December 28, 2012

Amanda M. Burden, FAICP, Chair
New York City Planning Commission
22 Reade Street
New York City 10007

South Street Seaport – Pier 17 By South Street Seaport LLP

Dear Commissioner Burden:

Since 2005, New Amsterdam Market has advocated for the rehabilitation of the Fulton Fish Market in Lower Manhattan as a year-round, permanent public market to serve all New Yorkers while generating local and regional economic development. The Fulton Fish Market comprises a number of city-owned structures including: the Tin Building, the New Market Building, the Fish Market Stalls, and the Working Pier (former Pier 18) as well as spaces around these structures, as indicated on Attachment 1. This site has been in continuous use for the same purpose since 1642, and its two remaining market sheds have been preserved intact and essentially unaltered since they were vacated by their last tenant in 2005, when the Fulton Fish Market (itself incorporated in 1839) was relocated to the Bronx. A public asset of this nature is unique and irreplaceable.

We seek to preserve and revitalize this surviving remnant of the city’s first working waterfront by retaining and reviving its original function: the buying and selling of food in a wholly public setting. To this end, we have held New Amsterdam Market on South Street since 2007, bringing tens of thousands of local residents and worldwide visitors to a neighborhood most New Yorkers have chosen to avoid, due to the persistent, negative influence of the 1983 “Festival Marketplace” shopping mall managed by South Street Seaport LLP.

As the neighborhood’s authentic commercial anchor, our mission is now all the more significant since the October 29th flood, which ruined local independent businesses and drove away their customers. Throughout history, public markets have restored economies and regenerated communities. We stand with Lower Manhattan and will be an integral part of its rebuilding.

We thank Manhattan Community Board 1 and the Manhattan Borough President for recognizing our vision in their responses to the U.L.U.R.P. application, and we ask the City Planning Commission for the same consideration. The Pier 17 Renovation U.L.U.R.P. application now before the City Planning Commission seeks to rezone not only Pier 17 but also a part of the East River waterfront including a substantial portion of the Fulton Fish Market (the Tin Building & New Market Building) as a potential future development site.

1. Rezoning for the proposed Pier 17 project must not predetermine the type and/or configuration of uses in the Fulton Fish Market development site. The proposed zoning must allow the essential uses for public markets such as fish, meat, and produce processing and distribution. If necessary, the zoning text of Special District should be revised to ensure these uses be permitted.
Several special permit findings in the Pier 17 U.L.U.R.P. involve sites that are not within the project zoning lot including: i) a proposed “lay-by” lane fronting the Tin Building; ii) the city-owned parking lot also fronting the Tin Building; and iii) a pedestrian walkway between the Tin Building and New Market Building leading to the Working Pier (former Pier 18).

2. The proposed lay-by lane, the city-owned parking lot and the pedestrian walkway are all part of the Fulton Fish Market development site. As such, the existence, design, function, and/or configuration of these elements should not be considered permanent features of the Pier 17 project. Instead, the long-term use of these areas should be determined as part of a comprehensive development plan for the Fulton Fish Market development site.

The proposed Pier 17 renovation will result in the alteration of the Working Pier (former Pier 18). The Working Pier was used and operated by the Fulton Fish Market continuously starting in the 19th century, and remained a vital and functioning part of the Fulton Fish Market until the market was removed in 2005.

3. The Working Pier is part of the Fulton Fish Market and any future restoration of market functions to this site should have access to the pier or a pier of equivalent size, function, and adjacency.

In addition, we concur with the individuals and organizations who have advocated postponing any evictions of small businesses currently operating at Pier 17 as well as other subtenants of South Street Seaport LLP. New York has just suffered a major calamity with corresponding economic repercussions: there is no justifiable excuse for preventing locally owned businesses from earning badly needed revenue. Also, we concur with the rising call for delaying all waterfront development proposals so that they can be thoroughly assessed in light of climate change and its acknowledged impact on coastal cities.

Furthermore, we question the Applicant’s proposal to eliminate from the present Pier 17 Pavilion 37,000 s.f. of covered public balconies (see attachment 2) with unparalleled views of the Harbor and the East River bridges. These balconies are a proven, highly successful public space, accessible 24 hours per day, and remain functional (and utilized) even during inclement weather. The Applicant also proposes eliminating a city-mandated 12,000-s.f., indoor public assembly hall, a rare asset anywhere and especially in Lower Manhattan. The proposed Pier 17, in contrast, guarantees the public full-time access to only 10,000 s.f. of synthetic-lawn rooftop that will be exposed to the elements. The proposed Pier 17 Pavilion offers greatly diminished public space.

Finally, as made clear by recent press, the Applicant is proposing a major alteration of our city’s historic waterfront without having secured or even identified an anchor tenant. The original Pier 17 Pavilion was designed as a complex interweaving of public and commercial space. Its development, along with the entire South Street Seaport complex, evolved through nine years of intense public input, at a cost of $200,000,000 in public funding. The Festival Marketplace failed not because of its design but because of its consistently mediocre programming. The redevelopment proposal cannot be evaluated properly without more specific knowledge of its intended content.

On behalf of New Amsterdam Market, I urge the City Planning Commission to consider this U.L.U.R.P application in light of the above issues; and thank you and the City Planning Commission for your support in preserving and revitalizing the Fulton Fish Market, which is arguably one of New York City’s most significant, and most endangered, public assets.

Sincerely,

Robert LaValva, Founder and President
New Amsterdam Market
c. New York City Council Member Margaret Chin
RESOLUTION, pursuant to Section 98-76 of the Special Manhattan Landing District of the Zoning Resolution, authorizing: (1) modification of Sections 32-42 and 33-432 to permit occupancy of non-residential uses above the second floor of a building and above 30 feet in height; (2) modification of Section 32-15 to remove the size limitation on retail areas in Use Group 6A, provided that no individual partitioned portion of retail area exceeds 10,000 square feet; and, (3) stairs, balconies and roofed balconies to project into a required rear yard beyond the amount set forth in Sections 33-23 and 33-26. The authorization will permit the build out and operation of the Pier 17 Pavilion and Waterside Pierscape located in the South Street Seaport Special District, on Pier 17, Borough of Manhattan, Community Planning District No. 1.

WHEREAS, the New York City Public Development Corporation (PDC) and Seaport Marketplace, Inc. (Rouse) are jointly developing a three story retail structure on Pier 17 in the South Street Seaport Special District (Pier 17 Pavilion);

WHEREAS, a related application for a zoning text amendment was filed with the City Planning Commission (Commission), N 850351 ZRM, to permit the Commission to authorize modifications to Sections 32-42, 33-432 and 32-15 in C2-8 districts in the South Street Seaport Special District, which zoning text amendment is the subject of a separate report dated January 28, 1985 (Calendar No. 1);

WHEREAS, the Board of Estimate approved this zoning text amendment on 7 February 1985 (Calendar No. 102);

WHEREAS, the Pier 17 Pavilion, as developed by Rouse and PDC, currently is permitted to house non-residential uses above the second floor of a building and above a height of 30 feet;

WHEREAS, the Pier 17 Pavilion will accommodate 126,000 square feet of retail area in Use Group 6A, with no individual partitioned portion of retail area exceeding 10,000 square feet;

WHEREAS, balconies, roofed balconies and stairways will extend to within 11 feet of the easterly end of Pier 17;

WHEREAS, the Commission is in receipt of an application from PDC and Rouse (N 850352 ZAM) requesting modifications by authorization, pursuant to Section 98-76 of the Zoning Resolution, of the following sections of the Zoning Resolution: Sections 32-42 and 33-432 to permit occupancy of non-residential uses above the second floor of a building and above 30 feet in height; Section 32-15 to remove the size limitation on retail establishments in Use Group 6A, provided that individual partitioned portions of such retail establishments do not exceed 10,000 square feet; and Sections 33-23 and 33-26 to permit stairs, balconies and covered balconies to project into a required rear yard beyond the amount set forth in the Zoning Resolution; and

WHEREAS, the proposed Pier 17 Pavilion and the Link Building are in compliance with the requirements of District Parcel 13 and 13A of the Special Manhattan Landing District, which compliance has been simultaneously certified by the Commission to the Department of Buildings;

WHEREAS, on October 14, 1982, the New York City Landmarks Preservation Commission (LPC) made the following finding:

I. the proposed pier pavilion, which is based on the design precedents of the late nineteenth century recreational and commercial piers, successfully combines these precedents in a structure that is clearly of the 20th century but which nevertheless, through its scale, shape, color, signage and structural articulation both acts as a good neighbor to the distinguished 19th century buildings of the Seaport Historic District and, therefore, found the Pier 17 Pavilion to be appropriate;

WHEREAS, the massing of the retail space in a three story structure permitted the removal of one 20 foot bay at the easterly end of Pier 17 thereby enhancing waterfront circulation;

WHEREAS, the Commission finds, pursuant to Section 98-76 of the Zoning Resolution, that such modification of Sections 32-42 and 33-432 will not create a deleterious relationship between existing and new buildings on District Parcel 13 and 13A nor adversely affect the visual corridor and circulation-related improvements of the waterfront; and

WHEREAS, according to the Final NEPA Environmental Impact Statement (dated September 1980) prepared in connection with the development of the South Street Seaport area, the retail space will “create sufficient impact on the enormous and varied New York retail market and draw enough customers to insure the financial viability of the project,” and in so doing draw the public to the waterfront in the South Street Seaport Special District;
WHEREAS, the entire retail complex will comprise 126,000 square feet of retail area in Use Group 6A, but no individual partitioned portion of retail area within the Pier 17 Pavilion will exceed 10,000 square feet;

WHEREAS, the Commission finds, pursuant to Section 98-76 of the Zoning Resolution, that such modification of the size limitation imposed by Section 32-15 is necessary for a retail attraction that will encourage use of the waterfront and related facilities in the surrounding historic area;

WHEREAS, Rouse and PDC have shown that the location of the stairs providing public access to the second and third floor balconies within the interior of the Pier 17 Pavilion would reduce the amount of gross leasable area necessary to offset the removal of one full 20 foot bay at the easterly end of Pier 17 and additional gross leasable area that could not be accommodated in the redesigned Marketplace Building in the uplands portion of the development, thereby threatening the economic viability of the project;

WHEREAS, the portion of the rear yard that contains stairways and is overhung by balconies and roofed balconies on the second and third level, provides a total of 4,575 square feet of free public circulation, and provides options for seating and viewing of the waterfront;

WHEREAS, the Commission finds, pursuant to Section 98-76 of the Zoning Resolution, that Rouse and PDC have demonstrated compelling necessity for the modification of Sections 33-23 and 33-26 to permit balconies, stairs and roofed balconies to extend to within 11 feet of the easterly end of the pier; and

WHEREAS, the application for this authorization was filed on 1 February 1985 and forwarded to Community Board No. 1, Manhattan for 30 days on 4 February 1985;

WHEREAS, such modifications will permit the build out and operation of the Pier 17 Pavilion and the Waterside Pierscape in accordance with an Improvement and Operation Agreement, dated 15 December 1981 and executed on 29 July 1983, signed by the City of New York, Seaport Redevelopment Corporation, South Street Seaport Museum and Seaport Marketplace, Inc.; and

WHEREAS, this application warrants approval subject to the conditions enumerated in the following resolution:

RESOLVED, by the City Planning Commission that the application (N 850352 ZA M) of Rouse and PDC for authorizations to modify Sections 32-42, 33-432, 32-15, 33-33 and 33-26 of the Zoning Resolution to allow the construction and operation of the Pier 17 Pavilion and Waterside Pierscape, be and hereby is approved pursuant to Section 98-76 of the Zoning Resolution subject to the following conditions:

1. The development shall be completed in size and arrangement substantially as proposed and indicated on the plans filed with this application;

2. The development shall conform to all applicable provisions of the Zoning Resolution, except for modifications herein granted as shown on the plans filed with the application. All zoning computations are subject to verification by the Department of Buildings;

3. Rouse and PDC shall include within the development the following, public amenities as proposed and indicated on the plans filed with the application:

   A. A free, public hall comprising 11,200 feet on the third floor of the Pier 17 Pavilion;

   B. Free, public seating in the public hall on the third floor of the Pier 17 Pavilion for 419 persons at 85 tables, 340 movable seats, and 144 linear feet of bench seating;

   C. Free, public restrooms on the second floor of the Pier 17 Pavilion, with clear and prominent signage indicating their location and availability to the public;

   D. A free public terrace comprising 4,050 square feet on the first floor of the Pier 17 Pavilion;

   E. A roofed, free public balcony on the third floor of the Pier 17 Pavilion comprising 6,250 square feet;

   F. Free, public seating for 128 persons on the third floor public balcony consisting of 64 linear feet of bench seating and 96 deck chairs;

   G. A free, public balcony on the second floor of the Pier 17 Pavilion comprising 3,000 square feet;

   H. A two level waterfront promenade along the eastern end of Pier 17, 40\frac{1}{2}” wide, consisting of: (i) a 28 foot free, public space at elevation +1P-0”, partially overhung by a balcony and a roofed balcony and obstructed by stairs at the ground level of the Pier 17 Pavilion; (ii) a six foot wide expanse of free, public bleacher seating along the entire length of the eastern end of Pier 17; and (iii) a six foot wide free, public circulation space at elevation +7’-0”.


I. A two level waterfront promenade along the southern side of Pier 17, consisting of: (i) a free, public space at elevation +11'-0", ranging in width from approximately 93 feet to approximately 19 feet, partially overhung by a balcony and a roofed balcony and obstructed by stairs at the ground level of the Pier 17 Pavilion; (ii) a six foot wide expanse of free, public bleacher seating along a 55 foot linear expanse of the southern side of Pier 17; and (iii) a free public circulation space, ranging in width from approximately 11 feet to approximately 5 feet, at elevation +7'-0".

J. Free, public seating comprising 120 linear feet of bench seating at elevation +9'-0" on the waterfront promenade along the southern side of the Pier 17 Pavilion;

K. A two level waterfront promenade along the northern side of Pier 17, consisting of: (i) a free, public space at elevation +11'-0", ranging in width from approximately 30 feet to approximately 25 feet, partially overhung by a balcony and a roofed balcony and obstructed by stairs at the ground level of the Pier 17 Pavilion; (ii) an eight foot wide expanse of free public bleacher seating along a 55 foot linear expanse of the northern side of Pier 17; and (iii) a five foot wide public circulation space, at elevation +7'-0", adjacent to a working pier, approximately 60 feet wide, used by the fish market;

L. Free, public seating comprising 64 linear feet of bench seating at elevation +9'-0" on the waterfront promenade along the northern side of Pier 17;

M. Enhancement of full, public access to the waterfront through the provision of one 20 foot ramp as part of the pierscape along the southern side of Pier 17, one 20 foot ramp as part of the pierscape along the eastern side of Pier 17, and two pedestrian ramps as part of the pierscape along the northern side of Pier 17 and adjacent to the working pier;

N. Prominently displayed signs indicating the free and public nature of all public spaces, public seating and public restrooms;

4. Rouse and PDC shall assure that there is free public access to the public amenities described in condition 3 above, in accordance with the following provisions:

A. Free, public access to the public hall on the third floor, public restrooms on the second floor, other public spaces in the interior of the Pier 17 Pavilion and all public seating therein, during all hours that any retail establishment within the Pier 17 Pavilion is open;

B. Free, public access, 24 hours each day, every day of the year, to the waterfront promenades along the southern, eastern and northern perimeters of Pier 17 and the exterior stairs, the second floor balcony and the third floor, roofed balcony on the eastern end of Pier 17, and all public seating thereon;

C. Free, public access to the working pier to the north of the Pier 17 Pavilion during all hours when the fish market is not in operation;

D. All free, public areas used for seating and circulation shall be completely free from commercial intrusion, available to all members of the public and not subject to the public’s patronage of any commercial establishment;

5. Rouse shall fulfill all maintenance, repair and security obligations as they are set forth in the Improvement and Operation Agreement and the Lease between The South Street Seaport Corporation and Seaport Marketplace, Inc., dated 15 December 1981 and executed on 29 July 1983;

6. The development shall conform to all applicable laws and regulations relating to construction, operation and maintenance. Any, alteration in the development or in the manner of operation that departs from the herein previously specified conditions, unless authorized by the City Planning Commission, shall cause an immediate termination of the authorization herein granted.

HERBERT STURZ, Chairman
MARTIN GALLENT, Vice Chairman
JOHN P. GULINO, R. SUSAN MOTLEY, THEODORE E. TEAH,
DENISE M. SCHEINBERG, Commissioners