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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.

- 3) **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.

- 4) **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 area 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 are 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, 2015. 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.