



## **CITY PLANNING COMMISSION**

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January 23, 2013 / Calendar No. 10

N 120381(A) ZRM

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**IN THE MATTER OF** an application submitted by The Rector, Church-Wardens and Vestrymen of Trinity Church in the City of New York pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to add Article VIII Chapter 8, establishing the Special Hudson Square District in Community District 2, Borough of Manhattan and to modify related Sections.

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The application for a zoning text amendment was filed by The Rector, Church-Wardens and Vestrymen of Trinity Church in the City of New York on May 30, 2012, in conjunction with a related zoning map amendment, to facilitate the establishment of the Special Hudson Square District. On November 8, 2012, pursuant to Section 2-06(c)(1) of the ULURP rules, The Rector, Church-Wardens and Vestrymen of Trinity Church in the City of New York filed an application to modify the proposed amendment to the Zoning Resolution (N 120381(A) ZRM) which eliminated proposed Subdistrict B from the Special Hudson Square District. The modified application (N 120381(A) ZRM) is the subject of this report.

### **RELATED ACTIONS**

In addition to the zoning text amendment (N 120381(A) ZRM), which is the subject of this report, implementation of the proposal also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

C 120380 ZMM      Amendment to the Zoning Map, Section No. 12a, mapping the Special Hudson Square District.

### **BACKGROUND**

The Rector, Church-Wardens and Vestrymen of Trinity Church in the City of New York propose a comprehensive zoning strategy for the Hudson Square neighborhood. The requested actions include zoning map and text amendments that would affect all or part of eighteen blocks within an area generally bounded by Greenwich Street, West Houston Street, Varick Street and Sixth

Avenue, and Canal Street in Community District 2, Manhattan. The proposal is the result of a four year long effort by Trinity, a major stakeholder in the area as owner of approximately forty percent of the property in the rezoning area. The proposed planning framework responds to strong community concerns relating to recent out-of-scale development. The establishment of maximum allowable building heights and required street walls, similar to the established built forms throughout the rezoning area was of particular concern to the community.

The goals of the proposed zoning map and text amendments are to foster new development that strengthens the role of Hudson Square as a dynamic business district, home to many companies in the creative industries, in particular; to create new opportunities for housing, including affordable housing, where appropriate; to strengthen and enliven the street life of the district through the introduction of new uses and urban design requirements; and to ensure that the form of new developments are in character with the existing built context of the Hudson Square area.

## **HUDSON SQUARE**

The Hudson Square area is generally bounded by West Street to the west, Houston Street to the north, Canal Street to the south, and Avenue of the Americas to the east. It is located next to the mixed use neighborhoods of Tribeca, SoHo and the West Village,

Hudson Square was historically developed with large buildings for manufacturing use that have largely been converted to office use. The density and built character within Hudson Square varies, including high density commercial buildings with full lot coverage, new high-rise and mid-rise hotel buildings, mid-rise commercial and loft buildings, and low rise rowhouse buildings on the blocks north and east of the Holland Tunnel entry plaza. There are three public open spaces in the rezoning area, all in the southern portion of Hudson Square. Duarte Square Park is a quarter acre triangular park located at Canal Street between Varick Street and Avenue of the Americas. SoHo Square extends along the west side of Avenue of the Americas between Broome and Spring streets. The third space is a midblock public plaza, a privately owned public space, at the Trump Soho Hotel. The Hudson River Park is located to the west of Hudson Square. A notable land use in the neighborhood is the Holland Tunnel entry plaza.

The Hudson Square area was long referred to as the Printing District due to its role spanning over half a century serving as a hub for printing companies. At the turn of the 20<sup>th</sup> century, developers built factory buildings most of which soon became occupied by printing companies locating close to their financial industry clients on Wall Street. By the late 1920s, the character of Hudson Square was well established by the construction of dozens of large warehouse and loft buildings specifically designed for printing uses, with heavy concrete and steel framing, high load capacity floors, and large freight elevators. Beginning in the 1970s, the printing presence in the area began to wane as technological advances required less work space and many companies moved to other locations outside Hudson Square. Starting in the 1980s, anticipating the shift from manufacturing to office or other non-residential uses, property owners in the area, including the applicant, began remodeling their buildings to attract new tenants. Companies in the design, digital, and other technology-related companies were especially attracted to Hudson Square's stock of Class B and C office space, space that offered generous floor to ceiling heights, a Manhattan location, and excellent transportation connectivity at relatively affordable rent rates. Today the area is known as a desirable business district for companies in the creative industries in particular.

While there has been commercial investment and job growth in Hudson Square in the recent decades, there are a number of continuing challenges to the area. There has been limited or narrowly-defined investment in new development due to the underlying use regulations, a limited range of retail services, and a generally low level of activity on weekends and in the evenings, despite the fact that the area is very well-served by transit and surrounded by neighborhoods that have continued to experience mixed use development and growth.

Moreover, much of the new development that has been built under the existing zoning regulations is often out of character with the large-scale warehouse style and industrially-oriented architecture of these blocks. A number of hotels, for example, have recently been built 15 or 20 feet from the street line and rise without setbacks or articulation to a height taller than their pre-war neighbors.

While the applicant recognizes the value of the affordable office market that continues to evolve and the importance of the array of businesses that locate in these areas to the city's economic diversity, it also believes that the existing manufacturing zoning has stymied new investment and development-- in particular, housing-- that could complement existing uses, enhance the business environment by enlivening streets and bringing in new retail services, and generally create a more robust and vibrant mixed-use community.

The rezoning area is currently zoned M1-6. The underlying use regulations allow manufacturing and commercial uses, and limited community facility uses. New residential use is prohibited, as are most educational and cultural uses. The M1-6 district permits a maximum base FAR of 10, which may be increased to 12 on an as-of-right basis by providing a public plaza or arcade. Height and setback regulations control the built form in M1-6 districts, but there is no height limit and towers are permitted to encroach beyond the applicable sky exposure plane.

To address some of these issues the applicant developed a framework to accommodate new residential development while strengthening its current role as an attractive and affordable office market in a neighborhood with unique, built character, and increasing cachet. Specifically, in developing the special district the applicant identified a number of core goals:

- Support the development of a vibrant mixed-use district
- Protect and strengthen existing concentrations of large-scale office buildings and Class B and C office space
- Encourage the targeted introduction of residential uses on underutilized sites
- Promote the creation of affordable housing
- Promote more active, neighborhood retail
- Provide a new public school facility
- Ensure that new development reflects the existing built character.

There is currently approximately ten million square feet of non-residential floor area in the Hudson Square area. The applicant has stated that with the proposal, Hudson Square would retain virtually all this existing non-residential floor area, and at the same time gain approximately 3,300 units of housing.

The proposed Special Hudson Square District is intended to build upon the strengths of the area – the pre-war built fabric, the concentration of affordable office space, and proximity to transit – while addressing some of the problems with the existing zoning such as its lack of contextual bulk rules and limited incentives for new development. The intention is to activate and enliven this area with a healthy mix of uses, enabling it to become an attractive location for working and living.

## **ACTIONS REQUIRED**

In order to facilitate the proposal, the following actions are requested, as described in detail in subsequent pages:

1. Zoning Text Amendment, to create Article VIII, Chapter 8, establishing the Special Hudson Square District, and to amend related sections of the Zoning Resolution
2. Zoning Map Amendment, to map the Special Hudson Square District, including Subdistrict A

### **Zoning Text Amendment (N 120381(A) ZRM)**

The proposed Special Hudson Square District would provide special use and bulk regulations, in order to encourage a vibrant, mixed-use neighborhood. These special district regulations would supplement or supersede the underlying zoning districts mapped within the proposed boundaries.

#### ***Special District Use Regulations***

The Special Hudson Square District would create a unique set of use regulations that would: 1) allow the full range of commercial uses and light manufacturing uses appropriate in a mixed-use environment; 2) provide protections for existing concentrations of commercial and light

manufacturing uses; 3) allow targeted residential development; 4) allow a broader range of community facility uses; 5) require ground-floor retail uses and transparency to enliven the street; and 6) require a special permit for hotels with more than 100 rooms to ensure that the hotel development does not preclude the goal of encouraging residential uses and affordable housing.

#### *Protections for concentrations of existing commercial or manufacturing uses*

In order to protect and strengthen the existing concentrations of Class B and C office space typically found within the characteristically large, formerly industrial buildings prevalent throughout the proposed special district, the proposed use regulations work within a framework based on the existence of a “Qualifying Building”. The proposed Special district establishes the definition of a Qualifying Building as a building with at least 70,000 square feet of floor area. This definition is intended to categorize the kind of building—and the concentrations of Class B & C office space therein—that the special district aims to protect. In order for residential use to be developed on a zoning lot occupied by a Qualifying Building, the existing amount of non-residential floor area in such building (as of the date of referral for this application) would need to be entirely maintained on the zoning lot. This preservation mechanism could be satisfied either by keeping the existing building in place or constructing a new building with a one-for-one replacement of the commercial/manufacturing floor area. There would be no requirement that the same *type* of non-residential floor area be maintained or replaced; *i.e.*, manufacturing uses could become commercial uses.

#### *Residential uses*

For zoning lots not occupied by a Qualifying Building, residential uses would be allowed as-of-right. Given the character of the rezoning area, this would effectively direct such residential development to surface parking lots and other underdeveloped or underutilized sites.

For zoning lots occupied by a Qualifying Building, and as described above, residential uses would be permitted only upon certification by the City Planning Commission that the zoning lot will contain at least the amount of non-residential floor area at the time of referral of this text. In such cases, a restrictive declaration would also be required to be executed. As suggested above,

this would be an effective deterrent to the demolition or conversion of Class B and C office space typically found in the area's characteristically large buildings.

### *Community facility uses*

Currently, in M1 zoning districts, a very limited set of community facility uses are allowed. These uses include houses of worship, open uses such as cemeteries, and a category of health facilities. The proposed Special district would allow the full range of community facility uses, such as universities, schools, museums, and non-commercial art galleries.

Community facility uses with sleeping accommodations (*i.e.*, dorms) would be allowed as-of-right on zoning lots containing less than 70,000 square feet of floor area (in a manner similar to the regulations governing residential use). For zoning lots occupied by a Qualifying Building, a certification similar to that described above in the description of residential use regulations would similarly be required before such use could be developed: dorms would only be permitted upon certification that the zoning lot will contain at least the amount of non-residential floor area that existed at the time of referral of this text.

### *Manufacturing uses*

Manufacturing uses would be allowed subject to certain limitations applicable to Use Groups 16, 17 and 18 in Special Mixed Use Districts, ZR Section 123-22.

### *Hotels*

To help ensure that hotel development does not conflict with the goal of a mixed-use district with a meaningful residential presence, and specifically to ensure that residential development is successfully targeted to the area's underbuilt sites, the proposed special district includes a special permit mechanism applicable to large hotels, or hotels with more than 100 rooms. Hotels with 100 rooms or fewer would be allowed as-of-right.

New Construction and Enlargements: Where proposed large hotels seek to develop, either through new construction or enlargement, they would only be permitted through a special permit mechanism that relates to the residential use regulations by means of a "residential development goal". The residential development goal is a specific number of units—2,255—that is derived

from the projected development scenario analyzed as the basis of environmental review (the goal is 75% of the total number of projected units). The proposed hotel special permit would apply, until such time as the residential development goal for the district is achieved (the “sunset provision”), at which point such hotels would be permitted as-of-right (upon certification by the Chairperson of the City Planning Commission that the residential development goal has been met).

Conversions: Where proposed large hotels seek to develop through the conversion of existing buildings, they would also be permitted only by special permit. To protect against the conversion and elimination of potential Class B and C office space, the conversion special permit mechanism would require that any existing floor area on such proposed hotel site would have to be preserved on the lot or elsewhere within the special district. In addition, the hotel conversion special permit would be applicable in perpetuity, without connection to the residential development goal.

#### *Retail uses and transparency*

For zoning lots with 50 feet of frontage or more, active retail uses are required along 50% of such frontage and are required to have a minimum depth of 30 feet. For all permitted ground floor uses, except ground floor apartments where allowed, 50% of the surface area of the streetwall located between two feet and 12 feet would be required to be glazed with transparent material.

#### ***Special District Bulk Regulations***

The proposed Special district would create bulk regulations that would: 1) allow the appropriate amount of density given the location of the proposed rezoning area and the size of existing buildings; 2) provide incentives for affordable housing in the context of a high-density, mixed-use area; and 3) ensure that new development or enlargements complement the existing built context and architectural expression of the larger pre-war loft buildings located in the proposed rezoning area.

### *FAR and Affordable Housing*

The proposed Special district would allow a maximum of 10.0 FAR for community facility, commercial and light manufacturing uses. The maximum FAR for residential use – outside of Subdistrict A – would follow a standard Inclusionary Housing mechanism formula; the maximum base FAR for a zoning lot containing residences would be 9.0, bonusable to 12.0 FAR through the Inclusionary Housing program. Many of the buildings within the proposed rezoning area have densities greater than 10.0 FAR and are located near public transportation.

The proposed Special district would modify the Inclusionary Housing bonus formula in order to encourage a range of non-residential uses in addition to affordable housing. In R10 and equivalent districts within Inclusionary Housing designated areas, the base FAR allowed for a zoning lot containing any residences, such as in a mixed-use building, is 9.0. This reduces the as-of-right 10.0 FAR allowed for commercial and community facility uses in the proposed special district. Additionally, the current formula requires that 20% of the floor area of a building (excluding the ground floor) be reserved for affordable housing, regardless of whether the building contains non-residential uses above the ground floor. In order to help encourage the mixing of residential and non-residential uses, the base FAR would be set at 9.0 plus 0.25 FAR for each 1.0 FAR of non-residential floor area in the building, up to a maximum base FAR of 10.0. This change would still require that 20% of the residential floor area be set aside for affordable housing in order to achieve the Inclusionary Housing bonus.

### *Building Form*

The height and setback controls described below are intended to produce development that respects and complements existing buildings in the proposed rezoning area.

On wide streets the maximum building height would be 320 feet; a required streetwall base would have a minimum height of 125 feet and a maximum height of 150 feet, with 10 foot setbacks from the street line.

On narrow streets the maximum building height would be 185 feet; a required streetwall base would have a minimum height of 60 feet and a maximum height of 125 feet, with 15 foot setbacks from the street line.

### *Establishment of Subdistrict A and Elimination of Subdistrict B*

The application for the zoning text amendment as originally referred (N120381ZRM) proposed the establishment of two subdistricts, Subdistricts A and B. On November 8, 2012, The Rector, Church-Wardens and Vestrymen of Trinity Church in the City of New York filed a land use application, which is the subject of this report, to modify the proposed action, by eliminating the proposed text amendment provisions relating to the establishment of Subdistrict B.

Subdistrict A is proposed to be bounded by Grand Street, Avenue of the Americas, Canal Street and Varick Street. It consists of a single block that is situated at the nexus of three neighborhoods – SoHo to the east, Tribeca to the south and the West Village to the north. It is bounded by three wide streets and includes a public park, Duarte Square Park. Subdistrict A would provide for greater bulk and height allowances than elsewhere in the Special district. The maximum overall building height at this site would be 430 feet. Additionally, for the purposes of calculating floor area, space set aside in Subdistrict A for a school facility would not be counted. The applicant has described a 444-seat school facility that is expected to be located within the base of the building on this site.

Subdistrict B was proposed in the original application (N120381 ZRM) to encompass the area bounded by Dominick Street to the north, a line midway between Varick Street and Avenue of the Americas to the east, Watts Street to the south, and the Holland Tunnel entrance to the west. Subdistrict B included mostly lower-scaled row houses and tenement style buildings, rather than the larger-scaled former manufacturing buildings that characterize the rest of the rezoning area. The applicant had originally proposed Subdistrict B to have more restrictive density and bulk controls than for the rest of the proposed special district, to reflect the lower scaled character of the existing buildings in the proposed Subdistrict. Subdistrict B was proposed to have a maximum FAR of 5.4, bonusable to 7.2 FAR with inclusionary housing, and a maximum building height of 120 feet. Outside of Subdistrict A, the Special Hudson Square District as proposed allows for 9 FAR, bonusable to 12 FAR with inclusionary housing, and maximum building heights of 320 feet or 185 feet on a wide or narrow street respectively.

The elimination of Subdistrict B was specifically requested by the Community Board and the Borough President. Testimony throughout public review, and also before the certification of the

proposal, from the variety of stakeholders reflected strong disagreement with the premise of the original application that the area proposed to be Subdistrict B has special and unique scale and character that warranted preservation or protection by zoning.

In response to community concerns, the applicant submitted this application, N 120381(A) ZRM, that does not include a Subdistrict B. There is no change to the proposed Subdistrict A and its special use and bulk controls. The area formerly proposed to be Subdistrict B would be subject to the same zoning controls with regard to use and bulk as the rest of the proposed Special district, outside of Subdistrict A.

### **Zoning Map Amendment, (C 120380 ZMM)**

The proposed Zoning Map amendment would map the Special Hudson Square District over all or portions of eighteen blocks generally bounded by West Houston Street to the north, Canal Street to the south, Greenwich Street to the west and Sixth Avenue to the east. As mentioned above and pursuant to the proposed related zoning text amendment, the proposed rezoning area, with the exception of the proposed Subdistrict A, would also be located within an Inclusionary Housing designated area.

The existing M1-6 zoning district is a high-density manufacturing district that allows 10.0 FAR for manufacturing and commercial uses and a limited number of community facility uses.

As described in the related application (N 120381(A) ZRM), the proposed Special Hudson Square District rules would allow 10.0 FAR for manufacturing, commercial, community facility, and residential uses. When mapped within an Inclusionary Housing designated area, as is proposed pursuant to the related text amendment (N 120381(A) ZRM), the residential FAR is 9.0, bonusable to 12.0 through the Inclusionary Housing bonus. The proposed Special Hudson Square District also requires buildings to line up at the streetline and limits building heights to 185 feet on narrow streets and 320 feet on wide streets.

## **ENVIRONMENTAL REVIEW**

This original and modified applications (N 120381 ZRM, N 120381(A) ZMM), in conjunction with the application for the related action (C 120380 ZMM), were 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 12DCP045M. The lead agency is the City Planning Commission (CPC).

It was determined that the Department's proposal may have a significant effect on the environment. A Positive Declaration was issued on September 28, 2011, and distributed, published and filed. Together with the Positive Declaration, a Draft Scope of Work for the Draft Supplemental Environmental Impact Statement (DEIS) was issued on September 28, 2011. A public scoping meeting was held on October 27, 2011. A Final Scope of Work was issued on August 17, 2012.

A DEIS was prepared and a Notice of Completion for the DEIS was issued on August 17, 2012. On November 28, 2012, a public hearing was held on the DEIS pursuant to SEQRA and other relevant statutes. A Final Environmental Impact Statement (FEIS) reflecting the comments made during scoping and the public hearing on the DEIS was completed and a Notice of Completion for the FEIS was issued on January 11, 2013.

### **(E) Designations**

Significant adverse impacts related to hazardous materials, air quality and noise would be avoided through the placement of (E) designations on selected projected and potential development sites.

The Proposed Action would result in significant adverse impacts with respect to community facilities, open space; shadows; historic and cultural resources (archaeology); transportation (traffic and pedestrians); as well as construction impacts (related to historic and

cultural resources, and transportation (traffic and pedestrians)). With implementation of standard mitigation measures identified in the FEIS, the majority of significant adverse traffic (and construction traffic) impacts identified could be fully mitigated (except at two intersections during the weekday AM peak hour, ten intersections during the weekday PM peak hour, and four intersections during the Saturday midday peak hour). Additionally, with implementation of standard mitigation measures, all of the pedestrian related impacts (and construction-related pedestrian impacts) identified in the FEIS could be fully mitigated. Mitigation measures that could partially address the significant adverse impacts related to community facilities, open space and construction were also identified in the FEIS. The Proposed Action would result in unmitigated significant adverse shadows impacts. Regarding significant adverse impacts related to historic and cultural resources, as-of-right development that is anticipated to occur as a result of the Proposed Action on properties not controlled by the Applicant could result in unmitigated significant adverse impacts on archaeological resources. Construction of projected and potential development and enlargement sites not controlled by the Applicant could potentially result in construction-related impacts to one known resource and six potential architectural resources due to their location within 90 feet of such development and enlargement sites.

In addition, the FEIS analyzed a modification to the proposed zoning text amendment (ULURP No. 120381(A) ZRM), and other potential modifications to the Proposed Action. These actions would result in similar significant adverse impacts as the Proposed Action, except in the areas of transportation (transit and traffic). These additional impacts related to transit and traffic would remain unmitigated.

## **PUBLIC REVIEW**

The application (N120381ZRM) was referred to Community Board 2 and the Borough President for information and review on August 20, 2012, in accordance with the procedures for non-ULURP matters. The related action (C 120380 ZMM) was certified as complete by the Department of City Planning on August 20, 2012, and was duly referred to Community Board 2 and the Borough President in accordance with Title 62 of the Rules of the City of New York,

Section 2-02(b). On November 9, 2012, the modified application (N 120381(A) ZRM) was duly referred to Community Board 2 and the Borough President pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure.

### **Community Board Public Hearing**

Community Board 2 held a public hearing on the original application (N 120381 ZRM) and the related zoning map change application (C 120380 ZMM) on October 18, 2012, and on that date, by a vote of 41 in favor, 0 opposed, and 1 recusal, adopted a resolution recommending disapproval, subject to conditions relating chiefly to open space and Subdistrict B. The Community Board's recommendation concludes with the following statement:

“CB2 agrees with the goals of the proposed Special District, and welcomes the benefits of a mixed use neighborhood with a zoned public school. However, a significant rezoning of this densely built environment with very few opportunities for open space and community facilities, and the attendant pressure that an additional several thousand new residents and workers will bring, will cause negative effects on both the proposed area and the adjacent neighborhood. These effects must be mitigated in order for the proposal to be acceptable.

For the reasons outlined above, CB2 recommends denial of this ULURP application as it does not meet the CEQR standards for open space. If the required open space mitigation is provided and Subdistrict B is removed, CB2 supports this rezoning but emphasizes that the other mitigations outlined in this resolution are also critically important, including our recommended height restrictions and the landmarking of the proposed South Village Historic District, and must be enacted.”

### **Borough President Recommendation**

The original and modified applications (N 120381 ZRM and N 120381(A) ZRM), in conjunction with the related application (C 120380 ZMM), were considered by the President of the Borough of Manhattan, who issued a recommendation on November 26, 2012, approving the application, subject to the following conditions:

- “Reduce the height on the avenues to 290 feet by widening the proposed tower portion on the base to 175 feet wide, and require an additional setback for the portion of the tower greater than 120 feet wide;
- Continue to pursue alternative language, which would eliminate Subdistrict B and allow it to follow the rules of the rest of the special district;
- Remove the hotel special permit expiration, which would strengthen the special district;

- Continue to work with the Borough President’s office and the community to identify open space opportunities;
- Work with the community on the design of Duarte Square Park;
- Encourage the SCA to meet the needs and concerns of the community in planning the school;
- Work with the SCA/DOE to ensure public access to the school’s playground and other facilities during non-school hours.

And in addition that the applicants and the City are urged to continue to work on:

- Creating a special permit to allow appropriate modification of the mid-block heights; and
- Urging Landmarks Preservation Commission to calendar proposed South Village Historic District.”

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

On November 14, 2012 (Calendar No. 4), the City Planning Commission scheduled November 28, 2012, for a public hearing on this and the related applications (N 120381 ZRM and C120380ZMM). The hearing was duly held on November 28, 2012 (Calendar No. 16), in conjunction with the public hearings on the related actions (N120381ZRM and C 120380 ZMM).

There were 35 speakers in favor and 25 speakers in opposition.

Three of the applicant’s representatives spoke in favor of the applications and described the area and proposed rezoning. A representative of Trinity Real Estate spoke of how the area had become a successful commercial area but was devoid of activity outside of traditional daytime business hours, and that the goals of the rezoning are to strengthen the existing commercial district and foster a more mixed-use, around-the-clock neighborhood. The applicant spoke of the multi-year effort in developing the rezoning proposal with input from area stakeholders. Another representative described the proposed zoning regulations in detail and presented a rationale for those regulations in support of the overall mixed-use goals of the applicant for the neighborhood. A representative of the architectural and urban design consulting firm for the applicant spoke about the proposal’s bulk regulations, and how the proposed rules addressed the project area’s existing context.

Other speakers in favor of the proposed project included the Director of Land Use for the Manhattan Borough President, who re-iterated the Borough President’s recommendation for

approval with conditions. The President of the Hudson Square Connection, the local business improvement district, spoke of that organization's intent to improve public spaces throughout the district and advocated for the rationale of providing improvements to increasingly varied area stakeholders, which it hoped would include many new residents not just workers.

Representatives of the Regional Plan Association, the Real Estate Board of New York, the Service Employees International Union, the Association for a Better New York and the Archdiocese of New York conveyed their organizations' support for either or both of the applicant's proposal and the modified proposal. A number of other speakers, including residents of the affected and nearby properties, local business owners and representatives of the development community expressed their support for the project, in some cases specifically citing support for the modified proposal only.

Three members of Community Board 2 spoke in opposition to the application. The Chairperson of Community Board 2 reiterated the board's unanimous conditional disapproval of the application subject to two priority conditions as described in the resolution: addressing the need for additional open space resources and the elimination of the proposed Subdistrict B. He highlighted the high level of engagement on the part of his Board and community and the broad consensus over the two main conditions related to open space and Subdistrict B. The Chairperson of the Land Use committee of Community Board 2 spoke focusing on the proposed maximum building heights which she described as too tall. She also cited another key recommendation in the Community Board's resolution, which was the historic district designation of the South Village area, located adjacent and outside of the proposed Special district. The Chairperson of the Community Board Parks Committee spoke of the lack of open space in the area, particularly active open space, and expressed concerns that partial mitigation had not yet been identified.

Other speakers in opposition included the State Assembly Member for the 66<sup>th</sup> Assembly District; representatives of the U.S. Congressional District Member and New York State Senator of the 29<sup>th</sup> State Senate District; representatives of the Greenwich Village Society for Historic Preservation and Historic Districts Council; representatives of individual site owners within the proposed district; and other affected neighborhood residents.

At the public hearing, several topics emerged as prominent: elimination of Subdistrict B as

requested in the Community Board and Borough President recommendations, open space mitigation, maximum building height on a wide street, maximum building height on narrow streets, a request to allow conversion of storage space in a qualifying building without replacement requirement, and the grandfathering of a project currently in review at the Department of Buildings.

There was a significant amount of testimony in support for the elimination of Subdistrict B. It was specifically requested by the Community Board and the Borough President's representative. It was also noted at the hearing that the elimination of Subdistrict B had been requested by several area stakeholders even before the proposal's environmental Scoping Session which had led the applicant to study an alternative in the DEIS and to submit of the A text application reflecting the elimination of Subdistrict B.

There was also a significant amount of testimony on the lack of open space in the area, active recreation space in particular, and frustration that open space mitigations had not yet been identified by the applicant. Several ideas were offered by various speakers including a new recreational facility at Duarte Square in the same building to house the new public school; improvements to SoHo Square; improvements to the pedestrian crossing to the Hudson River Park at Spring Street; improvements to the DEP Water Tunnel site at Hudson and Clarkson streets; and improvements to the Dapolito Recreation Center, an existing recreation facility operated by the Parks Department at Varick and Clarkson streets.

Several speakers testified on the proposed maximum building heights on wide and narrow streets. Speakers testifying on behalf of the Community Board recommended a reduction in building height on wide streets from 320 feet to 250 feet. The Borough President's representative recommended a reduction in building height from 320 feet to 290 feet. Several speakers, mostly property owners, testified that the proposed maximum building height on narrow streets was too low, and should be raised from 185 feet to 210 feet or above. Representatives for another property owner requested an allowance for sites on narrow blocks, or less than 180 feet in the north-south dimension, to waive height and setback regulations. That speaker also requested that conversion of a qualifying building from storage use to residential use should not be required to replace the non-residential floor area.

A land use attorney and architect representing 161 Avenue of the Americas/233 Spring Street requested a grandfathering of plans to renovate two existing buildings in a way that would not comply with the proposed streetwall requirement as it would require a nineteen foot wide false façade between the buildings and result in less efficient floor plates.

## **CONSIDERATION**

The Commission believes that this application for a zoning text amendment (N 120381(A) ZRM), as modified herein, in conjunction with the related application for a zoning map amendment (C120380 ZMM), is appropriate.

Over the past few decades, Hudson Square has evolved from a manufacturing and warehousing district into an important center of Class B and C commercial office space housing diverse sectors of New York City's economy. Hudson Square is now home to many established and emerging companies in design, media, non-profit, architecture, digital technology, and other services that are attracted to the more affordable rents, the central location, and excellent transportation. While there has been notable commercial investment and job growth in Hudson Square, the area faces challenges that prevent it from fulfilling its potential to becoming a dynamic round-the-clock mixed use district. Residential use is prohibited in the existing M1-6 district and there are only a few hundred residential units in the area. The absence of a residential population results in sparse activity and street life in the evenings and weekends. The existing zoning, which has no height limits and no requirement for continuous streetwalls has encouraged the development of hotels with setbacks at the streetline and building heights that are out of character with the surrounding context. Current zoning also prohibits certain cultural and educational uses that could serve residential and worker populations. Absent new zoning, Hudson Square is likely to continue to see out of character hotel development and lack of neighborhood retail and services.

The Commission believes that the applicant's proposed zoning text and map amendments establishing the Special Hudson Square District represent a timely and comprehensive zoning strategy that will enhance, activate and strengthen the Hudson Square neighborhood by

permitting a broader range of uses while strengthening the area's commercial base and existing built character.

The Commission notes that the bulk and use provisions of the Special Hudson Square District are based largely on the M1-6D zoning district, a relatively new zoning district proposed by the Department of City Planning and approved by the City Council in 2011. The M1-6D was created to facilitate the transition of former manufacturing districts in high density areas into dynamic mixed-use neighborhoods through the preservation of existing concentrations of commercial office space and light industrial space, coupled with the introduction of contextual, infill residential development and ground floor retail.

While the Commission commends the applicant's tailoring of the M1-6D zoning district to match the unique needs of the Special Hudson Square District and supports this zoning framework to encourage appropriately scaled mixed-use development in Hudson Square, the Commission has identified several aspects of the proposal that warrant modification. These modifications pertain to the proposed bulk regulations and relate specifically to provisions regarding the maximum building height on wide streets, the need for a special permit to allow modification of height and setback regulations for sites on narrow blocks, as well as the grandfathering of a project in progress for building renovation that would not meet streetwall requirements of the new zoning.

## **Text Amendment**

### ***Use Regulations***

#### ***Qualifying Buildings***

The Commission recognizes the importance of Hudson Square as a key provider of Class B and C office space, offering more affordable space to businesses that add to the diversity, vitality, and resilience of New York City's economy. Enhancing the area's role as a key reservoir of commercial space that will continue to attract new businesses and allow existing ones to expand is an important goal of the Special Hudson Square District.

To preserve the existing commercial uses within the rezoning area, the proposed special district would prohibit the creation of new residential use on zoning lots that contain 70,000 square feet or more of non-residential floor area (“a qualifying building”), unless the non-residential floor area is replaced on the zoning lot on a one-for one basis.

The Commission believes that the requirement for replacement of non-residential floor area in “qualifying buildings” is a powerful tool to help protect office space resources in Hudson Square. The Commission notes that under the proposed zoning, only lots that contain less than 70,000 square feet will be allowed to develop or convert to residential use as-of-right without the replacement requirement. The Commission believes that this approach will result in housing development focused on underutilized sites, while preserving existing concentrations of commercial and light industrial space.

During the public review process, the Commission heard testimony from a representative of an area property owner who argued that an existing building larger than 70,000 square feet that is currently used for storage should be excluded from the definition of qualifying building. This exemption would mean that the building could be converted to residential use without the obligation to replace the non-residential floor area. The Commission believes there is no basis for this special exemption of storage use, and that all non-residential floor area must be replaced in the case of a proposed demolition or conversion of a qualifying building. Further, the physical characteristics of buildings being used for storage are similar to other non-residential buildings in the area, and there is no basis to draw a distinction based solely on current use.

### *Housing*

The Commission believes that the introduction of new residential use in the manner allowed under the regulations would complement the existing commercial uses and be greatly beneficial for the Hudson Square neighborhood. As noted earlier, growth of the residential population in Hudson Square would bring with it an increase in the quantity and variety of retail and neighborhood services, and increased vibrancy of streetlife especially on weekends and in the evenings.

The Commission notes in particular that the proposed Hudson Square/M1-6 district would encourage housing development in a controlled manner by directing housing development to sites via the “qualifying building” restriction.

The Commission is pleased that the Inclusionary Housing program is part of the Special Hudson Square District, and believes that pairing the district with an inclusionary housing designated area is an effective way to facilitate housing development, both at market and affordable levels. The Commission strongly believes that the availability of affordable housing units that attract a broader mix of incomes is an essential component to the health and vibrancy of the neighborhood. Lastly, the Commission notes its support for the adjustment to the standard inclusionary housing formula in order to avoid penalizing mixed use developments. The adjustment would allow calculation of the amount of affordable housing required to be based on the total proposed residential floor area of a mixed-use building, rather than on the total amount of floor area for all uses.

### *Hotels*

The Special Hudson Square District includes a zoning special permit requirement for hotels with more than 100 rooms, whether in new construction or conversion. While hotels are compatible and desirable in mixed-use, predominantly commercial districts, given that a key purpose of the Hudson Square zoning is to encourage residential growth and that there have been numerous new hotels constructed in the recent years, the Commission believes that the special review of new large hotels is warranted. The Commission notes that once 2,255 residential units (or three quarters of the projected residential units) are developed, the special permit would “sunset” and development of new hotels would then be allowed as-of-right. In the case of conversion to hotel use in qualifying buildings, the special permit requirement would not sunset. The commercial floor area replacement requirement for conversions of qualifying buildings to hotel use would be permanently required, although the replacement floor area could be provided at locations within the special district other than the same lot as the hotel conversion. The proposed special permit for hotels with more than 100 rooms would make it more likely that the underutilized sites would be developed with residential uses and provide an effective way to ensure the goals of the housing development are met. The Commission further notes that unlike current rules where

hotels are out of character with the built context, in the future when permitted, hotels would be subject to the new height and setback regulations limiting height and requiring streetwall development.

During public review, the Commission heard testimony recommending that the special permit for large, new construction hotels be required in perpetuity, and not sunset once the residential goal is achieved. The Commission does not believe that there is a justification for a permanent special permit requirement. Once residential growth in the form of 75% of the projected housing units is achieved, hotels should be allowed as-of-right as is the case in other mixed use districts.

### *Ground Floor Retail*

The Commission supports the proposed ground floor regulations in Hudson Square. The purpose of these regulations is to promote “active” street frontages. At least 50% of the ground floor street frontage is required to be occupied by retail use, and at least 50% of the ground floor streetwall is required to be transparent. There would also be a restriction on the maximum amount of floor area occupied on the ground floor of 10,000 square feet per establishment, except in the case of food stores. This ground floor size restriction allows for a greater variety and number of retailers with ground floor frontage. These provisions work together to ensure a more vibrant streetscape and pedestrian experience in Hudson Square.

### *Bulk Regulations*

Much of the building stock in Hudson Square consists of pre-war loft style buildings with strong, high street walls. More recent developments, chiefly new hotel construction, which step away from the streetline and in some cases are built to an excessive height, do not successfully integrate into the neighborhood’s predominant built form. The Commission believes that special bulk regulations to limit building heights and require buildings to line up at the streetline are critical for Hudson Square.

### *Subdistrict A and Eliminated Subdistrict B*

At the time of the original filing on May 30, 2012, the applicant had included two subdistricts within the Special Hudson Square District: Subdistrict A and Subdistrict B. Subdistrict A comprises one block bounded by Canal Street, Grand Street, Varick Street, and Avenue of the Americas. One development site, also known as “Duarte Square,” controlled by the applicant, is located in Subdistrict A. Subdistrict A would allow for a maximum building height limit of 430 feet and include special envelope controls to shape a distinct mixed-use building located at this prominent location. The maximum FAR for non-residential use would be 10 FAR; for mixed buildings, the base FAR would be reduced from 10 to 9 FAR, which could then be increased an additional 0.25 FAR for each 1 FAR of non-residential use provided. Additionally, any space constructed for and used by a public school in Subdistrict A would be exempt from the definition of floor area. The Commission believes that the special provisions for Subdistrict A, which sits uniquely at the intersection of several major streets and at the meeting point of three neighborhoods, Hudson Square, Tribeca and Soho, are appropriate. The Commission is pleased that the applicant has committed to construct the core and shell of a new 444-seat public school at the Duarte Square development site, pursuant to the terms of a Restrictive Declaration.

The Commission acknowledges the appropriateness of the elimination of Subdistrict B by the applicant. Subdistrict B would have placed unduly restrictive density and bulk controls on an area that does not warrant controls that are different than what is proposed for the rest of the Special Hudson Square District outside of Subdistrict A. While there are smaller lots and buildings within the area proposed in the original application to be Subdistrict B, the Commission notes that among other things, the majority of property fronts directly on either Varick Street, a wide street, or onto the Holland Tunnel entrance plaza, or both. The Commission is pleased that based on the recommendations of both the Community Board and Borough President and by many of those testifying in opposition, the modified application eliminates Subdistrict B from the proposed zoning text amendment.

#### *Maximum building heights*

The Special Hudson Square District includes regulations governing maximum building height and required streetwalls, different for wide streets and narrow streets in order to ensure that new development will be responsive and character with the existing context. For wide streets, the

applicant proposed a maximum building height of 320 feet and a required streetwall base height between 125 feet and 150 feet. For narrow streets, the maximum building height is proposed to be 185 feet, with a required streetwall base height between 60 feet and 125 feet.

During its public review, the Commission received testimony requesting changes to the maximum building heights for both wide and narrow streets.

The Community Board recommended that the maximum building height on wide streets be reduced by seventy feet from 320 feet to 250 feet. The Commission believes that a maximum building height of 250 on a wide street is too restrictive and, given the need for high floor to ceiling heights for new office space, would be inconsistent with a goal of the district to encourage the new commercial space.

The Manhattan Borough President also recommended a reduction in maximum building height for buildings on a wide street, from 320 feet to 290 feet. The Borough President's recommendation for a thirty foot reduction in maximum building height was accompanied by a recommendation to increase in the maximum width of the tower above the base, from 150 to 175 feet, provided that there be adequate articulation and relief in the tower massing. The Commission supports the Borough President's recommendation and believes these adjustments to the proposed bulk regulations for wide streets will result in buildings that are more responsive to the surrounding context, while continuing to meet the needs of new office development. Accordingly, the Commission herein modifies the application to reduce the maximum building height on wide streets from 320 feet to 290 feet, and to increase the maximum width of the tower portion to 175 feet, provided that the tower is interrupted by a recess in order to "break up" perceived horizontal dimension of the tower.

During the public review process the Commission also heard testimony recommending an increase in the maximum building height for sites on narrow streets. Several property owners testified that the proposed midblock height limit on narrow streets should be raised from 185 feet to 210 feet or above. Some speakers stated that the 185 foot height limit is not sufficient to accommodate the maximum FAR that can be achieved with the inclusionary housing bonus.

Some speakers directed the Commission's attention to the recently adopted M1-6D district, which allows up to 210 feet in the midblock.

The Commission encourages all new developments to utilize the maximum inclusionary housing bonus and has carefully considered the testimony of property owners with respect to achieving 12 FAR on midblock sites, which shows that one site may not be able to achieve the full 12 FAR on its site. The Commission notes further that there are major differences between Hudson Square and the M1-6D in the Penn South area that some speakers referred to. Unlike in the Penn South area, Hudson Square has relatively short blocks in the east-west dimension. The blocks are only 400 feet long, rather than 600 or 800 feet in midtown. Also, Hudson Square is not immediately adjacent to the skyscrapers of a regional central business district. The Commission believes the proposed maximum building height of 185 feet on a narrow street is appropriate for Hudson Square and does not support an increase in height as a matter of right.

However, the Commission believes that allowing waivers of height and setback regulations on certain sites would be appropriate. The Commission has considered, and the EIS studied, a special permit to allow midblock sites on narrow blocks to seek modifications to height and setback. This special permit would allow for some modification to height and setback regulations, but with a limitation on maximum building height to 210 feet and an enhanced street wall requirement that mandates that the street wall be located at the street line for the entire width of the zoning lot. The Commission believes this special permit is appropriate to take into account potential constraints resulting from the narrowness of certain blocks, and herein modifies the application to include the special permit provision for midblock sites on narrow blocks.

Finally, with respect to bulk controls, the Commission heard testimony at the hearing from representatives of the property owner of 161 Avenue of the Americas/233 Spring Street requesting a grandfathering of plans to renovate two existing buildings in a way that would not comply with the streetwall requirement of the proposed Special Hudson Square District. The two buildings are currently separated by a 19-foot wide one-story building. The property owner has been working over the past couple years, with plans currently under review at the Department of

Buildings, to improve the two commercial buildings into one modernized commercial property. Under the proposed zoning, the property owner would have to build a false façade within the 19-foot wide gap between the two buildings to a height of 125 feet, which the Commission agrees is undesirable. In order to allow the property owner to continue with plans for the improved commercial property that are as-of-right under current zoning, the Commission modifies the application herein to include a grandfathering provision that would allow the plans for this project filed at the Department of Buildings to proceed to implementation.

### *Open Space*

Throughout the public review process, the subject of open space mitigation has been a major topic of discussion. The environmental review for the proposed action disclosed that there would be a significant adverse impact on open space, resulting from the projected increase in residential population. A significant amount of public testimony at the Commission's hearing centered around concerns about the open space impact and the need for effective mitigations.

To eliminate the impact, the proposed action would need to introduce three acres of open space, of which nearly one acre would need to be active recreation space. Given the absence of sites to develop three acres of new open space in this dense, built-up area of Manhattan, the identification of potential mitigations has focused on the improvement and enhancement of existing recreation resources. More specifically, the goal has been to identify measures that would expand the capacity of existing recreation facilities and increase year-round accessibility, in ways that appeal to a wide range of users.

At the hearing and in correspondence following, the community board outlined priorities and requests for open space mitigation, including a request for needed improvements to the Tony Dapolito Recreation Center, an existing facility run by the Parks Department. The Commission agrees that improvements to Dapolito Center provide an excellent opportunity for open space mitigation.

The Dapolito Recreation Center is located two blocks north of the rezoning area at Clarkson and Varick streets. It is a four-story recreation facility operated by the Parks Department. The center

has gymnasias, a small track, two pools –indoor and outdoor, fitness equipment, some meeting spaces, and immediate adjacency to the James J. Walker Park, which has outdoor playground and ballfields. The center currently serves 3,679 members. For a center of this size, the membership is very low. Parks believes this membership number can be significantly increased through upgrades to the existing infrastructure and configuration to make the center more inviting and usable. DPR has preliminarily identified specific projects that would make meaningful improvements to increase its usability and capacity.

In recognition of the need for mitigation, the applicant has committed to providing a monetary contribution of \$5.6 million for DPR to implement recreation space improvements at the Dapolito Center. A restrictive declaration executed by the applicant provides that this funding will be provided at the point at which the applicant seeks to obtain building permits on a site it controls, where the number of residential units it proposes to construct, in combination with the number of units previously permitted under the new regulations, exceeds 1,062 units (60% of the impact threshold). The restrictive declaration also describes the process that will be followed by Parks to identify particular improvements by Parks, in consultation with the community. Improvements may be made at locations other than Dapolito Recreation Center if DPR determines that doing so would allow for superior improvements or if upgrades to Dapolito Recreation Center are at a later date deemed impracticable. In that event, DPR would consult with the Community Board and the local Councilmember regarding the alternate improvements. The Commission believes that this approach provides a good method of addressing the need for open space mitigation.

### **Zoning Map Amendment (C120380 ZMM)**

The Commission believes that the application to rezone the subject area from M1-6 to the *M1-6/Special Hudson Square District* is appropriate. The M1-6 district to be remapped to the *M1-6/Special Hudson Square District* is generally bounded by Canal Street, Avenue of the Americas, Vandam Street, a line 100 feet east of Varick Street, West Houston Street, Greenwich Street, and Hudson Street. The map amendment would allow the provisions set forth in the related text

amendment for a new special purpose district for Hudson Square, as modified by the Commission, to apply in the subject area.

The M1-6 district was established in 1961, when printing uses were prevalent in the area the manufacturing district designation which did not allow residential use or a number of community facility uses was appropriate. The neighborhood has since changed, and manufacturing uses are no longer prevalent. The M1-6 zoning without the special district regulations is obsolete.

The mapping of the new special purpose district on Zoning Map 12a would allow for the zoning bulk, density, and use regulations set forth in the related text amendment application for a new special purpose district, Hudson Square, to apply. The special district would be superimposed over the existing M1-6 zoning district and would supplement and in some cases supersede the regulations of the underlying zoning district.

The Commission notes that the proposed map amendment also includes a correction to Zoning Map 12a to include in the M1-6/Special Hudson Square District, a portion of the western half of Avenue of the Americas and a portion of Duarte Square Park that are currently incorrectly shown on the zoning map as being part of the M1-5B district to the east.

At the public hearing, the Commission heard testimony requesting denial of the proposed Special Hudson Square District unless the City advances the speakers' requests to designate a historic district for the South Village, a neighborhood located adjacent and outside Hudson Square. The City Planning Commission notes that this action is not within the purview of this Commission.

## **Conclusion**

The City Planning Commission believes that the proposed actions, as modified herein, will serve to strengthen Hudson Square by addressing the neighborhood's significant challenges while preserving its essential character. The new zoning special district would encourage Hudson Square's evolution from an office district with little retail and low level of street activity into a

vibrant mixed use community for live, work, and play. By allowing residential use and promoting local retail and cultural activity, the new special zoning district would encourage the street life and services that it currently lacks and strengthen the area as a business district. The rezoning area would sustain the area's commercial activity and future growth. Protecting the neighborhood's large-scale commercial buildings will help ensure the continuing growth of the area's commercial sector, while also helping to preserve Hudson Square's overall character. The Commission is pleased to approve this well considered and comprehensive set of new zoning regulations for one of the Manhattan's most exciting emerging districts.

## **RESOLUTION**

**RESOLVED**, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on January 11, 2013, with respect to this application (CEQR No. 12DCP045M), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act & regulations, have been met and that:

1. Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the Proposed Action adopted herein is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, those project components related to the environment and mitigation measures that were identified as practicable as set forth in the Restrictive Declaration as executed on January 23, 2013, by the Rector, Church-Wardens and Vestrymen of Trinity Church in the City of New York, with respect to the Subject Properties, as defined therein.

This report of the City Planning Commission, together with the FEIS, constitute 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**, by the City Planning Commission, pursuant to Section 200 of the New York City Charter that based on the environmental determination, and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is to be deleted;

Matter with # # is defined in Section 12-10;

\* \* \* indicates where unchanged text appears in the Zoning Resolution

## **Article 1 General Provisions**

### **Chapter 1 Title, Establishment of Controls and Interpretation of Regulations**

\* \* \*

#### **11-12 Establishment of Districts**

\* \* \*

Establishment of the Special Hillside Preservation District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 9, the #Special Hillside Preservation District# is hereby established.

#### Establishment of the Special Hudson Square District

In order to carry out the special purposes of this Resolution as set forth in Article VIII, Chapter 8, the #Special Hudson Square District# is hereby established.

Establishment of the Special Hudson Yards District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 3, the #Special Hudson Yards District# is hereby established.

\* \* \*

**Chapter 2  
Construction of Language and Definitions**

\* \* \*

**12-10  
Definitions**

\* \* \*

**Special Hillside Preservation District (2/2/11)**

The "Special Hillside Preservation District" is a Special Purpose District mapped in Staten Island designated by the letters "HS" in which special regulations set forth in Article XI, Chapter 9, apply.

Special Hudson Square District

The #Special Hudson Square District# is a Special Purpose District designated by the letters "HSQ", in which special regulations set forth in Article VIII, Chapter 8, apply.

**Special Hudson Yards District (2/2/11)**

The "Special Hudson Yards District" is a Special Purpose District designated by the letters "HY" in which special regulations set forth in Article IX, Chapter 3, apply.

\* \* \*

**Article VII – Administration**

\* \* \*

**Chapter 3 - Special Permits by the Board of Standards and Appeals**

\* \* \*

**73-244**

**In C2, C3, C4\*, C6-4\*\*, M1-5A, M1-5B, M1-5M and M1-6M Districts, the Special Hudson Square District and the Special Tribeca Mixed Use District**

In C2, C3, C4\*, C6-4\*\*, M1-5A, M1-5B, M1-5M and M1-6M Districts, the Special Hudson Square District and the #Special Tribeca Mixed Use District#, the Board of Standards and Appeals may permit eating or drinking establishments with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing, for a term not to exceed three years, provided that the following findings are made:

- (a) that a minimum of four square feet of waiting area within the #zoning lot# shall be provided for each person permitted under the occupant capacity as determined by the New York City Building Code. The required waiting area shall be in an enclosed lobby and shall not include space occupied by stairs, corridors or restrooms. A plan shall be provided to the Board to ensure that the operation of the establishment will not result in the gathering of crowds or the formation of lines on the #street#;
- (b) that the entrance to such #use# shall be a minimum of 100 feet from the nearest #Residence District# boundary;
- (c) that such #use# will not cause undue vehicular or pedestrian congestion in local #streets#;
- (d) that such #use# will not impair the character or the future use or development of the surrounding residential or mixed use neighborhoods;
- (e) that such #use# will not cause the sound level in any affected conforming #residential use#, #joint living-work quarters for artists# or #loft dwelling# to exceed the limits set forth in any applicable provision of the New York City Noise Control Code; and
- (f) that the application is made jointly by the owner of the #building# and the operators of such eating or drinking establishment.

The Board shall prescribe appropriate controls to minimize adverse effects on the character of the surrounding area, including, but not limited to, location of entrances and operable windows, provision of sound-lock vestibules, specification of acoustical insulation, maximum size of establishment, kinds of amplification of musical instruments or voices, shielding of flood lights, adequate screening, curb cuts or parking.

Any violation of the terms of a special permit may be grounds for its revocation.

- \* In C4 Districts where such #use# is within 100 feet from a #Residence District# boundary
- \*\* In C6-4 Districts mapped within that portion of Community District 5, Manhattan, bounded by West 22nd Street, a line 100 feet west of Fifth Avenue, a line midway between West 16th Street and West 17th Street, and a line 100 feet east of Sixth Avenue

\* \* \*

**Article VIII - Special Purpose Districts**

\* \* \*

**Chapter 8**  
**Special Hudson Square District**

**88-00**  
**GENERAL PURPOSES**

The Special Hudson Square District established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) support the growth of a mixed residential, commercial and industrial neighborhood by permitting expansion and new development of residential, commercial and community facility uses while promoting the retention of commercial uses and light manufacturing uses;
- (b) recognize and enhance the vitality and character of the neighborhood for workers and residents;
- (c) encourage the development of buildings compatible with existing development;
- (d) regulate conversion of buildings while preserving continued manufacturing or commercial use;
- (e) encourage the development of affordable housing;
- (f) promote the opportunity for workers to live in the vicinity of their work;
- (g) retain jobs within New York City; and
- (h) promote the most desirable use of land in accordance with a well-considered plan and thus conserve the value of land and buildings, and thereby protect City tax revenues.

**88-01**  
**Definitions**

Definitions specifically applicable to this Chapter are set forth in this Section. The definitions of other defined terms are set forth in Section 12-10 (DEFINITIONS).

Qualifying building

For the purposes of this Chapter, a “qualifying #building#” shall be any #building# that contained at least 70,000 square feet of #floor area# on (date of referral).

## **88-02**

### **General Provisions**

In harmony with the general purposes and intent of this Resolution and the general purposes of the #Special Hudson Square District#, the provisions of this Chapter shall apply within the #Special Hudson Square District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

## **88-03**

### **District Plan and Maps**

The regulations of this Chapter are designed to implement the #Special Hudson Square District# Plan.

The District Plan includes the following map in the Appendix to this Chapter:

#### Map 1 Special Hudson Square District and Subdistrict

This map is hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in this Chapter apply.

## **88-04**

### **Subdistricts**

In order to carry out the purposes and provisions of this Chapter, the following subdistrict is established:

#### Subdistrict A

The Subdistrict is specified on Map 1 (Special Hudson Square District and Subdistrict) in the Appendix to this Chapter.

## **88-05**

### **Applicability of District Regulations**

#### **88-051**

### **Applicability of Article I, Chapter 5**

The conversion to #dwelling units# of non-#residential buildings# erected prior to January 1, 1977, or portions thereof, shall be permitted subject to Sections 15-11 (Bulk Regulations), 15-12

(Open Space Equivalent) and 15-30 (Minor Modifications), paragraph (b), except as superseded or modified by the provisions of this Chapter.

## **88-052**

### **Applicability of district bulk regulations to certain enlargements**

Notwithstanding any of the provisions of Section 11-33 (Building Permits for Minor or Major Development or Other Construction Issued Before Effective Date of Amendment), for the #enlargement# of a #building# which is the subject of Department of Buildings application number 121326742 filed on December 3, 2012, to create a single commercial development, such #enlarged building# shall not be subject to the height and setback regulations of Section 88-33, paragraph (b), and may continue, provided that a building permit has been issued for such commercial development within two years of (date of adoption). In addition, should the #zoning lot# which is the subject of the above-referenced Department of Buildings application merge with an adjacent #zoning lot# containing #wide street# frontage on Sixth Avenue, such a #zoning lot# merger and the subsequent combining of adjacent #buildings# shall not be deemed to create a new #non-compliance#, nor an increase in the degree of #non-compliance# in regards to Section 88-33, paragraph (b)(4), (Maximum length of street wall).

## **88-10**

### **SUPPLEMENTAL USE REGULATIONS**

All permitted #uses# in the underlying districts, as set forth in Section 42-10 (USES PERMITTED AS-OF-RIGHT), shall comply with the provisions set forth in this Section, inclusive.

## **88-11**

### **Residential Use**

#Residential use# shall be permitted in accordance with the provisions of this Section.

#### (a) Residential use as-of-right

#Residential use# shall be permitted as-of-right on any #zoning lot# that, on (date of referral), was not occupied by a qualifying #building#. As a condition to receiving a building permit, such absence of a qualifying #building# on the #zoning lot# must be demonstrated to the satisfaction of the Department of Buildings.

#### (b) Residential use by certification

#Residential use# shall be permitted on a #zoning lot# that, on (date of referral), was occupied by one or more qualifying #buildings#, only upon certification by the Chairperson of the City Planning Commission that the #zoning lot#, as it existed on (date of referral), will contain at least the amount of non-#residential floor area# that existed

within such qualifying #buildings# on the zoning lot on (date of referral), subject to the following:

- (1) non-#residential floor area# that is preserved within existing non-qualifying #buildings# on the #zoning lot# through restrictive declaration may count toward meeting the requirements of this certification; and
- (2) #floor area# from #community facility uses# with sleeping accommodations shall not count toward meeting the requirements of this certification.

However, non-#residential floor area# converted to #residential# vertical circulation space and lobby space need not be replaced as non-#residential floor area#.

A restrictive declaration acceptable to the Department of City Planning shall be executed and recorded, binding the owners, successors and assigns to maintain the amount of non-#residential floor area# that existed within such qualifying #buildings# on (date of referral) on the #zoning lot#. Such restrictive declaration shall be recorded in the Office of the City Register. A copy of such declaration shall be provided to the Department of Buildings upon application for any building permit related to a change in #use# from non-#residential# to #residential#, or for any #development# containing #residences#.

## **88-12**

### **Community Facility Use**

The #community facility use# regulations applicable in M1 Districts shall not apply in the #Special Hudson Square District#. In lieu thereof, all #community facility uses# listed in Use Groups 3 and 4 shall be permitted, except that #community facilities# with sleeping accommodations shall only be permitted in accordance with paragraphs (a) or (b) of this Section, as applicable.

- (a) #Community facilities# with sleeping accommodations shall be permitted as-of-right on any #zoning lot# that, on (date of referral), was not occupied by a qualifying #building#. As a condition to receiving a building permit, such absence of a qualifying #building# on the #zoning lot# shall be demonstrated to the satisfaction of the Department of Buildings.
- (b) #Community facilities# with sleeping accommodations shall be permitted on a #zoning lot# that, on (date of referral), was occupied by one or more qualifying #buildings#, only upon certification by the Chairperson of the City Planning Commission that the #zoning lot# will contain at least the amount of non-#residential floor area# that existed within qualifying #buildings# on the zoning lot on (date of referral), subject to the following:
  - (1) non-#residential floor area# that is preserved within existing non-qualifying #buildings# on the #zoning lot# through restrictive declaration may count toward meeting the requirements of this certification; and

- (2) #floor area# from #community facility uses# with sleeping accommodations shall not count toward meeting the requirements of this certification.

However, non-#residential floor area# converted to vertical circulation and lobby space associated with a #community facility# with sleeping accommodations need not be replaced as non-#residential floor area#.

A restrictive declaration acceptable to the Department of City Planning shall be executed and recorded, binding the owners, successors and assigns to maintain the amount of non-#residential floor area# that existed within such qualifying #buildings# on (date of referral) on the #zoning lot#. Such restrictive declaration shall be recorded in the Office of the City Register. A copy of such declaration shall be provided to the Department of Buildings upon application for any building permit related to a change in #use# from non-#residential# to #community facility uses# with sleeping accommodations, or for any #development# containing #community facility uses# with sleeping accommodations.

- (c) Ground floor #community facility uses# shall be subject to the streetscape provisions set forth in Section 88-131 (Streetscape Provisions).

### **88-13**

#### **Commercial Use**

The #commercial use# regulations applicable in M1 Districts shall apply in the #Special Hudson Square District#, except that:

- (a) food stores, including supermarkets, grocery stores, or delicatessen stores, shall not be limited as to the size of the establishment;
- (b) #uses# listed in Use Group 6A, other than food stores, Use Groups 6C, pursuant to Section 42-13, 6E, 10 and 12B, shall be limited to 10,000 square feet of #floor area# at the ground floor level, per establishment. Portions of such establishments located above or below ground floor level shall not be limited in size;
- (c) ground floor #commercial uses# shall be subject to special streetscape provisions set forth in Section 88-131 (Streetscape provisions);
- (d) #commercial uses# permitted in M1 Districts shall be subject to the modifications set forth in Section 123-22 (Modification of Use Groups 16, 17 and 18), inclusive;
- (e) #transient hotels# shall be allowed, except that:
- (1) #development# or #enlargement# of #transient hotels# with greater than 100 sleeping units on #zoning lots# where #residential use# is permitted as-of-right, in accordance with paragraph (a) of Section 88-11, shall only be allowed upon certification by the Chairperson of the City Planning Commission to the

Commissioner of Buildings that the “residential development goal” has been met for the #Special Hudson Square District# as set forth in this paragraph, (e)(1), or, where such “residential development goal” has not been met, by special permit pursuant to Section 88-132 (Special permit for large transient hotels):

#### Residential Development Goal

The residential development goal shall be met when at least 2,255 #dwelling units#, permitted pursuant to the provisions of Section 88-11 (Residential Use), within the #Special Hudson Square District# have received temporary or final certificates of occupancy subsequent to [date of enactment].

- (2) A change of #use# within a qualifying #building# to a #transient hotel# with greater than 100 sleeping units shall only be allowed by special permit, pursuant to Section 88-132;
- (f) eating or drinking establishments with entertainment and a capacity of more than 200 persons, or establishments of any capacity with dancing, are permitted only by special permit of the Board of Standards and Appeals, pursuant to Section 73-244.

#### **88-131** **Streetscape provisions**

For #zoning lots# with #street# frontage of 50 feet or more, the location of certain #uses# shall be subject to the following #use# requirements:

- (a) For #uses# located on the ground floor or within five feet of #curb level#, limited to Use Groups 6A, 6C, 7B, 8A, 8B, 9A, 10A, 12A and 12B, shall have a depth of at least 30 feet from the #building wall# facing the #street# and shall extend along a minimum of 50 percent of the width of the #street# frontage of the #zoning lot#.
- (b) The remainder of the #street# frontage of the #zoning lot# may be occupied by any permitted #uses#, lobbies or entrances to parking spaces, except that lobbies shall be limited to a total width of 40 feet per #street# frontage. The 30 foot minimum depth requirement shall not apply where a reduction in such depth is necessary in order to accommodate a #residential lobby# or vertical circulation core.
- (c) In Subdistrict A, for portions of a #building# bounding a #public park#, the ground floor #use# requirements of paragraph (a) of this Section shall apply to 100 percent of the width of the #street# frontage of the #zoning lot#, and #residential# lobbies and #schools# shall be permitted #uses# on the ground floor for purposes of compliance with paragraph (a) of this Section.

For #zoning lots# with #street frontage# of less than 50 feet, no special ground floor #use# requirements shall apply.

Enclosed parking spaces, or parking spaces covered by a #building#, including such spaces #accessory# to #residences#, shall be permitted to occupy the ground floor provided they are located beyond 30 feet from the #building wall# facing the #street#.

Any ground floor #street wall# of a #development# or #enlargement# that contains #uses# listed in Use Groups 1 through 15, not including #dwelling units#, shall be glazed with transparent materials which may include #show windows#, transom windows or glazed portions of doors, provided such transparent materials have a minimum width of two feet. Such transparency shall occupy at least 50 percent of the surface area of each such ground floor #street wall# between a height of two feet, and 12 feet or the height of the ground floor ceiling, whichever is higher, as measured from the adjoining sidewalk. The lowest level of any transparency that is provided to satisfy the requirements of this Section shall not be higher than four feet above the #curb level#, with the exception of transom windows. In addition, the maximum width of a portion of the ground floor level #street wall# without transparency shall not exceed ten feet. However, where an entrance to a parking facility is provided, the requirements of this Section shall not apply to that portion of the ground floor #street wall# occupied by such an entrance.

## **88-132**

### **Special permit for large transient hotels**

(a) Developments or enlargements

In the #Special Hudson Square District#, prior to the “residential development goal” set forth in paragraph (f) of Section 88-13 (Commercial Use) having been achieved, the City Planning Commission may permit #developments# or #enlargements# of #transient hotels# with greater than 100 sleeping units on #zoning lots# where #residential use# is permitted as-of-right, in accordance with paragraph (a) of Section 88-11 (Residential Use), provided the Commission finds that:

- (1) sufficient development sites are available in the area to meet the “residential development goal”; or
- (2) a harmonious mix of #residential# and non-#residential uses# has been established in the surrounding area, and such #transient hotel# resulting from a #development# or #enlargement# is consistent with the character of such surrounding area.

(b) Changes of use

In the #Special Hudson Square District#, the City Planning Commission may permit the change of #use# of #floor area# within qualifying #buildings# to a Use Group 5 #transient hotel# with greater than 100 sleeping units provided that, at minimum, the amount of #floor area# changed to such #transient hotel# is:

- (1) preserved for Use Group 6B office #use# within a qualifying #building# located within the #Special Hudson Square District#, or
- (2) created for Use Group 6B office #use# within a #building developed# after (date of referral), or within the #enlarged# portion of a #building#, where such #enlargement# was constructed within one year of the date an application pursuant to this Section is filed with the Department of City Planning (DCP). Such #developed# or #enlarged buildings# may be located anywhere within the #Special Hudson Square District#, and shall have either temporary or final certificates of occupancy for Use Group 6B office #use#.

In order to permit such change of #use#, the Commission shall find that the proposed #transient hotel# is so located as not to impair the essential character, or the future use or development, of the surrounding area.

A restrictive declaration acceptable to the DCP shall be executed and recorded, binding the owners, successors and assigns to preserve an amount of Use Group 6B office #use# within a qualifying #building#, or created within a #development# or #enlargement#, as applicable. Such restrictive declaration shall be recorded in the Office of the City Register. A copy of such declaration shall be provided to the Department of Buildings upon application for any building permit related to a change in #use# from Use Group 6B office #use# to any other #use#.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

#### **88-14** **Manufacturing Use**

In the #Special Hudson Square District#, #manufacturing uses# permitted in M1 Districts shall be subject to the modifications set forth in Section 123-22 (Modification of Use Groups 16, 17 and 18), inclusive.

#### **88-20** **SIGN REGULATIONS**

In the #Special Hudson Square District#, #signs# are subject to the regulations applicable in C6-4 Districts, as set forth in Section 32-60, inclusive.

## **88-30**

### **SPECIAL BULK REGULATIONS**

Except as modified in this Chapter, the following bulk regulations shall apply:

- (a) For #developments#, #enlargements#, or changes of #use# containing #residences#, the #bulk# regulations of an R10 District, as set forth in Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts) shall apply;
  
- (b) For #developments#, #enlargements#, or changes of #use# containing #manufacturing#, #commercial# or #community facility uses#, the #bulk# regulations set forth in Article IV, Chapter 3 (Bulk Regulations), shall apply.

For the purposes of applying the regulations of this Section, Greenwich Street shall be a #wide street#.

## **88-31**

### **Floor Area Regulations**

Except in Subdistrict A, the maximum #floor area# ratio for #zoning lots# that do not contain #residences# shall be 10.0; no #floor area# bonuses shall apply.

The maximum base #floor area ratio# for #zoning lots# that contain #residences# shall be 9.0 plus an amount equal to 0.25 times the non-#residential floor area ratio# provided on the #zoning lot#, provided that such base #floor area ratio# does not exceed 10.0. Such #floor area ratio# may be increased to a maximum of 12.0 only as set forth in Section 88-32 (Inclusionary Housing).

## **88-311**

### **Special floor area regulations in Subdistrict A**

For #zoning lots# in Subdistrict A that do not contain #residences#, the maximum #floor area# ratio shall be 10.0; no #floor area# bonuses shall apply.

For #zoning lots# in Subdistrict A containing #residences#, the maximum #floor area ratio# shall be 9.0 plus an amount equal to 0.25 times the non-#residential floor area ratio# provided on the #zoning lot#, provided that such base #floor area ratio# does not exceed 10.0.

Any floor space designated for #use# as a #school# shall be exempted from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #community facility uses# and the total maximum #floor area ratio# of the #zoning lot#, provided that such school is either:

- (a) a public school, subject to the jurisdiction of the New York City Department of Education, pursuant to an agreement accepted by the School Construction Authority; or
- (b) a charter school, subject to the New York State Education Law, pursuant to an agreement with a charter school organization.

**88-32**  
**Inclusionary Housing**

The #Special Hudson Square District#, except Subdistrict A, shall be an #Inclusionary Housing designated area#, and the provisions of Section 23-90 (INCLUSIONARY HOUSING) applicable to R10 Districts shall apply.

**88-33**  
**Height and Setback**

In the #Special Hudson Square District#, the height and setback regulations of the underlying districts shall not apply. In lieu thereof, the provisions of this Section shall apply to all #buildings#.

(a) Rooftop regulations

(1) Permitted obstructions

The provisions of Section 33-42 shall apply to all #buildings#, except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures), may penetrate a maximum height limit, provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage; or that the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet.

In addition, dormers may penetrate a maximum base height provided that on any #street# frontage, the aggregate width of all dormers at the maximum base height does not exceed 60 percent of the length of the #street wall# of the highest #story# entirely below the maximum base height. For each foot of height above the maximum base height, the aggregate width of all such dormers shall be decreased by one percent of the #street wall# width of the highest #story# entirely below the maximum base height.

(2) Screening requirements for mechanical equipment

For all #developments#, #enlargements# and #conversions# of non-#residential floor area# to #residences#, all mechanical equipment located on any roof of a #building or other structure# shall be fully screened on all sides. However, no such screening requirements shall apply to water tanks.

(b) Height and setback

(1) #Street wall# location

On #wide streets#, and on #narrow streets# within 50 feet of their intersection with a #wide street#, the #street wall# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# up to the minimum base height or the height of the #building#, whichever is less. On #narrow streets# beyond 50 feet of their intersection with a #wide street#, the #street wall# shall be located on the #street line#. For the purposes of this paragraph, (b), portions of #street walls# located up to 18 inches from a #street line# shall be considered to be located on the #street line# where a vertical element of such #street wall# is located on the #street line# and rises without setback from ground level to the top of the second #story# at intervals of at least once every 15 feet in plan and, above the level of the second #story#, where a vertical element rises without setback to the applicable minimum base height at an interval of at least once every 30 feet in plan.

On the ground floor, recesses shall be permitted where required to provide access to the #building#, provided such recesses do not exceed three feet in depth as measured from the #street line#.

Above the level of the ground floor, recesses shall be permitted beyond 20 feet of an adjacent #building# and beyond 30 feet of the intersection of two #street lines#, as follows:

(i) Along #wide streets#

Recesses shall be provided at the level of each #story# entirely above a height of 60 feet, up to the maximum base height of the #building#. Such recesses shall have a minimum depth of five feet and a width between 10 and 40 percent of the #aggregate width of street wall# of the #building# at the level of any #story#.

(ii) Along #narrow streets#

Above the level of the second #story#, recesses in #street walls# deeper than 18 inches shall be permitted. Such recesses may not exceed 30 percent of the #aggregate width of street wall# of the #building# at the level of any #story#.

(2) Base height

On #wide streets#, and on #narrow streets# within 50 feet of their intersection with a #wide street#, the #street wall# of a #building# shall rise without setback to a minimum base height of 125 feet and a maximum base height of 150 feet.

On #narrow streets#, beyond 50 feet of their intersection with a #wide street#, the #street wall# of a #building# shall rise without setback to a minimum base height of 60 feet, or the height of the #building#, whichever is less, up to a maximum base height of 125 feet.

As an alternative, the minimum and maximum base heights applicable to a #wide street# may apply along a #narrow street# to a distance of 100 feet from its intersection with a #wide street#.

(3) Required setbacks and maximum #building# heights

(i) Along #wide streets#

The provisions of this paragraph, (b)(3)(i), shall apply to #buildings#, or portions thereof, located on #wide streets#, and on #narrow streets# within 100 feet from their intersection with a #wide street#. The portion of such #building# above a height of 150 feet shall be set back from the #street wall# of the #building# at least 10 feet along a #wide street# and at least 15 feet along a #narrow street#, except such dimensions may include the depth of any permitted recesses in the #street wall#. The maximum height of such #buildings# shall be 290 feet. In addition, the gross area of each of either the highest two or three #stories# of such #building# located entirely above a height of 230 feet, shall not exceed 80 percent of the gross area of the #story# directly below such highest two or three #stories#.

(ii) Along #narrow streets#

The provisions of this paragraph, (b)(3)(ii), shall apply to #buildings#, or portions thereof, located on #narrow streets# beyond 100 feet from their intersection with a #wide street#.

The portion of such #building# above a height of 125 feet shall be set back from the #street wall# of the #building# at least 15 feet, except such dimensions may include the depth of any permitted recesses in the #street wall#.

The maximum height of such #buildings# shall be 185 feet.

For #buildings# containing #residences#, no portion of such #building# exceeding a height of 125 feet shall be nearer to a #rear yard line# than ten feet.

(4) Maximum length of #street wall#

The maximum length of any #street wall# located entirely above a height of 150 feet shall not exceed 150 feet. Such length shall be measured in plan view by inscribing within a rectangle the outermost walls at the level of each #story# entirely above a level of 150 feet. As an alternative, for #street walls# facing #wide streets# that provide vertical articulation, such maximum length may be increased to 175 feet, provided that between 30 and 40 percent of the width of the #street wall# is recessed at least five feet from all adjacent #street walls# above a height of 150 feet.

(5) Vertical #enlargements#

- (i) Existing #buildings# may be vertically #enlarged# by up to one #story# or 15 feet without regard to the #street wall# location requirements of paragraphs (b)(1) and (b)(2) of this Section.
- (ii) Existing #buildings# with #street walls# that rise without setback to a height of at least 80 feet may be vertically #enlarged# in excess of one #story# or 15 feet without regard to the #street wall# location requirements of paragraphs (b)(1) and (b)(2) of this Section, provided such #enlarged# portion is located at least 10 feet from a #wide street# and at least 15 feet from a #narrow street#.

**88-331**

**Special height and setback regulations in Subdistrict A**

For #zoning lots# in Subdistrict A, the regulations in paragraph (b) of Section 88-33 applicable to #wide streets# shall apply, except where modified or superseded by the regulations of this Section.

(a) Maximum #building# height

The maximum height of #buildings# shall be 430 feet.

(b) Lot coverage

Below a height of 290 feet, #buildings# shall have a minimum #floor area# coverage of at least 30 percent of the #lot area# of the #zoning lot#. Above a height of 290 feet,

#buildings# shall have a minimum #floor area# coverage of at least 20 percent of the #lot area# of the #zoning lot#.

(c) Modification of #bulk# regulations for #zoning lots# bounding a #public park#

In the case of a #zoning lot line# #abutting# the boundary of a #public park#, such #zoning lot line# shall be considered to be a #wide street line# for the purposes of applying all #bulk# regulations of this Resolution except for #street wall# regulations. For the purposes of applying #street wall# regulations in the case of a #zoning lot line# #abutting# the boundary of a #public park#, a line no more than 45 feet west of and parallel to the nearest boundary line of the #public park# shall be considered a #wide street line#.

(d) #Street wall# location

The #street wall# provisions of this Chapter shall apply, except that, for the portion of a #building# bounding a #public park#, the #street wall# shall be located at the #street line# for at least 50 percent of the frontage bounding the #public park# and shall rise to the minimum base height, but not higher than the maximum base height.

**88-332**

**Special permit to modify height and setback regulations on shallow block sites**

The City Planning Commission may, by special permit, modify height and setback regulations for portions of #zoning lots# located beyond 100 feet of a #wide street#, where the maximum depth between #narrow streets# bordering the #block# is 180 feet or less. The provisions of Section 88-33, paragraph (b)(3)(ii), may be modified to permit a maximum #building# height of up to 210 feet, and a waiver of rear setback requirements at a height of 125 feet, provided that the #street wall# of the #building# shall be located on the #street line# and extend along the entire #narrow street# frontage of the #zoning lot# up to a minimum base height of 60 feet.

In granting such special permit, the Commission shall find that such modification is not inconsistent with the scale of the surrounding area.

The City Planning Commission may prescribe appropriate conditions and safeguards to ensure compatibility with the character of the surrounding area.

**88- 333**

**Courts**

Those portions of #buildings# that contain #residences# shall be subject to the court provisions applicable in R10 Districts as set forth in Section 23-80 (Court Regulations, Minimum Distance between Windows and Walls or Lot Lines and Open Area Requirements), inclusive.

**88-40**

**YARD REGULATIONS**

In the #Special Hudson Square District#, the yard provisions applicable in C6 Districts shall apply.

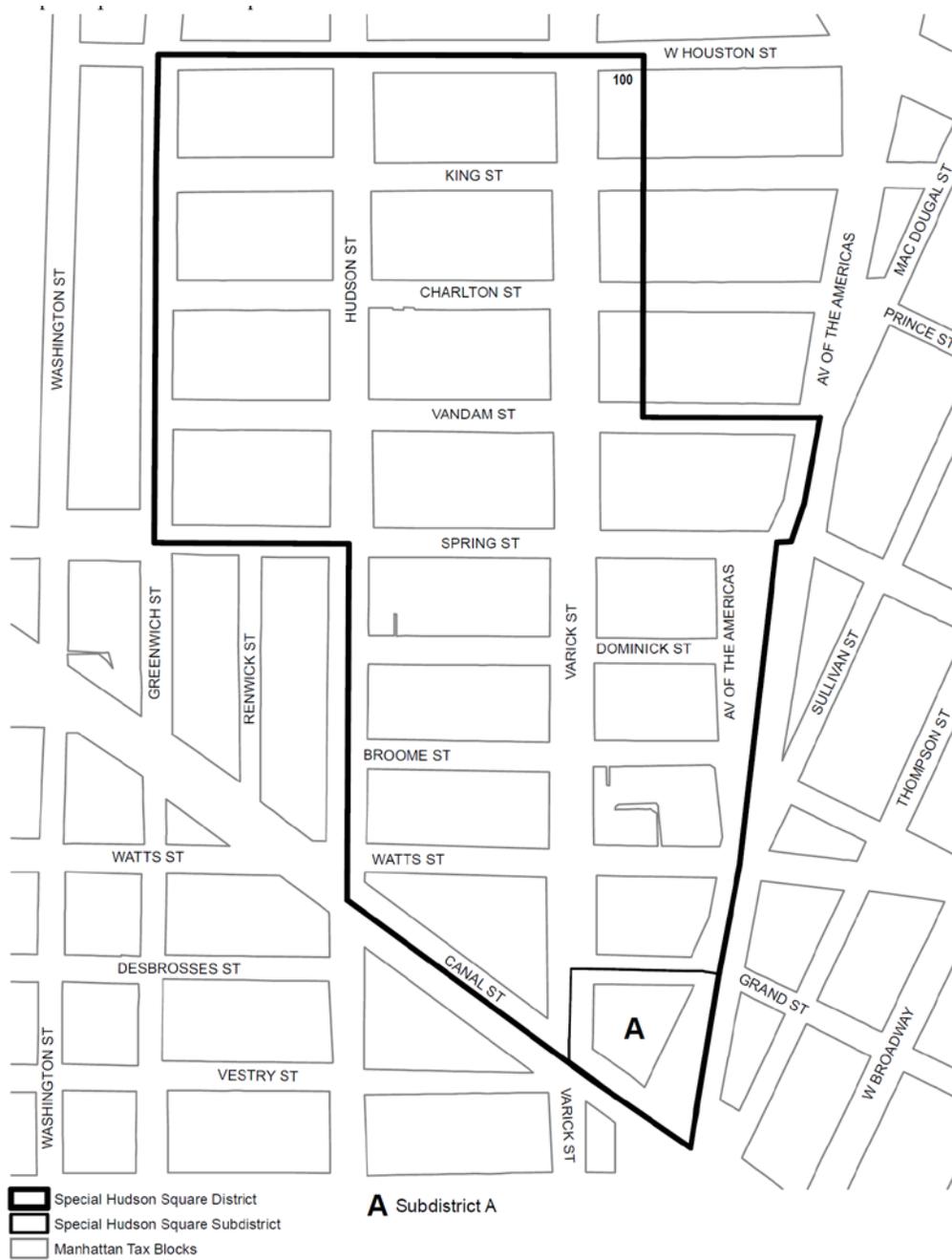
**88-50**

**PARKING AND LOADING REGULATIONS AND CURB CUT LOCATIONS**

In the #Special Hudson Square District#, the parking regulations applicable in C6-4 Districts, as set forth in Article III, Chapter 6, and as modified, pursuant to Article I, Chapter 3 (Comprehensive Off-Street Parking Regulations in Community Districts 1,2,3,4,5,6,7 and 8 in the Borough of Manhattan and a Portion of Community Districts 1 and 2 in the Borough of Queens) shall apply.

**Appendix A**

**Map 1 - Special Hudson Square District and Subdistrict**



\* \* \*

**APPENDIX F**

**Inclusionary Housing Designated Areas**

The boundaries of #Inclusionary Housing designated areas# are shown on the maps listed in this Appendix F. The #Residence Districts# listed for such areas shall include #Commercial Districts# where #residential buildings# or the #residential# portion of #mixed buildings# are governed by the #bulk# regulations of such #Residence Districts#. Where #Inclusionary Housing designated areas# are mapped in #Commercial Districts#, the residential district equivalent has instead been specified for each map.

Table of  
Inclusionary Housing Designated Areas  
by Zoning Map

Zoning Map	Community District	Maps of Inclusionary Housing Designated Areas
* * *	* * *	* * *
9b	Queens CD 2	Map 1
9d	Queens CD 2	Map 1, Map 2
12a	Manhattan CD 1	Map 1
<u>12a</u>	<u>Manhattan CD 2</u>	<u>Map 1</u>
12c	Manhattan CD 3	Map 1
12c	Brooklyn CD 1	Map 1, Map 2
* * *	* * *	* * *

\* \* \*

**Manhattan  
Manhattan Community District 1**

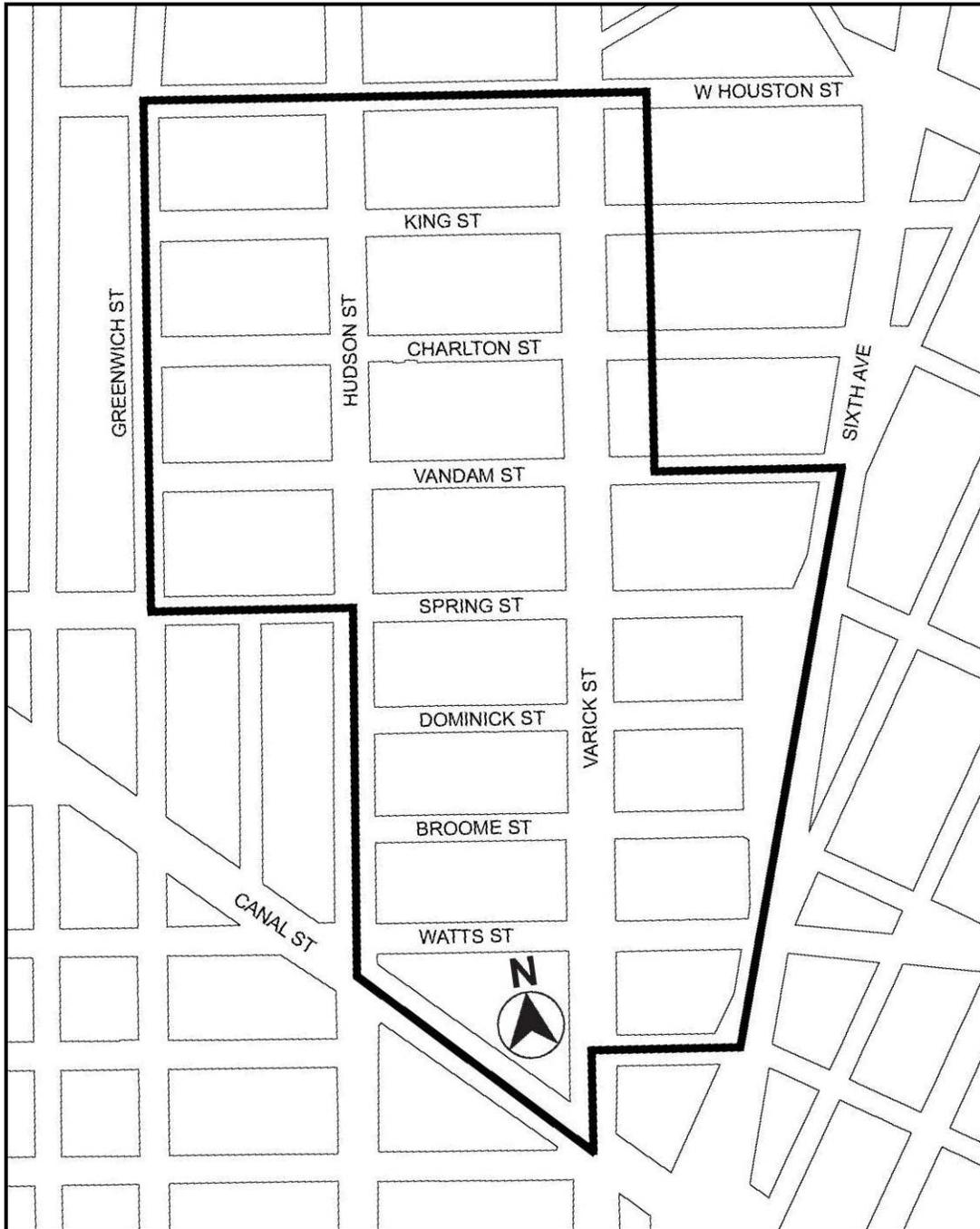
\* \* \*

**Manhattan Community District 2**

In the M1-6 Districts within the areas shown on the following Map 1:

Map 1

#Special Hudson Square District# – see Section 88-32



Portion of Community District 2, Manhattan

\* \* \*

The above resolution (N 120381(A) ZRM), duly adopted by the City Planning Commission on January 23, 2013 (Calendar No. 10), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

**AMANDA M. BURDEN, FAICP, Chair**  
**ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,**  
**BETTY Y. CHEN, MARIA M. DEL TORO, JOSEPH DOUEK, RICHARD W. EADDY,**  
**ANNA HAYES LEVIN, ORLANDO MARÍN, Commissioners**

**MICHELLE DE LA UZ, Commissioner, Voted No.**

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Jo Hamilton, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Susan Kent, *Secretary*  
Keen Berger, *Assistant Secretary*

## COMMUNITY BOARD NO. 2, MANHATTAN

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October 25, 2012

Hon. Amanda M. Burden, FAICP  
Chair, NYC Department of City Planning  
22 Reade Street New York, NY 10007

### **Re: Hudson Square Rezoning; ULURP Application Nos. 120380 ZMM, 120381 ZRM**

Dear Chair Burden:

At the recommendation of its Hudson Square Working Group, Manhattan Community Board No. 2 ("CB2"), having held a duly noticed public hearing on the above-referenced ULURP application numbers, adopted the following resolution at its meeting on October 18, 2012 by a vote of 41 in favor, 0 opposed, 1 recusal, 0 abstentions.

The resolution recommends that the applications be **denied unless** the actions, mitigations and requests specified in the following Community Board Response are included. CB2 has identified its highest priorities for this application as:

- height reductions, from those proposed in the application in the main district and Subdistrict A, to the minimum heights needed to ensure inclusionary housing
- provision of active recreation space and community facilities
- landmarking of the proposed South Village Historic District
- traffic mitigations

### **PROJECT DESCRIPTION:**

The Applicant: the Rector, Church-Wardens and Vestrymen of Trinity Church in the City of New York, is proposing a zoning text amendment and zoning map amendment to create a Special Purpose zoning district, the Special Hudson Square District (the "Special District"), over an underlying M1-6 District. The Proposed Action would create a mixed-use district by allowing for residential development and expanded community facility uses, requiring ground-floor retail, providing incentives for inclusionary housing, and limiting as-of-right hotel development, while at the same time ensuring that commercial and manufacturing uses are retained. The proposal also includes height limits and set-back regulations that will help to preserve the unique identity of the district.

The area proposed encompasses an approximately 18-block area (the “Rezoning Area”), generally bounded by West Houston and Vandam Streets to the north, Avenue of the Americas and approximately 100 feet east of Varick Street to the east, Canal and Spring Streets to the south, and Hudson and Greenwich Streets to the west. The Applicant owns approximately 39 percent of the lot area within the proposed Rezoning Area.

The Special District would contain two subdistricts: Subdistrict A and Subdistrict B. Subdistrict A is bounded by Grand Street, Avenue of the Americas, Canal Street, and Varick Street and includes all of tax block 227. Subdistrict B is bounded roughly by Dominick Street to the north, midblock between Varick Street and Avenue of the Americas to the east, Watts Street to the South, and the Holland Tunnel entrance to the west, and includes portions of tax blocks 477, 491, and 578.

*PROPOSED ACTIONS:*

Specifically, the proposed Special Hudson Square District would include the following zoning controls.

1. In the proposed Special District, the following would apply (except where modified within subdistricts):
  - a) Use—Residential, commercial, community facility, and light manufacturing uses permitted;
  - b) FAR—10 FAR for non-residential use; 9 FAR (bonusable to 12 FAR pursuant to the Inclusionary Housing Program) for residential use;
  - c) Building Height—Maximum 320 ft (wide street); maximum 185 ft (narrow street); and
  - d) Base Height and Setback—
    - On wide streets: base height minimum 125 ft and maximum 150 ft; streetwall required to be located at street line, with exceptions for vertical enlargements to existing buildings; above base height, setback minimum 10 ft; and
    - On narrow streets: base height minimum 60 ft and maximum 125 ft; streetwall required to be located at street line, with exceptions for vertical enlargements to existing buildings; above base height, setback minimum 15 ft.
2. For development sites containing existing buildings with 70,000 zoning square feet (zsf) or more, new residential floor area would be permitted only upon certification by the Chairperson of the CPC that the amount of non-residential floor area in the existing building would be replaced at a one-to-one ratio with future non-residential uses on the zoning lot.
3. Ground floor retail would be permitted throughout the entire district, but to restrict so-called “big box” stores, retail would be limited to 10,000 zsf of floor area per establishment on the ground floor. Food stores would be permitted with no floor area limitation. Eating and drinking establishments with dancing would be permitted only by BSA special permit.

4. A special permit would be required for hotels with more than 100 sleeping units, whether created through new construction or change of use in existing qualifying buildings. (For new hotel construction, hotels with more than 100 sleeping units would be permitted as-of-right upon certification by the Chairperson of the CPC to the Commissioner of Buildings that at least 75 percent of the new dwelling units projected in the With-Action condition—the “residential development goal” (i.e., 2,233 new residential units)—have been constructed and issued certificates of occupancy.)
5. Buildings containing residential uses would have a sliding scale base FAR from 9 FAR to 10 FAR depending on the extent of non-residential use, allowing an additional 0.25 total FAR for each 1.0 FAR of non-residential use (e.g., 9 FAR maximum for 0 FAR non-residential use, 9.25 FAR for 1 FAR non-residential use, 9.5 for 2 FAR non-residential use, 9.75 for 3 FAR non-residential use, 10 FAR for 4 FAR non-residential use).

*Subdistrict A:*

Subdistrict A is bounded by Grand Street, Avenue of the Americas, Canal Street, and Varick Street and includes all of tax block 227. The following zoning controls would apply:

- a) Use—Special Hudson Square District regulations (noted above) apply;
- b) FAR—Maximum 9.0 FAR residential, 10 FAR non-residential. Floor space used by a public school exempt from definition of floor area;
- c) Building Height—Maximum building height 430 ft;
- d) Lot Coverage—below a height of 290 ft at least 30 percent required; above a height of 290 ft at least 20 percent required; and
- e) Streetwall—Special Hudson Square District regulations (noted above) apply, with exceptions for lot lines coinciding with the boundary of a public park.

*Subdistrict B:*

Subdistrict B is bounded roughly by Dominick Street to the north, midblock between Varick Street and Avenue of the Americas to the east, Watts Street to the South, and the Holland Tunnel entrance to the west, and includes portions of tax blocks 477, 491, and 578. The following zoning controls would apply:

- a) Use—Special Hudson Square District regulations (noted above) apply;
- b) FAR—6.0 FAR for commercial use and manufacturing use, 6.5 FAR for community facility use, and 5.4 FAR for residential use (bonusable to 7.2 FAR with Inclusionary Housing); and
- c) Building Height and Setback—C6-2A regulations apply: maximum building height 120 ft; base height minimum 60 ft and maximum 85 ft; above 85 ft, setback minimum 10 ft on a wide street or 15 ft on a narrow street.

*OTHER ACTIONS:*

1. Inclusionary Housing - It is expected that the Applicant and future developers of sites in the Rezoning Area not under the Applicant’s control may seek financing from city or state agencies for the affordable housing component of the Proposed Action. However, no specific program has been selected by the Applicant or by owners of sites in the Rezoning Area not controlled by the Applicant and, therefore, the Proposed Action will not undergo coordinated review with agencies responsible for affordable housing financing programs.

2. Public School - It is anticipated that the Proposed Action would include provision for a new public school (prekindergarten through fifth grades). Development of a new school would be subject to the approvals and requirements of the New York City School Construction Authority (SCA), including site selection for the school by SCA and site plan approval by the Mayor and City Council pursuant to the requirements of the New York City School Construction Authority Act. SCA will be an involved agency in this environmental review.

## **BACKGROUND**

CB2's Hudson Square Working Group and individual committees held six public hearings directly related to the certified application. The official presentation and public hearing for the purposes of this ULURP was held on September 6, 2012, and further public hearings were held through mid-October, 2012. Several hundred people came out to the official hearing and committee discussions to provide their concerns and opinions.

A vast majority of those attending these meetings stated that the applicant's requested building heights were too high in the main Special District and Subdistrict A, that there was insufficient Open Space – especially active recreation opportunities – in the proposed Special District; that the extreme volume of traffic was a serious problem, especially near the Holland Tunnel and in light of a recent tragedy immediately adjacent to the area; that the proposed school would be too small to accommodate both the increase in residents and to alleviate overcrowding in the CB2 area; and that adjacent areas require protection from the overdevelopment that this rezoning would cause.

## **MANHATTAN COMMUNITY BOARD 2 RESPONSE**

CB2 has extensively analyzed the application in detail, and provided its response divided into six major sections. Each section offers mitigations necessary to make the prospective Special District area a safe, vibrant, successful mixed-use neighborhood.

### **I: LAND USE**

*CB2 believes there is broad support among residents and property owners in the community for the goals of the application to create a diverse and vibrant mixed-use community with new and enlarged buildings that conform to the context of the characteristic buildings in the area.*

### **FAR**

CB2 supports the density necessary to achieve these goals. The proposed FAR of 9 for mixed use without inclusionary housing and 12 FAR with affordable housing is acceptable. CB2 believes that the 9 FAR should be the maximum FAR for commercial-only development as well.

## Height Limits

CB2 prefers mandatory affordable housing, but if it remains only an incentive, it must be linked to height limits to assure that inclusionary housing is provided.

The most frequent comments at public hearing were objections to the 320 foot height limit. This overly high limit would allow buildings that overwhelm the buildings that now create the character on the wide streets, thereby undermining the goals of the project related to supporting the existing built character. The taller buildings in the district, except for the out-of-character Trump SoHo hotel and 101 Avenue of the Americas, are in the 250-foot range. CB2 recommends a maximum building height in the district of 250 feet, and that is only for buildings that fully develop the affordable housing incentive. To assure the success of the affordable housing incentive, the wide-street height limit for residential buildings that do not provide the full component of affordable housing should be 210 feet. A similar differential should also be established for narrow streets, with 185 feet available if affordable housing is provided and a lower limit of 165 feet if not. We request that DCP and the Borough President's office re-examine other bulk controls enumerated in the ULURP in order to lower the heights.

## Subdistrict A

With respect to Subdistrict A, CB2 believes that this site can accept more height without undermining the existing built character, but the differential between this site and the rest should be based on the additional height attributable to space provided for a school that does not count for FAR. Therefore, with the proposed school, CB2 would not object to a building taller than 250 feet here. Because we consider an unmitigated open space negative impact entirely unacceptable, CB2 would support additional height (but less than 430 ft) as well as an FAR exclusion if a recreation center is developed at the site as described in the Open Space section.

CB2 asks that the DCP and the Borough President's office continue to work with the Community Board and use their professional architectural and engineering staff to advise what minimum height would be necessary in order to accommodate a 50,000 sq ft recreational/community facility and the aforementioned school while retaining a 9 FAR atop of those proposed facilities.

## Subdistrict B

Extensive comment was heard on this proposal at public hearings, including from many of the property owners in the Subdistrict, and written testimony was received as well. CB2 supports in concept the idea of preservation of special neighborhood character within a zoning district, but the board does not believe the proposed Subdistrict B achieves its intended goals. Therefore, CB2 does not support the establishment of Subdistrict B.

## Hotels

The application allows hotels over 100 rooms by special permit if the hotel development does not conflict with the goals of preserving existing commercial uses, creating a vibrant community, and encouraging residential uses and affordable housing. But the application does not identify locations or situations where such a finding could occur, and CB2 does not believe there would

be any. CB2 believes that hotels with more than 100 rooms should not be allowed in the district.

For new hotel construction, hotels with more than 100 rooms would be permitted as-of-right upon certification by the Chairperson of the CPC to the Commissioner of Buildings that at least 75 percent of the new dwelling units projected in the With-Action condition have been constructed and issued certificates of occupancy. CB2 believes that even upon completion of 75 percent of the dwelling units, a change in demand could trigger the development of too many larger hotels. If the provision for a special permit for hotels is not eliminated, CB2 strongly favors the elimination of this sunset clause for the important limitation of hotels in the district.

#### Non-Trinity-Owned Sites with Special Conditions

During the hearings and via submitted documentation, CB2 heard from some property owners in the proposed district that they have identified possible unique site conditions. These are traditionally considered at the Board of Standards and Appeals under Section 72-21 of the NYC Zoning Resolution. CB2 believes the proposed zoning should move forward subject to the mitigations and modifications mentioned in this document. If any such property conditions warrant consideration for a variance, CB2 will review the issue at that time.

#### Dormitories

Dormitory development may be likely in the proposed district because of its proximity to New York University. Like hotel development, this represents a threat to the achievement of the goals for residential use. Development of dormitories should not be allowed in the district.

## **II: OPEN SPACE**

*CB2 is very near the bottom in the ranking of all districts in the city in open space, both active and passive. The Hudson Square Rezoning DEIS identifies the Proposed Action of new residential development in Hudson Square on open space resources as an unmitigated negative impact. Though the Proposed Action would not directly displace any existing public open space, the introduction of the planned 3300+ new residential units would create extra demands on such resources and result in a significant adverse impact -- both a decrease in the total open space ratio and active open space ratio -- and does not meet the required CEQR standards needed for this proposed action.*

CB2 adamantly believes that it is not acceptable to allow an unmitigated negative impact for open space, especially in a park-starved area. We note that Trinity is several acres short of the required open space. The following proposals from the applicant are not realistic attempts to mitigate the situation, but only vague wishful exercises at best.

CB2 supports the efforts of the Hudson Square Connection (BID) to improve the zone's streetscapes, but their proposed sidewalk improvements and vest pocket plazas do not address the need for active recreation space and should not be counted in such calculations

There are five potential locations proposed by Trinity for improvement of open space:

1. Duarte Square: this space was already part of an agreement by Trinity to build out and maintain the park as part of a street demapping some 10 years ago
2. SoHo Square: this is a centrally located small strip of property that can be somewhat expanded with an adjoining street demapping. It is not part of the actual ULURP proposal, but is being brought forward by the BID
3. Freeman Plaza at entrance to the Holland Tunnel: this is an open area integrated into the entrance to the Holland Tunnel. As it stands now, it is not a realistic public space and certainly not an active public space and will require a massive investment to create useable open space, safe from the intense tunnel traffic
4. A Port Authority-owned parking lot above the entrance to the Holland Tunnel just north of Dominick St. and on Spring Street: (see item #5 which incorporates this lot). There has not been any indication that the Port Authority is giving up these lots in any way whatsoever
5. Enhancement of Spring St.: this is not attractive, viable or meaningful (and even if developed would still come short of mitigating the impact). More significantly, Trinity has not offered to clear or re-purpose any built space that they own

### **Mitigations Needed**

Because the anticipated new residential development will have a negative impact on open space in an area where sufficient public land is not available to mitigate this effect, attention must be focused on other ways to improve access to active recreation. In addition to these active recreation areas, CB2 calls upon Trinity to consider designating spaces for community facilities such as senior centers and affordable fine arts studio space, rehearsal space, theatre space, and cultural office space in this area.

CB2 has identified five opportunities, which, were they to be financed through a combination of public and private resources, we would consider a reasonable partial mitigation.

1. The district is severely underserved for open space—both for active outdoor recreation and for indoor sports and recreation, especially in the southern part of the district. CB2 believes the best opportunity to mitigate part of the open space impact would be Trinity's construction of a new recreation center at the Duarte Park building in Subdistrict A. CB2 believes that although the 420-foot height limit proposal for this building is far higher than required or appropriate, and recommends a much-reduced height, that recommendation could be ameliorated if a built-out center with gymnasium, pool, exercise space and community rooms, including a small theater, were included. The facility could be operated by a non-profit provider as long as affordable rates are guaranteed. The facility could also provide after-school programming for the adjacent public school. We recommend that this community center include amenities necessary to a well-functioning mixed-use area such as childcare facilities, a public library a Senior Center offering lunch programs, activities and classes for seniors, as well as evening programs for youth and toddlers, and Arts programs.
2. Lack of funding for open space improvement and programming limits the active recreational use of available open space. Currently, there is a BID that serves the district, but its goals are appropriately business oriented. CB2 would support a change in the goals of this group and application of its funding authority to include a 10 cent per foot

charge to residential property if the funds were directed predominantly for mitigation of the active recreation impacts. The total funding would increase as residential development takes hold and the unmitigated negative impact increases. However the BID covering this area states that a solid mixed-use zone is good for business, so we believe it could charge the commercial entities for anything within its boundaries that enhances that concept if charging residential tenants under a BID mandate proves too difficult to achieve. If charging residential properties can not move forward, the Friends of HRPT would be free to pursue this area for inclusion into its NID proposal.

3. Just outside the district but within the impacted area are opportunities for mitigations. Of highest priority is a thorough, much-needed rehabilitation of the Tony Dapolito Center. Additionally, DEP has committed to the use of the water tunnel shaft site between West Houston St. and Clarkson St. for public open space when work there is completed in the near future. Located near schools and important existing active recreation resources, this is a potential site for active recreation.
4. A pedestrian crossing to Hudson River Park at Spring Street would be an excellent way to improve access to active recreation within the district. CB2 encourages the applicant, city and state to work together to create a safe crossing at this location.
5. CB2 approved a design for reconstruction of Duarte Park more than a decade ago when no rezoning was under consideration. The location is a challenging one for active recreation, but if this area were to be considered for possible mitigation, a concept for the reconstruction should be brought to the CB2 Parks & Open Space committee prior to CPC's action on the ULURP application.

NOTE: To the extent that properties owned by the Port Authority or NYC DOT are used for mitigation, these must be predominantly for active recreation.

If any provision to allow special permits for non-conforming building envelopes in exchange for providing new open space is made, this should be done only if the promised open space is predominantly for active recreation; maintenance and public access should be guaranteed through an appropriate agreement.

### **III: TRAFFIC & TRANSPORTATION**

*Although the major goal of the Proposed Action is to allow new residential development to occur in the Rezoning Area and foster a mixed use district, the scale of what's proposed would result in severely adverse transportation impacts unfavorable to creating a truly habitable residential neighborhood and well-functioning mixed use environment.*

#### Adverse Vehicular Traffic Impacts

1. 17 of 22 intersections studied would suffer significant adverse vehicular traffic impacts during weekday am, midday and pm and Saturday midday peak hours, affecting large

segments of streets already overburdened with excessive congestion, such as Canal, Varick, Broome, Hudson, Spring and West Streets.

2. Small vulnerable thoroughfares with low-rise, historic buildings, such as Charlton, King and Vandam Streets, would endure similar adverse impacts as they cross the larger streets, experiencing traffic backups and increases that would overwhelm these sensitive blocks, threatening their infrastructure and their old-time, residential character.
3. Many of the intersections in the district are especially difficult and dangerous for pedestrians because the narrow streets cross the wide streets on an angle; as a result, pedestrians often have their backs to turning cars and trucks.
4. Added vehicular congestion would interfere with timely and efficient emergency vehicle access for the increased residential population.
5. Since hotels are known to be excessively high traffic generators, and the DEIS concurs that the hotel development scenario would result in increased vehicle, pedestrian and transit trips during several peak hours, the proposal to require a special permit for hotels with over 100 sleeping units until the “residential development goal” of at least 75% of new dwelling units is met will only intensify adverse traffic impacts in an area already highly saturated with hotels.
6. Suggested measures cited in the DEIS to mitigate operational traffic impacts, such as signal timing adjustments to increase green time and installation of No Standing or No Parking signs, would be limited in offsetting adverse effects and might even exacerbate negative conditions, e.g. more green time could endanger crossing pedestrians, and daylighting might attract more traffic. Several intersections would have completely unmitigated adverse impacts.

#### School Students’/Children’s Safety

1. Currently, the proposed rezoning area hasn’t many children, but will if the rezoning is approved, demanding increased safety measures. Several schools already in the area include those at The Door and the Chelsea Vocational School building, Elizabeth Irwin and nearby schools like PS 3 and PS 41 that require many families to cross Avenue of the Americas and Varick Street to reach them.
2. The proposed new 75,000-gsf public school is welcomed, however its location at the dangerous convergence of Avenue of the Americas, Canal and Varick Streets will necessitate extensive mitigation to ensure the students’ safety.

#### Parking

1. With approximately 809 parking spaces displaced, not all offset by 640 new off-street accessory parking spaces, a frequent parking shortfall is expected within ¼ mile of the rezoning boundaries. This would lead to increased circling for spaces, causing added congestion, less street safety and more pollution.

2. The DEIS claim that sufficient parking is available within ½ mile assumes drivers would walk the extra distance, unlikely, and ignores the negative impact that the additional vehicular traffic would have on nearby areas such as the proposed South Village Historic District.
3. The *CEQR Technical Manual* asserts that “a parking shortfall resulting from a project located in Manhattan doesn’t constitute a significant adverse parking impact due to the magnitude of available alternative modes of transportation.” This implies a modal switch, a welcome action that would not necessarily happen and could itself create unmitigated transit impacts, like overcrowding.

## **Mitigations Needed**

Addressing transportation mitigation, the DEIS states that many of the impacted lane groups/movements already operate at congested levels (mid-LOS D or worse) under existing conditions and are expected to operate under such levels under No-Action conditions, implying that the adverse impacts that would result from the Proposed Action would not make a significant difference. It also refers to vehicles and pedestrians being “generally acclimated to the prevailing condition during peak periods of heavy traffic.”

Since the major goal is to create a new, livable mixed use area, mitigation must address approaches to improve both current and future traffic conditions that would hinder the attainment of community-building streets and a comfortable, appealing, safe place.

### Adverse Vehicular Traffic Impacts

1. The prospect of significant adverse impacts from automotive traffic points to the pressing need to increase and accommodate alternative transportation options, such as walking, bicycling and public transportation.
  - The Hudson Square Connection Streetscape Improvement Plan outlines ideas for sidewalk widening, greening, seating and lighting to create an appealing pedestrian precinct encouraging walking and commanding drivers’ respect and care. This needs serious consideration.
  - Protected bike lanes on Hudson and Varick Streets, as well as bicycle parking and other facilities both indoors and out, are key to promoting and accommodating safe and convenient bicycle transportation.
  - Enhancement of public transportation, such as attractive bus shelters and seating at bus stops, and eye-catching signage identifying and leading to subway stations, would increase their appeal and usage. This desirable increased use will necessitate additional mitigation, such as widened platforms, better lighting and added trips.
2. Ideas for channeling traffic in the Hudson Square Connection’s Streetscape Plan must also be considered, such as the proposed planted median on Varick Street (in balance

with the long anticipated protected bicycle lane), reduced travel lane widths, parking re-allocation, and clearer, more visible signage.

3. Angle crossings should be eliminated using curb changes, paint and signs.
4. Private traffic managers should be funded for stationing throughout the newly zoned area to ensure safer crossings and smoother traffic flow and facilitate emergency vehicle access.
5. High visibility widened crosswalks with distinctive graphics, as proposed by the Hudson Square Connection plan, are highly desirable to hold back vehicular traffic from pedestrians and ensure pedestrians a modicum of safety.
6. At the least, the special permit requirement for hotels with over 100 sleeping units should be retained indefinitely, or no hotels with more than 100 sleeping units should be allowed, with consideration given to reducing the number of sleeping units allowed.
7. Adverse pedestrian safety impacts, like those expected at already dangerous intersections like Houston Street/Avenue of the Americas, Houston Street/Varick Street, and crossings at Avenue of the Americas, Varick and Hudson Streets at Canal and Watts Streets where Holland Tunnel traffic will impact residents, will require mitigations beyond Yield to Pedestrian signs, crosswalk striping and countdown signals, e.g. at Houston Street/Avenue of the Americas CB2 is requesting a red light camera, re-staggered traffic lights, a pedestrians-only green light phase, neckdowns, island barriers, and intensive enforcement activities.

#### School Students'/Children's Safety

1. Diligent enforcement by traffic enforcement agents, as well as the presence of crossing guards, are minimum requirements for students' safety at the proposed new 75,000-gsf public school.
2. As proposed in the CATS study, the Canal Street station underpass provides safe access across that hazardous thoroughfare, and it should be used for across-the-street access, being refurbished as an attractive and safe public space for both pedestrians and subway riders with enhancements like public art, extra lighting and commercial activities, e.g., a newspaper stand and florist. Wayfinding signage and markings should be established above ground to show the availability of this underground crossing. An elevator for disabled access should also be there.
3. Clear, attractive signage should be installed on sidewalks and painted on the street to clarify directional paths.
4. Space must be set aside for safe, accessible school bus parking.

#### Parking

1. To offset the parking shortfall, at least one public parking lot is required, with “green walls” like those proposed by the Hudson Square Connection plan as well as other plantings within to offset vehicular emissions.
2. Curb cuts leading to accessory parking should be minimized to protect pedestrians on the sidewalk and ensure their access.
3. Curbside parking needs to be maintained to provide sufficient commercial delivery dropoffs/pickups.
4. A metered-parking program for both private and commercial vehicles should be employed, especially the DOT Park Smart program, to ensure parking turnover.
5. Reduction of accessory parking and re-apportionment with public parking should be considered.

### **Additional Mitigations**

1. CB2 favors rerouting commuter buses out of the district. Buses to the Holland Tunnel should use Canal Street. While this would not eliminate the buses’ impact on pedestrians, it will reduce the impact on the proposed Duarte Square building.
2. New York City should create and implement a district-wide pedestrian safety plan as part of this ULURP application, not only for the commercial neighborhood as done by the Hudson Square BID, but also for residents and visitors.
3. CB2 supports both congestion pricing and East River bridge tolls. Considering the regional nature of traffic impacts in relation to the Holland Tunnel, efforts toward effecting the incorporation of such tolling approaches that will discourage excess vehicular traffic are very much encouraged.

## **IV: ENVIRONMENT**

*Because the stated goal of the rezoning of Hudson Square is to revitalize a commercial district into a 24-hour mixed use district, with residential development, it is clear that the requested changes will result in significant adverse impacts to the area from new construction. As a result, forms of mitigation to prevent these adverse impacts on the community from this new construction are extremely important and a significant concern for this Community Board.*

### Construction Impacts

Construction projects create noise, traffic, dust, dirt, vibration, vermin and other health and safety challenges for residents and businesses in the impacted area. This Community Board is very concerned about the potential negative impacts of construction in Hudson Square if the area is rezoned to permit residential development. While the current rezoning plan attempts to limit the amount of residential development in the area, other developers in the same area are already looking for exceptions to build large residential buildings currently not permitted under the

current rezoning plan. Consequently, consideration of the potential for further residential development and construction projects beyond what is predicted in the current DEIS is essential for reaching an informed rezoning plan.

### Construction Practices

In addition to the rules, regulations from the State of New York and City of New York as they relate to construction practices, this Community Board also requests that the development of any property in the rezoned area must accept, declare and adhere to the following construction practices before any construction project can occur:

- 1) Owners of all sites under construction must incorporate all recommendations for construction practices, mitigation methods and controls designated herein in their written contracts with all developers, construction managers and prime contractors working at any construction project within this area.
- 2) There must be a field representative designated to serve as contact point for the community and CB2 on a 24-hour basis. The representative should be able to discuss:
  - a) Overall Status and Schedule
  - b) Construction issues having area-wide impact
  - c) Community Quality of Life and Environmental Issues
  - d) Local business related issues
  - e) Conduct outreach to the affected community regarding irregular work times, use and location of cranes, scheduled work that is excessively loud, including but not limited to certain activities, such as pile driving, concrete pumps, excavators, generators, concrete trucks, wrecking balls or other large machinery used in demolition of existing building stock.
  - f) Implement a web site & e-mail notification system: the Construction manager should establish and manage a web site and an e-mail list. CB2 could help accumulate a list to facilitate timely announcements/communications. Such announcements or notifications would include, but not be limited to: Pile Driving Schedules, Blasting Schedules, Hazardous Waste Removal and Protocols; water and utility interruptions or emergencies; any detected damage from monitoring devices or inspections of surrounding buildings. Appropriate signage should also be posted to notify affected buildings and businesses within 100' of the construction zone.
- 3) Material deliveries to the construction site would be controlled and scheduled.
- 4) After normal work hours and on weekends, the site should be secured, locked and security personnel would be required to patrol the area on a 24-hour basis.
- 5) Weekend work should be limited to emergent situations, defined as a dangerous condition and should not include monetary or scheduling considerations, and will be coordinated, to the extent permitted, with the affected surrounding community.
- 6) Noise Receptor Sites should be utilized that would be the most likely affected by elevated noise, vibration and other construction related activities.

## Construction Mitigation and Noise/Vibration Reduction Methods

- 1) Electrical powered equipment, such as welders, water pumps, bench saws and electric saws should be used in place of diesel and/or gas powered equipment.
- 2) Sites should be configured and designed to minimize back-up alarm noise.
- 3) All trucks entering the site should not be allowed to idle more than three minutes.
- 4) Contractors and subcontractors should be required to maintain their equipment and mufflers so as to reduce emissions and conserve energy consumption.
- 5) All noise receptor sites within a two block radius of the construction site must be identified with the surrounding residential community and businesses.
- 6) Noisy equipment such as cranes, concrete pumps, and concrete and delivery trucks would be located away from and shielded from sensitive receptor locations.
- 7) Noise barriers with a minimum of 15 feet should be built at the construction site to provide shielding to identify sensitive receptor sites.
- 8) Portable noise barriers should also be utilized for certain dominant noise equipment, including asphalt pavers, drill rigs, excavators, back hoes, hoists, impact wrenches, jackhammers, power trowels, rivet busters, rock drills, concrete saws, and sledge hammers.
- 9) Quieter pile-driving methods must be used and pile foundations should be drilled with alternative hydraulic pile pushing methods and not hammered. Impact cushions must also be used unless otherwise identified and thoroughly discussed with the surrounding community.

## Air Quality and Emission Control Methods During Construction

To ensure that the construction in the area results in the lowest possible diesel particulate matter emissions, the owner and its contractor should implement the following measures:

- 1) Minimize use of diesel engines and diesel generators.
- 2) Apply for a grid power connection early on to reduce use of generators at the work site.
- 3) Use of clean fuel.
- 4) Utilize the best available tailpipe reduction technologies.
- 5) Utilize newer equipment.
- 6) Propose dust control plans such as washing wheels of construction trucks leaving the work site.
- 7) Use of water sprays.

## Hazardous Materials

Considering the history and former commercial uses and sites in the area to be rezoned, significant impacts with respect to hazardous material during excavation and construction must be anticipated. To reduce the potential for adverse impacts associated with the projected and potential new construction in the area, all owners should be required to conduct environmental investigations and E-designations should be placed and posted at each work site. In addition to E-designations being posted, the owner should be required to notify the Community Board of any oil spills, oil tank leaks, PCB soil or ground water contamination and the release of any significant quantity of toxic fumes into the atmosphere.

## Construction Traffic Mitigation

To ensure that the construction and construction activities in the area result in the lowest possible impact in an area already burdened by unusually high traffic congestion due to the entrance of the Holland Tunnel, the owner and/or contractor should implement the following measures:

- 1) Employ pedestrian traffic managers with a minimum of five or more years of law enforcement and/or traffic control who must have flagger certification.
- 2) Traffic plans in mitigation for roadway closures and displacement of existing parking facilities and spaces must be discussed with the DOT and this Community Board.
- 3) The numbers of construction vehicles parked, idling or used at any particular site must be minimized at all times.
- 4) Dedicated gates, driveways or ramps should be used for delivery vehicle access.
- 5) Fully trained and certified flag persons must be used at all active driveways.
- 6) Pedestrian flow around the work site should be maintained at all times.

## Environmental Sustainability of New Construction

To ensure that all newly built, altered, reused or expansions of existing buildings in the area result in the lowest possible impact on greenhouse gas emissions in the atmosphere, the following measures should be implemented, to the extent practicable, to limit those emissions:

- 1) All owners must declare and design their new buildings and/or redesign their existing building to meet the current standards for at least LEED Silver certification or equivalent.
- 2) Optimize daylighting, heat loss and solar heat gain.
- 3) Utilize water-conserving fixtures exceeding currently building code requirements.
- 4) Use high-efficiency heating and cooling systems with barriers, silencers and other exterior noise controls.
- 5) Use clean power and reuse of renewable energy credits.
- 6) Use building materials that are recycled, rapidly renewable materials, and certified sustainable wood products with low carbon intensity.

Other measures that are encouraged to be incorporated include green roofs, motion sensors and lighting/climate control, efficiency lighting and elevators, energy star appliances, directed exterior lighting and water-efficient landscaping.

## Other Environmental Impact Concerns To Be Addressed

- **Public Health and Safety:** Adding a large new population has the potential to overburden medical infrastructure diminished by the closing of St. Vincent's Hospital and local police precincts.
- **Water and Sewer Infrastructure:** Thousands of new residents from new residential development would tax the City's already aging water and sewer infrastructure. Water main breaks and sewer overflows are already an issue, and the added structures would further stress these systems. Less absorption of rainwater and increased storm water runoff also present unmitigated negative impacts.
- **Solid Waste and Sanitation:** The proposed increase in residences as well as other uses will greatly increase the pressure on solid waste collection and disposal.

## **V: SCHOOL & SOCIAL SERVICES**

*CB2 is concerned that the proposed elementary school has fewer seats than will be needed in a community that is already over capacity, and emphasizes that this school must contain certain elements to assure that it will serve the needs of residents in the Special District and the CB2 area. In addition, creating a vibrant community requires amenities for the full range of residents and businesses. Therefore, CB2 calls upon Trinity to allocate space for facilities that serve seniors, families, and -- considering the Special District's location and history -- artists and art-related facilities.*

1. The DEIS states, "As the proposed new elementary school would increase the capacity of the sub-district by 444 seats (to a total of 3,770 seats), the Proposed Action would decrease the utilization rate of the sub-district by five percent, and the deficit of seats would decrease from 1,025 under the No Action condition to 980." It is clear that a 444-seat capacity school is insufficient, as it will only slightly ameliorate what is already a large deficit of seats. Therefore, CB2 calls upon Trinity Real Estate to commit to building the core and shell for an additional floor for the school upon SCA approval.
2. This core and shell must have adequate space to accommodate facilities such as a gymnasium, auditorium, urban farm garden, cafeteria, science and art classrooms, computer lab, cooking classroom, and other spaces found in state of the art elementary schools. This school must adhere to the most up-to-date ADA mandates at the time that the school is constructed, including one classroom for each grade/cohort that is fully handicap accessible. This means not only can a wheelchair-bound child enter the classroom, but also navigate around the room, and have access to materials at sitting height.
3. The building housing the school must incorporate some form of architecturally designed overhang or canopy above the school yard that protects the children from the adjacent edifice and also permits light to stream through to the play yard. The play yard should also have a heated surface and be protected from the elements due to the considerable shadows of the building with only northeast exposure.
4. The school must be zoned school serving to reduce overcrowded conditions in CB2 before accommodating children of other areas. The school must not be a Charter School.
5. The school playground must be ADA compliant and contain handicap accessible playground structures such as appendages good for climbing, monkey bars, a zipline, ramps and slides, and open areas, all allowing for safe, accessible and inclusive play for wheelchair-bound students.
6. As the school playground is part of Trinity Real Estate's Open Space Requirement, Trinity must guarantee proper maintenance of the school playground space, especially as the space will regularly be open to the public during non-school hours, and, therefore, endure additional wear and tear. Appropriate safety features must be included to protect users of this space.

Senior services as outlined in the Open Space section are also an essential part of a well-functioning mixed-use area, and space for these services should be provided either in the proposed Duarte Square Building or another appropriate space within the proposed Special District.

As the Hudson Square area has a rich history of arts and currently includes many creative businesses, CB2 requests that a portion of the inclusionary housing be designated Joint Live/Work Quarters for Artists (JLWQA).

## **VI: EFFECT ON ADJACENT NEIGHBORHOODS WITHIN CB2**

*A rezoning can have an immediate and dramatic effect on adjacent districts, changing property values, increasing development pressure, and imperiling the character of historic areas if no controls are put in place before the proposed area is rezoned.*

This rezoning will encourage development in the South Village, directly to the east. In 2007, this area was determined eligible for the State and National Registers of Historic Places. The Landmark Preservation Commission determined the area “landmark eligible” in the current DEIS as well as in the adopted EIS for NYU 2031. This re-zoning represents an immediate threat to the historic character of the adjacent area which can only be protected by historic district designation.

The area has been suggested for landmark designation since the earliest days of the New York City landmarks law. In 2002, CB2 and neighborhood groups met with the LPC, and in 2006 the Greenwich Village Society for Historic Preservation submitted a detailed report regarding the district’s significance, documenting the history of each of its 750 buildings. The proposal was endorsed by CB2. One third of the district was designated in 2010, but LPC has stated it has insufficient resources to continue.

Fulfillment of the commitment to designate the rest of the district is essential now because of the increasing development pressure this re-zoning will bring to the area. Significant changes to the area have already occurred in recent years affecting the Circle in the Square Playhouse, the Sullivan Street Playhouse, the Provincetown Playhouse, the Tunnel Garage, the 1861 row house on Bleecker Street, the 1824 house at 186 Spring Street, and the Children’s Aid Society. A 14-story apartment building will soon rise on Sixth Avenue where 19<sup>th</sup> century buildings were demolished. The rezoning’s stated purpose is to spur development and turn Hudson Square into a vibrant 24/7 mixed-use neighborhood, increase foot traffic, and the desirability of local retail. Models for the district include the Flatiron and Madison Square areas. The area will also be under pressure from new development to the north under the NYU 2031 plan. The impact on the South Village of the proposed action is likely to be swift and far-reaching.

The DEIS identifies the proposed South Village Historic District as an affected historic resource upon which the rezoning will have “significant adverse impact.” The only way to mitigate this impact will be to designate the proposed South Village district. In recent years, New York City has coupled rezoning actions with landmark designations for adjacent areas to protect them from development pressure created by the rezoning, including the Prospect Heights Historic District

adjacent to Atlantic Yards, and the West Chelsea Industrial District adjacent to West Chelsea rezoning.

The impact of the proposed rezoning on the South Village is potentially the single most far-reaching and harmful of all. It is also one for which successful mitigation is available. CB2 calls on Mayor Bloomberg, Speaker Quinn, Borough President Stringer, the Landmarks Preservation Commission, and the City Planning Commission to assure that this important rezoning is accompanied by an equally important action to achieve balance and protect our city's history.

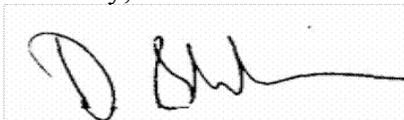
## CONCLUSION

CB2 agrees with the goals of the proposed Special District, and welcomes the benefits of a mixed-use neighborhood with a zoned public school. However, a significant rezoning of this densely built environment with very few opportunities for open space and community facilities, and the attendant pressure that an additional several thousand new residents and workers will bring, will cause negative effects on both the proposed area and the adjacent neighborhood. These effects must be mitigated in order for the proposal to be acceptable.

**For the reasons outlined above, CB2 recommends denial of this ULURP application as it does not meet the CEQR standards for open space. If the required open space mitigation is provided and Subdistrict B is removed, CB2 supports this rezoning but emphasizes that the other mitigations outlined in this resolution are also critically important, including our recommended height restrictions and the landmarking of the proposed South Village Historic District, and must be enacted.**

Please advise us of any decision or action taken in response to this resolution.

Sincerely,



David Gruber, Chair  
Community Board No. 2, Manhattan

c: Rep. Jerrold Nadler  
State Senator Thomas Duane  
Assemblymember Deborah Glick  
Manhattan Borough President Scott Stringer  
Council Speaker Christine C. Quinn

# 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 120380 ZMM

### Docket Description:

**C 120380 ZMM - IN THE MATTER OF** an application submitted by The Rector, Church-Wardens and Vestrymen of Trinity Church in the City of New York pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 12a:

1. changing from an M1-5B District to an M1-6 District property bounded by the former centerline of the Avenue of the Americas and its southerly prolongation, Canal Street, and the Avenue of the Americas and its southerly centerline prolongation; and
2. establishing a Special Hudson Square District bounded by West Houston Street, a line 100 feet easterly of Varick Street, Vandam Street, Avenue of the Americas, Spring Street, Avenue of the Americas and its southerly centerline prolongation, Canal Street, Hudson Street, Spring Street, and Greenwich Street;

Borough of Manhattan, Community District 2, as shown on a diagram dated August 20, 2012, and subject to the conditions of CEQR Declaration E-288.

COMMUNITY BOARD NO:

2

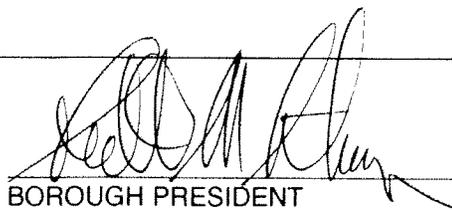
BOROUGH: Manhattan

## RECOMMENDATION

- APPROVE
- APPROVE WITH MODIFICATIONS/CONDITIONS (List below)
- DISAPPROVE
- DISAPPROVE WITH MODIFICATIONS/CONDITONS (Listed below)

EXPLANATION OF RECOMMENDATION – MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

See Attached

  
BOROUGH PRESIDENT

11/26/12  
DATE



THE CITY OF NEW YORK  
**OFFICE OF THE PRESIDENT**  
BOROUGH OF MANHATTAN

SCOTT M. STRINGER  
BOROUGH PRESIDENT

November, 26 2012

**Recommendation on**  
**ULURP Application Nos. C 1203080 ZMM, & N 120381 ZRM –**  
**Special Hudson Square District by**  
**The Rector, Church-Wardens and Vestrymen of Trinity Church in the City of New York**

**PROPOSED ACTION**

The Rector, Church-Wardens and Vestrymen of Trinity Church in the City of New York (the “applicant”) seek approval of a **Zoning Map Amendment (C 120380 ZMM)** to establish a new Special Hudson Square District located within Community District 2 in Manhattan. The proposed special purpose district is comprised of approximately 18 blocks generally bounded by West Houston Street to the north, Greenwich Street to the west, Canal Street to the south and Avenue of the Americas to the east.

The applicant also filed a related application for a **Zoning Text Amendment (N 120381 ZRM)** to establish zoning regulations for the proposed special purpose district in addition to the underlying M1-6 zoning district that governs the area today. The proposed amendments would generally permit residential and community facility uses, impose bulk and height limits, promote the creation of affordable housing, allow for school development, and limit the development of eating and drinking establishments and hotels. Text amendments are proposed for the following sections of the Zoning Resolution: **ZR §§ 11-12** (Establishment of Districts); **12-10** (Definitions); **73-244** (Special Permits by the Board of Standards and Appeals); and **Article 8, Chapter 8** (Special Hudson Square District).

**PROJECT DESCRIPTION**

The applicant seeks a zoning map amendment and a related zoning text amendment to establish a special purpose district, the “Special Hudson Square District” (“HSQ”) with Subdistricts A and B. Subdistrict A is bounded by Grand Street, Avenue of the Americas, Canal Street, and Varick Street (Block 227). Subdistrict B is bounded by Dominick Street, a line midway between Varick Street and Avenue of the Americas, Watts Street, and the Holland Tunnel (Blocks 477, 491, and 578).<sup>1</sup> The proposed actions would generally permit residential development, regulate bulk and

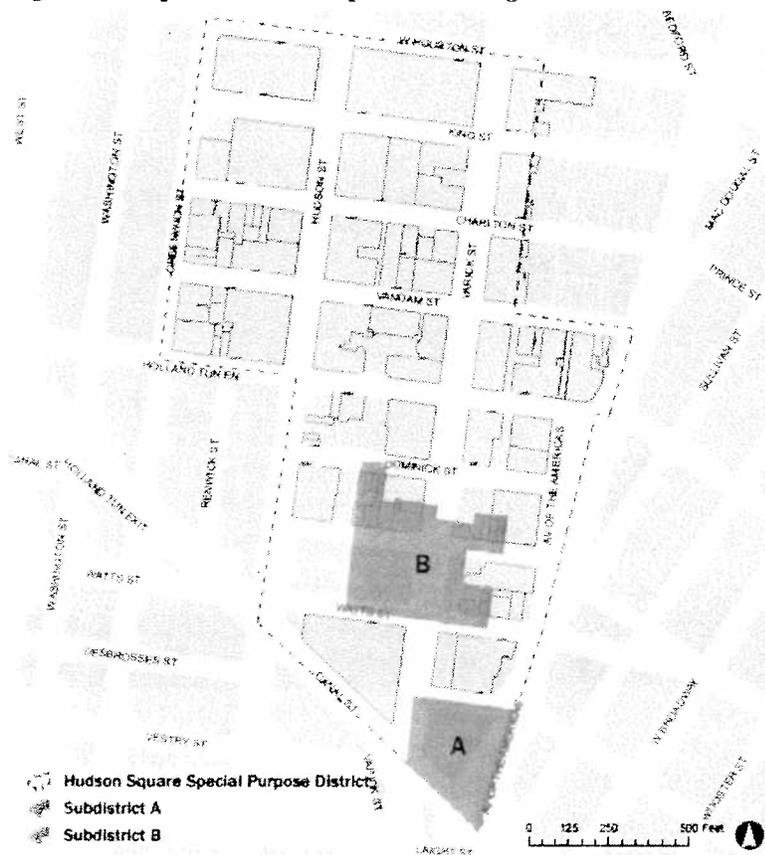
<sup>1</sup> Refer to **Figure 1** for boundaries of proposed district.



height, and set limitations on certain uses to protect the commercial character of the Hudson Square neighborhood.

Hudson Square is a predominately commercial and light manufacturing neighborhood. The current proposed rezoning area is composed of approximately 97% of commercial and office uses, and 3% of legal non-conforming residential uses.<sup>2</sup> The area is also characterized by community facility uses that include museums and trade schools.

**Figure 1: Proposed Hudson Square Rezoning Boundaries**



The area’s history of printing and publishing industries is reflected in its many mid- to large-sized warehouse buildings that are between 6 and 12 stories. Low-scale row houses and tenement-style buildings, between 3 and 6 stories are scattered within the proposed project site. In recent years, as-of-right hotel developments have started to erode the special physical character of the neighborhood, including the 42-story Trump SoHo Hotel located on Varick Street between Spring and Dominick streets.

Additionally, Hudson Square is characterized by the entrance to the Holland Tunnel, located just south of Broome Street between Varick and Hudson streets. The neighborhood is also well served by public transit, with the 1, A, C and E subway stops in the immediate area.

While Hudson Square is located two blocks east of Hudson River Park, there are only three open space areas within the proposed HSQ: Trump SoHo plaza, SoHo Square and Duarte Square located within proposed Subdistrict A.<sup>3</sup>

Hudson Square’s current zoning is entirely a M1-6 zoning district. M1-6 is a high-density, light manufacturing zoning district that permits high performance industrial uses and a range of commercial and community facility uses. Residential uses, however, are not permitted as of right. This district allows a maximum allowable FAR of 10 for manufacturing, commercial and some community facility uses, and developments utilizing the plaza and arcade bonus are allowed up to a 12 FAR. Additionally, there are no requirements for street wall and building heights in M1-6 districts.

<sup>2</sup> There is approximately 348,171 SF of residential area or 353 units within the proposed HSQ.

<sup>3</sup> The three identified open spaces combined is approximately 1 acre.

## Proposed Special Hudson Square District

The applicant proposes to replace the existing M1-6 zoning district with a special purpose district with unique use regulations, minimum and maximum base heights, and maximum building height regulations as defined by the proposed zoning text amendments. The proposed action would also create Subdistricts A and B that would have their own specific height and bulk regulations.

### Hudson Square Special Purpose District

The proposed special purpose district aims to:

- permit residential development;
- permit other community facility uses, such as schools;
- impose height limits in the area;
- set contextual development envelopes;
- encourage affordable housing through inclusionary housing bonus;
- preserve commercial uses in the area;
- limit hotel development;
- limit eating and drinking establishments; and
- limit large-scale retail developments with the exception of food markets.

*Density* - The proposed rezoning would allow a maximum 10 FAR for commercial and community facility uses, and 9 FAR for residential developments. The arcade and plaza development bonus, under M1-6 zoning provisions would be eliminated under the proposed plan. Instead, the proposed HSQ would allow a development bonus of up to 12 FAR with the addition of affordable housing through the city's Inclusionary Housing Program. The proposed rezoning also aims to maintain the area's predominant commercial nature by protecting non-residential buildings that are 70,000 SF or larger ("qualifying buildings"). Any demolition or conversion of qualifying buildings would require a one-to-one replacement of demolished commercial or manufacturing floor area, and certification from the City Planning Commission ("CPC"). Commercial and light manufacturing uses are encouraged through this proposed action; mixed-use residential projects, with a base of 9 FAR, would be allowed to increase the base to a 10 FAR provided non-residential uses are included in the development.<sup>4</sup> However, the maximum FAR would remain at 12 FAR.

*Height* - Under the rezoning, buildings on *wide streets* would be limited to a maximum height of 320 feet, with minimum and maximum base heights of 125 to 150 feet. New buildings constructed on *narrow streets* would be limited to a maximum height of 185 feet, with minimum and maximum base heights of 60 to 125 feet. Setback distances at the base are also required: 10 feet on wide streets, and 15 feet on narrow streets.

*Uses* - The rezoning would control the size and amount of some non-residential uses in the area. While ground-floor retail is generally encouraged in the proposed district, retail uses would be

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<sup>4</sup> New developments are allowed an additional 0.25 residential FAR for every 1 non-residential FAR built – up to 1 additional residential FAR is permitted.

limited to 10,000 SF.<sup>5</sup> Supermarkets and food stores, however, are exempt from this restriction. Other uses would also be regulated under the new rezoning. Eating and drinking establishments with a capacity for 200 or more people for entertainment and dancing would require a special permit approved and issued by the Board of Standards and Appeals. New hotel construction or enlargement projects with 100 or more sleeping units would require a special permit from the CPC. The special permit, however, would exist only until the district's residential development goal of 2,255<sup>6</sup> dwelling units has been met.<sup>7</sup> Hotel conversion or enlargement of an existing qualifying building will only be permitted by special permit regardless of whether the residential development goal has been met.

Additionally, manufacturing uses in the district would be subject to modifications, as applied in the Special Mixed Use District, to as-of-right uses, uses with restrictions, and excluded uses in Use Groups 16, 17 and 18 as set forth in ZR § 123-22.

*Streetscape Regulations* - The applicant also seeks to implement streetscape provisions in the proposed rezoning area. Ground-floor retail uses,<sup>8</sup> occupying 50 feet or more of the lot's street frontage, would be required to have a depth of at least 30 feet<sup>9</sup> and occupy a minimum of 50% of the zoning lot frontage. The remaining lot frontage may be occupied by any of the permitted uses that include lobbies and entrances to parking spaces (lobbies are limited to a width of 40 feet of frontage). Parking spaces would be permitted to occupy portions of the ground floor provided they are located beyond 30 feet of the street-facing building wall. At least 50% of the surface area of a ground floor street wall must be transparent between two and 12 feet (or the height of the ground floor ceiling if higher). The transparency requirement must be placed a minimum of 4 feet above the curb level; and the width of ground-floor street wall may not be nontransparent for more than 10 feet.

*Court and Yard Regulations* - The proposed HSQ would follow court provisions set under R10 zoning district regulations (ZR § 23-80), and yard provisions set under C6 zoning district regulations (ZR § 33-22).

*Rooftop Regulations* - Buildings in the proposed HSQ will follow regulations set forth in ZR § 33-42 permitting obstructions, such as elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment to penetrate the district's height limits. These obstructions are limited to 20% of the building's lot coverage, and a maximum of 40 feet. Additionally, all mechanical equipment (with the exception of water towers) on residential developments, enlargements and conversions would be required to be protected by a screen.

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<sup>5</sup> In particular, Use Groups 6A (other than food stores), 6C, 6E, 10 and 12B uses. The 10,000 SF limit on retail spaces only applies to the ground-floor level, and does not include floor area below or above the ground floor. These uses generally include convenience retail or service establishments, non-commercial clubs, and large retail establishments such as department stores.

<sup>6</sup> The residential development goal as stated in the proposed zoning text, in § 88-13(e)(1).

<sup>7</sup> The residential goal is 75% of the projected residential population in the Reasonable Worst Cast Development Scenario 2 (of 2,977).

<sup>8</sup> This requirement is limited to Use Group 6A, 6C, 7B, 8A, 8B, 9A, 10A, 12A and 12B uses (generally convenience retail or service establishments that serve the local neighborhood, and entertainment establishments).

<sup>9</sup> The 30 feet depth requirement would not apply to accommodate potential lobbies or circulation spaces.

Dormers would also be allowed to penetrate the maximum base height provided the width of the dormer is not greater than 60% of the length of the highest story entirely below the maximum base height.

*Street Wall Locations* - All buildings within the proposed HSQ must have street walls built to the street lot line. However, buildings are allowed to set back up to 18 inches from the street line. Recesses before the required setback would be permitted for entrances and vertical wall articulation. Where access to buildings is required, a recess of up to 3 feet in depth from the street line would be permitted. Recesses up to 5 feet in depth and a width between 10 and 40% of the street wall would be required above the second story of buildings along *wide* streets (above 60 feet of the building); and recesses no deeper than 18 inches and a width less than 30% the building's width would be required above the second story of buildings along *narrow* streets.

*Sign Regulations* - Signs in the new district would follow sign regulations found in C6-4 zoning districts pursuant to ZR § 32-60.

#### Subdistrict A:

The maximum allowable density in Subdistrict A could go up to a 10 FAR for commercial, light manufacturing and community facility uses, and reduced to a 9 FAR if residential uses are included in the project. Similar to other portions of the proposed special purpose district, residential and mixed-use developments are permitted to a 10 FAR, where an additional 0.25 residential FAR is permitted for every 1 non-residential FAR built. Additionally, any floor area built for a public school would not be calculated towards the project's total FAR.

Under the proposed rezoning, new developments within Subdistrict A would be permitted to rise to 430 feet. The lot coverage regulations would require a minimum 30 percent lot coverage for portion of the development *below* 290 feet, and a minimum 20 percent lot coverage for the portion *above* 290 feet.

Streetscape requirements would also apply to developments in Subdistrict A. Permitted ground-floor uses<sup>10</sup> would be required to occupy the entire width of the zoning lot frontage if the building bounds a public park.

#### Subdistrict B:

Subdistrict B would allow up to a 5.4 base FAR for residential uses, a 6 FAR for commercial and manufacturing uses, a 6.5 FAR for community facility uses, and up to a maximum 7.2 FAR through the Inclusionary Housing Program.

Subdistrict B would also follow contextual height and setback regulations pursuant to a C6-2A zoning district. Specifically, the maximum building height would be 120 feet, with minimum and maximum base heights between 60 and 85 feet. Setback regulations would be 15 feet on a

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<sup>10</sup> Similar to the proposed use regulations for the rest of the special purpose district, only Use Groups 6A, 6C, 7B, 8A, 8B, 9A, 10A, 12A and 12B uses would be permitted on the ground floor, with the exception of schools (Use Group 3) and residential lobbies that would also be allowed in Subdistrict A.

*narrow* street 10 feet on a *wide* street.

### **Anticipated Development under the Reasonable Worst Case Scenario Development**

Two Reasonable Worst Case Development Scenarios (“RWCDs”) were studied in the Draft Environmental Impact Study (“DEIS”); RWCDs1 would generate approximately 3,323 residential units, and RWCDs2 would create 2,977 new units in addition to dormitory uses. The Final Environmental Impact Study will explore mitigations to adverse impacts identified in the DEIS. The DEIS found significant adverse impacts in the following areas:

- Socioeconomic impacts, 88 businesses (629 jobs) would be directly displaced as a result of the proposed actions. This number does not trigger a significant adverse impact, and the proposed actions would add approximately 438 jobs to the area (under RWCDs).
- Open space in the area would experience significant adverse impacts. Potential developments in the study area would result in a decrease in the total open space ratio, and the percentage of active recreational space. To *partially* mitigate these impacts, the applicant:
  - would develop a new design for Duarte Square Park to better accommodate new residential population in the area;
  - coordinate with SCA and DOE to provide access to the proposed school’s play yard on Site 1 (after school, weekends, and summer hours); and
  - explore the potential use of Port Authority property, north of the Holland Tunnel, as potential open space.
- Shadows impacts would be imposed on Trump SoHo Plaza and SoHo Square which are two open space resources in the study area.
- Archaeological and architectural resources would be adversely impacted by construction activities from projected and potential development projects in the area.
- Transportation impacts would impose significant adverse impacts at 17 intersections, and significant adverse impacts for pedestrian conditions were identified at the north crosswalk of Avenue of the Americas and Spring Street and the north crosswalk of Varick Street and Spring Street. Mitigations for these potential adverse impacts include: signal retiming, changes to parking regulations, and crosswalk widening.
- Impacts from construction-related activities would impose significant adverse impacts on transportation. There would be unavoidable significant adverse impacts on six identified architectural resources within 90 feet of the proposed district: 32-36 Dominick Street; 310 Spring Street; the Charlton-King-Vandam Historic District; and the proposed South Village Historic District.

### **Alternatives**

The DEIS studied several alternative development scenarios, which include: a No-Action alternative, a No Subdistrict B alternative, a Midblock Special Permit alternative, a No

Subdistrict B with Midblock Special Permit alternative, a Modified Midblock Site alternative, a Lower Height alternative, and a No Unmitigated Significant Adverse Impact alternative. Studying various development scenarios provides options to alternatives that may better serve both the community at large, and property owners of Hudson Square.

### **COMMUNITY BOARD'S RECOMMENDATION**

At a Full Board meeting on October 18, 2012, Manhattan Community Board 2 (“CB2”) recommended a **conditional disapproval** by a vote of 41 in favor, 0 opposed, and 1 recusal. CB2’s main concerns with the proposed actions are height limits, and open space and traffic mitigations. CB2 also called for the establishment of the proposed South Village Historic District.

The community board found the proposed 320 feet height limit too high along the avenues, and suggested 250 feet (with affordable housing) and 210 feet (without affordable housing). The community board found 185 feet limit on narrow streets to be appropriate, but felt the height should be lowered to 165 feet if new developments do not include affordable housing. CB2 also did not support the proposed 430 height limit for developments in Subdistrict A, and proposed that the height be below 430 feet.

In addition to proposing new height limits, CB2 stressed that the proposed open space improvements are not adequate in mitigating impacts from proposed developments in the area. To alleviate the lack of active recreational space, CB2 recommended the addition of a community recreation center in Subdistrict A. The community board also did not support the establishment of Subdistrict B as it does not preserve a special neighborhood character. Additionally, CB2 supported the designation of the South Village Historic District to better regulate potential development pressures in the neighboring low-scale neighborhood.

Other conditions CB2 listed in its resolution include supporting traffic calming measures, and implementing a signage program to further mitigate transportation impacts. Traffic safety measures should be especially enforced at intersections in and around the proposed school site. The board also proposed to maintain the special permit provision on hotel developments in perpetuity, and to eliminate dormitory uses in the district. CB2 would also like to ensure all construction projects are carefully monitored, and that the community be engaged and informed about all stages of construction activity in the area.

### **BOROUGH PRESIDENT'S COMMENTS**

At the turn of the 20<sup>th</sup> Century, Hudson Square grew as a center for the city’s printing and publishing needs. Since then, demand for printing services has declined coupled with the city’s general shift away from manufacturing. As a consequence, the area’s industrial character has also changed. Today’s Hudson Square, unlike what it was a century ago, contains offices for media, technology and arts-related companies. These industries are attracted to Hudson Square’s building stock and its large floor plates and high ceilings; and thus, have turned the neighborhood into an emerging hub for the city’s creative economy.

While Hudson Square has changed, its zoning is outdated and does not reflect the needs of the

neighborhood. The current zoning is overly restrictive on uses, does not support modern office amenities, and allows out-of-context buildings. The existing zoning also does not contribute to local and city-wide needs such as spaces for new schools and affordable housing. The proposed rezoning addresses some of these gaps:

#### *Creating a Mixed-Use Community*

While the area has a healthy mix of commercial and light manufacturing uses, the lack of a residential population prevents Hudson Square from being an around-the-clock community. Retail businesses have a difficult time thriving without a sizable number of pedestrians during the evening and weekend hours. This lack of retail environment creates dangerous night-time conditions as there are fewer pedestrians and eyes on the street, and it also removes services from those who work in the area.

The applicant, therefore, seeks a rezoning that would increase residential density to help create and sustain a retail presence to serve both the residents and workers of Hudson Square. Maintaining a healthy ground-floor retail presence would enliven the streets, and create a more vibrant environment that extends beyond the standard work week.

The anticipated residential population would not overwhelm existing commercial uses in the area, as the rezoning also aims to protect commercial buildings that are 70,000 SF or greater. The replacement of demolished commercial space would preserve commercial uses in Hudson Square and prevent the loss of businesses to new residential developments. This protection aligns with the city's policies and efforts to foster the creative and innovative job sectors, and establishes economic stability for startup media and technology companies in the area.

#### *Maintaining a Contextual Physical Scale in the Neighborhood*

The rezoning would require new buildings to be contextual and built up to their lot lines. As the neighborhood continues to grow, the requirement would maintain the physical character of Hudson Square, and promote a better sense of place. The current M1-6 zoning district does not limit heights of new constructions. As a result, several out-of-scale buildings, including the 454-foot Trump SoHo Hotel, have risen in recent years creating gaps and inactive spaces on the street level. Without the proposed rezoning, oversized buildings could continue to develop as of right in the area.<sup>11</sup> Therefore, the implementation of bulk controls and height limits in this rezoning would improve the pedestrian experience, and provide a planned vision of Hudson Square's future developments.

#### *Creating Affordable Housing*

The creation of more affordable housing is an important citywide goal because it diversifies housing options and stabilizes housing costs. The Inclusionary Housing Program has proven successful throughout the city as it incentivizes developers in creating affordable units in exchange for additional density that zoning otherwise would not permit. The program produced

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<sup>11</sup> In the No-Action Scenario studied in DEIS, two new hotels (at 453 and 492 feet) would develop on the applicant's sites.

3,200 units of affordable housing from 1985 to 2009. The approval of the proposed rezoning could potentially add 679 low- and moderate-income housing units in the Hudson Square neighborhood.<sup>12</sup>

### **Community Concerns**

While this rezoning presents tremendous opportunities for the neighborhood's growth as a mixed-use community, there are still pressing planning, policy and community concerns that should be addressed including:

- Open space mitigation;
- Height on the avenues;
- Height on the mid-blocks;
- Subdistrict B;
- Hotel special permit; and
- Public school.

#### *Open Space*

Community District 2 is well below city standards for open space. While the district currently meets standards for passive recreational open space, it is far from adequate active recreational open space, missing the target by 1.71 acres per 1,000 residents.<sup>13</sup> In addition, Community District 2 has one of the lowest amounts of open space per resident when compared to other community districts in Manhattan. Permitting residential uses to this area would further reduce available open space per resident.

In partnership with the local business improvement district (“BID”) Hudson Square Connection, the applicant has identified areas for open space improvements and potential locations where additional open space could be created: Duarte Square, SoHo Square, Freeman Plaza, the Port Authority-owned parking lot above the Holland Tunnel and the Spring Street corridor. These initiatives would improve the overall pedestrian experience in Hudson Square, and begin to add the amenities of a residential community. As owner of 40% of the properties within the special purpose district, the applicant's contribution to the local BID is significant. Unfortunately, these improvements do not solve the lack of active open space issue.

As stated in the proposed text amendment in Section 88-00, one of the general purposes of the Special Hudson Square District is to “...enhance the vitality and character of the neighborhood for workers and residents.” While vitality and character could be broadly defined, it is unmistakable that access to places for fitness and exercise is critical to the community's overall health and wellbeing.

One option to address this lack of open space would be through the provision of a new community recreation space, as recommended by CB2. A recreation center would meet the

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<sup>12</sup> Approximation found in Chapter 1, the Project Description of the *DEIS*, page 1-1.

<sup>13</sup> The open space standard in the city is 0.5 acres for passive recreational open space and 2.0 acres of active recreational space for every 1,000 residents. There are approximately 0.69 acres of passive and 0.29 acres of active recreational open space per 1,000 residents in Manhattan Community District 2.

resident's need for active recreational space, especially in a densely-built urban environment that lacks large publicly-owned land that could be converted into parks. The applicant has begun to explore this option and has reached out to recreational space providers. However, their initial analysis indicates a recreation center will not be financially viable without significant government subsidies for both capital construction and the center's long-term operation. Without adequate funding and a viable provider, a recreation center may be difficult to provide during this rezoning.

While a recreation center should be continued to be explored, the applicant should examine other ways to contribute to the open space needs of the community. These include but are not limited to exploring new open space options on Port Authority land or the water tunnel site; and improving existing open spaces such as the Tony Dapolito Recreation Center and Hudson River Park.

Additionally, a significant part of the proposal includes building out Duarte Square Park. The park is anticipated to be located east of Subdistrict A. To date, however, the exact design of the park is not known. If designed correctly, the park could address some active open space needs such as the inclusion of playgrounds or tot-lots. The applicant should work with the community on the design of the park to ensure that it meets community recreational and active space needs.

#### *Subdistrict B*

As currently proposed, the Subdistrict would reduce densities by nearly 50%, and introduce R8A-equivalent bulk controls with a maximum building height of 120 feet. While the city often considers down zonings as a way to allow for greater light and air on mid-blocks or to acknowledge the unique character of a neighborhood, this particular proposed Subdistrict fails to achieve either goal. Subdistrict B is divided by a wide-street corridor (Varick Street) and the district is predominately located on wide street frontages. Furthermore, it is directly across the street from Freeman Plaza, an open space and tunnel access to the Holland Tunnel. As such, the rezoning would reduce height in an area that has significant light and air.

While the proposed Subdistrict includes a collection of townhouses that are different in scale and form from the warehouse and office buildings that predominate the area, they are not located on continuous lots and do not form a sense of a *district* that feels different from the rest of Hudson Square. Instead, the boundaries of the proposed district are irregular, and are more similar to a historic district than a zoning district. Moreover, the proposal includes vacant lots along Varick Street and portions of Freeman Plaza, which do not contribute to a sense of unique character. Finally, Subdistrict B would reduce the potential number of residential development by 179 units (and approximately 42 affordable units) that could otherwise be created under the guidelines proposed for the rest of the Special Hudson Square District.

The community overwhelmingly supports the elimination of Subdistrict B, which better aligns with this rezoning's intent to create more housing opportunities in Hudson Square. The applicant should pursue alternative text that eliminates Subdistrict B as it will allow for greater residential development without compromising a unique neighborhood.

#### *Public School*

While public school space is often included in large-scale development projects, they are not typically provided in large neighborhood-wide rezonings. These rezonings often leave an unmitigated impact, which must be resolved by the city at a future date. However, the HSQ special district proposal includes a public school despite being a neighborhood-wide rezoning. The applicant will provide a 444-seat public elementary school of approximately 75,000 SF on the lower floors of a proposed 430-foot building within Subdistrict A. The school will mitigate a significant adverse impact created by the rezoning. The projected number of residential units would produce the need for an approximately 399 grade school seats. The applicant should be commended for taking initiative to mitigate a significant adverse impact and this mitigation should serve as a model to other neighborhood-wide rezonings.

While the proposed school would accommodate the number of students resulting from the rezoning, it will not alleviate the existing school needs of the affected district. According to the *DEIS*, the addition of a 444-seat public elementary school would only lower the school utilization rate by 5%, and keep grade schools in the area well above their capacities.<sup>14</sup> Additionally, the number of residents would increase with the elimination of Subdistrict B, and would further add impact on neighborhood schools.

Overcrowding will continue to be an issue as the neighborhood grows. While the applicant is mitigating the impact of this rezoning, the city must take more significant efforts to mitigate the impacts of population changes that are occurring in the neighborhood. The city, through the School Construction Authority, should continue to work with the community to identify new public school spaces and fund other potential spaces, such as the new school proposed at New York University campus, which remains unfunded.

Furthermore, the community has proposed several design improvements to the public school in Subdistrict A including: ensuring its compliance with the American with Disabilities Act, providing a playground, and creating cluster rooms like science laboratories for students. As the design of the school will require cooperation with the School Construction Authority, the applicant should continue to work with the community and the Authority as construction moves forward to achieve these goals. Finally, if it remains open after school hours, the proposed public school playground provides an opportunity to partially meet recreational needs of residents. Therefore, the applicant should commit to making the space available to the public during non-school hours.

### *Height Limitations on the Avenues*

The proposed height limits are designed to accommodate larger and more desirable floor plates of commercial buildings, and accommodate other bulk regulations designed to break up the proposed buildings' mass. These guidelines include required recesses and narrower towers on a base. However, the proposed 320 feet would generate a district with taller buildings than other 12-FAR districts in the city and therefore, requires careful examination.

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<sup>14</sup> Even with the addition of a 444-seat elementary school, the schools in the affected district will continue to experience overcrowding by 980 seats, and a utilization rate of 126%.

Only two buildings in the proposed special purpose district are above or near 320 feet.<sup>15</sup> Existing 10-FAR buildings have an average height of 203 feet and 12-FAR buildings have an average of 243 feet. Many of these buildings are loft-style buildings without rear yards or setbacks. In order to construct a building that is more in context, a lower building height is appropriate.

While other 12-FAR districts have height limits as low as 210 feet, these districts tend to produce residential developments. As a main goal of this rezoning is to allow commercial and mixed-use buildings, a greater floor-to-ceiling height is needed than a typical 12-FAR district. This is consistent with the average floor to floor height in the district, which is around 13 feet.

The rationale to raise the building height to 320 feet is that new buildings would be limited to a width of 150 feet above the base. This regulation moves bulk vertically rather than horizontally. While this bulk control is intended to break up the building's mass, alternative urban design controls with a lower height limit could be implemented to achieve a similar goal.

Instead of a narrow tower, the tower could be allowed to widen, and set back another five feet for a portion of the tower, which would create two planes to break up the building's mass. By allowing the building's tower to be 175 feet wide instead of 150 feet wide above the base, the total height of the proposed building could be reduced to 290 feet, while maintaining an average of 11 feet floor to floor heights. However, to ensure that the building's mass remains broken, the tower should be broken up to two segments. A portion of the building fronting wide streets no greater than 120 feet should be required to set back 10 feet and the remaining portion should be required to set back 15 feet. Narrow street setbacks should remain at 15 feet.

### *Mid-Block Heights*

The proposed rezoning introduces new height limits of 185 feet on narrow streets (the mid-blocks). Through the course of public review, several property owners have expressed concern that they cannot achieve the full 12 FAR with the proposed lower height limit. The *DEIS* acknowledges that one of these sites is unable to achieve the full 12 FAR density. If applicants are not able to achieve the full 12 FAR, then they will be producing less or no affordable housing as they are unable to fully utilize the affordable housing bonus.

The creation of affordable housing is a city-wide concern and this neighborhood represents one of the few areas in Community District 2 where the creation of affordable housing is feasible. As such, the city should reconsider this regulation, which could result in the creation of less affordable housing. While some of the sites, such as the Edison parking lot (located on Dominick Street between Hudson and Varick streets) is narrow and could seek a Board of Standards and Appeals ("BSA") variance, new zoning regulations, in principal should be formed in such a way as to avoid any potential need for variances.

Variances are generally intended to provide relief for unintended consequences of zoning regulations. As such, the BSA process prevents review by the normal ULURP stakeholders who

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<sup>15</sup> 57 Watts street is 317 feet and 246 Spring Street is 454 feet tall according to Table 1-3 of the *DEIS*.

created the regulations, namely the community board, the borough president, CPC and the City Council. A variance conversely is only reviewed by the BSA. If the variance does not produce a preferred building form, the only means of regress for the community would be through legal actions.

As an alternative, the *DEIS* contemplates the creation of a special permit, which would allow applicants to waive building height and bulk requirements after public review. Such a process would allow building forms to be evaluated on a case-by-case basis and provide a role for community comment through ULURP. Therefore, this application should be modified to include a special permit to allow modification of building forms in the mid-block.

### *Hotel Special Permit*

The intention of the hotel special permit is to encourage sound and balanced growth in the rezoning area. Hotel developments have shown to be more competitive and profitable than the development of other commercial uses in Hudson Square. The result has been the development of several out-of-scale hotels, especially without height restrictions under the existing M1-6 zoning. Currently, there are four hotels within the proposed special purpose district that range between 18 and 42 stories high.<sup>16</sup> All four hotels are in new buildings, and had received building permits within the last 6 years. Without the proposed rezoning, potential hotels with up to 419 rooms and above 40 stories would be developed as of right in the neighborhood.<sup>17</sup>

These potential developments threaten the goals of this rezoning, which is to encourage a mixed-use community that supports residential and commercial office developments. Hotel developments attract a transient population that has different needs and impacts than the community's residents and workers. The proposed rezoning recognizes the potential impact of overdevelopment of hotels in the neighborhood, and has added a special permit provision to regulate the size and occurrences of hotels.

While the special permit brings attention to the potential saturation of hotels in Hudson Square, the special permit finding is inconsistent with the policy it intends. As the proposed text is currently written, any new hotel development within the proposed HSQ has to be limited to 100 rooms or less until the district reaches its residential development goal (2,255 residential units recorded through Certificates of Occupancy), which is 75% of projected residential growth in the rezoning area as studied in the *DEIS*.

This special permit finding is inconsistent with the city's policy on hotel development in the surrounding area. Section 111-31 of the zoning resolution (Special Permit for Large Transient Hotel) applies to the Special Tribeca Mixed-Use District, which is located directly south of the proposed Special Hudson Square District. Section 111-31 limits the development of hotels with more than 100 rooms; this special permit is not limited to a residential development goal and

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<sup>16</sup> Hampton Inn at 54 Watts Street has 18 stories; Courtyard SoHo at 181 Varick Street has 19 stories; Four Points at 66 Charlton has 20 stories; and Trump SoHo at 246 Spring Street has 42 stories.

<sup>17</sup> Potential hotel developments are known for applicant-owned lots. From the *DEIS*, the potential development sites for hotels are: 87 Avenue of the Americas with approximately 299,740 SF (419 rooms); 275 Spring Street with 272,569 SF (381 rooms); 66 Watts Street with 107,140 SF (202 rooms); and 523 Greenwich Street with 59,721 SF (124 rooms).

never expires. Additionally, the finding will be difficult to regulate as the total number of residential units may change over time if buildings are converted to commercial uses, or if residential units are combined.

The zoning should acknowledge the unique conditions of this neighborhood and use the special district to create an appropriate hotel regulation for the area. A uniquely high percentage of the new buildings constructed in this neighborhood are hotels. Additionally, the area has significant vehicular traffic congestion due to proximity to the Holland Tunnel and new hotel uses could significantly add to adverse traffic conditions. Finally, as the Tribeca Special District eliminates hotels, there will be significant pressure to develop hotels in this area due to its proximity to Tribeca, SoHo, and the West Village, which are major tourist destinations.

To support the goals and purpose of the proposed Special Hudson Square District, and to be consistent with the policy on hotel developments in the neighboring Special Tribeca Mixed-Use District, the hotel special permit should be extended in perpetuity.

#### *Proposed South Village Historic District*

The proposed South Village Historic District is located on the northeast corner of the proposed special purpose district, and sandwiched between the Greenwich Village Historic District to the north and the SoHo-Cast Iron Historic District to the south. In a letter dated April 16, 2007 to the Chair of the Landmarks Preservation Commission, the Manhattan Borough President expressed support for the designation of the South Village Historic District. The proposed historic district contains an array of tenement-style buildings, many of them remarkably intact, and represents a virtually unaltered landscape of working-class New York City during the nineteenth and early twentieth centuries.

The historic district has since been supported by other local elected officials, the community board, neighborhood and city-wide preservation groups and even New York University. Since that time, the proposed historic district has not been calendared. The designation of this 38-block district becomes more pressing with the approval of this rezoning as development pressures will continue to increase with the growth of residential development in Hudson Square. While designation of the proposed historic district is not one of the proposed actions of this ULURP application, this rezoning would trigger change that could likely impact the character of Hudson Square's adjoining neighborhoods.

The South Village Historic District should be calendared in order to protect the historic structures contained there within.

#### **MEETING COMMUNITY CONCERNS**

In an attached letter, dated November 26, 2012 to the Manhattan Borough President, the applicant has agreed to and will continue to explore the following modifications and mitigations:

1. Trinity is amendable to reducing the height on the avenues to 290 feet by widening the proposed tower portion on the base to 175 feet wide, and requiring an additional setback for the portion of the tower greater than 120 feet wide;
2. Trinity has submitted alternative language, which would eliminate Subdistrict B and allow

- it to follow the rules of the rest of the special district;
3. Trinity acknowledges that the Borough President's proposed removal of the expiration on the hotel special permit is intended to strengthen the special district and its goals, despite its inclusion to meet citywide policy concern;
  4. Trinity will continue to work with the Borough President's office and the community to identify open space opportunities;
  5. Trinity will work with the community on the design of Duarte Square Park;
  6. Trinity will encourage the SCA to meet the needs and concerns of the community in planning the school;
  7. Trinity work with the SCA/DOE to ensure public access to the school's playground and other facilities during non-school hours.

### **BOROUGH PRESIDENT'S RECOMMENDATION**

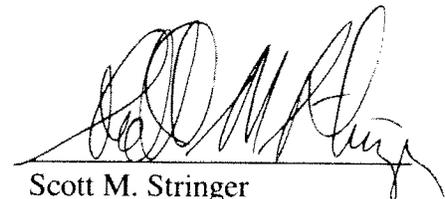
The proposed rezoning introduces height limits where they do not currently exist, protects existing commercial buildings, provides new opportunities for affordable housing and will create a new public school.

**Therefore, the Manhattan Borough President recommends conditional approval provided that the applicant fulfills the following:**

1. **Reduce the height on the avenues to 290 feet by widening the proposed tower portion on the base to 175 feet wide, and require an additional setback for the portion of the tower greater than 120 feet wide;**
2. **Continue to pursue alterative language, which would eliminate Subdistrict B and allow it to follow the rules of the rest of the special district;**
3. **Remove the hotel special permit expiration, which would strengthen the special district;**
4. **Continue to work with the Borough President's office and the community to identify open space opportunities;**
5. **Work with the community on the design of Duarte Square Park;**
6. **Encourage the SCA to meet the needs and concerns of the community in planning the school;**
7. **Work with the SCA/DOE to ensure public access to the school's playground and other facilities during non-school hours.**

**In addition, the Manhattan Borough President urges the applicant and the city to continue to work on:**

1. **Creating a special permit to allow appropriate modification of the mid-block heights; and**
2. **Urging Landmarks Preservation Commission to calendar proposed South Village Historic District.**



Scott M. Stringer  
Manhattan Borough President

**APPENDIX A:**  
Letter from Applicant



November 26, 2012

Honorable Scott M. Stringer  
Manhattan Borough President  
1 Centre Street, 19<sup>th</sup> Floor  
New York, New York 10007

Re: Proposed Special Hudson Square District  
ULURP Nos. 120380 ZMM, N 120380 ZRM & N 120380 ZRM (A)

Dear Borough President Stringer:

On behalf of Trinity Church, I wish to thank you for your thoughtful suggestions for modifying the proposed Special Hudson Square District text and your recommendation that the proposed Special District be approved.

Your recommendation is a vote for the balanced growth of Hudson Square as an active mixed-used community. The proposed Special Hudson Square District will allow limited residential development in Hudson Square while preserving commercial space and jobs, creating an active street life that will encourage neighborhood retail, facilitating the creation of new affordable housing, and imposing height limits for the first time.

We appreciate the focus and consideration that you and your staff have given to the details of the proposed Special District controls, including the following:

Subdistrict B: As you requested following issuance of the Community Board's recommendation, we have filed an amended "A" text for consideration by the City Planning Commission which eliminates entirely the proposed Subdistrict B and would apply the controls of the rest of the proposed Special District to this area.

Hotel Special Permit: With regard to the proposed special permit requirement for the development of ground-up hotels with greater than 100 rooms, Trinity respects the Borough President's goal of further strengthening the protection of Hudson Square's unique neighborhood character and supporting the development of new residences in the district. We recognize that there are also broader citywide public policy issues to consider and we anticipate testimony on this issue at the City Planning Commission hearing.

JASON PIZER · PRESIDENT

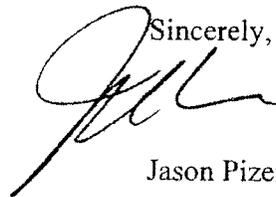
75 VARICK STREET, 2ND FLOOR · NEW YORK, NY 10013 · T 212.602.0819 · F 212.300.9919  
JPIZER@TRINITYWALLSTREET.ORG · TRINITYNYC.COM

Open Space: Trinity is committed to the improvement of open space resources in the district. After extensive analysis, we have found that development of a community recreation center as a component of the proposed rezoning presents insurmountable logistical, operational and funding hurdles. However, Trinity will work with the Borough President's Office and the community to identify other open space opportunities and will consult with the community on the planning of Duarte Square Park.

School Design and Access: Trinity will encourage the School Construction Authority to take into account the needs and concerns of the community in planning the school, including the provision during non-school hours of community access to the school playground and other school facilities.

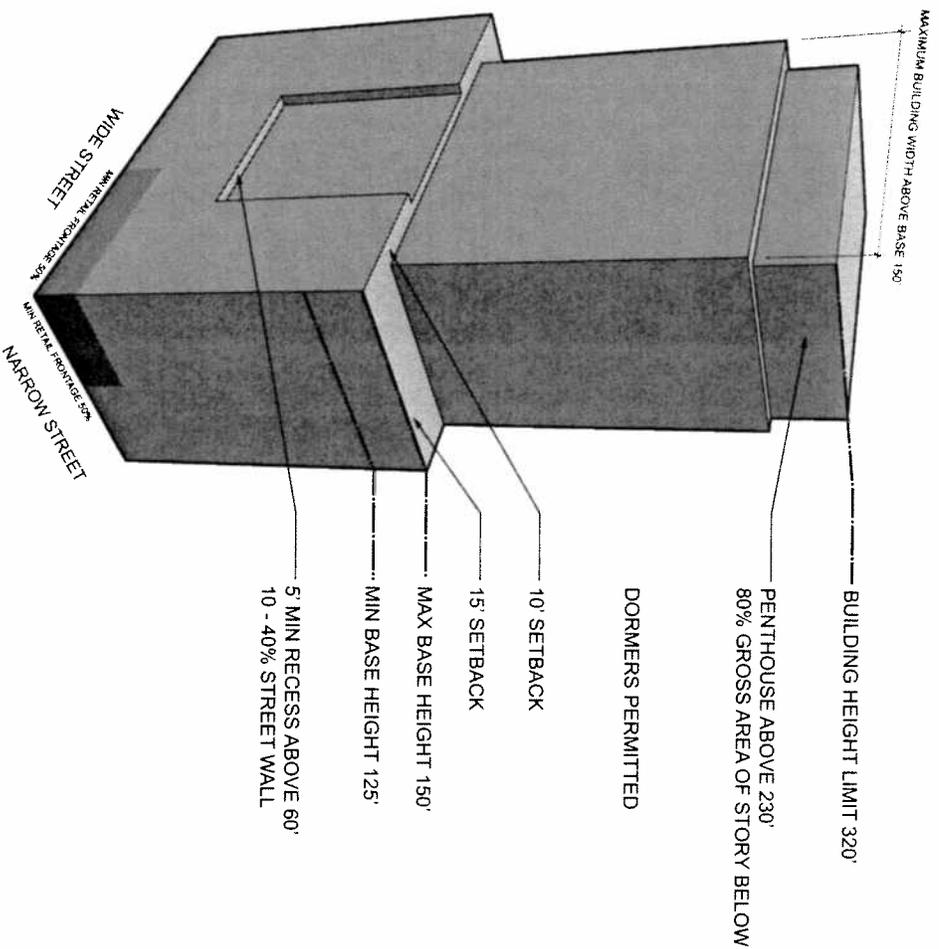
Height: Trinity is amenable to the adjustment of wide street heights in the district as studied and proposed in your recommendation letter.

We thank you for your thoughtful consideration and recommendations, and look forward to continuing to work with you and the community as we build the future of Hudson Square together.

Sincerely,  
  
Jason Pizer

**APPENDIX B:**  
Proposed Alternative Massing

# PROPOSED REZONING // WIDE STREET RULES



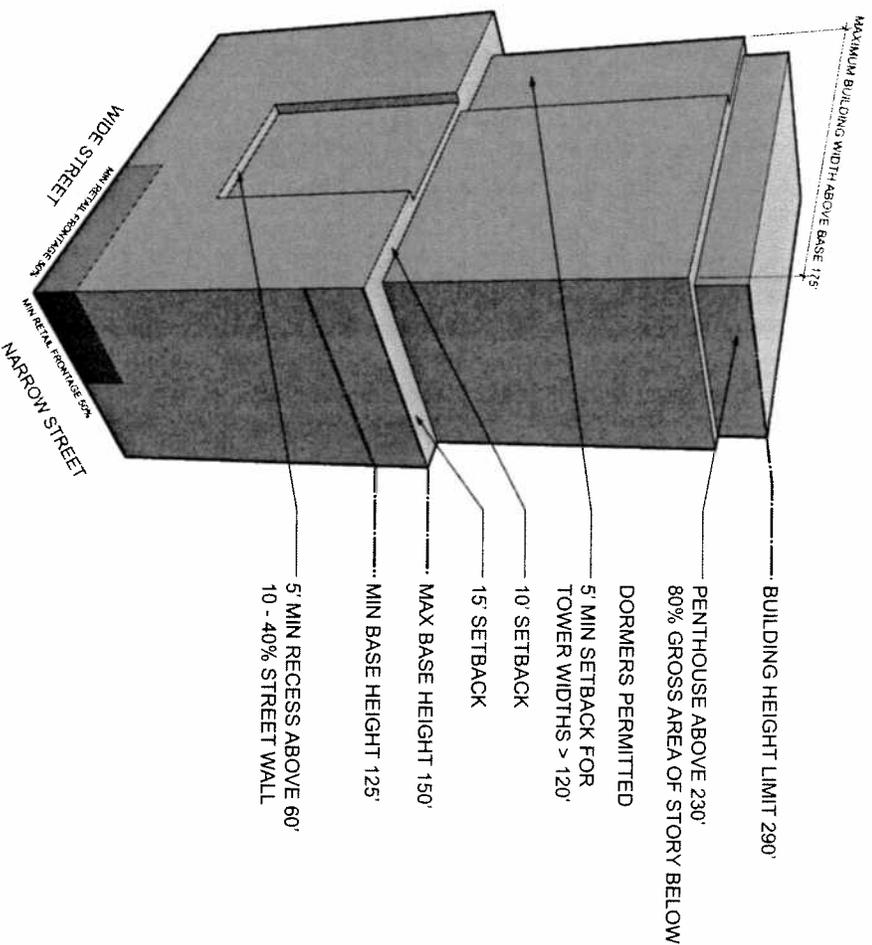
## HEIGHT:

- MAXIMUM 320' ON WIDE STREETS
- MINIMUM BASE HEIGHT 125'
- MAXIMUM BASE HEIGHT 150'

## BULK:

- NON-RESIDENTIAL: REMAINS AT 10.0 FAR (2.0 FAR PLAZA & ARCADE BONUSSES ELIMINATED)
- RESIDENTIAL: 9.0 FAR (BONUSABLE TO 12.0 FAR THROUGH AFFORDABLE HOUSING PROGRAM)
- MIXED-USE: 9.0 FAR (MAY BE INCREASED UP TO 10.0 FAR AT A RATE OF 0.25 FAR FOR EACH 1 FAR NON-RESIDENTIAL USE)

# ALT ZONING RULES // 290' MAXIMUM HEIGHT



## HEIGHT:

- MAXIMUM 290' ON WIDE STREETS
- MINIMUM BASE HEIGHT 125'
- MAXIMUM BASE HEIGHT 150'

## BULK:

- NON-RESIDENTIAL: REMAINS AT 10.0 FAR (2.0 FAR PLAZA & ARCADE BONUSES ELIMINATED)
- RESIDENTIAL: 9.0 FAR (BONUSABLE TO 12.0 FAR THROUGH AFFORDABLE HOUSING PROGRAM)
- MIXED-USE: 9.0 FAR (MAY BE INCREASED UP TO 10.0 FAR AT A RATE OF 0.25 FAR FOR EACH 1 FAR NON-RESIDENTIAL USE)