**CITY PLANNING COMMISSION**

October 17, 2016 / Calendar No. 6 C 160313 ZSM

**IN THE MATTER OF** an application submitted by SJC 33 Owner 2015 LLC pursuant to Section 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-45 and 13-451 of the Zoning Resolution to allow an attended accessory parking garage with a maximum capacity of 164 spaces on portions of the ground floor and cellar of a proposed mixed use development (South Site), on property located at 550 Washington Street (Block 596, Lot 1), in C6-3, C6-4 and M1-5 Districts, within the Special Hudson River Park District, Borough of Manhattan, Community District 2.

The application for a special permit pursuant to Sections 13-45 and 13-451 to allow an attended accessory parking garage with a maximum capacity of 164 spaces on portions of the ground floor and cellar on the South Site of the proposed mixed use development in Manhattan Community District 2 was filed by SJC 33 Owner 2015 LLC on May 6, 2016. The development would include 1,711,000 total square feet with 1,289,000 square feet of residential floor area, of which 328,700 square feet would be permanently affordable; 200,000 square feet of retail and event space; and 222,000 square feet of office or hotel use. The development site would additionally include three separate accessory parking facilities below grade with a total of 772 spaces. The actions would additionally enable a transfer of floor area to support the repair and rehabilitation of Pier 40 in the Hudson River Park.

## RELATED ACTIONS

In addition to the zoning special permit (C 160313 ZSM), which is the subject of this report, implementation of the proposed project also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

**C 160309 ZMM:** Amendment of the Zoning Map, Section No. 12a:

1. changing from an M1-5 District to a C6-4 District property bounded by Clarkson Street, Washington Street, West Houston Street, and West Street;
2. changing from an M2-4 District to a C6-3 District property bounded by West Houston Street, Washington Street, a line 596 feet northerly of Spring Street, and West Street;

3. changing from an M2-4 District to an M1-5 District property bounded by a line 596 feet northerly of Spring Street, Washington Street, a line 415 feet northerly of Spring Street, and West Street; and
4. establishing a Special Hudson River Park District (HRP) bounded by:
    a. Clarkson Street, Washington Street, a line 415 feet northerly of Spring Street, and West Street; and
    b. a line 57 feet northerly of the westerly prolongation of the northerly street line of Leroy Street, the U.S. Pierhead Line, a line 1118 feet southerly of the westerly prolongation of the northerly street line of Leroy Street, and the U.S. Bulkhead Line

**C 160310 ZSM:** Special permit pursuant to Section 89-21 to allow the distribution of 200,000 square feet of floor area from a granting site (A1, Block 656, Lot 1) to a receiving site (A2, Block 596, Lot 1), and to modify the height and setback requirements of Sections 23-60 (Height and Setback Regulations) and Section 43-40 (Height and Setback Regulations), the height factor requirements of 23-151 (Basic regulations for R6 through R9 Districts) and the rear yard requirements of Section 43-20 (Rear Yard Regulations), in connection with the proposed mixed use development.

**C 160311 ZSM:** Special permit pursuant to Sections 13-45 and 13-451 to allow an attended accessory parking garage with a maximum capacity of 236 spaces on portions of the ground floor and cellar on the North Site of the proposed mixed use development.

**C 160312 ZSM:** Special permit pursuant to Sections 13-45 and 13-451 to allow an attended accessory parking garage with a maximum capacity of 372 spaces on portions of the ground floor and cellar on the Center Site of the proposed mixed use development.

**N 160314 ZAM:** Zoning authorization pursuant to Section 13-441 to allow a curb cut on a wide street on the North Site of the proposed mixed use development.

**N 160315 ZAM:** Zoning authorization pursuant to Section 13-441 to allow a curb cut on a wide street on the Center Site of the proposed mixed use development.

**N 160316 ZAM:** Zoning authorization pursuant to Section 13-441 to allow a curb cut on a wide street on the South Site of the proposed mixed use development.

**BACKGROUND**

A full background discussion and description of this application appears in the report of the related

action for a zoning special permit (C 160310 ZSM).

**ENVIRONMENTAL REVIEW**

This application (C 160313 ZSM), in conjunction with the application for the related actions, was reviewed pursuant 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 (NYCRR), Section 617.00 et seq. and the New York City Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 16DCP031M. The lead agency is the New York City City Planning Commission.

A summary of the environmental review and the Final Environmental Impact Statement appears in the report of the related action for a zoning special permit (C 160310 ZSM).

**UNIFORM LAND USE REVIEW**

This application (C 160313 ZSM), in conjunction with the related ULURP application (C 160309 ZMM, C 160310 ZSM, C 160311 ZSM and C 160312 ZSM), was certified as complete by the Department of City Planning on May 9, 2016, and was duly referred to Manhattan Community Board 2 and the Manhattan Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b); along with the related non-ULURP actions (N 160314 ZAM, N160315 ZAM and N 160316 ZAM), which were referred for information and review on May 9, 2016, in accordance with the procedures for non-ULURP matters.

**Community Board Review**

Community Board 2 held a public hearing on this application (C 160313 ZSM) and on the applications for the related actions, as well as the separate but associated application by the Department of City Planning (N 160308 ZRM) on July 21, 2016, and on that date, by a vote of 36 in favor and 1 abstention, adopted a resolution recommending approval of N 160314 ZAM, N160315 ZAM and N 160316 ZAM, approval with conditions of N 160308 ZRM C, 160309 ZMM and C 160310 ZRM, denial with conditions of C 160311 ZSM, C 160312 ZSM and C 160313 ZSM.

A summary of the Community Board's conditions and recommendations appears in the report on the related application for a zoning special permit (C 160310 ZSM).

**Borough President Recommendation**

This application (C 160313 ZSM), in conjunction with the related actions, as well as the separate but associated application by the Department of City Planning (N 160308 ZRM), was considered by the President of the Borough of Manhattan. On August 17, 2016, the Borough President issued a report recommending denial of this application.

A summary of the Borough President's conditions and recommendations appears in the report on the related application for a zoning special permit (C 160310 ZSM).

**City Planning Commission Public Hearing**

On August 10, 2016 (Calendar No. 7), the City Planning Commission scheduled August 24, 2016, for a public hearing on this application (C 160313 ZSM). The hearing was duly held on August 24, 2016 (Calendar No. 27) in conjunction with the public hearing on the applications for related actions, as well as the separate but associated application by the Department of City Planning (N 160308 ZRM). There were 29 speakers in favor of the application and 31 speakers in opposition.

A summary of the City Planning Commission Public Hearing appears in the report on the related application for a zoning special permit (C 160310 ZSM).

**WATERFRONT REVITALIZATION PROGRAM CONSISTENCY**

This application (C 160313 ZSM), in conjunction with those for the related actions, was reviewed by the City Coastal Commission for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 30, 2013 and by the New York State Department of State on February 3, 2016, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 *et seq*.). The designated WRP number is 16-023.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

**CONSIDERATION**

The Commission believes that the zoning special permit (C 160313 ZSM), in conjunction with the related applications for a zoning map amendment (C 160309 ZMM), special permits (C 160310 ZSM, C 160311 ZSM, and C 160312 ZSM) and authorizations (N 160314 ZAM, N 160315 ZAM, and N 160316 ZAM), is appropriate. A full consideration and analysis of the issues, and the reasons for approving this application appear in the report on the related application for a zoning special permit (C 160310 ZSM).

**RESOLUTION**

**RESOLVED**, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on October 6, 2016 with respect to this application (CEQR No. 16DCP031M), and the Technical Memorandum 001, dated October 17, 2016 (the "Technical Memorandum"), 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 Revised Proposed Project Alternative 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, pursuant to the Restrictive Declaration marked as Exhibit A to the report on the related Zoning Special Permit (C 160310 ZSM), those project components related to the environment and mitigation measures that were identified as practicable and the placement of (E) designation (E-384) for Air Quality and Noise; and

3. No development pursuant to this resolution shall be permitted until the Restrictive Declaration attached as Exhibit A to the report on the related Zoning Special Permit (C 160310 ZSM), as same may be modified with any necessary administrative or technical changes, all as acceptable to Counsel to the Department of City Planning, is executed by SJC 33 Owner 2015 LLC or its successor, and such Restrictive Declaration shall have been recorded and filed in the Office of the Register of the City of New York, County of New York.

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

**RESOLVED**, the City Coastal Commission finds that the action will not substantially hinder the achievement of any WRP policy and hereby determines that this action is consistent with WRP policies; and be it further

**RESOLVED,** by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination, and the consideration and findings described in this report, the application submitted by SJC 33 Owner 2015 LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-45 and 13-451 of the Zoning Resolution to allow an attended accessory parking garage with a maximum capacity of 164 spaces on portions of the ground floor and cellar of a proposed mixed use development (South Site), on property located at 550 Washington Street (Block 596, Lot 1), in C6-3, C6-4 and M1-5 Districts, within the Special Hudson River Park District, Borough of Manhattan, Community District 2, is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (C 160313 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans prepared by CookFox Architects, DPC, filed with this application and incorporated in this resolution:

| Dwg No. | Title | Last Date Revised |
|---|---|---|
| P-005 | Parking Plan South Site Ground Level | 10/14/2016 |
| P-006 | Parking Plan South Site Cellar Level | 10/14/2016 |

2. Such development shall conform to all applicable provisions of the Zoning Resolution except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.

3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.

4. No development pursuant to this resolution shall be permitted until the Restrictive Declaration attached as Exhibit A to the report on the related Zoning Special Permit (C 160310 ZSM), as same may be modified with any necessary administrative or technical changes, all as acceptable to Counsel to the Department of City Planning, is executed by SJC 33 Owner 2015 LLC or its successor, and such Restrictive Declaration shall have been recorded and filed in the Office of the Register of the City of New York, County of New York.

5. The development shall include those mitigative measures listed in the Final Impact Statement (CEQR No. 16DCP031M) issued on October 6, 2016 and identified as practicable.

6. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.

7. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.

8. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

9. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C 160313 ZSM), duly adopted by the City Planning Commission on October 17, 2016 (Calendar No. 6), is filed with the Office of the Speaker, City Council, and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

**CARL WEISBROD,** Chairman
**KENNETH J. KNUCKLES, *ESQ.*,** Vice Chairman
**RAYANN BESSER, ALFRED C. CERULLO, III,**
**CHERYL COHEN EFFRON, MICHELLE DE LA UZ,**
**RICHARD W. EADDY, HOPE KNIGHT, ANNA HAYES LEVIN,**
**ORLANDO MARÍN,** Commissioners

**LARISA ORTIZ,** Commissioner, Voted No

# 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.

Docket Description:

N 160308 ZRM – Special Hudson River Park District
C 160309 ZMM, C 160310 ZSM, C 160311 ZSM, C 160312 ZSM, C 160313 ZSM, N 160314 ZAM, N 160315 ZAM, N 160316 ZAM, and N 160317 ZCM – Special Hudson River Park District/550 Washington Street

**N 160308 ZRM**

**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article VIII, Chapter 9 (Special Hudson River Park District) to establish the Special Hudson River Park District within Community District 2, Borough of Manhattan.

**C 160309 ZMM**

**IN THE MATTER OF** an application submitted by SJC 33 Owner 2015 LLC pursuant to Section 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No.12a:

1. changing from an M1-5 District to a C6-4 District property bounded by Clarkson Street, Washington Street, West Houston Street, and West Street;
2. changing from an M2-4 District to a C6-3 District property bounded by West Houston Street, Washington Street, a line 596 feet northerly of Spring Street, and West Street;
3. changing from an M2-4 District to an M1-5 District property bounded by a line 596 feet northerly of Spring Street, Washington Street, a line 415 feet northerly of Spring Street, and West Street; and
4. establishing a Special Hudson River Park District bounded by:
    a. Clarkson Street, Washington Street, a line 415 feet northerly of Spring Street, and West Street; and
    b. a line 57 feet northerly of the westerly prolongation of the northerly street line of Leroy Street, the U.S. Pierhead Line, a line 1118 feet southerly of the westerly prolongation of the northerly street line of Leroy Street, and the U.S. Bulkhead Line;

as shown on a diagram (for illustrative purposes only) dated May 9, 2016.

**C 160310 ZSM**

**IN THE MATTER OF** an application submitted by SJC 33 Owner 2015 LLC pursuant to Section 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 127-21* of the Zoning Resolution to allow the distribution of 200,000 square feet of floor area from a granting site (A1, Block 656, Lot 1)) to a receiving site (A2, Block 596, Lot 1), and to modify the height and setback requirements of Sections 23-60 (Height and Setback Regulations) and Section 43-40 (Height and Setback Regulations), the height factor requirements of 23-151 (Basic regulations for R6 through R9 Districts) and the rear yard requirements of Section 43-20 (Rear Yard Regulations), in connection with a proposed mixed use development, on property located at 550 Washington Street (Block 596, Lot 1), in C6-3, C6-4 and M1-5 Districts, within the Special Hudson River Park District.

COMMUNITY BOARD NO: 2 BOROUGH: Manhattan

**RECOMMENDATION**

Please see attached for recommendation.

Gale A. Brewer
BOROUGH PRESIDENT

Aug 17 2016
DATE

C 160312 ZSM

**IN THE MATTER OF** an application submitted by SJC 33 Owner 2015 LLC pursuant to Section 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-45 and 13-451 of the Zoning Resolution to allow an attended accessory parking garage with a maximum capacity of 372 spaces on portions of the ground floor and cellar of a proposed mixed use development (Center Site), on property located at 550 Washington Street (Block 596, Lot 1), in C6-3, C6-4 and M1-5 Districts, within the Special Hudson River Park District.

C 160313 ZSM

**IN THE MATTER OF** an application submitted by SJC 33 Owner 2015 LLC pursuant to Section 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-45 and 13-451 of the Zoning Resolution to allow an attended accessory parking garage with a maximum capacity of 164 spaces on portions of the ground floor and cellar of a proposed mixed use development (South Site), on property located at 550 Washington Street (Block 596, Lot 1), in C6-3, C6-4 and M1-5 Districts, within the Special Hudson River Park District.

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

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**Gale A. Brewer, Borough President**

August 17, 2016

Carl Weisbrod, Chair
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

**RE: Recommendation on ULURP Application No. N 160308 ZRM by the Department of City Planning; and Recommendation on ULURP Application Nos. C 160309 ZMM, C 160310 ZSM, C 160311 ZSM, C 160312 ZSM, C 160313 ZSM, N 160314 ZAM, N 160315 ZAM, N 160316 ZAM and N 160317 ZCM By SJC 33 Owner 2015 LLC**

Dear Chair Weisbrod:

I write in regard to the project proposal put forth by the Department of City Planning (DCP) and SJC 33 Owner 2015 LLC for 1) the redevelopment of the St. John Terminal Site and 2) payment for development rights to the Hudson River Park Trust for Pier 40. I would like to thank you and your staff for creating a special permit that would go through ULURP. This permit would include the types of neighborhood and design-focused findings Community Boards 1, 2, and 4 and my office and other elected officials discussed in our multiple meetings, going back to spring 2014, and that led to the drafting of the text amendment currently under review. So while I have a suggested edit to that text, elaborated in more detail below, I fully support and recommend approval of the text amendment and the special permit it creates. However, the project that the special permit is currently facilitating, and its directly related actions, I cannot support at this time.

I believe government should find creative ways to fund the operation and maintenance of its own property assets. All too often though, it appears that the default financing mechanism is to cede that responsibility to a private developer. As a result, the developer has a private interest that is paramount to any public interest. Here, in order to fund necessary and urgent repairs to Pier 40 and have a real chance to create affordable apartments in this neighborhood, I am told I must accept this project at this height and density. But I believe looking at the project in this manner sets up a false premise which I cannot accept.

Funding repairs to the pier benefits the neighborhood but also benefits the developer by enhancing the value of the market rate apartments. However, the cost of doing business in this city today includes not only building permit fees paid by the developer but must also include the creation of affordable housing. This raises the larger question of what the neighborhood is receiving in return for the increase in height and density and whether those benefits outweigh

adverse impacts to open space, transportation, and the very real, albeit temporary, impacts during construction. I do not think the amount, location, and design of the proposed affordable housing is adequate, and I believe significant changes to the site plan in regard to parking, open space, retail, and public access are needed to truly stitch this development into its surrounding neighborhood and to ameliorate the impacts cited above.

I look forward to continued conversations with you, DCP, the rest of the City Planning Commission, and my colleagues at City Council to improve this proposal.

Sincerely,

Gale A. Brewer

**BOROUGH PRESIDENT RECOMMENDATION**

*Text Amendment (N 160308 ZRM)*
The 2013 amendment to the Hudson River Park Act (the "Act") subjects the transfer of development rights to local zoning. Following its passage, this office hosted a series of meetings with the Department of City Planning, elected officials and the Community Boards bordering the Hudson River Park to discuss the mechanism through which the transfers of development rights should occur. This resulted in the current application for a text amendment by DCP which creates the Special Hudson River Park District and the creation of the special permit which permits development rights to be transferred from the park/commercial pier to a receiving site within the Special District.

In general, the findings for the granting of the special permit include: (1) That the transfer of development rights will result in the repair, maintenance and development of the Park and its Piers including the completion of the identified improvements; (2) that the proposed configuration and design of buildings will result in a superior site plan, relate harmoniously to each other and adjacent buildings and open areas, that the mix of uses will complement the site plan and that the proposed transfer of floor area modifications to bulk regulations will not unduly increase the bulk of any building or unduly obstruct light and air; (3) that the bulk modifications are appropriate in light of the improvements to the park and (4) that any affordable housing will support the objectives of MIH.

The goals of the Special District and the text are consistent with other similar transfer districts in the Zoning Resolution, and by providing a City Planning Commission special permit for such transfer, which must be approved pursuant to the Uniform Land Use Review Procedure (ULURP) and the noticing requirements and public input that entails, the text amendment is

appropriate and beneficial to the communities in which future eligible sites and the Park are situated.

Given the condition of Pier 40, the decision of the State to fund its repair through the sale of development rights, and the responsiveness of DCP to the concerns raised in the community meetings, I support the creation of the Hudson River Park Special District and the special permit it creates for the transfer of development rights. However, I also urge that given the density of this project and the fact that Pier 40 supports over 30 percent of the entire Park, that the text include a provision that no further development rights be transferred from the Pier into Community District 2. That can be accomplished by either limiting the receiving site to the one subject to the current application or establishing an overall cap of 200,000 so for this community board.

*St. John Terminal Site/550 Washington Proposal (C 160309 ZMM, C 160310 ZSM, C 160311 ZSM, C 160312 ZSM, C 160313 ZSM, N 160314 ZAM, N 160315 ZAM, N 160316 ZAM and N 160317 ZCM)*

The project proposed on the current site of the St. John's Center at 550 Washington Street would be a huge development of five buildings containing approximately 1.7 million square feet of floor area. As Community Board 2 noted in its resolution, it will be by far the largest development in the history of the Community District. We are keenly aware that the driving force behind this project is the urgent need for rehabilitation and restoration of Pier 40, situated directly across West St. from the project. Pier 40 is the largest pier in the Hudson River Park and according to the HRPT is responsible for 30 percent of the Park's revenues. However, the majority of Pier 40's pilings are suffering significant deterioration as are some of the structures on the Pier.

The State Legislature has made the decision that the costs to rehabilitate the Pier will be paid for from the sale of development rights by the Hudson River Park Trust. The 2013 amendment to the Act authorizes the sale of development rights from park/commercial piers to receiving sites up to one block east of Hudson River Park. The amendment requires that proceeds from the sale of development rights on Pier 40 be first used for its repair. Were it not for this, I do not believe we would be having a discussion over whether buildings this large and dense, accompanied by almost 800 parking spaces, are appropriate on this site.

However, given the size of the project which is the recipient of the 200,000 square feet of development rights from Pier 40, I believe the project could have been designed to relate better to the surrounding community, that the location of various uses could be improved upon and that changes could have been made to the affordable housing to better support the objectives of Inclusionary Housing. In addition, the DEIS does not always reflect the practical reality of what this scale of development actually means day to day in terms of open space usability, access, neighborhood character, and neighborhood impact. As an example, no impacts were found under the category of Urban Design, claiming that the buildings were designed to be contextual since their materials would be consistent with the architectural fabric around it. Despite acknowledging that the height and bulk of these buildings were higher than its surroundings, it appears under CEQR it is enough to use stone and brick to pass as contextual in the Village.

The following sections on transportation, open space, affordable housing and retail outline the main areas in which I believe the project fall short.

1) **Transportation and Parking:** The DEIS analysis identifies an adverse impact to this category in regard to parking, but goes on to state that all of the significant adverse impacts identified could be fully mitigated with standard mitigation measures, except for two intersections closest to the project of West Houston and Varick Street; and the intersection of Canal Street and Hudson Street. The analysis also shows that a big box store is a non-starter. Simply eliminating that footprint will drop an adverse impact to a third of the intersections analyzed.

   This of course assumes the DEIS was adequate. The Community Board contends that insufficient amount of intersections were analyzed, and that the impact of the Holland Tunnel was not taken into full consideration. In addition, the DEIS looks backward when it comes to pedestrian impacts under the transportation category, assuming that since there have not been serious accidents in a three year look back that will continue to be the trend. That is a potentially harmful assumption when factoring in the proposed concentration of vehicles the special permits request and that no project design has been instituted to increase visibility or walkability along Washington Street. In addition, with the provision of senior housing and no dedicated drop-off for Access-A-Ride, ambulettes, or any other vehicle catering to or often needed by senior residents, unfortunately it would actually be safer to assume an increase in pedestrian impact.

   The alternatives examined in the DEIS were dismissed for undercutting the goals and objectives of the proposed project, but no alternative was focused on just drastically reducing the amount of parking requested under the special permits. Eliminating all three special permits or reducing the amount requested would surely aid in mitigating the impacts this proposal creates. Yet that is not the only factor for consideration. Recommendations from the Borough President on prior parking special permits have continued to call on the Department of City Planning and the City Planning Commission to consider a more robust set of factors aside from the parking methodology analysis, including the absolute availability of parking, the supply of parking prior to the ten-year look-back and the current capacity and utilization rate of parking facilities in the neighborhood, access to mass transit and distance from arterial roadways; and, finally, to evaluate the garage design and its interface with the pedestrian realm.

   The site is located within comfortable walking distance to the 1 train and the M20 bus line in proximate distance. The M20 Bus runs infrequently however, and the 1 Train stop at Houston Street is non-ADA. West Street is a major north-south thoroughfare as well, and access to the North Site and South Site garage are accessed from this street. However, the Center Site is not, and the driveway that accesses this garage is geared toward vehicles, not people, which does highlight another area of concern for me in regard to open space. There is also a garage at Pier 40, directly across the street; but the Trust has indicated eventually they would like to eliminate or reduce the parking at that site in favor of more programmatically appropriate uses.

Yet, the parking permits are structured in such a way that we must consider current conditions, not those in the future. Given that West Street is a major north-south thoroughfare granting access to a parking garage at the North Site, the density of the residential units proposed, this garage design does not appear to grossly interfere with pedestrian circulation, and given that the methodology for the study have been met, the special permit should be granted for the North Site.

However, I cannot recommend approval for the other two parking garage permits for the Center and South Sites. If at some future time the Trust wishes to divest itself from parking, additional parking permits could be discussed at that point for the project. At this point, however, these additional parking permits would create a collective concentration of parking that would effectively exhaust the permitted parking ratio for the entire neighborhood and would cause significant adverse impacts recognized by the DEIS and common sense. Coupled with a higher need for other uses below grade more compatible to the goals of the Special Hudson River Park District, these additional special permits should not be found appropriate to be granted.

2) **Open Space and Public Access:** The DEIS is clear that this proposal creates an unmitigated adverse impact to open space, in particular active open space, for this neighborhood. The sheer size of the development will increase demand and push the open space ratio for the community even further below the city's threshold. Yet, little is discussed in either the application material or the DEIS about the quality or access of the spaces that remain, primarily Pier 40 and the areas slated for public access within the receiving or development site at the former St. John Terminal site. In fact, for the Open Space category, the DEIS analysis showed that even in the middle of winter, when shadow impacts would at their minimum, the development would still cause the field on Pier 40 to be in shade for at least five hours. In spite of this finding it determined that no adverse impact was determined for this measure.

The DEIS also paid substantial attention to the beneficial streetscape improvements this proposal would bring to a forlorn corner the neighborhood. Yet the application to date does not actually convince me that all measures have been taken or exhausted to truly stitch this project into its greater neighborhood. That is most evidenced by the lack of a cohesive pedestrian realm plan. There is no plan for the streetscape, the back of house operations centered on Washington Street are not wrapped with active frontages, there is a lack of small retail spaces along West Houston and Clarkson Streets, the additional through block connector is design focused on vehicles not people with its dearth of seating, lighting, and planting, and there is no clear or cohesive signage plan to direct the public to the modicum of public access area the developer is providing on the second floor bridges above West Houston Street.

This project can still mitigate these impacts by creating more opportunities for at-grade usable open space and below grade active recreation use. One such opportunity is with the courtyard on the Center Site. The rear yard equivalent that is provided is visually accessible to the residents of the Center Site buildings only, instead of providing active

and passive usable open space to the residents of the zoning lot and to the neighborhood. Physical access is limited because it is located on top of a parking garage; perhaps removing the parking garage would be the better solution. The removal of parking below the Center Site, and the South Site as well, would also allow for the opportunity to provide active, indoor recreation space, thus creatively working to mitigate the adverse impact identified in the DEIS. Removal of the parking below grade for these two areas would also create opportunities for cultural uses as well, such as rehearsal space, small theaters, and galleries. Active indoor recreation space and cultural uses are far more compatible with the nearby park, and are more consistent with the General Purposes of the Special Hudson River Park District than parking can ever hope to be.

In terms of truly creating a superior site plan, the project must look outward as well as inward. While creating an accessible courtyard is a first step, the through-site driveway must be activated with lighting, additional planting, and seating areas to serve pedestrians first, not cars. This area should be redesigned with plantings, shaded areas, varied seating and serve as a pedestrian route to the Pier. This will help offset the open space impact and create an additional pathway to the park.

The above-grade publicly accessible areas over West Houston Street, while beautifully designed, will never have the same utility as at-grade space. In addition, the three spaces in aggregate serve to continue darkening West Houston Street; the two at the farthest edges of the block should be removed, and a lighting plan for the undercarriage of the former rail bed put in place. In addition, retail frontage requirements and active use are critical here for site planning considerations and for providing visual cues that the public is welcome and safe to use these thoroughfares.

Therefore, I believe the proposal has not taken full opportunity to create an integrated site plan with the neighborhood street grid and context, and I am especially concerned with the lack of details and thus assurances for continued public access to the provided above grade spaces. I believe these concerns can be assuaged by more work in these areas and with CPC approval of plans dedicated to frontage requirements, lighting and planting requirements, and signage requirements for access to open space.

**Affordable Housing:** The new Mandatory Inclusionary Housing Program would apply to the project and would result in the development of 476 units of affordable housing and affordable senior housing or 25% of the total residential floor area of the project. This affordable housing is sorely needed in Community District 2 but the provision of this affordable housing is required by law. The original proposal would have taken advantage of a provision in the MIH program permitting applicants using Hudson River Park development rights to modify certain requirements of the program. It would have provided affordable housing constituting less than 20 percent of the residential floor area and distributed those units over only 50 percent of the building. While we are pleased that DCP has required the applicant to meet the same requirements of MIH other types of special permit projects must by providing the required amount of affordable housing

distributed over 65 percent of the buildings, we believe the affordable housing components of the project could have been better realized as well.
Virtually all of the affordable housing units in the project could be contained in buildings on the east side of the sites – furthest from the Hudson River and the park and closest to the UPS building and manufacturing uses. On the North Site, the senior housing is in the East building with an entrance on Washington Avenue, which will have a narrow sidewalk and on which UPS trucks continuously abut as part of that center's daily activities. While the application leaves open the location of market rate versus affordable units on the two Center Site buildings, on the Center Site the applicant actually plans to put all of the affordable units in the smaller eastern building. This could result in this building being substantially if not predominately affordable, while leaving the western building on the river completely market rate – not too unlike situations we have sought to avoid in the past. As proposed, the locations, views and access to these buildings will not be on the same level as the western buildings.

I am also concerned that the size of the senior units will make them unappealing to seniors, especially to those not living alone. As proposed, seventy-five percent of these units will be studio apartments. Even seniors living alone but downsizing from their previous homes may find living in a studio difficult. But those in couples or who have help in the home may find this living situation extremely difficult and untenable. The ratio should be flipped.

Equally concerning is what will be included as part of the rent for the senior or other affordable units. The proposed design for the building includes acoustically-rated windows and central air conditioning as an alternate means of ventilation. These requirements would be codified in a Noise (E) Designation (E-384) on the project site. It would be unacceptable to pass a required cost of mitigation at this site to the tenants of the affordable units; heating and cooling costs should be part of the operation costs assumed by the owner responsibility and not part of the allowable rent under the HPD regulatory agreement.

Lastly, a significant part of the affordability package should be how all residents access amenities. To be truly equitable, and as a way to help mitigate the open space impacts, all amenities, such as but not limited to a gym, play areas, and rooftop recreation space beyond that which is required under zoning, should be accessed for free. Alternatively, there should be a cap on a fee charged for these amenities, and at no point should that cost exceed 20-30% for the affordable tenants.

3) **Retail:** The Community Board's concerns over large destination retail, with an exception carved out for a supermarket, are valid. Smaller retail is necessary to enliven the streetscape, draw pedestrian traffic from the east, and avoid further increasing vehicular traffic and the isolation of the project. Only the supermarket should exceed the 10,000 square foot maximum the community recommends instituting. In addition, the area of retail is another example of a lost opportunity for improving the pedestrian experience and connectivity to the broader neighborhood. Active retail frontages along Clarkson,

Washington, and West Houston Streets will ensure pedestrian flow around and through the development. In addition, local neighborhood retail needs such as a dry cleaner, shoe repair and the like are not being met farther east, where chain and high-end clothing and clothing accessory stores dominate, and those small businesses that remain are furniture and local manufacturing use. This reinforces the need for this development to serve the influx of new residents who will reside in and around these parcels.

**Therefore, the Manhattan Borough President recommends:**

**a.** The **approval** of ULURP Application No. N 160308 ZRM with the condition that the text is revised to include a provision capping the maximum amount of floor area that can be transferred within Community Board 2 to that which has already been allocated for the St. John Terminal site;

**b.** The **approval** ULURP Application No. N 160311 ZCM for a parking garage at the North Site;

**c.** The **approval** of Application Nos. N 160314 ZAM, N 160315 ZAM, N 160316 ZAM and N 160317 ZCM for curb cut authorizations for required loading and permitted parking, and the chairperson certification that the money to the Trust has been transferred prior to the issuance of a building permit, respectively;

**d.** The **denial** of ULURP Application Nos. C 160312 ZSM and C 160313 ZSM for parking garages at the Center and South Sites; and

**e.** The **denial** of ULURP Application Nos. C 160309 ZMM and C 160310 ZSM, unless the following conditions can be fulfilled:

- In regard to transportation, CPC should work with MTA to increase frequency of the M20 bus, and with DOT to include a pull off area adjacent to the senior housing on Washington Street;
- To decrease transportation impacts, no stores above 10,000 sf, except for a supermarket should be permitted;
- To contribute to neighborhood character and an active pedestrian realm, the following retail changes are recommended:
    - i. Provide at-grade access to retail on West Houston Street;
    - ii. Require a minimum of one retail establishment per 25' of street frontage along Clarkson Street, West Houston Street, and Washington Street; and
    - iii. Require a minimum of 80% active uses along Washington Street;
- To decrease open space impacts, the below-grade space currently allocated for parking should be allocated for indoor active recreation use and cultural uses which are complementary to the purposes of the special district and Hudson River Park;
- According to the Appraisal report, the value of the development rights to be transferred was reduced for the provision of affordable housing. We do not believe this should have been the case. In addition, as we have stated the density of the project is out of scale with virtually all of the surrounding areas. For these reasons if the community is to be asked to bear these impacts, more affordable

housing should be provided, which is so sorely needed. In regard to affordable housing:

i. The percentage of affordable housing should be increased to at least 30% of total floor area
ii. The Special Permit should require equal distribution of affordable units in both Center Site buildings
iii. The breakdown of affordable Senior units should be 75% 1-bedroom units and 25% studio units

- The project improves its public access plan requirements to include approved plans for lighting, planting, seating and signage clearly signaling access to those spaces;
- Two of three above-grade West Houston areas are removed; All accessible open spaces should be accessible to all residents and amenities provided in an equal and fair manner;
- Sustainability measures such as green roofs, water retention and cooling are incorporated as a design standard for the proposal; and
- The concerns of Manhattan Community Board 2 are responded to and addressed.

## APPENDIX
## PROPOSED ACTIONS

The New York City Department of City Planning ("DCP") seeks approval of a zoning text amendment to establish Article VIII Chapter 9, the Special Hudson River Park District, to enable a mechanism to transfer unused development rights by special permit from Pier 40 ("Granting Site") to St. John's Center ("Receiving Site") at 550 Washington Street (Block 596, Lot 1) and permit bulk modifications at the receiving site.

In a related, concurrent application, SJC 33 Owner 2015 LLC ("The Applicants") are seeking multiple approvals to facilitate the redevelopment of 550 Washington Street with a mix of residential and commercial uses in five buildings and an elevated publicly accessible space. The applicants seek approval of a zoning map amendment to rezone multiple sections of the receiving site from manufacturing districts to high-density commercial districts that permit residential use. In addition, the applicants seek three special permits pursuant to ZR §13-45 and §13-451 for 772 total accessory parking spaces at three separate parking facilities at the receiving site; three authorizations pursuant to ZR §13-441 for parking access curb cuts and a wide street; and lastly, a Chairperson's certification pursuant to ZR §89-21(d) to confirm that building permits for the proposed project may be issued in Community District 2, Manhattan.

In evaluating the text amendment, this office must consider whether the modifications and new special permit are appropriate and beneficial to the community in which the eligible sites and proposed project are situated. Any changes to the zoning map should be evaluated for consistency and accuracy, and given the land use implications, appropriateness for the growth, improvement and development of the neighborhood and borough.

In addition to the actions summarized above and discussed in greater detail below, the proposed project also requires the Hudson River Park Trust ("HRPT") to conduct a "Significant Action" process pursuant to the Act and to rules of SEQRA.

*Transfer of Floor Area from Hudson River Park*

The City Planning Commission ("Commission" or "CPC") may grant the transfer of floor area from the granting site, Hudson River Park, to the receiving site, 550 Washington Street, and any associated bulk modifications, provided that:

1. such transfer of floor area will facilitate the repair, rehabilitation, maintenance and development of Hudson River Park, including its piers, bulkheads and infrastructure; and
2. the transfer of floor area will support the completion of improvements to Hudson River Park as identified in the statement submitted to the Commission by the Trust as part of this application; and
3. for the receiving site:
    a. the proposed configuration and design of buildings , including any associated structures and open areas, will result in a superior site plan, and such buildings

and open areas will relate harmoniously with one another and with adjacent buildings and open areas;

b. the location and quantity of the proposed mix of uses will complement the site plan;
c. the proposed transfer of floor area and any modification to bulk regulations will not unduly increase the bulk of any building on the receiving site or unduly obstruct access of adequate light and air to the detriment of the occupants of users of building on the block or nearby blocks, or of people using the public streets and other public spaces;
d. such transferred floor are and any proposed modifications to bulk are appropriate in relation to the identified improvements of Hudson River Park; and
e. any affordable housing, as defined in Section 23-90 (Inclusionary Housing), that is provided as part of the project will support the objectives of the Inclusionary Housing Program.

The City Planning Commission shall receive a copy of a transfer instrument legally sufficient in both form and content to affect such a transfer of floor area. Notices of the restriction upon further development, enlargement or conversion of the granting site and the receiving site shall be filed by the owners of the respective zoning lots in the Office of the Register of the City of New York (County of New York). Proof of recordation of the notices shall be submitted to the Chairperson of the City Planning Commission, in a form acceptable to the Chairperson.

Both the transfer instrument and the notices of restriction shall specify the total amount of floor area transferred and shall specify, by lot and block numbers, the granting site and receiving site that are a party to such transfer.

On a receiving site, for any development or an enlargement that is subject of a special permit granted by the CPC pursuant to Section 89-21 (Transfer of Floor Area from Hudson River Park), the Department of Buildings shall not:

1. issue a building permit until the Chairperson of the Commission has certified that the owner of the receiving site and the Hudson River Park Trust have jointly executed documents sufficient to facilitate a payment schedule associated with the transfer of floor area; or
2. issue a temporary certificate of occupancy until the Chairperson of the Commission has certified that the Hudson River Park Trust has submitted a letter to the Chairperson confirming that payment of all required funds has been made by the owner of such receiving site to the Hudson River Park Trust, and that all required funding tools and/or payments are in satisfactory compliance with the executed payment schedule.

The Commission may prescribe additional appropriate conditions and safeguards to improve the quality of the development or enlargement and minimize adverse effects on the character of the surrounding area.

*Special Permits for Additional Parking Spaces*

The special permit requires that all of the applicable conditions of ZR § 13-20 (SPECIAL RULES FOR MANHATTAN CORE PARKING FACILITIES) be met and that the findings of §13-45 and 13-451 have been met. These findings are generally as follows:

(1) the location of the vehicular entrances and exits to such parking facility will not unduly interrupt the flow of pedestrian traffic associated with uses or public facilities, including access points to mass transit facilities in close proximity thereto, or result in any undue conflict between pedestrian and vehicular movements, due to the entering and leaving movement of vehicles;
(2) the location of the vehicular entrances and exits to such parking facility will not interfere with the efficient functioning of streets, including any lanes designated for specific types of users or vehicles, due to the entering and leaving movement of vehicles;
(3) such use will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;
(4) for public parking garages, that where any floor space is exempted from the definition of floor area, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion;
(5) such parking facility will not be inconsistent with the character of the existing streetscape; and
(6) the number of off-street parking spaces in such proposed parking facility is reasonable and not excessive in relation to recent trends in close proximity to the proposed facility with regard to:
    (a) the increase in the number of dwelling units; and
    (b) the number of both public and accessory off-street parking spaces, taking into account both the construction, if any, of new off-street parking facilities and the reduction, if any, in the number of such spaces in existing parking facilities; and
(7) the proposed ratio of parking spaces to dwelling units in the proposed development or enlargement does not exceed 20 percent of total number of dwelling units, where such units are located within Community District 1, 2, 3, 4, 5, or 6.

*Curb Cuts Authorization*

The Commission may authorize, subject to the applicable zoning district regulations, curb cuts located on a wide street, provided the Commission finds that a curb cut at such a location:

a. is not hazardous to traffic safety;
b. will not create or contribute to serious traffic congestion, or unduly inhibit vehicular movement;
c. will not adversely affect pedestrian movement;
d. will not interfere with the efficient functioning of bus lanes, specially designated streets or public facilities; and
e. will not be inconsistent with the character of the existing streetscape.

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

## PROJECT DESCRIPTION

The Department of City Planning proposes a text amendment to create a mechanism to transfer unused development rights by special permit in the proposed Special Hudson River Park District. The Applicants propose a zoning map amendment, special permits to allow bulk waivers, three special permits for parking garages, three authorizations for curb cuts and a chairperson's certification. These actions will facilitate the transfer of development rights from Pier 40 within the Hudson River Park to the former St. John Terminal site, allowing for the construction of a mixed use development including 1,289,000 sf of residential floor area, 222,000 sf of office and hotel floor area, 200,000 sf of retail floor area, proposed open space totaling 20,750 sf, and the payment of $100 million to the Hudson River Park Trust for the reconstruction and repair of Pier 40.

### Background of Hudson River Park

Hudson River Park ("Park") spans four miles in and along the Hudson River waterfront just north of Chambers Street to West 59th Street. The Park serves as a regional public space and a neighborhood park serving Tribeca, Greenwich Village, Hudson Square, Chelsea, Hell's Kitchen and Clinton neighborhoods which border the park.

The Park is the result of City and State long-term efforts to transform the formerly industrial Hudson River waterfront into publicly accessible open spaces connected to a pedestrian esplanade and bike path. From that process, the Hudson River Park Act was created in 1998 which identified the park's boundaries, permitted uses of each pier, the Park's operating framework and established the Hudson River Park Trust as a public benefit corporation 501(c)(3) with the mandate to design, construct, operate and maintain the Park. As required by the Act, a Multi-Purpose General Project Plan was adopted which together, set forth the regulations that govern the Park's use and development.

Uses not permitted in the park include residential, manufacturing, hotel, casino, riverboat gambling and office uses (with the exception of Pier 57). Some of the permitted uses include water-dependent transportation, entertainment, retail, restaurant, media studios, commercial recreational uses and amusements, performing arts, and educational facilities. Commercial developed is limited to Piers 40, 57, 59, 60, 61, 81, 83, and 98. Pursuant to the Act, passive and active public open space uses are not subject to zoning and land use laws and regulations of the City.

The State and City own the underlying Park property. Through the Department of Parks and Recreation, the City owns the piers and upland areas from West 35th Street to the northern boundary of West 59th Street. Through the Office of Parks, Recreation and Historic Preservation, the State owns the piers and upland areas south of West 35th Street to the northernmost border of the Battery Park City seawall as extended to Route 9A. The Department of Environmental

Conservation owns the land under water throughout the Park. Within these boundaries are piers that are excluded from the Park: Pier 76 is currently excluded and is operated by the City Police Department as a tow pound; Pier 78 is privately owned; Piers 88, 90, 92 and 94, are owned and operated by the City.

*Pier 40*

Pier 40 is the park's largest structure at approximately 15-acres and was originally used as a passenger ship terminal for the Holland America Line in 1958 until the late 1960s when it began operating as a parking garage. According to the Act, at least 50 percent of the square footage of the footprint of the pier must be devoted to active and passive recreational space and the remainder of the Pier can be used for commercial uses. The pier's supporting piles and shed structure are severely deteriorated which threaten the pier's operation as a recreational use and major revenue generator for the park. According to a March 2015 engineering study commissioned by the Trust, the pier piles were in poor condition with 35 percent in severe condition and 22 percent needing major repair. These conditions have forced portions of the parking garage to close, eliminating revenue from nearly 500 parking spaces.

In 2013, the State adopted an amendment to the Act allowing the transfer, by sale, of unused development rights generated by the Park to properties one block east of the Park as permitted under local zoning law. The amendment further stipulates that any revenue generated from the sale of unused development rights must first be used to rehabilitate Pier 40's infrastructure, including pier piles and roof. The April 2016 appraisal report valued the transfer of 200,000 square feet of development rights at $114.9 million dollars but discounted the value for the provision of affordable housing and because of the limit of receiving sites ending the appraisal at $74.7 million. The developer of 550 Washington Street agreed to pay the Trust $100 million for the development rights.

**Area Context**

The granting site, Pier 40, and receiving site, St. John's Center, are located in a historically industrial area intersected by three neighborhoods: West Village to the north, Hudson Square to the east, and Tribeca to the south. The site is bounded by West Street, Clarkson Street, and Washington Street.

The West Village neighborhood immediately north of the development site is zoned M1-5 and is comprised of repurposed industrial and residential uses. Construction has begun for a 12-story residential development on the block immediately north of the site bounded by Clarkson, Washington, Leroy and West Streets. The eastern side of this block is occupied by a 3-story Federal Express ("FedEx") warehouse building. Northeast of the development site is an MX-6 Special Mixed Use District, mapped in 2008, comprised of two blocks on the northern side of Leroy Street and south side of Morton Street between Washington Street and Hudson Street. The zoning districts within this special district are M1-5 and R7X and permitted 5.0 FAR with residential, commercial and light manufacturing uses.

Further northeast of the development site is the Greenwich Village Historic District Extension II which is comprised of 235 row houses, tenements, public and institutional buildings on 11 blocks between West 4th Street, West Houston Street, and Seventh Avenue. This historic district touches the boundaries of the Greenwich Village Historic District, designated in 1969, which is comprised of over 1,000 buildings built before the Civil War, in an effort to preserve the distinct architectural quality and human scale of the neighborhood. The buildings in this neighborhood have predominately low building heights ranging from 2 to 5 stories.

One block east of the development is a superblock bounded by West Houston Street, Greenwich Street, Spring Street and Washington Street. This site is occupied by the United Parcel Service ("UPS") 3-story shipping facility and a 2-story parking facility with a small warehouse and fueling station. One block north of the UPS facility is a 5-story warehouse occupied by FedEx.

The Special Hudson Square District, two blocks east of the development site, was adopted in 2013 and is comprised of 18 blocks bounded by West Houston Street, Canal Street, Greenwich Street and Sixth Avenue as an effort to preserve a former warehouse and manufacturing district and encourage residential and commercial development. The zoning district is M1-6 which permits 10 FAR and permits 12 FAR by special permit with inclusionary housing. The district also has contextual bulk regulations including maximum building heights of 290 feet on wide streets and 185 on narrow streets. Street walls are also required at the street line of 60 to 125 feet on narrow streets and 125 to 150 feet on wide streets. The buildings closest to the development site occupy full blocks with building heights of 180 to 260 feet.

South of the development site is a Department of Sanitation 5-story garage. The UPS and Sanitation facilities are within an M2-4 district and the FedEx block is zoned M1-5. Further south is the Tribeca neighborhood which was recently rezoned and is within the Special Tribeca Mixed-Use District which was an effort to allow residential use in a light manufacturing area.

There a few small restaurants and bars south of the site along Spring Street as well as a number of cafes and restaurants spotted throughout the neighborhood east of the site. The closest retail corridor is northeast of the Development Site in the West Village neighborhood along Bleecker Street, consisting mostly of high end designer boutiques and small specialty food shops. Further east of Avenue of the Americas is a mix of high-end and commercial retail along Prince Street in the SoHo neighborhood.

The most accessible open space to the Development Site is Hudson River Park's Pier 45 with grass lawns, wood decking, seating areas and shaded structures. Additional recreational space is located at Canal Park located south of the site at Canal and West Streets, and James J Walker Park located northeast of the site at Hudson Street between Clarkson Street and Leroy Street.

The area is served by a No. 1 subway station located at three blocks east of the site at West Houston Street and Varick Street, the M21 and X7 bus line stops are located at Washington Street and West Houston and south of the site at Washington Street and Spring Street. Citibike stations are located one block east on Greenwich Street and West Houston Street and at Hudson River Park at West Street. New York Water Taxi service is available at Christopher Street pier

north of the site at West 10th Street. The development site is adjacent to West Street (Route 9A), a major north south highway and a major east-west thoroughfare running through the site at West Houston Street.

**Project Area and Project Site**

The proposed project area is comprised of two sites, Pier 40 and St. John's Center, proposed for the Special Hudson River Park District. The granting site is a commercial pier and park, situated in the Hudson River at the intersection of West Houston Street. The site is occupied by a 2-story building used for 1,900 public parking spaces, administration offices, commercial vessel docking and 4.8 acres of active play fields used by local athletic leagues and neighbors. The zoning lot is in an M2-3 zoning district which permits an FAR of 2.0 of commercial and manufacturing use. The footprint of the pier structure is 672,328 square feet. The zoning lot is 1,096,075 square feet which includes land under water and is currently constructed with 673,074 square feet of floor area.

The Development Site is comprised of a 4-story, 850 foot warehouse building spanning four city blocks, constructed in 1934, and 213,654 square feet. This building functioned as the southern terminus of the High Line and still has the original rail beds intact on the building's second floor. The southern portion of the building is occupied by commercial tenants and a temporary event space whereas the northern portion of the site is mostly vacant. The portion of the building north of West Houston Street is zoned as an M1-5 zoning district and the southern portion is zoned as an M2-4 zoning district.

**Proposed Project**

The proposed project would redevelop St. John's Center, The Development Site, by constructing five buildings containing 1,711,000 zoning square feet of floor area of affordable and market-rate housing, senior affordable housing, retail, restaurant, event uses, hotel and office uses, and 772 accessory parking spaces in three separate parking garages. A portion of the existing building over West Houston Street will be removed to create an elevated public open space over rail beds. This project will be facilitated by the transfer of development rights by special permit from Pier 40 to the development site within a newly created Special Hudson River Park District.

*North Site*
The North Site is located just south of Clarkson Street and north of West Houston Street and would consist of two buildings: the North-West Building bounded by Clarkson and West Street and the North-East Building fronting Washington Street. The existing M1-5 zoning district permits light manufacturing, commercial and community facility space. The maximum permitted FAR for manufacturing uses and commercial uses is 5.0 and 6.5 FAR for community facility uses. The M1-5 zoning district permits Use Groups 4-14, 16, and 17. Buildings are subject to a maximum front wall height of 85 feet or 6 stories; require a rear yard and street setback of 20 feet on narrow streets. The existing zoning district does not permit residential use and retail stores exceeding 10,000 square feet. The proposed C6-4 zoning district, R10 equivalent, permits a maximum FAR of 10.0 for residential, commercial and community facility uses and Use

Groups 1-12. The height and setback regulations of the existing district are applicable under the proposed rezoning.

The North-West Building would contain 450,000 zoning square feet of residential floor area for 415 market-rate units and 100,000 square feet of retail floor area located on the ground, mezzanine and second floors of the building. The application packets states access to the retail spaces would be accessed from West Houston Street, West Street and Clarkson Street but the plans do not indicate ground floor access to the retail spaces. The plans indicate retail space in both North Site buildings. The building is also proposed with 236 accessory parking spaces located in the cellar and accessed from West Street. The building is proposed with two towers 60 feet apart with one tower 430 feet in height and the second 360 feet in height. The building will rise to varying heights in cascading forms from 91 feet, 115 feet, and 127 feet. The street walls will be lower with notched elements varying between 43 feet, 55 feet and 67 feet in height.

The North-East Building would contain 110,000 square feet for 178 affordable senior studio and 1-bedroom apartments. The building would be accessed from Washington Street with a street wall height between 129 feet and 175 feet in height. The building will contain social and welfare facilities consistent with the ZR affordable independent resident for seniors definition, and would provide direct access to the elevated public space over West Houston Street.

A 20,750 square foot publicly accessible, elevated open space is proposed connecting the second floors of the North and Center Site. The public space would be developed on the three existing rail beds which extend over West Houston Street and are within the Existing Building. This space would be accessed by a stair and elevator on the south corner of Washington and West Houston Streets and another site if necessary. The spaces would include paved pathways, trees, seasonal plantings, varied types of seating and connect to second floor retail uses fronting the arcades on both sites.

*Center Site*

The Center Site consists of two buildings: the Center-East Building fronting on Washington Street and the Center-West Building fronting on West Street. The Center Site would be rezoned from an M2-4 zoning district to a C6-3 zoning district. The existing zoning permits retail, commercial, light manufacturing, and Use Groups 6-14, 16 and 17. The maximum permitted FAR is 5.0 and the maximum front wall height is 85 feet or 6 stories and a 20 foot setback for narrow streets. The proposed C6-3 district, R9 equivalent, permits residential, commercial and community facility space. The maximum permitted FAR is 7.52 for residential use, 6.0 for commercial uses, and 10.0 for community facility use. The permitted Use Groups are 1-12 and buildings are subject to a 20 foot setback on narrow streets. This proposed zoning district is also subject to open space requirements of §23-151 of the ZR.

The proposed buildings are primarily residential, with a total residential floor area of 729,000 square feet and of that, 218,700 square feet allotted to affordable housing. The two buildings would contain 695 market-rate and 298 affordable units at 60% and 130% of Area Median Income (AMI). The application packet states the distribution of the affordable units at the Center Site had not been determined. The residential entrances are proposed on West Houston Street,

the northern end of the site on Washington Street and an entrance into each building just north of the through-block driveway at the southern end of the site.

The Center Site retail uses are proposed on the cellar, ground, mezzanine and second floors of the two buildings with ground floor access located on West Houston Street. The cellar floor is proposed as a 372-space accessory parking garage which would be accessed through Center-East building from the through-block driveway. In absence of the parking garage, the applicants would develop a 100,000 square foot retail use in the cellar. The loading docks for the retail spaces would be located in the Center-West building; if the applicants develop a large retail use, an additional loading dock would be added to the Center-East building and accessed by Washington Street.

The Center-East building is designed in two segments with one portion measuring 346 feet in length along Washington Street and measuring up to 240 feet in height and the second segment measuring just over 155 feet long on West Houston Street. Similarly, the Center-West building includes a tower measuring 200 feet in height at the northern end and a 320 foot tall tower on the southern end of West Street. The building's street wall is between 102 feet to 114 feet in height along West Street and on Washington Street, the street wall height is between 209 feet and 188 feet. The two buildings are separated by a 67 foot wide by 258 foot deep landscaped, interior courtyard.

South of the Center Site is a tree lined through-block driveway, accessed from Washington and West Streets, which will provide vehicular access to the parking garage entrance located in the Center-East building and a vehicular drop-off in front of the South Site building.

*South Site*
The South site is bounded by a through-block driveway to the north, Washington Street to the east, West Street to west and the Department of Sanitation building to the south. The site would be rezoned from an M2-4 zoning district to an M1-5 district. The existing M2-4 zoning permits retail, commercial, light manufacturing, Use Groups 6-14, 16 and 17. The maximum permitted FAR is 5.0 and the maximum front wall height is 85 feet or 6 stories with a 20 foot setback for narrow streets. The proposed M1-5 zoning district permits light manufacturing, commercial and community facility space. The maximum permitted FAR for manufacturing uses and commercial uses is 5.0 and 6.5 FAR for community facility uses. The M1-5 zoning district permits Use Groups 4-14, 16, and 17. The maximum front wall height is 85 feet, requires a rear yard and street setback of 20 feet. The proposed zoning district does not permit residential use or retail stores exceeding 10,000 square feet.

The applicants propose 222,000 square feet of hotel or office uses with a 40,000 square foot event space and a 164-space accessory parking garage accessed from West Street in the cellar level of the building. The floor plans illustrate ground floor commercial space on the northwest corner of the building and on the entire second floor of the building. The southern end of the building will contain a secured gated service alley accessed by Washington and West streets. The proposed building would rise to a maximum height of 240 feet, with varying heights of 96 feet and 112 feet along West and Washington Streets and down to 60 feet in height on Washington

Street. The dimensions of the upper portion of the building will vary in length and width from 65 feet by 175 feet to 50 feet by 95 feet. The building will be accessed by the through-lot driveway immediately north of the site. The parking garage will be accessed by West Street.

The buildings on the development site will include flood resiliency measures at the ground and cellar-levels. These two levels will be protected with dry flood proofing which will include either removable floor barriers at lobbies, entrances and retail locations or building integrated flood proof walls on the perimeter of the building.

**Proposed Actions**

The Department of City Planning and SJC 33 Owner 2015 LLC collectively propose a zoning text amendment, a zoning map change, four special permits, three authorizations, and one chairperson certification to facilitate the repair of Pier 40 within the Hudson River Park Trust and the redevelopment of the former St. John Terminal Building.

*Zoning Text Amendment (N 160308 ZRM)*
DCP proposes to amend the Zoning Resolution to create a new special district in Article VIII, Chapter 9 which would establish Special Hudson River Park District (HRP) within Community District 2 in the Borough of Manhattan. This district would include Pier 40 and St. John's Center at 550 Washington Street and create a new special permit § 89-21 (Transfer of Floor Area from Hudson River Park), which includes a requirement for a Chairperson Certification pursuant to § 89-21 (d) for proof of payment to the Trust associated with the transfer of floor area, prior to the granting of any building permits for the site.

The text establishes general purposes for the repair and rehabilitation of piers and other infrastructure within Hudson River Park, the promotion of an appropriate range of uses complementary to the park, the promotion of desirable use for land and development to protect the city's tax revenues. The text creates a set of conditions for which a special permit to allow the transfer of floor area from the granting site to the receiving site may be permitted and permits bulk modifications within the receiving site. The text also establishes that the bulk rules of commercial districts may not apply unless a special permit has been approved and the transfer of development rights from the Trust be verified by Chairperson Certification.

*Zoning Map Change (C 160309 ZMM)*
The applicants, SJC 33 Owner 2015 LLC, in order to effectuate the controls and permissions of the Special Hudson River Park District, a zoning map change is proposed to establish the special district on the granting site of Pier 40 and the receiving site of 550 Washington Street.

The applicant also proposes to rezone the northern portion of 550 Washington Street site from manufacturing use to commercial use. This will change an M1-5 zoning district bounded by Clarkson Street, Washington Street, West Houston Street and West Street to a C6-4 District. This is an R10 equivalent and would permit residential and commercial uses at a maximum of 10 FAR. The center site is proposed to be rezoned from a manufacturing district, M2-4, as well, roughly bounded by West Houston Street, Washington Street, a line 596 feet northerly of Spring

Street and West Street, to a C6-3 district with an R9 equivalent which would permit residential use to a maximum of 7.52 FAR and commercial uses to a maximum of 6.0 FAR. The remainder of the site, or the southern parcel, would remain an M1-5 district.

*Special Permit for Transfer of Development Rights from Pier 40 (C 160310 ZSM)*
The applicants seek a special permit pursuant to §89-21 of the ZR to allow the distribution of 200,000 square feet of floor area from the granting site to the receiving site, to modify the height and setback requirements of §23-60 (height and setback regulations) and §43-40, height factor requirements of 23-151 (Basic regulations for R6 through R9 districts) and the rear yard requirements of §43-20 (rear yard requirements) in connection with a proposed mixed use development at the receiving site.

All three sites require substantial waivers for the required height and setback requirements along of the frontages of the development site. The North Site, Center Site and South Site buildings all exceed the maximum 85 foot height limit for street walls. All three sites require waivers from bulkhead massing rules, and all three sites encroach upon initial setback distances and the sky exposure plane above the maximum base height. The South Site also requires a waiver of the rear yard requirements as no rear yard equivalent is provided for that portion of the zoning lot. In addition, the height factor requirements are requested to be waived in order to accommodate the bulk from development rights transfer.

The applicant also requests that this permit be granted for a ten year term for vesting.

*Parking Special Permits (C 160311 ZSM, C 160312 ZSM, C 160313 ZSM)*
The applicants, SJC 33 Owner 2015 LLC, are seeking three special permits pursuant to Sections 13-45 and 13-451 of the ZR to allow attended accessory parking garages on three sites: a maximum of 236 spaces on portions of the ground and cellar floors of a proposed mixed use development at the North Site (C 160311 ZSM), a maximum of 372 spaces on portions of the ground floor and cellar of a proposed mixed use development on the Center Site (C 160312 ZSM), and a maximum of 164 spaces on portions of the ground and cellar floors of a proposed mixed use development at the South Site (C 160313 ZSM). These actions together will result in a total aggregate of 772 parking spaces in the three separate garages.

The proposed project as of right would have been permitted 317 parking spaces, limited to 200 spaces for a single facility, as a result of the permitted amount for residential use. The project would have generated an additional 62 spaces as of right for the office and retail uses, resulting in 265 parking spaces permitted as of right for the entire project. However, the total number of accessory spaces on a single zoning lot that serves multiple uses would cap the project to 225 spaces in total.

The North Site garage would be accessed from a curb cut from West Street, which would require a curb cut authorization, which is not subject to ULURP. The Center Site's garage is proposed to be accessed from a thorough-block driveway between the Center and South Sites. The South Site garage will also be accessed from West Street via a 22-foot curb cut.

*Non-ULURP Related Actions (N 160314 ZAM, N 160315 ZAM, N 160316 ZAM, N 160318 ZCM)*
The authorizations are subject to City Planning Commission approval but not subject to ULURP, nor is the certification action. The authorizations will allow for parking garages and loading berths to be accessed from West Street, a wide street. Curb cuts are not permitted as of right pursuant to §13-441 of the Zoning Resolution. The certification N 160318 ZCM is a requirement of the Special Permit pursuant to §89-21(d)(i) to allow for the issuance of a building permit once receipt of the development rights have been received and funds transferred to the Hudson River Park Trust have been verified.

## ANTICIPATED IMPACTS

Pursuant to City Environmental Quality Review (CEQR) and to the rules of the State Environmental Quality Review Act (SEQRA), amongst others, a Draft Environmental Impact Statement (DEIS) was prepared for all of the related actions described above.

On October 21, 2015 a Positive Declaration and Draft Scope of Work (DSOW) were issued. The DSOW identified a number of analysis tasks for the DEIS to consider for further analysis and established an analytical framework for the following analysis categories:

- land use, zoning and public policy,
- socioeconomic conditions,
- community facilities and services,
- open space,
- shadows,
- historic and cultural resources,
- urban design and visual resources,
- natural resources,
- hazardous materials,
- water and sewer infrastructure,
- energy,
- transportation,
- air quality,
- greenhouse gas emissions and climate change,
- noise,
- neighborhood character, and
- construction impacts.

The DSOW was further refined following a public scoping meeting held on November 20,2015, with written comments accepted until November 30, 3015. The Final Scope of Work (FSOW) was issued on May 6, 2016.

The Draft EIS (DEIS) and Notice of Completion, issued on May 6, 2016, found that significant adverse impacts were identified for open space, transportation, and construction. In addition, the DEIS stated that since there is the potential for temporary unmitigated significant air quality and

noise impacts during construction, detailed analyses will be conducted to quantify these issues during construction. Based on those results, a public health assessment may be warranted and will be included in the FEIS.

For Open Space, it was determined that there would be no direct significant adverse impacts to Hudson River Park and Pier 40 in terms of shadows, nor any operational or noise impacts affecting open space resources. However, it was determined that there was the potential for construction-period air quality and noise impacts on the proposed public access areas within the project site if a phased development occurred. Additionally, under indirect effects, it was determined that there would be a reduction in the open space ratio, dropping Community Board 2's ratio further below the City's median community district open space ratio of 1.5 acres per 1,000 residents. The DEIS did note that while the monetary infusion to the Trust from the developer, which would allow for the repair and continuing operation of a substantial amount of open space within Hudson River Park to remain, was important; the proposed project would substantially increase demand and the project would still result in a greater than 5 percent decrease in total and active open space ratios which would result in a significant adverse impact.

An anticipated impact was also found in the transportation category. However, the DEIS states that all of the significant adverse impacts identified could be fully mitigated with standard mitigation measures, except for the intersection of West Houston at Varick Street during the weekday PM peak hour and the intersection of Canal Street and Hudson Street during the weekday PM peak hour. If the project was to include the analyzed big box store footprint, defined as approximately 104,000 square feet in size, those intersections that could not be mitigated included West Houston Street at Varick Street, West Houston Street at West Street, Canal Street at Hudson Street, Spring Street at West Street, and Spring Street at Washington Street [5 of the 18 intersections analyzed]. Standard mitigation measures include signal timing changes, approach day lighting and restriping. No significant adverse impacts were found for transit, pedestrians, or parking.

For the category of construction, it was found that there is the potential for temporary construction-period air quality and noise impacts. Conservatively, assuming all three sections of the site undergo demolition, excavation and foundation work simultaneously, this would result in the worst-case construction-generated effects and an adverse impact on traffic during peak construction. Construction will add 135 more passenger car equivalents (PCEs) during peak construction which exceeds the 50 PCE in the CEQR manual. Coordination with NYCDOT's Office of Construction Mitigation and Coordination (OCMC) would be undertaken to ensure proper implementation of Maintenance and Protection of Traffic (MPT) plans and requirements.

It is also of note that the proposed actions exceeded the threshold for analyses of elementary and intermediate schools, libraries and child care facilities and a detailed analysis was undertaken for each area. The DEIS concluded however that the proposed actions would not result in significant adverse impacts in the category of community facilities and services. The DEIS also noted that Phase 1 Environmental Site Assessment had not identified any areas of concern, the excavation activities could increase pathways for human exposure. However, there would be no significant impacts related to hazardous materials since remedial measures could be included as part of any

Department of Environmental Protection (DEP) approved Remedial Action Plan and an (E) designation placed on the site. In regard to noise, due to existing levels of ambient noise, window/wall attenuation and alternate means of ventilation requirements would be codified in a Noise (E) Designation (E-384) on the project site.

Unmitigated adverse impacts were identified for a number of intersections. The DEIS recommended reducing the parking spaces to 730 from the RWCDS of 800 parking spaces, and under the big box scenario the elimination of 80 percent of the square footage. To eliminate the significant adverse open space impact, the DEIS recommended a reduction of 30 percent to the residential units and the parking spaces reduced to 674. However, the DEIS stated this alternative would modify the project to the point where its goals and objectives would not be realized for affordable housing.

## COMMUNITY BOARD RECOMMENDATION

On July 21, 2016 Manhattan Community Board 2 ("CB 2") approved a resolution with 36 in favor and 1 abstention, recommending approval with conditions of the zoning text amendment creating the Hudson River Park special district, the zoning map amendment, and the transfer of the Pier 40 development rights. CB 2 also recommended denial of the applications for the special permits for accessory parking garages. Finally, the Board recommended approval of the curb cut modifications.

With regard to the transfer of the Pier 40 development rights, the board recommended approval with conditions that include: the City and State commit to the necessary funding for emergency repairs to the Pier to ensure that it remains open until all work is completed; no further development rights from the Hudson River Park are transferred to receiving sites in CB 2; and that the final phase of the South Village Historic District is completed.

With regard to the zoning map changes and the project itself, CB 2 recommended approval with conditions that include: a shift of height and density from the North Site to the Center Site; limitations on retail to prevent destination retail and certain retail uses of over a certain size; changes to the site plan to integrate the project into the surrounding community; create more accessible buildings and more pleasant streets; mitigation of the adverse impacts to active open space; substitution of at-grade open space in the area between the buildings on the Center Site for the raised open space on the railroad beds which the Board would like to see removed; widening of the workforce income band to make them affordable to a broader range and create a greater number of larger senior units; development by DOT of a comprehensive traffic plan to address increasing congestion and improved mass transit to prevent the project and area from becoming vehicle-dependent; and improved pedestrian access to the Hudson River Park.

Finally, with regard to the special permits for accessory parking, which would allow for a total of 772 spaces, CB 2 recommended denial unless the total number of spaces is reduced to 381 total spaces.

# Community/Borough Board Recommendation

Pursuant to the **U**niform **L**and **U**se **R**eview **P**rocedure

| | |
|---|---|
| Application #: **C 160313 ZSM** | Project Name: Special Hudson River Park District/550 |
| CEQR Number: 16DCP031M | Borough(s): Manhattan |
| | Community District Number(s): 2 |

*Please use the above application number on all correspondence concerning this application*

## SUBMISSION INSTRUCTIONS

1. Complete this form and return to the Department of City Planning by one of the following options:
   - **EMAIL (recommended):** Send email to **CalendarOffice@planning.nyc.gov** and include the following subject line**:** (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
   - **MAIL:** Calendar Information Office, City Planning Commission, 120 Broadway, 31st Floor, New York, NY 10271
   - **FAX**: to (212) 720-3488 and note "Attention of the Calendar Office"
2. Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

*Docket Description:*

**IN THE MATTER OF** an application submitted by SJC 33 Owner 2015 LLC pursuant to Section 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-45 and 13-451 of the Zoning Resolution to allow an attended accessory parking garage with a maximum capacity of 164 spaces on portions of the ground floor and cellar of a proposed mixed use development (South Site), on property located at 550 Washington Street (Block 596, Lot 1), in C6-3**, C6-4** and M1-5** Districts, within the Special Hudson River Park District**, Borough of Manhattan, Community District 2.

**Note: the development site is proposed to be rezoned by changing M1-5 and M2-4 Districts to C6-3, C6-4 and M1-5 Districts, and by establishing a Special Hudson River Park District (HRP), under a concurrent related application C 160309 ZMM.

Plans for this proposal are on file with the City Planning Commission and may be seen at 120 Broadway, 31st Floor, New York, NY, 10271-0001.

| **Applicant(s):** | **Applicant's Representative:** |
|---|---|
| SJC 33 Owner 2015 LLC<br>c/o Atlas Capital Group<br>450 Park Avenue<br>New York, NY 10022 | Michael T. Sillerman<br>Kramer Levin Naftalis & Frankel, LLP<br>1177 Avenue of the Americas<br>New York, NY 10036 |

**Recommendation submitted by:**

Manhattan Community Board 2

**Date of public hearing:** July 21, 2016 **Location:** Scholastic Building, 557 Broadway, Auditorium

**Was a quorum present?** **YES** ☐ **NO** ☐ *A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.*

**Date of Vote:** July 21, 2016 **Location:** Scholastic Building, 557 Broadway, Auditorium

**RECOMMENDATION**

☐ Approve ☐ Approve With Modifications/Conditions

☐ Disapprove ☒ Disapprove With Modifications/Conditions

**Please attach any further explanation of the recommendation on additional sheets, as necessary.**

**Voting**

**# In Favor:** 36 **# Against:** **# Abstaining:** 1 **Total members appointed to the board:** **48**

| *Name of CB/BB officer completing this form* | *Title* | *Date* |
|---|---|---|
| Robert Gormley | District Manager | 7/22/2016 |

Tobi Bergman, *Chair*
Terri Cude, *First Vice Chair*
Susan Kent, *Second Vice Chair*
Bob Gormley, *District Manager*

Antony Wong, *Treasurer*
Keen Berger, *Secretary*
Daniel Miller, *Assistant Secretary*

# COMMUNITY BOARD NO. 2, MANHATTAN

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July 22, 2016

Carl Weisbrod, Chairman
City Planning Commission
22 Reade Street
New York, NY 10007

Dear Mr. Weisbrod:

At its Full Board meeting on July 21, 2016, CB#2, Manhattan (CB2, Man.), adopted the following resolution:

**550 Washington Street (Manhattan Block 596, Lot 1) and Pier 40 (Manhattan Block 656, Lot 1) N160309ZMM. 160310ZSM, 160311ZSM, 160312ZSM, 160313ZSM, N160314ZAM, N160315ZAM, N160316ZAM, N160317ZCM**

This is a ULURP action including two land use applications to the City Planning Commission as follows:

(1) a zoning map amendment (a) to rezone a property at 550 Washington Street consisting of a single zoning lot from an Ml-5 and M2-4 district to a C6-4, C6-3, and Ml-5 district, and (b) to map the the property and Pier 40, located at West Houston Street in Hudson River Park, as part of the proposed Special Hudson River Park District, which Special District is proposed to be created by an application for a Zoning Text Amendment (N 160308 ZRM) filed separately by the Department of City Planning;

(2) a special permit pursuant to proposed Zoning Resolution Section 89-21 to allow the transfer of floor area from Pier 40 to 550 Washington Street, and to allow certain bulk waivers for the proposed development at 550 Washington Street;

(3) three special permits pursuant to Zoning Resolution Section 13-45 and 13-451 for accessory parking garages;

(4) three authorizations pursuant to Zoning Resolution Section 13-441 for curb cuts on a wide street; and

(5) a Chairperson's certification pursuant to proposed Zoning Resolution Section 89- 21(d).

**Resolved that CB2, Man. hereby approves the following report with recommendations regarding the ULURP for 550 Washington Street and Pier 40 described above.**

## ZONING MAP CHANGES

The aggregate FAR of 8.7 for the proposed project, including zoning changes and development rights transfers, supports over 1.711 million zoning square feet of development plus additional use of exempt

below grade space. This is by far the largest development in the history of the district, although the average density is less than the allowed density in the Hudson Square Special District.

**→ If the project plan is improved so that the area can be reintegrated into the neighborhood fabric, and if actions are taken to protect nearby areas from development pressures as stated herein, Community Board 2 does not object to rezoning the North, Center, and South sites as proposed, except as follows:**

**North Site:** The C6-4 zone is acceptable but CB2 does not agree with statements in the application that the north end of the site is appropriate for the tallest buildings. In fact, the built scale and the zoning north of the project area is less dense than the built scale and zoning in Hudson Square Special District to the east. The application also seeks to justify the tall buildings in the North Site with the irrelevant statement that an even taller as-of-right hotel could be built in the North Site under current zoning.

The excessive North Site heights are produced by denser zoning in combination with locating a disproportionate amount of the total transferred development rights there. The result yields a plan that violates the requirement that transfer of development rights yields structures that relate well to the surrounding streets and open areas. Locating the tallest buildings in the North Site creates an abrupt wall with extreme height disparity with the neighborhood north of Clarkson Street. At 430 feet, the tallest building here is the same height as the tallest building allowed in the Hudson Square Special District, but that building was justified by the inclusion of a school and because it will stand free facing three wide streets. While CB2 appreciates the architectural value of varying building sizes, the impact of locating the tallest buildings at the North Site is if anything exacerbated by the gradual height reductions proposed for the Center and South sites.

**→ CB2 favors a shift of height and density from the North Site to the Center Site and favors a maximum building height of 405 feet, but the site plan issues discussed herein are more significant than building height and distribution.**

**North, Center, and South Sites:** CB2 opposes location of destination retail, including "Big Box" and other large footprint stores, anywhere within the Hudson River Park Special District. Because of the lack of nearby subways, destination retail stores will be accessed primarily by means of private cars and taxis, leading to increased congestion in an area already burdened by traffic conditions detrimental to public safety and health and to a pleasant residential and business environment. Given the large below grade areas available on all three sites, restrictions on retail sizes need to include all indoor area, not just zoning floor area. In addition, including destination retail on the site will lessen the value of the rezoning to neighboring residential and business areas because smaller stores help knit the fabric of the a new development to surrounding areas.

**→ For all three sites, CB2 opposes including retail stores in any use group, except the proposed supermarket, with selling floors exceeding 10,000 square feet, including any below grade areas.**

Even with the above restrictions, the major retail presence of the site will have a significant impact, negative and positive, on the surrounding areas. Restaurants and cafes may bring desirable foot traffic to the area, but restricting their size is essential.

**→ The maximum size of any eating and drinking establishment, including below grade areas, should not exceed 5,000 square feet.**

## OFF-STREET PARKING SPECIAL PERMITS

The requested Special Permits for off-street parking on all three sites totals 772 spaces. This will create the potential for underutilized residential parking which will in turn encourage destination retail. Although residential tenants of the project ostensibly have first rights to parking, the residential growth

analysis supporting the special permit applications is not limited to project residents, and building operators would be able adjust pricing of monthly parking to create availability of spaces to attract destination retail.

As stated in the 2013 DCP report on parking in the Manhattan Core, "the development of auto-oriented shopping destinations are generally inappropriate for the Manhattan Core built environment." Even 10,000 square foot stores are likely to focus on destination shopping if off-street parking is available. The 2013 amendment to the Manhattan Core off-street parking regulations reduced the site maximum for the as-of-right retail parking to ten spaces, "in order to discourage auto-oriented retail development in the Manhattan Core." However, the same amendment removed restrictions on the use of residential accessory parking, allowing excess spaces to be available for "public parking", enabling building operators to reserve spaces for retail use.

The 2013 amendment to Manhattan Core parking regulations sought to balance more relaxed use regulations by expanding the range of land use considerations considered for special permits to exceed as-of-right parking ratios. The applications for three special permits offer only cursory findings regarding impacts on traffic congestion and pedestrian flow. The application includes an alternative proposing to replace 372 spaces in the Center Site cellar with 100,000 square feet of large format retail. *This is an admission by the applicant that there can be no finding, as required, that "any exempted floor area used for parking is needed in order to prevent excessive on-street parking demand and relieve traffic congestion".*

In general, the application findings take a narrow approach focused on the immediate access routes to the proposed garage entrances. They fail to adequately consider the impact of encouraging vehicle access to the site on the increasingly untenable traffic baseline conditions related to the Holland Tunnel and lower Manhattan growth. For example, while West Street does have high capacity, many of the cars will also need to use Clarkson, Washington, and Houston Streets, all of which are regularly congested, harming air quality and quality of residential life in the area.

The project as proposed would require approval of three special permits increasing the total allowed parking spaces from 225 to 772, an increase of 343% to a total equaling almost one space for every two residential units. As stated in the application:

"The Proposed Project overall will thus contain 1,586 residential units, which would be permitted 317 parking spaces on an as-of-right basis, based on 20% of the dwelling units, limited to 200 spaces in one parking facility. The South Site building would be permitted 52 spaces as-of-right for a hotel use or 55 spaces as-of-right for an office use. The retail uses would generate 10 additional spaces as-of-right. The program therefore generates 265 parking spaces when considered on an aggregate basis; however, as a single zoning lot with a mix of uses, the total number of spaces permitted is 225. The three parking facilities in the Proposed Project will exceed this as-of-right amount, and so will require special permits."

The request for 772 spaces is excessive and harmful. In combination with the 160,000 square feet of retail space, any excess spaces will encourage inappropriate destination retail, especially at the North Site where it would increase congestion in the Holland Tunnel Impact Area. Also, because of the proximity of the Holland Tunnel, excess spaces are likely to result in an increase of detrimental commuter use. The DEIS and the special permit application fail to consider the impact of the proposed parking garages based on these unintended but likely uses. Finally, the excess parking availability will create competitive pressure reducing income from parking at Pier 40 to the Hudson River Park Trust.

The community has generally favored the relatively low impact parking uses at Pier 40 and loss of income from parking might encourage less compatible commercial uses at the pier.

The 2013 amendment to the Manhattan Core parking regulations were based on a finding that since 1982 commuter use of parking facilities in Manhattan had declined while car ownership among affluent residents had increased. But 25% of the units in this project are specifically intended only for non-

affluent residents, and a similar proportion is likely to apply for residential growth in the nearby Hudson Square Special District. The need for parking for the senior affordable housing will be negligible.

Nevertheless, the project will generate a need for residential parking, and the large mixed use site results in potentially problematic reductions in the number of spaces allowed.

**→ Community Board 2 opposes the proposed permits for off-street parking modifications. The number of spaces allowed should not exceed the total of 381 spaces, based on 317 residential spaces (20% of 1586 units), 52 spaces for a hotel (or 54 spaces for office use), and 10 spaces for retail.**

There are potential uses of the below grade spaces that would contribute substantially to the value of the project to the community and its integration into the neighborhood such as rehearsal space, indoor recreation, and bicycle parking exceeding required amounts. While indoor recreation developed to mitigate adverse impacts of the project cannot be an income source for the project, there is substantial demand for commercial recreation facilities as well.

## SITE PLAN AND PROJECT DESIGN

In the words of the New York City Department of City Planning, "Zoning is the language of the physical city. It aims to promote an orderly pattern of development and to separate incompatible land uses, such as industrial uses and homes, and to ensure a pleasant environment." Rezoning is therefore justified when allowed uses are antiquated and not compatible with uses in the area, but new uses and increased density are not justified unless they contribute to the successful use and development of the surrounding area.

550 Washington Street, a former freight train terminal with a huge footprint, is a challenging site for residential development. Manufacturing in the broader area has been largely replaced by residential and commercial office uses, but the project shares a super block with a municipal sanitation garage to the south with another superblock to the east solely occupied by a United Parcel Service distribution facility. To the west is West Street, functionally more like an arterial highway than a New York City street. *It will be difficult to successfully integrate the site with nearby residential and office uses, but if the challenges cannot be met, the rezoning is not justified.*

The proposed site plan and project design run away from the challenges. Most of the proposed site is isolated and non-contributing with respect to surrounding areas. It remains inaccessible to pedestrians, offering no reason for non-residents to enter or pass through.

Significantly, the site plan exposes the essential UPS facility to pressures created by new uses. The proposal to narrow the street bed of Washington Street will increase the traffic disruptions that occur when trucks are entering and leaving the UPS site. Widening the sidewalks to the east will move them into an unpleasant and unsafe conflict zone with the trucking facility, rendering the trucking use disruptive to the proposed residential uses on the site. While the sidewalk needs to be widened, this can and must be accomplished by moving the street wall of the new buildings west which will also allow the addition of an important planted buffer to create a pleasant and protected pedestrian environment in the context of a preexisting and still essential industrial use.

The project design misses the one-time opportunity to reestablish a human scale street grid that was eliminated by necessity when the terminal building was constructed. It is true that King Street and Charlton Streets cannot be reestablished as true through streets as long as the UPS building stands, but with the mixed use development trend in the area likely to continue, this is a one-time opportunity that must not be missed to create a chance in the future to truly reintegrate the two superblocks into the fabric of the neighborhood. An opening at King Street, in particular, combined with widening Washington Street, to create a pleasant urban retail environment with building transparency at grade, will allow for an inviting and convenient route for pedestrians and vehicles into and through the site.

The project proposal includes 160,000 square feet of retail, but it is located so it fails to contribute to a lively urban streetscape. Houston Street remains largely covered by bridges connecting the North and Center Sites, creating second level open areas. These areas are unlikely to attract public use but they are created at the expense of the possibility of opening the street below to light and air as should be required for compliance with the Hudson River Park Special District.

The result is the sense of a monolithic and forbidding inward facing structure with 800-foot long street walls broken only by the marginally enhanced Houston Street "tunnel" and a private driveway serving as a primary site access that is a 345-foot walk away along a choice of two unwelcoming streets.

A large internal space between the east and west buildings on the Center Site is walled off from the public to provide "silence" for the apartments above, wasting an important opportunity to create public open space and site access at grade level.

**→ The following changes to the site plan will create accessible structures and pleasant streets and will integrate the project with the adjacent community as required to justify the rezoning:**

1. **Reopening King Street**
2. **If possible, reopening Charlton Street**
3. **Opening Houston Street to the sky by removing all structure above except one platform.**
4. **Widening Washington Street by moving the east street wall of the North and Center Site structures 12 feet to the west and adding an attractive green buffer.**
5. **Welcoming public use of the open area between east and west buildings in the Center Site.**

***Note:*** *The applicant provided a large format 80-page book in response to criticisms of the proposed site plan and project design discussed at public hearings. The presentation is not convincing and confirms the need for major revisions to the proposal.*

*First, the presentation seeks to make the case that the plan is consistent with mixed-use, high density, and large scale development in the area. But these were not the characteristics of the plan that are criticized herein. Three buildings are referenced as examples of nearby structures with high street walls and full lot coverage, but all have transparency at grade and face a wide street with short blocks and a strong mix of retail activity and pedestrian destinations in all directions, nothing like the narrow Washington Street where a special effort will be needed to attract foot traffic. The presentation also looks to West Street for "immediate urban context", but backing up to West Street only amplifies the need to transform Washington Street. Finally, the presentation points to the context of long buildings at Pier 40, the Sanitation garage, UPS, and other nearby buildings. But Pier 40 is in a park and not experienced as neighborhood context, and the sizes of the garage and UPS are appropriate to their uses, not for a new residential project in the Manhattan Core. The other buildings noted all have shorter street walls facing attractive wide streets in the center of successful mixed-use areas.*

*Second, the presentation seeks to reestablish the false first impression that the project design effectively breaks up the superblock. In fact, this is precisely where the design fails. The opportunity to break off the North Site is missed because Houston Street remains substantially covered. The High Line reference makes a pretty picture, but the space above has none of the special charms of the long and narrow High Line, and none of its sincere historic reference and repurposing. Instead, it creates a secondary public area of dubious value at the expense of an opportunity to create a real break in the street wall that invites passage into and through the site on Houston Street. Forgetting there is nothing pleasant about the underside of the High Line, it dominates the Houston Street environment with not one, but three old train track beds. The location chosen for a driveway is 346 feet south of Houston Street, ignoring the pre-super block grid that is the best opportunity to recreate an accessible urban scale. Pedestrians seeking to enter the site at the driveway will have two long and unpleasant choices: the arterial highway environment on West Street or the narrow one-sided route dominated by UPS. Again, the slides create*

*false impressions. For example, Washington Street is made to look like a normal street showing parked cars blocking the UPS truck bays, a buffer that would not exist, and showing no parked cars in the parking lane on the west side creating a false impression of a second travel lane . The driveway looks quaint and calm with people strolling on impractical Belgian block paving. In fact, it will be the primary entrance to large vehicle-accessed residential and commercial buildings, frequently dominated by cars and taxis. The curb cut style entrances reinforce the unwelcoming private way appearance, a look and feel of being someplace other than New York City.*

*Finally, numerous slides are presented as "view studies" of alternative alignments for a break in the long street wall. The King Street alignment is clearly the best, providing the most pedestrian-friendly approach to the project structures. The challenges do not go away, but they become manageable, even if a second break at Charlton Street turns out to be impossible. The map provided to illustrate the pedestrian experience of the project as proposed again demonstrates the failure of the plan. Clarkson Street, with no subway access, becomes the prominent east-west corridor, taking people as far from the site as possible, with no pleasant north-south corridors provided. Even on paper, and even with no cars in sight, Houston Street still looks dark and forbidding. The color diagrams of the ground floor plan offer a friendly feel, but only by making the Houston Street coverage invisible, and showing the "landscaped roof/courtyard as though it would be experienced that way by the public*

*The table of contents of the presentation references "several urban design challenges" of opening King Street, but these are not addressed in any of the 80 slides. The challenges are in fact made simpler by the recognition in the site plan as proposed of the desirability of opening a King Street view corridor. A real discussion of ideas presented in criticisms of the plan would be welcomed, but the presentation is unpersuasive and non-responsive. It ignores ideas about how to open the site to respond to the needs of the surrounding neighborhood, needs that must be supported to justify proposed zoning changes.*

## HUDSON RIVER PARK SPECIAL DISTRICT

The Hudson River Park Act was amended in 2013 to generate income for the park by allowing the transfer of development rights from the Hudson River Park to receiving sites within one block east of West Street. The amendment provides an opportunity for the park to benefit from development rights without burdening the park with development that is harmful to the adjacent community and incompatible with park uses.

The proposed Hudson River Park Special District would amend the Zoning Resolution and map and regulate transfers of 200,000 square feet of rights from Pier 40 to the 550 Washington Street site. The related $100 million income to Hudson River Park would fund the restoration of the deteriorating piles and thereby sustain the viability of Pier 40 as a local and regional recreation resource and as an essential source of income for the entire park.

However, based on prior reports from Hudson River Park Trust, there is reason for concern that to remain open until a redevelopment plan is in place, Pier 40 may urgently require substantial additional repair work. Because the emergency conditions at Pier 40 were the impetus for legislation allowing transfer of development rights, assurance of funding to the short term needs of the pier to keep it open for current uses is essential as part of any agreement to transfer air rights. There is no justification for the transfer unless the future of Pier 40 is secured.

Neighbors, and representatives of the Greenwich Village Society for Historic Preservation, spoke at CB2 public hearings and submitted written testimony to express credible concern about increasing development pressures in the South Village and the potential harmful impacts of future transfers of development rights from Hudson River Park sites to receiving sites between Houston Street and 14th Street. The community expressed concerns about a wide variety of negative impacts from the development of the St. John's site: The mammoth scale of the proposal in relation to the neighborhood, the enormous value of the development rights that the developer is receiving, the degradation of per capita

active space available in the community with the addition of so many new residents, the potential loss of affordable parking on Pier 40, the long distance of the project from the nearest subway, and the fear that the development will produce pressure to curtail access to free boating from Pier 40. Moreover, the need to provide ongoing, predictable financial support for Pier 40 is clear. Community members commented on their desire to have the park supported by taxpayer funds. The Central Park Conservancy receives a sizeable percentage of its funds from the city according to the terms of an agreement which covers a 10-year term. Moving towards a similar agreement for the Hudson River Park would address this community concern and would provide predictable funding for the park and reduce the need for incompatible commercial development within the park.

CB2, Man. urges the City and the applicant to work with our Board to consider ways to apply planning principles such as those suggested to us by Terreform Center for Advanced Urban Research to improve the compatibility of the new uses with the adjacent neighborhoods.

At the same time, CB2, Man. recognizes that the viability of Hudson River Park, as provided for in the Hudson River Park Act, depends on income generated within the park, and specifically within CB2 from commercial development at Pier 40. CB2 strongly opposed past proposals for developments at Pier 40 that would have harmed the Park and the adjacent neighborhoods.

There is an opportunity in connection with the current ULURP to assure the availability of some of the remaining development rights to assure essential long term income for the park while also protecting the park and the community from undesirable development at Pier 40 and at nearby sites within CB2.

**→ CB2, Man. supports the transfer of 200,000 square feet of development rights from Pier 40 for the purpose of repairing the Pier 40 piles if $50 million of City and State funding is committed over a five-year period to complete other urgent repairs at the pier and assure the pier remains open for its current uses. CB2 supports the transfer exclusively to 550 Washington Street and also supports future redevelopment of Pier 40 if the development pressures on nearby neighborhoods are mitigated as follows:**

1. **The final phase of South Village Historic District is implemented concurrently during the ULURP process;**
2. **No additional development rights will be transferred from the Park to any area in CB2, whether from Pier 40 or from any other potential granting site at any time in the future.**

**To help facilitate an agreement whereby Hudson River Park Trust will agree to permanently restrict development rights transfer to sites in CB2 beyond the 200,000 proposed here, in September, 2016, CB2, Man. will hold a public hearing to consider criteria for redevelopment of Pier 40 based on the following draft framework.**

DRAFT FRAMEWORK FOR PIER 40 REDEVELOPMENT CRITERIA (FOR FUTURE REVIEW)

1. Future development at the pier may include new structure that includes floor area not exceeding xxx,000 square feet.
2. At grade open space in the park will be considered open space for public recreation only if it is used exclusively for free or nominally free recreational use. Outdoor space used entirely or partially for boarding commercially operated vessels, marinas, cafes, etc will not be considered to be open space for public recreation; and no indoor space will be considered open space.
3. In any redevelopment of Pier 40, there will be no increase in total footprint of the structures on the pier, and if there is a decrease of footprint, at least 50% of new unbuilt area will be public open space for recreation.
4. Uses may include current commercial uses with floor area as currently allocated except as listed below.

5. Uses may include commercial office uses and very low impact small manufacturing uses with combined floor area not exceeding xxx,000 square feet.
6. Uses may include eating and drinking establishments individually not exceeding x,000 sf and in combination not exceeding xx,000 sf.
7. The tonnage of commercially operated boats docking at the pier, including party boats, will not exceed xx% of the current use.
8. At least xx% of commercial development of the pier will be developed and operated based on a model designed to fulfill community needs for such uses as a priority over maximizing revenue to the park, and dedicated to the following park and community enhancing uses: indoor recreation, low cost rehearsal space, art studio and gallery space; performance spaces individually not exceeding xxx seats; and community-based water uses including free access to human-powered boats.
9. The site design for development at the pier will give highest consideration to providing safe access for all to the pier and the park and minimizing conflicts between vehicles and park users, and such access will include pedestrian bridges to the extent needed to assure the safest possible access to and use of the pier and the park. The site design for development at the pier will also give high priority to creating and preserving openness, views, compatibility with park uses, and community access to the water.
10. The development plan will provide for incremental or phased development to assure continuous and substantially undiminished recreational use of the pier during construction.

**PUBLIC OPEN SPACE**

The residential study area for the DEIS has a total open space ratio of 1.15 acres per 1000 residents. There are only .42 acres of active open space per 1000 residents compared to the goal of 2.0 acres. Because the portions of the community district located in the study area have comparatively more open space than the rest of the district, the condition is much worse for the district as a whole. The DEIS identifies a significant adverse open space impact based on a 5.66% decrease in the total open space ratio including a 6.96% decrease in the active open space ratio. No specific mitigations are proposed as part of the application.

No outdoor space suitable for active recreation will be available on the project site. However, because indoor sports facilities provide year-around opportunities, it is appropriate to provide indoor space to mitigate the adverse impact on open space for active recreation.

**→ CB2 cannot support a project that fails to mitigate a significant adverse impact on active open space. Unless suitable outdoor space within the study area is identified and secured, qualified and adequate indoor space within the study area, such as new gyms and swimming pool within the project sites, will be the only sufficient way to mitigate significant adverse impacts of the project on active open space opportunities in the district.**

There are other opportunities to create new public open space within the district, but these are not suitable for active recreation so they would not mitigate the significant adverse impact of the proposed project. For example, CB2 supports the creation of a permanent park at Elizabeth Street Garden as its highest open space priority. CB2 also continues to support new open space at two sites where DEP has completed construction of water distribution projects on East 4th Street and at the corner of Grand and Lafayette Streets. At the large DEP site at 388 Hudson Street CB2 supports building affordable housing, but more than 9000 square feet of the site where DEP retains an easement could still be available for passive open space use.

**→ CB2 opposes the proposal for passive public open space on the old railroad track beds above Houston Street because these should be removed to open Houston Street to the sky. Instead, a much larger public open space should be created with at grade access in the area between the buildings on the Center Site of the project.** Designed as a garden with plantings and seating, the public

use would not conflict with the residential uses, and a broad path from Houston Street would increase pedestrian access through the project.

As part of the ULURP agreement for the St. Vincent's Hospital site, the Greenwich Lane development built the public park across the street and pays for its maintenance in perpetuity through assessments on condominium. This model should be implemented, including charges to all property owners on the site, so this project can provide ongoing support for Hudson River Park.

## AFFORDABLE HOUSING

The district has experienced a significant loss of stabilized housing, and remaining stabilized units are at risk. CB2 recognizes the negative impact of loss of diversity on the vitality of the neighborhood, the need to place new affordable housing in high value areas, and the importance of creating "aging in place" opportunities for district seniors. CB2 therefore appreciates and supports the significant number of affordable units that will be provided as part of this project, but requests concurrent development of additional affordable housing in the district.

CB2 is deeply concerned that HPD has failed to respond to our requests to evaluate the nearby opportunity for new affordable housing at the water tunnel shaft construction site at 388 Hudson Street, and instead continues to pursue an unpopular plan at Elizabeth Street Garden, a location that offers minimal housing opportunities at the expense of losing a treasured public open space in the most park-starved part of our district.

**→ CB2 recommends that HPD and DCP begin work, concurrently with the 550 Washington Street application, to expand the Hudson Square Special District to include the 388 Hudson Street site.**

**→ CB2 rejects the idea that housing and open space priorities in the district should be selected on the basis of the council district location and once again requests that HPD work with CB2 to develop a plan for the district that builds as much new affordable housing as possible without undue harm to our neighborhood character and open space.**

The mixed income affordable units at 550 Washington Street are proposed as a combination of 60% AMI and 130% AMI. The single AMI band for the "workforce" housing may make them difficult to market with a potential reduction of participation of district residents in the 50% preference program.

**→ CB2 recommends that 20% of the floor area planned for 130% AMI be set at 100% AMI so that units can be marketed in the wider 100% to 165% AMI range.**

During public hearings, neighbors expressed concern about the small size of the senior affordable housing units. The small size is likely to make the units difficult to market to district seniors, many consisting of healthy couples, and even moving into studios will be very difficult for many seniors. Given the size of the project, increasing the proportion of larger units should be possible without reducing the number of units. There was also concern expressed that the single AMI band of 80% is too narrow, and that a broader range would make the units more marketable, especially to seniors currently living in walk-up units in the district.

**→ Of the 178 units for seniors, CB2 recommends that no more than 70 be studios, and also recommends that up to 50% of the units be offered at 100% AMI.**

## TRAFFIC & TRANSPORTATION

The proposed special zoning changes and transfer of air rights to 550 Washington will bring thousands of new residents and workers to the area and will significantly exacerbate traffic and transportation issues in the community. This development would also follow on the heels of a major zoning change at Hudson Square and precede further development at Pier 40, all aggravating already declining conditions.

Therefore, the development should not proceed unless a comprehensive approach is taken to improve traffic and transportation conditions in the area.

Baseline traffic in the area has been increasingly untenable because of congestion leading to the Holland Tunnel. Long queues on Varick, Canal, West, and Spring Streets contribute to frequent gridlock conditions causing long delays. This disrupts business and creates unsafe conditions for pedestrians and cyclists. It increases response times of emergency vehicles and causes localized air quality problems. As Hudson Square develops as a commercial office and residential area, large numbers of pedestrians sift through blocked crosswalks and crowd into inadequate public transport. With cars and trucks crossing Manhattan to avoid Verrazano tolls, the flow capacity of the tunnel and the "storage" capacity of the traffic lanes fail on a regular basis. 550 Washington will now add a further burden.

Although the DEIS recognizes adverse impacts at 18 intersections, it says all but two can be "fully mitigated with standard mitigation methods" such as restriping, signal timing, and "daylighting". Some of the proposed mitigations consist of changing signal times by as little as one second. By looking exclusively at the incremental changes created by the proposed project versus as-of-right development at the site, the DEIS misses the already unsustainable baseline conditions in the area, and fails to recognize the harm that will be caused if the development proceeds without a commitment to extensive improvement by the city administration.

While NYC DOT recognizes the problems, it has applied piecemeal remedies at individual intersections that don't function together holistically. However, given the severity of the current conditions and the impact on safety, health, and quality of work and residential life, the omission of a coordinated plan to mitigate adverse impacts at all intersections of concern is unacceptable. Recent experience with localized improvements focusing on pedestrian safety at a number of complex intersections shows that meaningful change is possible. The current ULURP represents a unique opportunity to develop a comprehensive response to the area's ever-increasing growth.

**→ For this project to proceed responsibly, NYC DOT needs to complete, concurrently with this ULURP, a comprehensive study providing recommendations for improving baseline conditions prior to the start of work on the proposed project. The City administration needs to commit to improving through traffic and pedestrian safety conditions by drawing upon a full toolkit of improvements including permanent lane separations, neck downs and other curb extensions, medians, turning changes, parking changes, and special signage. Particular attention should focus on Varick Street below Bleecker Street, Houston Street, and Spring Street.**

**Varick Street** is the major Holland Tunnel access route through the community district. Designated tunnel access lanes fail during the evening rush hour because vehicles enter these lanes from multiple side streets, often blocking intersections and impeding local and through traffic. Hudson Square Connection has suggested a redesign for Varick Street including a permanent median divider and more restricted access to the tunnel lanes.

**Houston Street** is an important westbound connector to West Street, north and south. When the intersection at Varick Street is blocked, westbound traffic on Houston Street impacts a wide residential and commercial area. Improving this intersection is a high priority, but cannot be accomplished without looking at the full length of Varick Street. Also, to relieve congestion at West Street and improve safety at the pedestrian crossing there, consideration should be given to moving northbound West Street traffic onto Leroy Street.

**Spring Street,** at the south end of the two super blocks, is an important pedestrian connector. During water main replacement work, tunnel traffic from downtown was diverted onto Spring Street, harming the character of the street and further slowing tunnel lanes on Varick Street. The water main work is complete and the use of Spring Street for Holland Tunnel traffic should be curtailed.

In all of these efforts, the Hudson Square Connection should be engaged as an important resource.

**Bus and Subway Transportation**

CB2 welcomes the proposal to provide affordable housing units for seniors, but the current public transit system does not support this use with the nearest wheelchair access to subways more than a half-mile away. Currently, there is no viable connection to the #1 subway, and the trip from Washington Street to the subway on Sixth Avenue takes passengers through the heart of Holland Tunnel traffic on Spring Street. Without improvements to bus routes and service, the location will isolate seniors and other residents from other residential and commercial areas.

The M21 route should be reevaluated to provide better service to the new development area and its frequency increased. The M8 route must continue to operate as well and at frequent intervals to keep providing the important access that its many users depend upon, while serving seniors and other residents. At least one of these routes should be extended to cross West Street and provide safe and convenient access to Pier 40 and increase ridership.

**→ In general, mass transit needs to be improved so that the proposed project is less car-dependent and more appropriate for the Manhattan Core. Dependency on vehicular access will be detrimental to the project and to the neighborhood.**

**Pedestrian Safety and Access to Hudson River Park**

The largest contributor to public open space in the community district is Hudson River Park, but access across West Street is dangerous and isolates the park from the community. The crossing at Houston Street, the main area access point for pedestrians and cyclists has become increasingly hazardous as park use grows. Many vehicles turn north onto West Street from Houston Street and from Pier 40, creating a confusing and dangerous 8-lane crossing terminating on the west side at a busy bike lane.

As pedestrian traffic in the area grows, it is essential that safe at-grade passage is provided across West Street. A pedestrian bridge would be the only *completely* safe crossing, and has been considered to connect the second level at the 550 Washington Street site to Pier 40. But it would be costly to build, and the grade crossing would remain the more-used route for most pedestrians and cyclists, especially those without a second level destination at Pier 40. Bridges also may encourage faster traffic on the street and for that reason were discouraged as part of the Route 9A plan. If office uses are developed at Pier 40 in the future, such a bridge might be essential and therefore this project should include a second level connection point for such bridge and a commitment to provide and maintain public access including elevators, as promised by the applicant.

**→ The following measures can provide safer access across West Street and thereby substantially improve access to active and passive open space resources:**

1. Add a West Street crossing at King Street where there would be no conflict with turning vehicles.
2. Add a West Street crossing at Spring Street serving residents in the southern portion of the district.
3. Use signs at various locations to eroute traffic turning northbound onto West Street from Houston Street to Leroy Street to reduce the number of vehicles turning through the Houston Street crosswalk.
4. Adjust signal time and phasing to maximize pedestrian crossing times and safety at Houston Street, Clarkson Street, and other West Street crossings.
5. Remove ramps where the crosswalks pass through the West Street medians.
6. Widen West Street crosswalks, install stop line signs at curbs where buildings extend past stop lines, and where possible install bulb outs to shorten crossings.
7. Redesign the Pier 40 driveway with an additional entry to distribute vehicle access away from Houston Street.

### Bicycle Transportation

Given the access challenges of the site, the failure to welcome bike transportation is a missed opportunity. While mandatory bike parking would be included in the indoor car parking lots, these primarily serve project residents and do not provide the convenience of at-grade free bike stands. The developer has committed to providing more bike parking than required, but should provide NYC DOT CityRacks at several convenient locations and designate a location for CitiBikes centrally in the project.

## FLOOD PROTECTION

More planning is needed in the area to protect vulnerable areas as the climate changes. While waterfront development proceeds apace, actual infrastructure to protect west side areas has stalled.

### Resiliency

The Greenwich Village Waterfront is highly vulnerable to storm surges as experienced during Superstorm Sandy in 2012. In response, New York City has committed to protecting the built environment with the Big U project. As part of the redevelopment of the St. John's Terminal, CB #2 must receive time certain assurances of the extension of the Big U from Canal Street to West 14th Street. This system will provide long-term protections for existing residences between Washington and West Streets in our community. The Big U is a protective system around Manhattan, driven by the needs and concerns of its communities. Stretching from West 57th street south to The Battery and up to East 42th street, the Big U protects 10 continuous miles of low-lying geography that comprise an incredibly dense, vibrant, and vulnerable urban area. The proposed system not only shields the city against floods and storm water; it provides social and environmental benefits to the community, and an improved public realm.

### Sewers and Storm Drains

While the St. John's redevelopment project has considerable on-site retention and detention measures to protect their property during heavy rainstorms, the surrounding community struggles with ongoing sewer back-ups and flooding during such storms. The problems are documented as far east as Hudson Street and along the entire waterfront. CB2 appreciates the commitment made by the project architect to work with neighbors to address longstanding failure of the area sewers. Approval of this application should include a commitment by the City to take urgent action to address these longstanding problems, including rerouting sewer lines, enhancements to tidal gates, local actions required to increase sewer capacities of residential buildings in the area, and a community process for monitoring progress.

## SCHOOLS

The project will have a significant adverse impact on public elementary school utilization. Given the current crowding in existing schools and expected residential growth in the area, the residential growth proposed in this project is unsustainable unless other active opportunities for new elementary schools are developed prior to opening of the residential buildings.

### Flawed DEIS Analysis

The DEIS analysis is flawed because it includes 100% of the PS 340 capacity, even though most of the PS 340 zone is not in Sub-district 2, the study area for schools analysis. Without this flaw, the projected change in utilization would be greater than 5% and the DEIS analysis would demonstrate an adverse impact on elementary school seats. In the rezoning for Hudson Square, the applicant agreed to fund the

core and shell of a 75,000 square foot elementary school as a result of a 5% change in elementary school utilization. [1]

Furthermore, a very small change in other assumptions also would result in a significant adverse impact to both elementary school and intermediate school seats while the impact on intermediate school seats likely will be greater than the forecast.

Planning for area school utilization in connection with this project is complicated by the following considerations:

**Additional Considerations**

The formula for calculating the change in utilization is: Students Introduced by the Proposed Project / Capacity in the Study Area = Change in Utilization.[2]

As the population in the study area expands and more school capacity is built, the threshold for any residential project to impact utilization increases. Meanwhile, the cost to build new school seats continues to rise.

Based on the NYC Department of Education's FY 2015-2019 Proposed Five Year Capital Plan, new school construction in District 2 for schools fully funded by the DOE ranges from $120,000 to $174,000 per seat.[3] As a result, it will cost NYC taxpayers $20 to $29 million to build new school capacity for the 169 elementary school students that the Project will generate, based on a CEQR multiplier of 0.12. In Greenwich Village, the historical CEQR multiplier is 0.16[4] and as a result, CB 2 projects that the Project will produce 225 additional elementary school students for a cost to taxpayers of $27 - $39 million.

**As yet unfulfilled opportunities for new schools were created by agreements in connection with ULURPs for Hudson Square Rezoning and the NYU 2031 Plan. 550 Washington Street and Pier 40 are not ideal locations for a new elementary school, but either could provide a good location to relocate one of the two high schools in the area which could then be reconfigured. Unless commitments are made prior to approval of this application, sufficient space at an appropriate location within the project should be allocated for a new school or funding should be provided to increase capacity at schools in CB2, such as the Bleecker School.**

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[1] Hudson Square Final Environmental Impact Statement, Chapter 4, Community Facilities and Services, Table 4-6, page 4-11, http://www1.nyc.gov/assets/planning/download/pdf/applicants/env-review/hudson_square/04_feis.pdf.

[2] Formula Simplified

Utilization with Action – Utilization No Action = % Change in Utilization
[(Future + Project) / Capacity] – [(Future/Capacity)] = % Change in Utilization
[(Future + Project – Future)] / Capacity = % Change in Utilization
Project / Capacity = % Change in Utilization

Variables
Future = Total Future Enrollment in 2024
Project = Students Introduced by the Proposed Project
Capacity = Public School Capacity in the Study Area

[3] FY 2015-2019 Proposed Five Year Capital Plan, Amendment, NYC Department of Education, January 2016, p. C-7,http://www.nycsca.org/Community/CapitalPlanManagementReportsData/CapPlan/01212016_15_19_CapitalPlan.pdf.

[4] In 2014, CB 2 published reports on population projections and demographic analysis for the Bleecker School in Greenwich Village and the actual CEQR multiplier was 0.16 from 2002 through 2013, based on actual change in enrollment divided by the actual change in residential units. The change in enrollment was from the *DOE Utilization Profiles: Enrollment, Capacity and Utilization* and the change in residential units from PLUTO. For the Bleecker School analysis, the study area was the elementary school zones for PS 3, PS 41, PS 11, PS 130 and PS 340. Visit http://www.nyc.gov/html/mancb2/html/newpublicschools/bleeckerschool.shtml.

**550 WASHINGTON STREET PROJECT: DEIS vs. CB 2 ANALYSIS OF IMPACT ON PUBLIC SCHOOL SEATS**

**Flawed Assumptions Create Significant Adverse Impact on Elementary School Seats**

**ELEMENTARY SCHOOL ANALYSIS**

| DEIS ANALYSIS *(1)* | | | | CB 2 ANALYSIS | | |
|---|---|---|---|---|---|---|
| SCHOOLS IN STUDY AREA | 2014-15 ENROLL-MENT | DEIS CAPACITY | UTILIZATION | % AGE 5-10 POP IN SUB-DISTRT. 2 *(2)* | REVISED CAPACITY | REVISED UTILIZATION |
| PS 3 *(2)* | 809 | 712 | 113.6% | 91% | 648 | 113.6% |
| PS 41 *(2)* | 757 | 645 | 117.4% | 91% | 587 | 117.4% |
| PS 89 | 442 | 340 | 130.0% | 100% | 340 | 130.0% |
| PS 234 | 581 | 490 | 118.6% | 100% | 490 | 118.6% |
| PS 234 | 148 | 87 | 170.1% | 100% | 87 | 170.1% |
| BPC | 612 | 526 | 116.3% | 100% | 526 | 116.3% |
| PS 150 | 184 | 124 | 148.4% | 100% | 124 | 148.4% |
| PS 340 *(2)* | 81 | 551 | 14.7% | 30% | 165 | 14.7% |
| Total '14-15 | 3,614 | 3,475 | 104.0% | | 2,967 | 115.1% |

| CHANGE IN ELEMENTARY SCHOOL UTILIZATION | NO ACTION | ACTION | REVISED |
|---|---|---|---|
| Capacity | 3,475 | 3,475 | 2,967 |
| Students from Project with CEQR of 0.12 | | 169 | 169 |
| Change in Utilization | | 4.86% | 5.69% |
| Students from Project with CEQR of 0.16 | | 225 | 225 |
| Change in Utilization | | 6.48% | 7.59% |

| BREAKEVEN ANALYSIS FOR 5% CHANGE IN ELEM. SCHOOL UTILIZATION | | |
|---|---|---|
| Additional CEQR Multiplier | 0.0034 | *(3)* |
| Additional Students | 4.79 | *(4)* |
| Additional Units | 39.92 | *(5)* |
| % of PS 340 Students in Sub-District | 83% | *(6)* |
| Decline in Elementary School Capacity | 95.80 | *(7)* |

**ASSUMPTIONS**

| HOUSING | | DEIS ANALYSIS (1) | CB 2 ANALYSIS |
|---|---|---|---|
| Total Residential Units | | 1,586 | |
| Less: Senior Units | | 178 | |
| Units for School Analysis | | 1,408 | |
| **ELEMENTARY SCHOOL SEATS** | | **DEIS ANALYSIS (1)** | **CB 2 ANALYSIS** |
| Elem. School CEQR Multiplier | | 0.12 | 0.16 |
| Elementary School Seats | | 169 | 225 |
| Cost Per Seat *(8)* | $120,000 | $20.28 mm | $27.03 mm |
| | $174,000 | $29.40 mm | $39.20 mm |
| % of PS 340 Zone in Sub-district 2 *(2)* | | | 30% |
| % of PS 3/41 Zone in Sub-district 2 *(2)* | | | 91% |
| **INTERMEDIATE SCHOOL SEATS** | | **DEIS ANALYSIS (1)** | **CB 2 ANALYSIS** |
| Inter. School CEQR Multiplier | | 0.04 | n/a |
| Inter. School Seats | | 56 | n/a |
| Cost Per Seat *(8)* | $120,000 | $6.76 mm | n/a |
| | $174,000 | $9.80 mm | n/a |
| **PROJECTED ENROLLMENT CHANGES '14-'24 ARE HIGHER FOR ELEMENTARY** | | | |
| Elementary School | | 6.83% | n/a |
| MIddle School | | (16.28%) | n/a |

*Notes*

*(1) DOE Utilization Profiles: Enrollment/Capacity/Utiliation, 2014-2015 and 2010 Census Data by block and age.*

*(2) PS 340 is located in Sub-District 3, but serves some students in Sub-District 2. Using 2014-15 elementary school zones and 2010 census block data for the population age 5 to 10, only 30% of the PS 340 population resides in the Sub-district 2. However, the DEIS analysis uses 100% of the the PS 340 capacity. Similarly, 91% of the PS 3 /41 zone is inside Sub-district 2.*

*(3) Change in CEQR = [( 5% * DEIS Capacity) / (Total Residential Units for School Analysis)] - (Elem. CEQR)*

*(4) Change in Stuents =[5% * (DEIS Capacity)] - [(Elem. CEQR) * (Total Residential Units for School Analysis)]*

*(5) Change in Resid. Units =[(5% * DEIS Capacity) / (Elem CEQR) ] - (Total Residential Units for School Analysis)*

*(6) % of PS 340 Sutdnets in Sub-Disrict = [ (Elem CEQR) * (Total Residential Units for School Analysis) - (DEIS Capacity Excluding PS 340) ] / (PS 340 Capacity)*

*(7) Decline in Elementary School Capacity = (DEIS Capacity) - [ (Elem CEQR) * (Total Residential Units for School Analysis) / 5% ]*

*(8) Cost per school seat for new District 2 schools fully funded by DOE, FY 2015-2019 Proposed Five Year Capital Plan, Amendment, NYC Department of Education, January 2016, p. C-7, http://www.nycsca.org/Community/CapitalPlanManagementReportsData/CapPlan/01212016_15_19_CapitalPlan.pdf.*

## SUMMARY

1. **CB2, Man. recommends approval of the zoning map amendment, the text amendment and the transfer of Pier 40 development rights with the conditions listed herein pertaining to site plan, project design, the South Village historic district, restrictions on future development rights transfers, retail store size, full mitigation of adverse open space impacts, traffic improvements in the Holland Tunnel impact area, pedestrian safety, provision of needed school seats, and flooding and resiliency.**
2. **CB2, Man. recommends denial of the applications for special permits for accessory parking garages unless the total number of parking spaces is no more than 387.**
3. **CB2, Man. recommends approval of the curb cut modifications.**

Vote: Passed, with 36 Board members in favor, and 1 abstention (D. Diether).

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

Sincerely,

Tobi Bergman, Chair
Community Board #2, Manhattan

Anita Brandt, Chair
Land Use & Business Development Committee
Community Board #2, Manhattan

TB/fa

c: Hon. Jerrold L. Nadler, Congressman
Hon. Brad Hoylman, NY State Senator
Hon. Daniel L. Squadron, NY State Senator
Hon. Deborah J. Glick, Assembly Member
Hon. Alice Cancel, Assembly Member
Hon. Gale A, Brewer, Man. Borough President
Hon. Corey Johnson, Council Member
Hon. Margaret Chin, Council Member
Hon. Rosie Mendez, Council Member