 96, Lot 1, and p/o Lots 5, 8, 12, 13; p/o Marginal Street; and the demapped portions of Fulton Street between South Street and Water Street, Front Street between John Street and Beekman Street, and Water Street between Fulton Street and Beekman Street) (collectively, the “Disposition Area”). The Disposition Area is subject to a lease agreement between the City and South Street Seaport Limited Partnership (SSSLP), which if renewal options are exercised expires on December 30, 2072. This application would allow the City to enter into an Amended and Restated Lease that will run through 2120; and

WHEREAS: The Disposition Action is a lease disposition by the City of New York, acting by and through the Commissioner of the Department of Small Business Services (SBS) pursuant to New York City Charter Section 1301.2.g. The Disposition Action would in effect extend the term of the existing lease for 48 years, through December 30, 2120; and

WHEREAS: The leasehold interests to SSSLP as a part of the Disposition Action (the “Leasehold Interests”) included interests in (1) the land and buildings located in Manhattan Block 96, Lot 1, and Block 73, Lot 10, and (2) certain space in buildings located in Manhattan Block 96, p/o Lots 5, 8 & 12 and Block 74, p/o Lot 1. The license and easement interests (“Licenses and Easements”) included: (1) the right, privilege, and license to use, for commercial purposes, the “Commercial Areas,” as authorized by Resolution of the Board of Estimate adopted at a meeting held on July 21, 1983; (2) easements, appurtenances and other rights and privileges, belonging or appertaining to the Disposition Area; (3) the non-exclusive easements, in common with others, for the benefit of SSSLP, SSSLP’s subtenants and their respective employees, agents, contractors, guests, customers and invitees: (a) on, over and across the surface of the portion of “Marginal street, wharf or place” located within the Disposition Area; (b) for

access, ingress and egress to and from portions of the upper floors of buildings or interior courtyards or other common areas and spaces situate on Blocks 74 and 96; (c) for pedestrian and vehicular access to and from the loading dock at the rear of No. 4 Fulton Street; (d) on, over and across the surface of the demapped streets for pedestrian access to and from the Disposition Area and abutting public streets; and (e) on, over and across areas of the Disposition Area for the purpose of performing SSSLP's maintenance obligations; and (4) the right to maintain existing encroachments over portions of the demapped streets; and

WHEREAS: The applicants have represented that the Disposition Action will continue to facilitate active uses within the Disposition Area and will allow SSSLP to make long-term investments in the Disposition Area. Active uses existing in the Disposition Area include retail, restaurant, entertainment, and office uses, including a multi-purpose rooftop space with areas for public access as well as concerts and other events in the Pier 17 Building; and

WHEREAS: During the CB1 Land Use, Zoning & Economic Development Committee meeting on September 13, 2021, the EDC presented that this application seeks authority to negotiate terms of a new 99-year Marketplace lease. Proposed lease modifications include: a new 99-year term expiring in 2120; additional rent reset in 2097 with 3% annual increases in between; swap retail space on Schermerhorn Block with Seaport Museum to occupy the prime corner location; the removal of the John Street lot Right of First Offer (ROFO). All HHC maintenance and security obligations will continue, and there is no change in permitted use or jurisdiction of the Former Streets. Proposed public benefits associated with this lease renewal include: HHC to construct or fund esplanade improvements north of its leasehold (estimated \$8.8M); HHC to perform Titanic Park improvements (estimated \$1M); and HHC continues to offer Fulton Stall Market free space in 133 Beekman through April 2031; and

WHEREAS: CB1 is troubled by the timing of this application, which comes directly after the contentious ULURP application for the 250 Water Street development. This application was certified in late July. As CB1 does not hold meetings in August, it left the Board with only one month to receive a presentation, hold a public hearing and vote on this critical application; and

WHEREAS: Further, the process itself is extremely problematic. The ULURP application does not capture the full details of the proposed lease changes, and the new lease itself will not be drafted until later in the process after the window for Community Board review and comment has closed. In consideration of this, EDC has agreed to return to CB1 to provide updates on the new lease before it is finalized; now

THEREFORE  
BE IT  
RESOLVED

THAT: CB1 members have expressed that they do not sense the urgency for this application and maintain that the community should have been engaged earlier. CB1 opposes this ULURP application for the Disposition of Seaport Properties, unless the following conditions are satisfied:

- 1) The public amenities/benefits should run for no less than the entire term of the lease
- 2) The terms for use of the Pier 17 rooftop should be amended to allow for greater public access, as originally envisioned
- 3) Additional active recreation space should be identified and built out (i.e. Brooklyn Banks)
- 4) EDC and HHC should finally fulfill the 10,000 square foot Fulton Stall Market as originally agreed
- 5) New Market Building site should be rebuilt into a community center, as requested by CB1 in prior resolutions
- 6) EDC should spend the money paid to it by HHC only on Seaport improvements, as opposed to putting this money into the general fund
- 7) The new lease should accommodate for future resiliency infrastructure, including that lease terms should be renegotiated following the completion of the FiDi/Seaport Climate Resiliency Master Plan, which will increase the value of property being leased by HHC
- 8) EDC should investigate rent increases larger than the 3% proposed
- 9) EDC should remove unused development rights from the lease
- 10) There should be a market reset on rent more frequently, potentially every 10 years
- 11) There should be a cost/benefit analysis for the consideration of public benefit now and in the future
- 12) Greening of open space under this lease should be prioritized (i.e. Former Streets and all open space)
- 13) The lease must accommodate access for all resiliency work
- 14) More maritime infrastructure should be incorporated for visiting ships and other potential active maritime uses
- 15) EDC should look more closely at the socioeconomic accessibility of the existing amenities within the Seaport leasehold



16) EDC and HHC should work together to ensure fair living wages and benefits for building service workers within the area of the lease