

APPENDIX F
COMMENTS RECEIVED ON THE DEIS

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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 M1-5 and M2-4 district to a C6-4, C6-3, and M1-5 district, and (b) to map 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 0.16⁴ 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.

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		
2014-15 STUDY AREA	ENROLLMENT	DEIS CAPACITY	UTILIZATION	% AGE 5-10 POP IN SUB-DISTR. 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)

Notes

- (1) DOE Utilization Profiles: Enrollment/Capacity/Utilization, 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 PS 340 capacity. Similarly, 91% of the PS 3 / 41 zone is inside Sub-district 2.
- (3) Change in CEQR = $[(5\% * \text{DEIS Capacity}) / (\text{Total Residential Units for School Analysis})] - (\text{Elem. CEQR})$
- (4) Change in Students = $[5\% * (\text{DEIS Capacity})] - [(\text{Elem. CEQR}) * (\text{Total Residential Units for School Analysis})]$
- (5) Change in Resid. Units = $[5\% * \text{DEIS Capacity}] / (\text{Elem. CEQR}) - [(\text{Total Residential Units for School Analysis})]$
- (6) % of PS 340 Students in Sub-District = $[(\text{Elem. CEQR}) * (\text{Total Residential Units for School Analysis}) - (\text{DEIS Capacity Excluding PS 340})] / (\text{PS 340 Capacity})$
- (7) Decline in Elementary School Capacity = $(\text{DEIS Capacity}) - [(\text{Elem. CEQR}) * (\text{Total Residential Units for School Analysis}) / 5\%]$
- (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.

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		
Elem. School CEQR Multiplier	0.12	0.16
Elementary School Seats	169	225
Cost Per Seat (8)	\$120,000	\$20.28 mm
	\$174,000	\$29.40 mm
		\$27.03 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		
Inter. School CEQR Multiplier	0.04	n/a
Inter. School Seats	56	n/a
Cost Per Seat (8)	\$120,000	\$6.76 mm
	\$174,000	\$9.80 mm
		n/a
		n/a
PROJECTED ENROLLMENT CHANGES '14-'24 ARE HIGHER FOR ELEMENTARY		
Elementary School	6.83%	n/a
Middle School	(16.28%)	n/a

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

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*

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Greenwich Village ✦ Little Italy ✦ SoHo ✦ NoHo ✦ Hudson Square ✦ Chinatown ✦ Gansevoort Market

St. Johns Terminal Redevelopment and Transfer of Development Rights from Pier 40 in Hudson River Park Working Group July 19, 2016 at Community Board 2 Conference Room

Working Group Members Present: Tobi Bergman, Chair; Katy Bordonaro; Anita Brandt; Rich Caccappolo; Daniel Miller; Robert Woodworth.

Working Group Members Absent With Notification: Ritu Chattree; David Gruber.

Other Board Members Present: Terri Cude; Doris Diether; Jeannine Kiely; Bo Ricobono; Shirley Secunda; Susan Wittenberg;

This meeting was held in Executive Session to review a third draft of the working group report. Drafts were circulated following two prior meetings, also held in executive session, at Dapolito Recreation Center on June 30 and Little Red School House on July 11, where the drafts of the report were reviewed and amended. The first draft was prepared by working group members and chairs of the Land Use, Parks & Waterfront, Schools & Education, and Traffic & Transportation committees following meetings of those committees as well as three public hearings of the Working Group held in June. Extensive public testimony was heard and numerous board members, including committee chairs and board officers, contributed to the review.

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 five 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 MI-5 and M2-4 district to a C6-4, C6-3, and MI-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 Community Board 2 Manhattan 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. 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 for the project of 405 feet, equal to the tallest building height allowed in the Hudson Square Special District, but the site plan issues discussed herein are more significant than maximum building height.

take out
(connection)
Dwntn = 410 but
it is a lot

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 total public area for all eating and drinking establishments, including below grade areas, should not exceed 5,000 square feet.

↳ of any regular use

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 tax-payer 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 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 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 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 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. Vincents 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 route 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 long standing 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: $\text{Students Introduced by the Proposed Project} / \text{Capacity in the Study Area} = \text{Change in Utilization}$.² As the population in the study area expands and

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

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 0.16⁴ 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 high school.

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

SCHOOLS IN STUDY AREA	DEIS ANALYSIS (1)			CB 2 ANALYSIS		
	2014-15 ENROLLMENT	DEIS CAPACITY	UTILIZATION	% AGE 5-10 POP IN SUB-DISTRICT 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%

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 (\$)	\$120,000	\$27.03 mm
	\$174,000	\$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 (\$)	\$120,000	\$6.76 mm
	\$174,000	\$9.80 mm

PROJECTED ENROLLMENT CHANGES '14-'24 ARE HIGHER FOR ELEMENTARY		
Elementary School	6.83%	n/a
Middle School	(16.28%)	n/a

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)

Notes

- (1) DOE Utilization Profiles: Enrollment/Capacity/Utilization, 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 PS 340 capacity. Similarly, 91% of the PS 3/41 zone is inside Sub-district 2.
- (3) Change in CEQR = $[(5\% * \text{DEIS Capacity}) / (\text{Total Residential Units for School Analysis})] - (\text{Elem. CEQR})$
- (4) Change in Students = $[(5\% * (\text{DEIS Capacity})) - ((\text{Elem. CEQR}) * (\text{Total Residential Units for School Analysis}))]$
- (5) Change in Resid. Units = $[(5\% * \text{DEIS Capacity}) / (\text{Elem. CEQR})] - (\text{Total Residential Units for School Analysis})$
- (6) % of PS 340 Students in Sub-District = $[(\text{Elem. CEQR}) * (\text{Total Residential Units for School Analysis}) - (\text{DEIS Capacity Excluding PS 340})] / (\text{PS 340 Capacity})$
- (7) Decline in Elementary School Capacity = $[(\text{DEIS Capacity}) - ((\text{Elem. CEQR}) * (\text{Total Residential Units for School Analysis})) / 5\%]$
- (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.

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>.

SUMMARY

1. CB2 Manhattan recommends approval of the zoning map amendment and 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 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 recommends approval of the curb cut modifications.

Passed: Unanimous

Respectfully submitted,



Tobi Bergman, Chair
Community Board 2

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 M1-5 and M2-4 district to a C6-4, C6-3, and M1-5 district, and (b) to map 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 0.16⁴ 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.

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		
2014-15 STUDY AREA	ENROLLMENT	DEIS CAPACITY	UTILIZATION	% AGE 5-10 POP IN SUB-DISTR. 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)

Notes
 (1) DOE Utilization Profiles: Enrollment/Capacity/Utilization, 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 PS 340 capacity. Similarly, 91% of the PS 3 / 41 zone is inside Sub-district 2.
 (3) Change in CEQR = $[(5\% * \text{DEIS Capacity}) / (\text{Total Residential Units for School Analysis})] - (\text{Elem. CEQR})$
 (4) Change in Students = $[5\% * (\text{DEIS Capacity})] - [(\text{Elem. CEQR}) * (\text{Total Residential Units for School Analysis})]$
 (5) Change in Resid. Units = $[5\% * \text{DEIS Capacity}] / (\text{Elem. CEQR}) - [(\text{Total Residential Units for School Analysis})]$
 (6) % of PS 340 Students in Sub-District = $[(\text{Elem. CEQR}) * (\text{Total Residential Units for School Analysis}) - (\text{DEIS Capacity Excluding PS 340})] / (\text{PS 340 Capacity})$
 (7) Decline in Elementary School Capacity = $(\text{DEIS Capacity}) - [(\text{Elem. CEQR}) * (\text{Total Residential Units for School Analysis}) / 5\%]$
 (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.

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		
Elem. School CEQR Multiplier	0.12	0.16
Elementary School Seats	169	225
Cost Per Seat (8)	\$120,000	\$20.28 mm
	\$174,000	\$29.40 mm
		\$27.03 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		
Inter. School CEQR Multiplier	0.04	n/a
Inter. School Seats	56	n/a
Cost Per Seat (8)	\$120,000	\$6.76 mm
	\$174,000	\$9.80 mm
		n/a
		n/a
PROJECTED ENROLLMENT CHANGES '14-'24 ARE HIGHER FOR ELEMENTARY		
Elementary School	6.83%	n/a
Middle School	(16.28%)	n/a

SUMMARY

- 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.**
- 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.**
- 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

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.

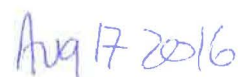
COMMUNITY BOARD NO: 2

BOROUGH: Manhattan

RECOMMENDATION

Please see attached for recommendation.


BOROUGH PRESIDENT


DATE

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

Cover Sheet – Page 2 of 2

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.

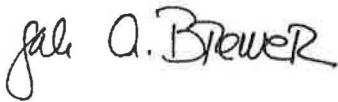
I believe government should find creative ways to fund the operation and maintenance of its own property assets. All too often though, it appears that the default financing mechanism is to cede that responsibility to a private developer. As a result, the developer has a private interest that is paramount 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 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.

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.


BOROUGH PRESIDENT


DATE

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
Cover Sheet – Page 2 of 2

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.



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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 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 Bleeker 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.



Assemblymember Debra Glick

Reports to the Village and SoHo

July 21, 2016

Reviewing the St. John's ULURP

Once again, Greenwich Village is fighting to preserve the basics that Jane Jacobs outlined: short, walkable streets, and an organically grown neighborhood community. A project, proposed for 550 Washington Street commonly referred to as the St. John's site, is currently under a public Universal Land Use Review Procedure (ULURP). As proposed, this mixed-use development would include market rate rentals and residential condos, affordable housing rental apartments, affordable senior housing, commercial space, possibly a hotel, and ground and 2nd floor retail along with elevated public open space. At its tallest, the buildings would be 480 feet and would be comprised of a total of 1.71 million square feet. In short, this is an extremely large project.

I, like many in this community am flabbergasted by the size, bulk, and intensity of this project. I appreciate the thoughtful engagement from the community and leadership from Community Board 2 during the start of this ULURP review. It is clear that there are still so many unanswered questions and unmitigated consequences from this project. For example, the lack of school seats is of real concern as is the unmitigated lack of open space as linked to this project. Additionally, the impact on traffic, a guarantee that there will be no big box store on site and reclaiming the previous street grid prior to the creation of a superblock all need to be addressed. Furthermore, this project also proposes to purchase air rights from Pier 40 which would result in a payment of \$100 million which would be legally required to pay for repairs of Pier 40. We all know that Pier 40, which is vital to our community, has significant financial needs. It is unclear, however, if the \$100 million promised to the Park will sufficiently fund the needed repairs in order to stabilize the pier. The outstanding needs for Pier 40 need to be thoroughly understood before we can fully evaluate how much of an impact this money would make for the Pier.

It is so important for community members to continue to participate in the ULURP process over the coming months and ensure that your voice is heard and that we get answers to these outstanding questions. We must continue to work for the next months to ensure that the community receives the protections that it deserves should this project move forward.

Advocating for More Funding for Pier 40

I joined with Councilmember Johnson, Congressman Nadler, and Senators Hoylman and Squadron in a letter to Deputy Mayor Glen requesting City funding for Pier 40. While the St John's project potentially would result in \$100M for the sale of air rights, due to the significant unfunded capital needs of Pier 40 that would persist even following the infusion from the private transaction contemplated by the proposed project, we believe a significant City capital contribution is needed and appropriate.

The need for additional funding is great. According to the Hudson River Park Trust, in addition to these repairs, a list of needed repairs includes projects like concrete panel and rib repair, electrical work, artificial field replacement and fire sprinkler repair. The Trust estimates the immediate-term needs (through year 4) to be \$21,541,300. This does not include any unanticipated capital expenses.

The City has allocated hundreds of millions of dollars to parks around the City, and appropriate investment in Hudson River Park, especially on Pier 40 which is a vital neighborhood resource that provides recreation activities to thousands of children and adults each year and has the only playing fields in all of Hudson River Park, is warranted.

Hudson River Park Public Hearing

As you know, the St. John's Terminal redevelopment at 550 Washington Street is proposing to purchase air rights from Pier 40. As such, the Hudson River Park Trust (HRPT) is required to hold a public hearing and comment period on this application as it relates to Hudson River Park specifically. This hearing is an opportunity for the community to testify before HRPT regarding the development rights transfer which will help fund improvements at Pier 40.

It is important that HRPT hear from the local community and residents who use the park on a daily basis on the merits of a development rights transfer and the impact it will have on the local community. I encourage all who are able to **testify in person on August 24th at 11:00 AM at Specter Hall, located at 22 Reade Street.** Written comments will also be accepted between July 20th and September 21st. To submit written comments, please **mail them to Amy Jedlicka, Esq., Hudson River Park Trust, Pier 40, 2nd Floor, 353 West Street, New York, N.Y. 10014** or by email to **Pier40Comments@hrpt.ny.gov**.

Celebrating a Win for Preservation on Jane Street

This month, I testified before the NYC Landmarks Preservation Commission (LPC) regarding an absurd proposal for the redevelopment and alteration of the garage at 85-89 Jane Street. I was joined by many other members of the Greenwich Village community in opposing this project, which would have significantly altered the existing structure, changed the façade, and erected two 80-90 foot towers in the rear of the property. This application is another example of out-of-context development that has come before the LPC in recent months which pose a threat to the Greenwich Village Historic District and the livability of our neighborhood. Thankfully, the LPC recognized the inappropriate nature of this proposal and denied the application. This is a huge win for Greenwich Village, although it is likely that the architects and owner will file another application.

Preservation goes much deeper than a simple appreciation for historic buildings and structures, but is fundamental to encouraging responsible neighborhood development, and a strong sense of community. I believe that historic districts are important to neighborhoods and that they create livable communities with low rise buildings that ensure residents have exposure to light and air. Unfortunately, Jane Street has been frequently threatened by these out of scale projects forcing advocates to continually defend the neighborhood. It is clear that historic districts are being threatened more frequently, and communities need to stay vigilant in order to combat intrusive luxury developments that all too often continue unabated.

Advocating for Tighter Restrictions on Cranes

The City is still recovering from the deadly crane incident that occurred in February in Tribeca that killed one, and left other residents in a state of constant fear. In light of this crane incident and recently released recommendations by the Mayor's Crane Safety Technical Working Group, I wrote a letter to Mayor Bill de Blasio and Department of Buildings Commissioner Rick Chandler requesting the city review and implement the recommendations such as appearing before the community Board to inform the community of any adopted recommendations, a mandate that crane operators receive proper training; higher fines for violating regulations; focused coordination between city agencies; and work to adopt new technology within the construction industry. It is imperative that residents, workers and tourists are protected when cranes are in operation and these recommendations will help.

Ensuring Full Transparency as Beth Israel Hospital Downsizes

I joined with other elected officials in reaching out to Mt. Sinai Health Systems President Kenneth Davis regarding the proposed changes at Mt. Sinai Beth Israel Hospital. As representatives of the affected community, our main concern is to ensure that the hospital maintains the correct number of beds, that the emergency room functions at the same original level seen at Beth Israel, and that an updated Community Health Needs Assessment is completed. Unfortunately, due to the complexity of health care we frequently do not understand all the working pieces of large hospital systems. In fact, the hospital systems seen in New York are unprecedented in size and scale. It is imperative to ensure that the outcome of a more correctly sized Mt. Sinai Beth Israel Hospital appropriately serves the needs of its immediate and extended communities.

Correcting J-51 Abatements

As I understand it, starting in 1996, the Homes and Community Renewal (HCR) had indicated that buildings collecting J-51 abatements were still eligible to use the luxury decontrol trigger to deregulate rent stabilized units. Following several court cases from 2009 on, it is now clear that no units should have been deregulated while a building was receiving J-51 abatements.

Earlier this month, I wrote to HCR to request greater outreach to tenants about this change. HCR sent letters to all landlords of buildings that received J-51 abatements and had rent regulated units during this time period. Unfortunately, we have long known that some landlords are not always working in the best interest of tenants. As such, this outreach leaves it up to the landlord to notify tenants about this possible rent overcharge, or possible illegal rent de-stabilization. I urged HCR to reach out directly to the tenants themselves.

Increasing Vision Zero

There are numerous studies pointing to the dangers reckless drivers pose to pedestrians. Although I applaud Mayor Bill de Blasio's Vision Zero initiatives, aimed at protecting pedestrians, motorists and cyclists throughout the city, I regularly hear about and witness dangerous ways taxi drivers operate throughout the city. In a letter, I advocated for the Mayor to recommend the New York City Taxi and Limousine Commission drivers sign an agreement to comply with traffic laws, or at least attend a training on the importance of adhering to traffic rules -especially for pedestrians in crosswalks. This includes an affirmative acknowledgement of understanding the information provided.

Climate Change and Food Supply

Rapid climate change is impacting all of us in every corner of the globe. Not only is it changing weather patterns and melting ice glaciers, it is also causing ripple effects on our food supply and crop distribution. Due to the devastating droughts in California, it has come to my attention that some big oil companies, such as Chevron and California Corp., are selling recycled wastewater to farmers desperate for water to feed their crops. This irrigation practice in California affects all of us due to the fact that many of our fruits and vegetables come from the state.

This information came as a shock to me. Not only is wrong to exploit farm owners in the midst of this drought, it is equally alarming that this practice is allowed without knowing if there is lasting environmental and health hazards associated with the use of this recycled water. I wrote to Governor Edmund G. Brown Jr., and I expressed these concerns and urged him to put a moratorium on this practice until further research is conducted.



DEBORAH J. GLICK
 Assemblymember 66th District
 New York County

The Assembly State of New York

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**Testimony of Assemblymember Deborah J. Glick
 Regarding the 550 Washington Street/St. John's Terminal ULURP
 Special Hudson River Park District
 And Improvements to Pier 40 Significant Action
 Before the City Planning Commission and Hudson River Park Trust**

August 24, 2016

Thank you for the opportunity to testify before you today regarding the application for 550 Washington/St. John's Terminal in Greenwich Village. This large scale project proposes to create a total of 1.71 million square feet of newly constructed commercial, retail, market rate and affordable housing residential, space on this site. Additionally, this project includes a transfer of development rights from Pier 40 in Hudson River Park (HRP) as a part of the zoning use change including increased height, bulk, and density. Despite a thorough review by Manhattan Community Board 2 (CB2), there are many outstanding questions regarding the project and its impacts. Furthermore, the scale of the project and the strain that it would put on our existing infrastructure demands that the City and the Department of City Planning (DCP) address outstanding issues prior to approvals in order to ensure that the community is not unduly harmed.

Zoning and Density

Through the creation of the Hudson River Park Special District, the change in zoning to a mixed-use development will result in a change to a Floor Area Ratio (FAR) of 8.7. Despite being similar FAR to the adjacent Hudson Square Special District, the 1.71 million square feet of newly created commercial and residential space would be the largest and most dense development seen in Greenwich Village, due to the use of an existing super block.

The application from the developers proposes the lot be broken into 5 distinct areas each with various uses and building heights. Notably, the tallest structures are proposed to sit at the northern end of the lot and would stand significantly taller than their immediate neighbors across Clarkson Street. This building is proposed to be 430 feet plus mechanicals which potentially add another 34 feet. The current neighbor across Clarkson Street is a 2 story warehouse structure and a nearly 470 foot building on the other side of a narrow street will create an oppressive street wall that is out of context. The buildings should be no taller than 400 feet, including mechanicals. The overall height of the project favors giving the best view to tenants in the luxury market rate units while creating structures that destroy this view for existing neighbors. The proposed buildings in this development are far too high and do not reflect what is typical for Greenwich Village Hudson Square when you account for total square footage of comparable projects. Furthermore, this will create an additional demand on the already threatened low-rise districts in the surrounding area. Any plan to move forward with this project must also include the expanded designation of the South Village Historic District.

The change in zoning and use for this area would also afford a retail component that can include a big box store and other "destination" retail. This includes a 45,000 square foot space that the applicant has stated would be set aside for a supermarket. However, there is no guarantee that any market will occupy the space, but all efforts must be made to ensure a supermarket is located on this site as long as it remains mixed use. All retail stores that are located within the complex should be limited to a maximum of 10,000 square feet including below grade space and all eating and drinking establishments should be limited to 5,000 square feet.

Affordable Housing

Within the proposal, almost 1.23 million square feet of space is designated to a combination of residential uses. These include market rate rentals, market rate condos, affordable rentals and senior-affordable rentals. The developers have repeatedly claimed that 30% of total units and 25% of available residential square footage will be dedicated to affordable housing. In reality, the affordable tenants would occupy around 19% of the available square footage for the entire project, when including commercial space. The developers are proposing a massive zoning change that would allow for this development to be built compared to the current as-of-right zoning allowances. If the biggest community contribution from this project is affordable housing units, those should consist of more than 19% of the square footage for the project, and more accurately reflect the developer's claims. In total, the amount of affordable housing offered in this project should represent an equitable 30% of the total space, and its distribution throughout the development should ensure that one building does not house all affordable apartments thus stigmatizing that building apart from the whole development.

Additionally, it is difficult for seniors in Greenwich Village to stay in their communities. In the past few years, New York City has lost a large number of senior housing facilities and nursing homes. Many of the units in the senior affordable portion are studios and a smaller number will be one-bedroom apartments. Healthy and active senior couples may not want to downsize so drastically to use a studio apartment and this will make the one-bedrooms more desirable and scarcer. In addition, issues of mobility, including recovering from joint replacement surgery, require use of a wheelchair or walker. Even when this is temporary, a studio apartment may be too small for aging in place, especially for couples. Therefore, I concur with the Manhattan Borough President Gale Brewer, that the percentage ratio of studios and 1-bedrooms be flipped but without any diminution in the number of senior apartments, nor should the apartment sizes be reduced. Furthermore, the ground floor entrance to the senior affordable component does not include a dedicated drop-off area or pull-over lane for seniors entering the building. Many of the residents will be using Access-A-Ride or will be coordinating with family and will require a safe place to exit vehicles and enter the facility away from traffic or the commercial use at the UPS distribution facility.

Our community is in dire need of affordable housing. CB2 has previously made recommendations to New York City Department of Housing Preservation and Development (HPD) and the Department of Environmental Protection (DEP) for the use of DEP sites for affordable housing. HPD and DEP have not acted on using already vacant sites that contain DEP water distribution facilities but could include affordable housing in the open and unused spaces. This administration and HPD should actively pursue all available affordable housing opportunities and not rely solely on the development of luxury housing with affordable housing components.

Open Space

According to the Draft Environmental Impact Statement (DEIS) there would be a significant adverse impact on open space due to a 5.66% decrease in total open space. Unfortunately, no adequate mitigations are proposed within this development, and the public space components that are factored into the project do not counter the negative impacts created by this development and the creation of 2,500 residential units. Particularly, this large scale project does not include any area for active recreation, and the passive open space that is above Houston Street and makes use of the derelict rail beds appears to be solely a ploy for architectural showmanship. The central "courtyard" or passive space that is not for use other than observation is unnecessary and unhelpful in mitigating the reality that there is little open space for this large project. In the current proposal, there is a scant .42 acres of open space per 1,000 people. In our already park starved community, this project would add a significant burden on open space and recreation.

Regardless of the open space on site, it is clear that residents at this development would use Hudson River Park as their local park. Given the importance of Hudson River Park as a regional park that attracts users from across the City, the current connection to the park is insufficient to service both the residents in the development and those seeking access along Houston or Clarkson Streets. The developers intend to bring retail shoppers to Houston and Clarkson Streets, residents to the proposed buildings, and employees to the commercial spaces, all of whom will want to take advantage of Hudson River Park without improving safe access to park facilities. The developers must, at their own expense, build a pedestrian bridge over West Street if they intend to keep the second floor park and retail, or at the least, improve the Houston Street crossing in conjunction with NYC Department of Transportation (DOT) so that pedestrian safety is improved.

Public Transportation, Traffic & Parking

There are a number of issues surrounding public transportation, traffic calming needs, and parking associated with this project. The nearest public transportation for this site is the Houston Street station on the local 1 Train, and the M21 and M20 bus routes on Washington and Hudson Streets, respectively. This development will certainly bring changes to Washington Street, and the developers have noted an intention to widen the sidewalks in order to accommodate the increase in residents in the proposed buildings; however the impact on the M21 bus needs to be fully assessed before that is approved. While the DEIS did not show a significant mitigation need for public transportation, with the inclusion of residential apartments and commercial retail establishments it is clear that more people will make use of the Houston Street station and the M21 or M20 buses.

Additionally, Varick Street is a main approach to the Holland Tunnel and has been a chronic issue for Greenwich Village and Lower Manhattan for years. A massive development at this site will only exacerbate the existing problem during construction and after completion. The intersection at West Houston and Varick Streets is frequently a choke point for Holland Tunnel traffic. West Houston is a major westbound street, and an access to southbound West Street. It must be reviewed as to what the impact of this development and its construction will have on this intersection. The developers should work with DOT to address the problems that will be experienced in this community.

The site sits on a “superblock” which de-mapped roads in order to accommodate prior industrial needs. It was never created for retail and residential occupants. The conversion to mixed use commercial and residential would result in a high-density neighborhood that would be even further concentrated due to the superblock. In particular, the pass through between the Central Site and Southern Site of the development that is for tenant and car use for access to those buildings is problematic due its car-centric design. It is clear that this will be used as a loading zone for the tenants with cars and the hotel in addition to any parking garages, while not providing useful access to cross the “superblock.” King Street or Charlton Street should be reintegrated into their original street grid and begin the process of connecting cross-town connections that were previously lost.

Finally, the application for a special permit that would allow for 772 parking spaces is absolutely unnecessary. Regulations for this size project would allow 225 spaces and a proposed 343% increase is unjustified. This parking would likely result in a for-profit garage intended to serve the retail establishments, while also creating direct competition with the parking available at Pier 40 which is a substantial profit generator for the park. Additionally, an influx of parking seen in this plan would surely max-out the available parking for this area of Greenwich Village and impede other special permit application that could come in the future. While those may be deemed unnecessary as well, it would be unfortunate that a legitimate need for additional parking in an area farther from Pier 40 is denied because of the approval of this permit. Furthermore, this amount of parking would encourage destination shopping by car, and further add to traffic problems experienced in Manhattan’s core south of 59th Street.

School Seats

Under the current DEIS analysis, no mitigation for school seats is noted in the plans for development. However, this project will have a significant adverse impact on public school utilization and the demands on already crowded schools in the community will worsen. Furthermore, in addition to the 550 Washington/St. John’s Terminal site, there are projects that will be completed as part of the Hudson Square rezoning that will add to the need for additional school seats. When this project is completed and with the addition of developments in Hudson Square, there will be a significant need for school seats in lower Manhattan. Because of that, it is imperative that the developers contribute in some way toward a new school either on site, towards a fund or towards the Bleecker Street School that was promised, but not funded, during the NYU 2031 Plan ULURP in 2013. This issue must be resolved prior to approval.

Pier 40

Providing critical funds toward stabilizing Pier 40, through the purchase of air rights, is a fundamental component of this proposal. Pier 40 is the only large recreational area in the Hudson River Park and a staple in the community. Its continued functionality and monetary stability is a critical component to Hudson River Park and all our neighborhoods. I am concerned that the appraisal for the value of the air rights was completed following scoping for this project, and there was no change to a preexisting deal to sell 200,000 square feet of air rights for \$100 million. In fact, the appraisal significantly undervalued the air rights due to the assumption that the zoning change approval was already in place and affordable housing would be used on the site, which is central to the City’s interest in this massive project. However, I continue to be concerned that \$100 million is likely not enough to cover the cost of completely repairing the pier to ensure years of future, uninterrupted use. An informal list of outstanding repairs provided by the Trust in May indicated over \$62M of repairs in addition to the piles. Along with City and State officials, I have called on this Administration to make consistent contributions to address any outstanding cost of repairs.

Furthermore, it is imperative that we ensure the \$100 million payment HRPT will receive goes primarily to the repair of the pilings beneath Pier 40 before any air rights funds are used for other work on the pier is completed.

This application also creates the special district through which future development rights can be reviewed for transfer through a future ULURP. As such, I would like a tally of the estimated remaining air rights throughout the park as well as a list of potential receiving sites should another transfer of air rights be sought.

Other Environmental Impacts

Following Hurricane Sandy, the West Village was awakened to the devastating effects rising sea levels and intensifying storms caused by climate change can have on our neighborhood. Due to decades of deferred infrastructure improvements in New York City, lower Manhattan is exposed to New York Harbor with 19th Century technology for storm control. West Village Houses that is located along the block just north of this development between Washington and West Streets is a large complex that experiences severe sewage back up issues during large storms. Over the years this has become more frequent, and with added development and little improvement to the infrastructure below the streets, the problem will only worsen. I have come to understand that it is now code for buildings to use basement cisterns that will house excess sewage when the storm sewer overflows during high tide and a storm. Although this development uses the utmost LEED certification, the City must commit to improving the below grade infrastructure and the Big U project that will protect Manhattan from floodwaters south of 14th Street.

Conclusion

Overall, while I am flabbergasted by the size, bulk, and intensity of this project, I appreciate the thoughtful engagement from the community and leadership especially from CB2 during the start of this review. It is clear that there are still many unanswered questions and unmitigated consequences from this project as it is proposed. These developers stand to make a significant profit off of the luxury housing, luxury retail, and subsidy from the City for the affordable housing in addition to the zoning change that will allow for the development in the first place. We must ensure that this project does not move forward unless these outstanding concerns are addressed and the most good is done with the least amount of harm. Thank you.



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before the City Planning Commission**

Wednesday, August 24, 2016

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With the participation of the Department of City Planning and this Commission, Community Boards, the Borough President, the City Council and the Mayor, the Uniform Land Use Review Procedure is designed to ensure that land use applications receive full public review and, ultimately, result in projects that produce true public value. The City Council plays an extremely important role in this process, and this is a responsibility I take very seriously.

The challenges facing all parties involved in this ULURP include producing an application that funds the urgently needed repairs to Pier 40, providing an ample number of desperately needed affordable apartments for middle and working class New Yorkers, mitigating the project's impacts and achieving a design that weaves this development into the surrounding neighborhood.

My colleagues in government and I have laid out many of the concerns we have about this application. Our concerns include, but are not limited to, the layout of the buildings, the amount of parking proposed, the proposed size and location of affordable units, the proposed layout of open space and the proposed inclusion of 'big box' retail as part of this plan.

During the City Council's review of this application, I look forward to hearing solutions from the applicant that address these concerns. I will not approve a project that does not adequately serve the needs of the community I was elected to represent.

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to Pier 40, significant unfunded capital needs would persist even following the infusion from the private transaction contemplated by the proposed project. According to the Hudson River Park Trust, in addition to the piling repairs, necessary repairs include electrical work, artificial field replacement and fire sprinkler repair. The Trust estimates the immediate-term needs (through year four) to be \$21,541,300.

The existence of Hudson River Park alone has increased neighboring property values, and thus earned the City added tax revenue. I would also note that New York City recently invested hundreds of millions of dollars in other parks around the City, and rightly so. These investments include \$50 million for a proposed indoor pool on Staten Island and \$307 million for Governors Island. Investing in these vital community resources is a noble cause, and I mention these examples only to point out that Hudson River Park, which hosts 17 million people annually, is equally worthy of City investment.

The City of New York must extend the South Village Historic District. Residents of the South Village honor the historical and cultural significance that has made their neighborhood a world-class destination. They also reasonably fear that their quality of life and the character of their neighborhood will suffer from further escalating development in the coming years.

If we are to approve the 550 Washington Street application, the City must also extend landmark protections to the historic blocks south of Houston Street. A southward extension of the South Village Historic District will give his historic neighborhood the protections it deserves, ensuring that any new structures are contextual, regulated and reasonably sized. The South Village is a neighborhood with a rich history and well deserving of this status, and such a designation will ensure that it is protected for future generations.

The City of New York must conduct a comprehensive transportation study, concurrently with this ULURP, to provide recommendations for improving traffic and pedestrian safety conditions in the area surrounding 550 Washington Street. Currently, traffic and pedestrian safety conditions in the area are severely lacking. Mainly because of the nearby entrance to the Holland Tunnel, Varick Street, Canal Street, West Street and Spring Street are all in a state of constant traffic gridlock. This creates adverse conditions for pedestrians, local residents, businesses, emergency response vehicles, and countless motorists every day. The creation of the proposed development at 550 Washington Street will bring increased vehicular traffic to the neighborhood, which threatens to exacerbate these problems.

For this reason, the New York City Department of Transportation must conduct a rigorous transportation study of the area, concurrently with this ULURP, so that concrete measures to address these problems can be proposed and enacted. Furthermore, the City must make a firm commitment at the outset of this project to improve conditions by implementing many tools in the City's existing repertoire, such as planted medians, special signage and curb extensions, among others. This is rightly called for in Manhattan Community Board 2's resolution on this application, and it is one of my top priorities.

Hudson River Park Trust must submit a plan for the future use and development of Pier 40. With the extraordinary amount of resources that are being invested in Pier 40, and the effects that the air rights transfer associated with this project will have, the public is entitled to a full account of the Trust's plans for the future of Pier 40. This includes any plans for use of the pier by the public, as well as any of the pier's anticipated needs in terms of capital improvements in the foreseeable future. The draft framework for Pier 40 development criteria contained in Manhattan Community Board 2's resolution from July of this year provides a good basis for this discussion.

There must be a ban on further air rights transfers from Hudson River Park into the Manhattan Community Board 2 catchment area. The Trust's ability to earn income from the transfer of air rights was specifically bestowed for the purpose of ensuring that the Trust is able to afford the expenses of major capital projects, namely the restoration of Pier 40. The 550 Washington Street proposal ensures this outcome through unprecedented density. It would be inappropriate for the Trust to further earn revenue through the transfer of air rights from Hudson River Park to Community Board 2, and such a transfer would place an unfair burden on the community.

Furthermore, the geographic nexus for the Hudson River Park Trust's ability to transfer air rights must be tightened to ensure that all future receiving sites are both within one half mile of the granting site and within the same community board. This is in keeping with the spirit of air rights transfers and it would ensure that the same community is weighing the positive and negative aspects of such a transfer for both the granting site and the receiving site.

Thank you again for the opportunity to deliver this testimony. This is an important project that must be executed with high deference to public good for the sake of our City's continued growth and success. I look forward to the Commission's report and to continuing this conversation when ULURP brings this application before the City Council. Thank you.

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If we are to approve the 550 Washington Street application, the City must also extend landmark protections to the historic blocks south of Houston Street. A southward extension of the South Village Historic District will give his historic neighborhood the protections it deserves, ensuring that any new structures are contextual, regulated and reasonably sized. The South Village is a neighborhood with a rich history and well deserving of this status, and such a designation will ensure that it is protected for future generations.

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Testimony of Congressman Jerrold Nadler
and State Senators Brad Hoylman and Daniel Squadron
Before the New York City Planning Commission
Regarding the Proposed Special Hudson River Park District
August 24, 2016

Re: ULURP Application Numbers N 160308 ZRM, C 160309 ZMM, C 160310 ZSM,
C160311 ZSM, C 160312 ZSM, C 160313 ZSM, N 160314 ZAM, N 160315 ZAM,
N 160316 ZAM, and N 160317 ZCM

Thank you for the opportunity to testify regarding the proposed creation of a Special Hudson River Park District (“the Special District”), the redevelopment of the St. John’s Terminal Site at 550 Washington Street (“the project”), and the sale of development rights from the Hudson River Park Trust. If approved, this project will be the largest development in the history of Manhattan Community Board Two (“CB2”), setting precedent for other future developments in the area. This project will also fund urgently needed repairs to Pier 40, a vital neighborhood resource. We are here today to discuss our concerns with the proposal as it now stands.

Text Amendment

The proposed text amendment to create the Special District will apply not only to the project, but will also govern future transfers of development rights from the Hudson River Park’s (“the Park”) commercial piers to other sites up to one block east as allowed under the 2013 Amendment to the New York State Hudson River Park Act. The Special District will allow the City Planning Commission (“the Commission”) to grant the transfer of floor area and bulk to facilitate the repair, maintenance and development of the Park, so long as the transfer results in a superior and contextual receiving site plan that does not unduly block light and air; the transfer of bulk is appropriate in light of the resulting improvements to the Park; and that any associated affordable housing supports the objectives of New York City’s Inclusionary Housing Program. We appreciate the Commission’s proposal that any future sites seeking to take advantage of the Special District will be required to participate in the Uniform Land Use Review Procedure, allowing affected communities to fully weigh in on any proposed development.

As proposed in the text amendment, development rights may be transferred within a community district, or up to one half mile away from the originating commercial pier within the Park. Given the density and scale of this project, we join CB2 and Manhattan Borough President Gale Brewer in urging that the Special District be amended to preclude any further transfers within CB2 to prevent overdevelopment of the area. We also urge the Commission to examine ways to strengthen the language of the Special District to ensure that the benefits to the park derived from the sale of air rights are more closely linked to the neighborhood that will bear the resulting development.

Capital Needs

In this application, SJC 33 Owner 2015 LLC's ("the developer") has entered into a Memorandum of Understanding with the Hudson River Park Trust to purchase 200,000 square feet of development rights from Pier 40 for \$100 million. These funds will be used for desperately needed repairs to Pier 40's 3,500 corroded steel support pilings. Pier 40 provides recreation activities to thousands of children and adults each year and has the only playing fields in the entire Park. The commercial areas of the structure also fund 30% of the Park's operating budget, supporting the beautifully maintained open spaces along Manhattan's West Side, which an estimated 17 million visitors enjoyed in 2015. However, the Pier's additional capital needs are estimated at over \$21 million in the next four years, excluding any unanticipated costs. We strongly urge the administration to ensure that Pier 40's immediate needs are met through a significant capital contribution as part of the City's budget.

Community Benefits

In this, the first application of the proposed Special District, we seek to ensure that the significant community benefits that ought to be associated with a project of this size are included as part of the application. The project itself must also do better to ensure it meets the ambitious goals of the Special District, including in the areas of neighborhood integration, affordable housing, traffic and transportation, site design and open space. The changes suggested by CB2, the Borough President and those below will go a long way to ensuring the future success of this development.

Historic Preservation

Much like CB2 and the Borough President, we believe the project's height and bulk are out of context with the neighborhood. However, the administration has an opportunity to protect the area's important historic and architectural resources by moving forward to consider the long-stalled Phase 3 of the South Village Historic District for landmark designation as quickly as possible. We urge you to do so concurrently with this project, so that the community affected by this development will have the assurances it needs about future preservation.

Affordable Housing

We also concur with the Borough President that the appraised value of Pier 40's development rights should not have been discounted as a result of the project's plans for affordable housing. With the creation of the Mandatory Inclusionary Housing Program earlier this year, the City formalized the imperative to build affordable housing as part of all new developments, and we believe that a commitment should be made to increase the footprint of affordable housing in this proposal by maximizing the total floor area dedicated to affordable units. We firmly believe that residents of affordable units should also enjoy the same access to building amenities as market rate residents, discounted appropriately for their income. This equality should extend to views in the buildings as well, and we urge the developer to ensure apartments are equally distributed throughout all the buildings, including in apartment lines with West-facing views.

The cost of environmental mitigations mandated as a result of construction must be borne by the developer. We are concerned that as part of the required efforts to offset the phasing of construction, acoustically-rated windows will be installed and central air conditioning will be provided for alternative ventilation without addressing the additional expense for tenants. The

Commission should ensure that the cost of the required mitigation is not passed on to residents in the form of electricity bills, particularly to those in affordable units.

Moreover, the quality of senior affordable housing at the North Site can be greatly improved. As both CB2 and the Borough President have highlighted, three-quarters of the senior affordable units are studios, which may present difficulties for seniors transitioning from larger units, who have home service providers, or who live with a family member or significant other. We wholeheartedly support the Borough President's recommendation to flip the ratio of one-bedroom and studio units in the project.

Traffic and Transportation

Maintaining a safe and active street life is important to integrating the project with the neighborhood. The Draft Environmental Impact Statement ("DEIS") indicates that the project as proposed will have significant adverse impacts on traffic and safety. Currently, street use in the area is largely dominated by congestion leading towards the Holland Tunnel, clogging Varick, Canal, West and Spring Streets daily. A holistic approach is necessary to reduce the impact of Tunnel traffic, which will be exacerbated by the project, and ensure pedestrian safety. We urge the administration to work with CB2, the Hudson Square Connection and other local stakeholders to identify and implement a cohesive network of traffic and pedestrian improvements in the area and improve local mass transit access. The developer should also find ways to integrate a dedicated pick up location for Access-A-Ride, ambulette, and other vehicles serving the senior population of the North site, which would add to the adverse traffic impacts if not addressed. Additionally, we agree with the Borough President that both parking garage permits for the Center and South sites should be denied, reducing traffic impacts and better serving the area with different uses for these below-grade spaces. We also echo the Borough President's conclusion that eliminating a big-box store from the site design will significantly reduce the traffic impacts of this project, as indicated in the DEIS.

Open Space

Although the project will be supporting the preservation of Pier 40, and by extension a significant amount of active open space, the DEIS indicates there will be a significant adverse impact on open space for the area due to the introduction of large numbers of new residents. The additional population will decrease the area's open space ratio, which already falls well short of the city's goal for open spaces in neighborhoods. The developer has an opportunity to mitigate this impact by opening the courtyard of the Center Site to the public, which would create new passive open space. The elimination of the parking garages at the Center and South Sites could allow for the creation of year-round indoor active recreation space.

Streetscape

The project should strive to ensure an active, lively streetscape, reflective of the renowned vitality of the surrounding West Village. Although the developer has proposed preserving the three rail beds over Houston Street and creating open space on those rail beds, we agree with CB2 and the Borough President that the area would be better served if at least two, if not all three, of the rail beds were removed to provide light and air to the street below. If any of the rail beds remain, a comprehensive plan should be approved for signage and lighting to invite the public to utilize this space. The mid-block connector between the Center and South Sites will

serve to help break up the street wall and echo the small-scale nature of West Village streets. This connector should be enlivened to be more inviting to the public and pedestrians, with benches, lighting and signage.

We also believe the developer must avoid introducing destination retail to the neighborhood, focusing instead on small stores to create a more engaging street life. With the exception of a much-needed supermarket, retail establishments should be limited to 10,000 square feet of combined above and below-grade space. Street frontages should be active, with small retail spaces for local businesses.

We would like to formally thank CB2, which has put in countless hours of time to engage in a public dialogue that resulted in a thoughtful, well-reasoned resolution on this proposal. We also thank the Commission for the opportunity to testify and for its consideration of our remarks.

Clean Air Campaign Inc./Open Rivers Project, 307 7th Ave. #606, NY NY 10001, 212-582-2578

September 5, 2016

Hon. Carl Weisbrod, Chairman, and other City Planning Commission Commissioners

New York City Planning Commission

120 Broadway, 31st Floor

New York NY 10271

By fax to: 212-720-3488 and/or via email

Dear Chairman Weisbrod and Other CPC Commissioners,

We urge the City Planning Commission (CPC) to disapprove:

- * ULURP No. N 160308 ZRM--the creation of a "Special Hudson River Park District" (HRP District below) spanning both land and water in the lower Hudson River off Manhattan, and a Special Permit to permit a transfer of floor area from the vicinity of Pier 40 in the Hudson River to the financiers/developers of 550 Washington Street on the upland;
- * No. C 160309 ZMM, a Zoning Map change establishing the Special HRP District; and
- * No. C 160310 ZSM to allow the distribution of 200,000 square feet (sf) of floor area from the Pier 40 vicinity in the River to 550 Washington St., along with relevant language in related applications.

These undesirable proposals--Nos. 22-24 in the CPC Calendar for 8/24/16--would establish a mechanism and a model for transferring purported "air rights" from public waterways if CPC approves them. Clean Air Campaign Inc. and its Open Rivers Project strongly oppose any such transfers and question their legality.

CPC's approval of such a drastic departure from existing City policies and practices (as they are commonly understood) would have potentially catastrophic consequences for public safety, for the environment, and for City spending priorities. The NYC Zoning Resolution (ZR) reportedly now allows "air rights" transfers only on the upland (dry land), and even there only in certain limited circumstances (from landmarked buildings, for example). The Hudson River Park Trust (HRPT, a State development authority) and some other dealmakers advocating this drastic change--allowing the transfer of hypothetical "air rights" from public waterways--stand to benefit from treating the Hudson River and its "piers" as if they were just like vacant lots on dry land somewhere. But the general public not only would **not** benefit if CPC approves HRPT's disastrous "Pier 40"/Special HRP District scheme; all but a handful of super-rich New Yorkers would be harmed if air rights transfers from public waterways are approved.

There is a night-and-day difference between dry land and development sites like Pier 40 in the water. There is also a world of difference between the legal and regulatory framework that governs such navigable public waterways as the Hudson River, and the land use requirements that are supposed to govern what happens on dry land. By focusing heavily on the proposed 550 Washington St. development instead of the Hudson River, HRPT and the Department of City Planning (DCP) may be attempting to obscure these differences.

Material omissions and misrepresentations in DCP's 5/6/16 Draft Environmental Impact Statement (DEIS) summary disguise the magnitude of the policy change that City Planning is being asked to approve (treating water as if it were dry land under the NYC ZR). The false narratives echoed in DCP's DEIS do not provide a legally sufficient basis for any CPC approval of "air rights" transfers from Pier 40 or other sites in the HRPT project area in the Hudson River.

Danielle Tcholakian's 8/31/16 "Here's How the St. John's Terminal-Pier 40 Deal Got Done" in DNAInfo--and the 2014-2015 emails and meeting notes it links to--hint at the magnitude of the PR, media, and organizing campaign that has been used to market HRPT's ruinous in-water development policy. A few of the DEIS and public policy issues that CPC has an obligation to consider before acting on the proposed ULURPs are discussed below.

II. Material omissions and misrepresentations in the DEIS and other documents.

A. The Hudson River in the HRPT project area is not a park in the conventional meaning of that term (normally applied to upland sites, not public waterways).

The DEIS discussion of the Hudson River Park Act of 1998 and its 2013 amendments (HRP Act below) is misleading. The 1998 HRP Act defined "Hudson River park" or "the park" in Sec. 3(e) to refer solely to a set of project area boundaries. These boundaries surround roughly 490 acres of environmentally critical habitat in the nearshore waters of the lower Hudson River off Manhattan between Battery Park City and W. 59th Street extended out to the U.S. Pierhead Line 1,000-1,500 feet offshore ("the River" below).

While a number of piers were once built in this stretch of the River to support navigation, and HRPT has built or rebuilt at least 17 "piers" already, much of this stretch of the River still consists of open water. DCP's DEIS does not disclose any of these crucial facts.

HRPT often uses the term "the park" in another way as well--to refer to whatever HRPT has already built and/or leased in its project area in the River, or hopes to build in the River in the future. For many years HRPT has been saying something like "the park is 75% complete," and HRPT needs more money to "complete the park." The only thing HRPT "needs" more money for is to complete its high-risk, environmentally damaging buildout of potential development sites in the River.

Neither Pier 40 nor any other pier in the River that HRPT builds or rebuilds with the \$100 million HRPT is trying to get from 550 Washington's developers will be safe from illegal, non-water-dependent, high-risk development if CPC approves the proposed Special HRP District and related actions. In 2012-2013, for example, mega-developer Douglas Durst proposed office space and galleries on Pier 40. Further evidence of HRPT's undisclosed intentions to develop Pier 40 for non-recreational uses can be found in the fact that HRPT intends to reserve for its own uses an undisclosed number of "unused development rights" at Pier 40 in excess of the 200,000 sf HRPT hopes to sell to 550 Washington's developers. (See the 8/31/16 DNAInfo piece.)

B. The "Special HRP District" appears to apply to the entire 490-acre stretch of

the Hudson River within HRPT's project area boundaries--not just to the vicinity of Pier 40, as some of the documents imply.

DCP's failure to define "Hudson River Park" (a defined term in the HRP Act) properly may lead to a misunderstanding about how much of the Hudson River is at risk if CPC approves the creation of a Special HRP District at this point. The whole 490-acre stretch of the River included within the boundaries specified in the HRP Act's "park" definition, not just the 15-acre Pier 40 portion of the River, is at risk. DEIS language implying that Pier 40 is the only site at issue (on p. 5, for example) is misleading.

An 4/23/14 email linked to the 8/31/16 DNAInfo piece cited above indicated that the intent in 2014 was to have the Special HRP District cover the whole River. (The email said "In order for HRPT to monetize the sale of air rights along the whole park [that is, the project area that includes the River] (which starts at the Battery and goes to 59th Street), a ULURP has to be done that reviews that entire stretch of land [that is, the entire stretch of the River and shoreline]...".)

The actual language on pp. 33 and 36-37 of CPC's 8/24/16 Calendar confirms that this is still HRPT's and DCP's intention--that is, to create an immense Special HRP District and then to have DCP, HRPT and/or upland developers apply for a Special Permit every time they want to transfer/sell purported "air rights" from another site in the River. That would happen whenever a deal got made for particular parcels spanning both land and water (or even, conceivably, parcels that are just in the water).

The relevant language is the following on p. 33 of CPC's 8/24/16 Calendar (with similar language on p. 36-37): "to facilitate the repair and rehabilitation of piers, bulkheads and infrastructure within Hudson River Park, and to facilitate their maintenance and development, through the transfer of development rights within the Special Hudson River Park District".

C. The financiers/developers of 550 Washington Street don't need the 200,000 sf of purported "air rights" that would be transferred by sale from Pier 40.

A speaker named David Carlin, speaking for the Soho Alliance at CPC's 8/24/16 hearing, said that the mega-development proposed for 550 Washington Street stands to get so many bonuses already (on top of their own unused development rights) that "the whole project could be done without [the 200,000 sf it would get from Pier 40].

D. Neither HRPT nor Pier 40 needs the \$100 million.

The constant drumbeat of misleading claims that Pier 40 will "fall into the River" if it doesn't get \$100 million from the financiers/developers across from Pier 40 is false. The language the DEIS uses to make this misleading claim on p. 3 (and elsewhere) is "The transfer of floor area within the Special Hudson River Park District made possible by the proposed [CPC] actions would enable the critical repair and rehabilitation of Pier 40's infrastructure in Hudson River Park as provided for in the Hudson River Park Act as amended in 2013."

In fact, Pier 40's roof, pilings and other infrastructure have been repaired or replaced again and again, mostly with a great deal of taxpayers' money. If any parts of Pier 40 are currently in need of urgent repairs--which is doubtful--those areas can just be cordoned off from public use while CPC takes all the time it needs to make reasoned decisions.

Similarly, HRPT in general is flush with cash. Among HRPT's vast, unaccountable powers under the HRP Act is the power to take in money from any conceivable source--and HRPT has done exactly that. HRPT has received and spent more than \$600 million already--mostly public funds, including disaster recovery funds--according to documents posted on its website (which, unfortunately, busy decisionmakers rarely have time to read).

The green park that HRPT built on roughly 60 acres of upland along the River's edge (between the River and the NYS Department of Transportation's upland bikeway) costs relatively little to maintain. The only reason HRPT and its allies keep asking for more and more money is to keep building and rebuilding misplaced sites for non-water-dependent development out in the River, in the #1 (highest risk) hurricane evacuation zone offshore.

E. The 2013 HRP Act amendments do not require CPC approval of any ill-conceived actions--especially the actions proposed in CPC's 8/24/16 Calendar, creating the proposed new mechanisms to facilitate "air rights" transfers from the Hudson River.

The actual language in the 2013 amendments to the HRP Act in a section outlining HRPT's powers is as follows. HRPT has the power "(j) to transfer by sale any unused development rights as may be available for transfer to properties located up to one block east of the boundaries of the park...if and to the extent designated and permitted under local zoning ordinances...." Sierra Club attorneys have written that "HRPT can sell only development rights that exist. We believe that these so-called 'air rights' over the Hudson River do not exist."

Chairman Weisbrod said at the 8/24/16 CPC hearing that "noone" questions whether or not any air rights exist at Pier 40, just whether or not they should be transferred. But in fact a great many people outside of the closed circle that supports Hudson River development **do** in fact question every aspect of what DCP and HRPT are proposing for CPC approval. This extremely murky subject--and central question--would have to be cleared up in an honest, unbiased, independent, trustworthy, totally new draft EIS that was circulated to the public before CPC would have an appropriate foundation for approving any Special HRP District and Special Permit and map change to facilitate "air rights" transfers from Pier 40 in the Hudson River.

III. CPC's approval of "air rights" transfers from the Hudson River would facilitate new development at disaster-prone locations in the Hudson River, and thus violate proper "sustainability" and "resiliency" objectives.

In our testimony at CPC's 8/24/16 public hearing, Clean Air Campaign (CAC) and its Open Rivers Project urged CPC to disapprove the proposed "air-rights"-transfers-from-the-Hudson-River actions because they would implement a ruinous public policy. That policy is to keep building and rebuilding sites for new development in the #1 (highest risk) hurricane evacuation zone in the vast,

environmentally critical stretch of the Hudson River below W. 59th Street.

In a section headed "Public Policy," the DEIS (p. 15) cites Mayor de Blasio's very mixed OneNYC plan and "policies of the New York City Waterfront Revitalization Program (WRP) designed to maximize the benefits derived from economic development [etc.]" in an attempt to show that more new, non-water-dependent development in and over the waters of the Hudson River isn't a bad public policy. This just isn't so.

The only measure that has proved 100% effective in keeping people and property out of harm's way in deadly storms and hurricanes is shifting new development away from the coast. By providing HRPT with \$100 million to build and rebuild development sites at Pier 40 and other in-water locations, CPC approval of the Pier 40 "air rights" transfer deal would move New York City in exactly the wrong direction.

Flooding is not the only problem with the increasingly severe and frequent storms and hurricanes we are facing. Hurricane-force winds can uproot trees, knock out electrical power, and even topple buildings. The driving rains, sleet, hail and snow that come down from the sky (rather than rising up from sea level) can cause enormous property damage. Corrosive saltwater can cause newly rebuilt public works with electrical lines under them in the Hudson River Estuary to burst into flames. Many thousands of New Yorkers will unwittingly risk being injured or killed at misplaced development sites in the Hudson River offshore if HRPT's planned buildout is allowed to continue--and not just allowed, but **facilitated** by CPC's approval of the proposed Special HRP District, Special Permit and map changes.

IV. The "Growth-Inducing Aspects of the Proposed Actions" are misrepresented in the DEIS, and they are among the reasons for passionate opposition to the proposed actions.

Under a section headed "growth-inducing aspects of the proposed actions," the DEIS misleadingly claims "The proposed actions would affect only the Pier 40 granting site and the 550 Washington Street development site and would not affect development on other sites" (p. 36). As discussed in II.B. above in this letter, CPC approval of the Special HRP District would not in fact affect only the Pier 40 and 550 Washington sites.

Even more important is the fact that CPC's approval of the \$100-million-for-HRPT deal and the CPC actions to facilitate that deal would provide a huge infusion of cash for HRPT to misuse. HRPT would misuse this windfall to prepare the Pier 40 site for new, misplaced, non-water-dependent development--at a catastrophe-prone location in the Hudson River. And with their success at Pier 40 as a model, it would be hard to imagine why HRPT and their financial, real estate and dealmaking allies would stop at that one location in the River.

Clean Air Campaign (CAC) and its Open Rivers Project and our many longtime supporters are convinced that if Pier 40 is redeveloped as proposed, then dozens and dozens of other sites in the River below W. 59th Street will be more likely to be misused in the same way. Besides putting literally thousands of people in harm's way unnecessarily, this ruinous public policy would doom the environmentally critical habitat in the River; deplete the coastal fisheries and other living

marine resources that the irreplaceable habitat in the River sustains; destroy many River views as far east as Fifth Avenue; threaten neighborhood character; and misallocate City budget funds and other public resources.

V. Citizens fought long and hard to save the River from destruction by the Westway highway and river development project.

Westway was defeated when the federal courts declared Army Corps permits to build out into the River illegal (see *Sierra Club et al. v. U.S. Army Corps of Engineers et al.* for landmark Clean Water Act decisions); and when the United States Congress blocked federal funding to build the project in the River.

The public spending priorities issues that drove Congressional action to de-fund Westway are even more urgent today, not just in Congress but at the New York City level. Unless CPC and DCP refuse to accept HRPT's misleading spin, not just Pier 40 but all of the 38 or so development sites HRPT would like to keep subsidizing in the River will keep demanding more money. Neither HRPT nor its lessees are required to pay any real estate taxes to NYC, yet HRPT's lessees and sub-lessees have to be provided with City, State and Federal services (and disaster aid whenever HRPT can get it). Too much public funding has been squandered on ruinous development schemes for the Hudson River already. Unless CPC disapproves the proposed actions, unending demands for more funding to build and rebuild development sites in the River, and to cover the costs of the resulting storm and hurricane damage claims and liability--can be expected to keep increasing.

The reason the federal Clean Water Act (CWA) and its implementing regulations made it illegal to build non-water-dependent projects like HRPT's in navigable public waterways is that preserving the physical integrity of those waters is essential for sustaining navigation and coastal fisheries. By simply upholding the letter and spirit of the CWA, the de Blasio administration can save countless lives, keep coastal fisheries from crashing, preserve and enhance treasured views of open water in the River (and the resulting real estate tax revenues), and free up City budget funds for essentials.

VI. There are practical, reasonable upland alternatives to every non-water-dependent use HRPT and its allies are proposing for Pier 40 and other sites in the River--at higher, dryer, safer elevations.

If CPC disapproves "air-rights" transfers from the Hudson River, those alternatives will be selected.

VII. There's no need to adhere to ruinous in-water development policies when times have changed, and experience has shown that those policies are bad for the City.

The HRP Act was written in 1998--before Hurricanes Katrina and Irene, Superstorm Sandy, and widespread recognition of the likely impacts of climate change. There's no need to keep finding ways to subsidize HRPT's old General Project Plan for the River--a GPP that doesn't fit current realities. There's no need for City agencies to go along with (much less echo) HRPT's false

narratives and misleading spin in order to keep implementing that outdated plan for the River.

VIII. We urge CPC to make CPC's decisions on the proposed actions on the merits.

In our view, that can mean only one thing: disapproving the applications for a Special HRP District and Special Permit and map changes to facilitate an "air rights" transfer deal that isn't needed, and is likely to have catastrophic consequences if CPC approves them.

Clean Air Campaign regrets the fact that these comments cannot be more extensive (because HRPT is advancing so many threats to the Hudson River at once). We would be happy to answer any questions any CPC Commissioners or staff may have.

This comment letter is intended to supplement our statement at CPC's 8/24/16 public hearing. We would appreciate a response indicating that this letter has been received and circulated to all the Commissioners, and has been received at DCP.

Sincerely,

Marcy Benstock
Executive Director

cc: Mr. Robert Dobruskin, Director, Environmental Assessment and Review Division,
Department of City Planning, 120 Broadway, 31st Floor, New York NY 10271.

From: Mike FitzGerald [mailto:mfitzg1@yahoo.com]
Sent: Friday, September 02, 2016 4:06 PM
To: Pier 40 Comments
Cc: tsimone@fohrp.org
Subject: Friends of Hudson River Park Trust

Dear Ms. to Amy Jedlicka, Esq.,

I am writing to urge you the Trust board to vote in favor/support the Pier 40 funding /"air rights" sale from the St. John's development proposal.

As you may know, the plan's air rights transfer proposal is vital to saving Pier 40.

Manhattan Community Board #2 approved the resolution overwhelmingly in support of the proposal, with several specific requests. If approved, the land use rezoning and special district will allow the developer to allocate \$100 million to the Hudson River Park Trust in order to repair the damaged and deteriorating pilings at Pier 40.

My family and children use/have used Pier 40's ball fields for years and it would be terrible to lose the use of this great outdoor space.

Pier 40 is used by tens of thousands of athletes and families, both in adult and children sports and recreation. The treasured fields have about 240,000 uses. These ball field users include many families, children and athletes from the West side of New York City and beyond.

The funding to repair Pier 40 is urgent. Pier 40 provides major revenues for the Hudson River Park Trust's operations. Pier 40's essential parking garage and athletic uses generates nearly 30% of the Hudson River Park Trust's operating budget.

If this funding is not approved and Pier 40 is not repaired, we could lose scarce open space for our families and kids. We could also lose a major offer by a developer to fund the much needed repairs of Pier 40's pilings. Loss of Pier 40 would cause a major loss of operating funds for our most beloved Park.

I strongly urge you to support the Pier 40/St. John's land use proposal and air rights transfer to save Pier 40.

Sincerely,
Michael FitzGerald

President, Cosmopolitan Soccer League
President, Manhattan Kickers Football Club

From: Emily Flynn [mailto:emilymelissaflynn@gmail.com]
Sent: Thursday, September 08, 2016 11:59 PM
To: Pier 40 Comments
Cc: Tony Simone
Subject: Save Pier 40's Ballfields!

Dear Ms. Amy Jedlicka, Esq.,

I am writing to urge the Trust board to vote in favor/support the Pier 40 funding /"air rights" sale from the St. John's development proposal.

As you may know, the plan's air rights transfer proposal is vital to saving Pier 40.

Manhattan Community Board #2 approved the resolution overwhelmingly in support of the proposal, with several specific requests. If approved, the land use rezoning and special district will allow the developer to allocate \$100 million to the Hudson River Park Trust in order to repair the damaged and deteriorating pilings at Pier 40.

I am the president and founder of New York Women's Field Hockey, an all-women's field hockey league in New York City. Founded in 2006, New York Women's Field Hockey brings together women of all ages and backgrounds for casual pick-up hockey games in a supportive environment.

The fields at Pier 40 have been crucial to the development and growth of our league. What started out as a few weekly craigslist posts to find hockey players has grown into an organization with over 600 email subscribers and weekly pick up games in the Summer and Fall for the past 9+ years, thanks to Pier 40 and the Hudson River Park Trust.

Playing fields in New York City are hard to obtain. And finding affordable ones are next to impossible. Because our group is grassroots and a member-supported league, we simply cannot afford to pay hundreds of dollars per session, which other spaces in Manhattan charge for field time. Pier 40 and Hudson River Parks Trust make it possible for people of diverse backgrounds and incomes to be healthy and have fun.

Pier 40 is not only used by my organization, it is used by tens of thousands of other athletes and families, both in adult and children sports and recreation. The treasured fields have about 240,000 uses. These ball field users include many families, children and athletes from the

West side of New York City and beyond.

The funding to repair Pier 40 is urgent. Pier 40 provides major revenues for the Hudson River Park Trust's operations. Pier 40's essential parking garage and athletic uses generates nearly 30% of the Hudson River Park Trust's operating budget.

If this funding is not approved and Pier 40 is not repaired, we could lose scarce open space for our families and kids. We could also lose a major offer by a developer to fund the much needed repairs of Pier 40's pilings. Loss of Pier 40 would cause a major loss of operating funds for our most beloved Park.

I strongly urge you to support the Pier 40/St. John's land use proposal and air rights transfer to save Pier 40.

Thank you for your time.

Sincerely,
Emily Flynn
Executive Director, NY Womens Field Hockey
84 St James Pl, Apt 4
Brooklyn, NY 11238
(347) 200-2234

--

Emily Flynn
Executive Director, NY Womens Field Hockey

OFFICE OF THE
CHAIRPERSON

**FRIENDS OF THE EARTH
72 JANE STREET NEW YORK, NY 10014**

SEP 15 2016
30021

RE: Additional Comments : 550 WASHINGTON STREET; PROPOSAL TO TRANSFER
'AIR RIGHTS' FROM PIER 40; SPECIAL HUDSON RIVER PARK DISTRICT

NY City Planning Commissioners September 6, 2016
120 Broadway
New York, NY 10271

Dear Commissioners;

As stated in our verbal remarks at the August 24, 2016, Public Hearing on the proposal to transfer "air rights" from Pier 40 to 550 Washington Street, Friends of the Earth is an international environmental organization with a forty-year history of protecting the Hudson River from non-water dependent development.

The proposed Special Hudson River Park District (SHRPD) plan is incorrectly depicted in CPC documents and those of the Hudson River Park Trust (HRPT) as involving Pier 40 and 550 Washington Street "air rights transfer" details alone. As we noted in verbal testimony, the language is deceptive. The SHRPD includes all 550 acres of the HRPT project. Approving this proposal would open up the entire 5 miles of the HRPT authority project to similar water and land damaging "transfers." Our testimony on August 24, 2016, included references to the way the word "Park" is used to disguise the real boundaries of HRPT control. The word "park," is defined in the 1998 General Project Plan as follows: "The project is the creation of the Hudson River Park (the "Project") The approximately 550 acre park, consisting of piers, upland, and water area, would stretch along 5 miles of the west side of Manhattan between Battery Place and 59th Street covering property owned by the State and City." When the word "park" is used in your documents, it includes the entire 550 acres which would be open to similar "air rights transfers" under the SHRPD zoning changes.

In Appendix A, PROPOSED ZONING TEXT AMENDMENT in the Draft Environmental Impact Statement (DEIS), Chapter 9, Special Hudson River Park District, 89-00 GENERAL PURPOSES, are the following words defining the use of the SHRPD; "The Special Hudson River Park District" established in this Resolution is designed to promote and protect public health, safety, general welfare and amenity. These general goals include, among others the following specific purposes: (a) to facilitate the repair and rehabilitation of piers, bulkheads and infrastructure within Hudson River Park, and facilitate their maintenance and development, through the transfer of development rights within the Special Hudson River Park District. (b) to promote an appropriate range of uses that complement Hudson River Park and to the extent housing is included to serve residents of varied income levels, and (c) to promote

the most desirable use of land and development in this area and thus to conserve the value of land and buildings and thereby protect the City's tax revenues." Clearly, the entire HRPT project is within the SHRPD.

In the DEIS, Chapter 1, page 4, Project Description, Background, we are told that "Under the amended Act, HRPT can sell development rights for projects up to one block from the park's boundaries across West Street." No limitations specified.

It is clear from a careful reading of the documents that the entire project area run by HRPT and called "the park" would be subject to the "air rights transfers" proposed for 550 Washington Street/Pier 40. That fact calls into question the scanty information contained in the Draft Environmental Impact Statement (DEIS) where fewer than 3 pages are devoted to "natural resources." In those pages, most of the verbiage is about shadows from the 550 Washington Street buildings, a consideration that is of less concern than the damage to the aquatic habitat caused by installing multiple new pilings for Pier 40 or other eligible "air rights transfers." This amount of new fill would cause irrevocable harm to the nationally important aquatic habitat. However it is not mentioned.

Also ignored are any natural resource considerations related to the fact that the SHRPD would open up a model for such intrusions throughout the 550 acre project area. The DEIS is seriously deficient in its treatment of water impacts and impacts on fisheries (including endangered species) throughout the project area as well as other environmental impacts within the "park's" 550 acres and the adjacent land that would be vulnerable to the "air rights transfers" and developments allowed.

We believe the DEIS to be also deficient in air quality, traffic and parking studies, as many public hearing speakers note.

In a 4/23/14 email to a NYC government recipient, from an employee of a major firm promoting the SHRPD for Pier 40/550 Washington Street, the writer (Chief Operating Officer of the James Capalino firm) notes that "the major reason to go through a GPP process rather than a ULURP is timing. In order for HRPT to monetize the sale of air rights along the whole park (which starts at the Battery and goes to 59th Street), a ULURP has to be done that covers that entire stretch of land." (See DNAinfo, Aug. 31,, 2016, "Here's How the St. Johns Truck Terminal and Pier 40 Deal Got Done," by Danielle Tcholakian. for this and other information.) "To monetize, the sale of air rights along the whole park" (550 aces project area) is the SHRPD agenda. The DEIS and other documents misrepresent the boundaries and thus the impacts. We urge you not to authorize this proposal.

Sincerely, 

Bunny Gabel, NY FRIENDS OF THE EARTH representative

Bunny Gabel

917/539-5300

bunnygabel@gmail.com

From: Mary Johnson [mailto:mjohnson@vcsnyc.org]
Sent: Tuesday, September 06, 2016 6:29 PM
To: Pier 40 Comments
Subject: Hudson River Park Trust

Dear Ms. Amy Jedlicka, Esq.,

I am writing to urge the Trust board to vote in favor/support the Pier 40 funding /"air rights" sale from the St. John's development proposal.

As you may know, the plan's air rights transfer proposal is vital to saving Pier 40.

Manhattan Community Board #2 approved the resolution overwhelmingly in support of the proposal, with several specific requests. If approved, the land use rezoning and special district will allow the developer to allocate \$100 million to the Hudson River Park Trust in order to repair the damaged and deteriorating pilings at Pier 40.

My family and children use/have used Pier 40's ball fields for years and it would be terrible to lose the use of this great outdoor space.

Pier 40 is used by tens of thousands of athletes and families, both in adult and children sports and recreation. The treasured fields have about 240,000 uses. These ball field users include many families, children and athletes from the West side of New York City and beyond.

The funding to repair Pier 40 is urgent. Pier 40 provides major revenues for the Hudson River Park Trust's operations. Pier 40's essential parking garage and athletic uses generates nearly 30% of the Hudson River Park Trust's operating budget.

If this funding is not approved and Pier 40 is not repaired, we could lose scarce open space for our families and kids. We could also lose a major offer by a developer to fund the much needed repairs of Pier 40's pilings. Loss of Pier 40 would cause a major loss of operating funds for our most beloved Park.

I strongly urge you to support the Pier 40/St. John's land use proposal and air rights transfer to save Pier 40.

The Village Community School has used Pier 40 for Physical Education classes and athletic competition for 20 years. It would be a crime to loose our "back yard".

Please consider this proposal for the community sake.

Sincerely,

Mary Johnson
Physical Education Coordinator
Village Community School
272 West 10th Street
NY.NY 10014



Hon. Carl Weisbrod
Director, NYC Department of City Planning
Chairman, City Planning Commission
120 Broadway
31st Floor
New York, NY 10271

Dear Mr. Weisbrod:

The Friends of Hudson River Park Playground Committee is writing to urge you to vote in favor/support of the Pier 40/St. John's development proposal.

Many of our families and their children use Pier 40's ball fields and will continue to do so for many years to come. It would be terrible to lose the use of this unique and integral outdoor space.

Pier 40 is used by roughly 240,000 athlete and family visitors annually. These field users include many families, children and athletes from the West side of New York City and beyond.

Manhattan Community Board #2 has approved the resolution showing overwhelming support of the proposal. If approved, the land use rezoning and special district will allow the developer to allocate \$100 million to the Hudson River Park Trust which will be used to repair the damaged and deteriorating pilings at Pier 40.

The funding to repair Pier 40 is urgent. Pier 40 provides major revenues for the Hudson River Park Trust's operations. Pier 40's essential parking garage and athletic uses generates nearly 30% of the Hudson River Park Trust's operating budget.

However, the plan's air rights transfer proposal is vital to ensuring the funding to save Pier 40. If this funding is not approved, we could lose already scarce open space for our families and kids and more importantly the Pier 40 pilings will not be repaired and the Park's revenue stream will be compromised.

We strongly urge you to support the Pier 40/St. John's land use proposal and air rights transfer to save Pier 40.

Sincerely,

The Playground Committee
Friends of Hudson River Park



PLAYGROUND COMMITTEE

Catherine Juracich

President

Jessica Aaron

Kimberly Anast

Jasmine Barr

Jill Bouquard

Kristin Cederholm

Shelby Cinelli

Jessica Contrastano-Rahn

Elizabeth Cox

Coral Dawson

Claudine De Niro

Rebecca Dixon

Kerianne Flynn

Dara Godfrey

Tracy Goodwin

Julie Hackler King

Amy Howard

Elizabeth Keating

Ashley Kirkham

Rebekah Klipper

Emily Lange Heitner

Jocelyn Laporte Moodie

Alexis Litman

Robin Lockwood

Sara Maggio

Alison Marsh

Heather McDowell

Elizabeth McNellis

Madelyn Mejia

Jessica Ogilvie

Marlaine Olinick

Allison O'Neill

Lisa Pensabene

Kim Pillemer

Shannon Portell

Alison Porterfield

Britt Power

Whitney Ranson

Amber Roberts

Faith Rosen

Katherine Salyi

Blair Scheuer

Naomi Schoenkin

Morgan Shara

Megan Sheetz

Randi Sidikaro

Erin Silvers

Lauren Silverstein Netter

Robin Stein

Bridget Streicker

Katie Vanpelt Stein

Jenny Vorhoff

Christine Walsdorf

Megan Walsh Shaoul

Greg Wasserman

Melissa Wasserman

Tracy Weiner

Ashley Wilcox

Ilysa Winick

Gregory Boroff

Executive Director

COLUMBIA UNIVERSITY
IN THE CITY OF NEW YORK

OFFICE OF THE
CHAIRPERSON

August 24, 2016

DEPARTMENT OF ART HISTORY & ARCHAEOLOGY
MIRIAM AND IRA D. WALLACH FINE ARTS CENTER

AUG 31 2016

City Planning Commission

120 Broadway 31st floor

New York, New York 10271

29971

Ladies and Gentlemen of the Commission,

When Mayor Lindsay promoted the passage of A.I.R. legislation he undoubtedly foresaw the development of the cast iron district into a thriving and vibrant community. Those of us who shared his vision poured all of our financial resources, our energy and our time into making Soho the neighborhood it could still be today. Indeed, with its homogeneous façades, subtly variegated colors, and continuous roof-lines, the vistas in the cast iron district are as beautiful as the streets of Rome.

We, who bought in Soho, did it out of our confidence that we would be protected by the Landmarks Commission, with its commitment to unified heights and preservation of original cast iron detail.

Alas, these days of historic preservation are now in the past, with rapacious developers paying the City to allow enormous-scale projects to arise. (The payment of \$100 million for the air rights to Pier 40 is a case in point.)

Out of our shared love and belief in this great City and its architectural jewels, I beg you to deny the rezoning request and the out-of-scale development permission for the Saint Johns/Pier 40 project.

Sincerely,



Rosalind Krauss
University Professor
For The Soho Alliance

FEINMANN
COLUMBIA UNIVERSITY

IN THE CITY OF NEW YORK
NEW YORK, NY 10027

DEPARTMENT OF ART HISTORY & ARCHAEOLOGY
MIRIAM & IRA D. WALLACH FINE ARTS CENTER

*City Planning Commission
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New York, NY 10027*

FOREVER
F 17 160 126222 114



**Testimony of New York Environmental Law Project &
Environmental Justice Initiatives
and 9/11 Environmental Action**

New York City Planning Commission Hearing

ULURP #N16030-8 ZRM

Wednesday, August 24, 2016

Spector Hall

22 Reade Street

The New York Environmental Law Project & Environmental Justice Initiatives and 9/11 Environmental Action urge New York City Planning Commission (CPC) to disapprove any "air rights" transfers from Pier 40 in the Hudson River to the mega-development proposed for 550 Washington St.—or any other "air rights" transfers from public waterways. The Hudson River Park Trust's plan for a sale of so-called "air rights" over the Hudson River contravenes important policies under federal, New York State, and common law.

The Hudson River Park Act, as amended, only authorizes the "transfer of unused development rights as may be available." These so-called air rights do not exist, and therefore are not available for sale.

There is a strong legal presumption against the right to build in or over navigable water, pursuant to the Clean Water Act, the New York State Protection of Waters Act, and the Public Trust Doctrine, unless the construction is necessary (usually for a water-dependent use such as shipping, recreational boating, or fishing). No general "right" to build to a particular height exists.

We are extremely concerned about the harmful precedent that would be set by deeming that an over-water pier has "air rights," and that such air rights could be transferred to land in order to foster near-shore development density. Making reality out of such a legal fiction could only lead to more development density along our coastline, putting more people at risk from storms and flooding.

We remind the City Planning Commission and the City Council that Hurricane Sandy, which inundated Lower Manhattan with a 9.4 foot storm surge, cost the City more than \$19 billion. The storm took the lives of more than 43 New Yorkers. The City knows from its own Panel on Climate Change that Sandy is a harbinger of the weather events our city will face in a future of warming climate and rising sea levels. By the end of this century, the waters surrounding Manhattan could rise by 6 feet. That is why, according to Dan Zarrilli, Director of the Mayor's Office of Recovery and Resiliency, the City plans to use "measures like levees, flood walls, and more park land to soak up storm water and protect the area from the 'absolute devastation' it experienced during Sandy"(NY Daily News August 27, 2015).

Given the reality of climate change, inventing a framework that empowers, not to mention enriches, those developers who would ignore the dangers and build non-water dependent structures on the coastline is as reckless as it is illegal.

Finally, if approved, this new fictional “right to build to a particular height” will likely set a precedent that will perpetuate inequity and gentrification, through the creation of more “special districts” with “air rights” that can be transferred and sold to the highest bidder. The City Planning Commission and the City Council must oppose any scheme that could usher in a new wave of luxury high-rise construction along the water, so that in effect, Manhattan’s waterfront becomes a vista enjoyed almost exclusively by high-income occupants.

We urge you to reject this ill-advised and unsustainable proposal that takes our City in the wrong direction, re-making the law in ways that are certain to put people and property into harm’s way, and further undermine the public’s right to the city in which they live and work.

Thank you for your time and attention.

Joel R. Kupferman, Esq.
Executive Director
NEW YORK ENVIRONMENTAL LAW & JUSTICE PROJECT
225 Broadway Suite 2625 New York NY 10007-3040
212-334-5551 joel@nyenvirolaw.org

Esther Regelson
Secretary,
9/11 Environmental Action
PO Box 3314, Church Street Station
New York, NY 10008
Cell 917-705-3886

Karolina Grebowiec-Hall (DCP)

Subject: Greenwich Village Little League Supports Pier 40-St. John's Development Proposal

From: Greenwich Village Little League [<mailto:gvllboard@gmail.com>]

Sent: Tuesday, August 23, 2016 1:36 PM

To: Carl Weisbrod (DCP) <CWEISBROD@planning.nyc.gov>; Pier40Comments@hrpt.ny.gov

Cc: tsimone@fohrp.org

Subject: Greenwich Village Little League Supports Pier 40-St. John's Development Proposal

To whom it may concern:

I am writing to urge you to vote in favor of the Pier 40-St. John's development proposal.

As you may know, the air rights transfer outlined in the proposal is vital to saving Pier 40. Manhattan Community Board #2 overwhelmingly approved the resolution in support of the proposal, with several specific requests. GVLL supports CB2's resolution as well as the specific requests that were made in that resolution.

If approved, the creation of a special zoning district will allow the developer of the St. John's terminal building to allocate \$100 million to the Hudson River Park Trust in order to repair the deteriorating pilings that threaten Pier 40's very existence.

My family depends on Pier 40's treasured ball fields to play, learn a sport and come together as a community. It would be terrible to lose the use of this great outdoor space.

Pier 40 offers a place for sports and recreation to thousands of athletes, children and families like mine—not just from downtown Manhattan but from all over the city. According to the Hudson River Park Trust, over 200,000 visitors used the Pier 40 ballfields in 2015 alone.

If this proposal is not approved and Pier 40 is not repaired, we could all lose the scarce open space it provides.

The proposal we urge you to support represents a major offer by a developer to fund the necessary repairs to Pier 40's damaged pilings. We must not allow it to slip away. We also urge you and other local and state elected officials to look into additional ways to raise money to support Hudson River Park and to help assure that Pier 40 continues to be maintained and revitalized as a much-needed open space for athletics and for our community.

Please support our efforts to save Pier 40.

Michael Schneider
GVLL President

And members of our GVLL Community:

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Carl Weisbrod

Chairman

New York City Planning Commission

22 Reade Street

New York City 10007

August 31, 2016

Re: 550 Washington Street

Dear Chairman Weisbrod,

I am the President of Terreform, a non-profit urban research center, Distinguished Professor of Architecture and Director of the Graduate Program in Urban Design at CCNY, and Principal of the Michael Sorkin Studio, an architectural practice. I am writing to urge you, in the strongest terms, to deny approval to the application to build the project at 550 Washington Street in Manhattan without substantial modifications.

Terreform was recently invited by a member of CB2 to comment on the project and we submitted a written statement and gave oral testimony to the Board. Later, we prepared a more thorough study of the scheme in which we suggested modifications to the project that we thought would improve its character and its relationship to the surrounding community without major modification, which is enclosed along with our original statement. In designing this plan, we worked on the assumption that it would retain sufficient bulk to fulfill the terms of the \$100 million deal for air rights transfer and that it would be primarily housing, with 30% of the units affordable and the resulting bonus also included. We accepted that this would require several tall towers.

Our study concluded that the scheme submitted was dramatically deficient. We felt it took insufficient account of both the scale and rhythm of the Hudson River waterfront as a whole and that it was, in a variety of ways, insensitive to the transforming neighborhood behind it. We believe that a project of this magnitude cannot be designed in isolation and that the current scheme is out of scale with its context, has excessive parking, suggests inappropriate uses (big box retail in particular), makes no provision for a school, and fails to anticipate future development around it, including on the sites currently occupied by UPS and FEDEX. Moreover, the project (by its own analysis) will reduce per capita public space in the neighborhood and locates the space it

does provide inaccessibly. In addition, we find the complete divorce of this project from the design of a renovated Pier 40 to be a failure of planning (and missed opportunity) of great magnitude. Finally, we feel considerable mistrust of the developer's environmental impact statement and its calculated conclusion that any impacts will be negligible. They will not be.

As you will see, our study suggests a redesign that would permit the eventual restoration of the street grid by the extension of King and Charlton Streets to the waterfront, a modest reduction in the height of the towers, swapping the proposed hotel for housing, and the inclusion of a school, either on site or on two other possible locations nearby. We offer several ideas for the integration of Pier 40 into the larger logic of neighborhood development and for increasing the amount of public space on the Washington Street site. Our scheme also provides a preliminary suggestion about a more comprehensive strategy for public and green space in a much-extended ambit.

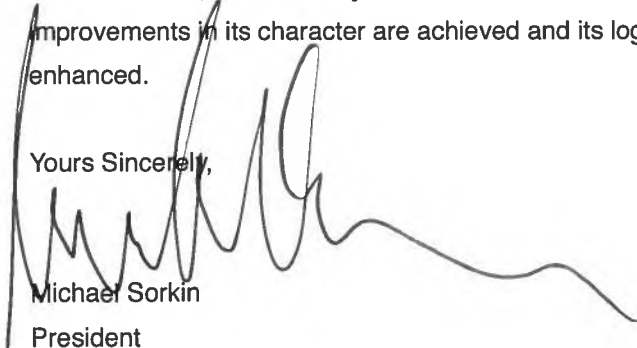
Our studio is two blocks from the site and we see it – and think about it – every day. Since we prepared our report for CB2, we've reflected about our conclusions and have come to believe that they did not go far enough. This was, in part, out of a wish not to upset the apple cart of a complex deal that had clear community benefits: the restoration of Pier 40 and the construction of affordable housing. We still firmly stand by our belief that more comprehensive planning is necessary and by our broader proposals. However, we now feel that the project is simply too big and far out of harmony with the character of the stretch of waterfront that runs from Chelsea to Tribeca. We have concluded that our initial ideas for the site improve on a bad plan but remain sub-optimal. We have now begun to work on a blank slate scheme for the site that outlines what we feel would be the parameters for a design that's correct, in character and content, for this pivotal site.

Of course, embedded in this question is the issue of air rights transfer from Hudson River Park to sites across West Street. Setting aside my own questions about the suitability of this strategy for the financing of public works, we do support the conclusion of both CB2 and the Borough President that transfers to CB2 should be capped at 200,000 square feet. However, we are not convinced that the most logical and urbane way of distributing this bulk is simply to place it directly opposite Pier 40. Our new investigation will examine the potential for a more disaggregated strategy that takes into account the other soft and vacant sites nearby and is predicated on a comprehensive planning approach to the future of this burgeoning and desirable area of the city.

We look forward to sharing this work with you and would be happy to meet with you or your staff to discuss it at any time. However, I reiterate my firm conclusion that the project as presently conceived must be rejected until dramatic improvements in its character are achieved and its logic, as part of the city that surrounds it, thoroughly investigated and enhanced.

Yours Sincerely,

Michael Sorkin
President



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A Brief Assessment of the Proposed Development of the St. John's Building Site

Terreform has been presented, by Manhattan Community Board 2, with a collection of documents outlining the proposed redevelopment of the St. John's Building – a giant industrial structure running from Clarkson Street to the new Department of Sanitation garage on Spring Street between Washington Street and West Street. We've been asked for our comments on this project as independent – if highly interested - observers and we present our views as our own, not as those of CB2 or of any other party. While we are generally supportive of adaptive re-use or rebuilding on the St. John's site – and had earlier suggested it as a potential location for the expansion of NYU - we find that the current proposal is both over-large and too narrowly planned to fully leverage the opportunities presented by the site and to fulfill the obligations of such a massive undertaking to a neighborhood in the course of dramatic transition. We urge that these requests not be approved until further work is done to improve and sensitize the project they support.

This development has become a matter of particular public interest because the property seeks to receive a number of special variances in the underlying use and bulk zoning and because it does so in concert with the Hudson River Park Trust, the state-enabled agency that administers the Hudson River Park. That park contains Pier 40, a large structure at the foot of Houston Street, directly opposite the St. John's site, currently in use both as a parking garage and as playing fields and sports facilities. The pier is in a bad state of repair and requires very substantial renovation, including to the pilings that support its superstructure, to its deck, and to the enclosed areas it supports. The pier is, however, in very heavy use and is widely regarded as a critical community asset, the more so for being one a few public open spaces of such capacious dimensions in an area with a dramatically low per capita public space inventory.

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More crucially, it is (along with the highly constraining legislation that authorizes the HRPT) the fiscal fulcrum for this development proposal. The particular mingling of public and private interests that arises here is the result of the Hudson River Park Trust's urgent desire to sell the notional air rights above Pier 40 to SJC 33, the would-be developer of the St. John's site in order to fulfill its obligation to fund its own operations, which have been financially strained. Pier 40 – and the income it enjoys as a parking lot – has long been a main revenue stream for the Trust but this – and other commercial concessions - have been insufficient in general and are placed at risk by the need to massively invest in the pier itself. While there is logic to selling a public asset to a private interest to finance a public good, we find that this deal is not yet strong enough in its particulars and that it begs broader unanswered questions about the use and scope of such arrangements for this site, for Hudson River Park as a whole, and for other public funding priorities throughout the city.

The existence of air rights as a fungible asset is enabled by the zoning regime established by the Department of City Planning and ratified by the City Council. Zoning specifies both the maximum allowable bulk – as well as key parameters of how that bulk is to be shaped - and the scope of use for all properties in the city, including those in both public and private ownership. Because many properties are not built to the maximum volume allowable by law they retain “air rights” – the legal opportunity to construct a larger structure on the site. Additionally, as the result of a major overhaul of the New York's Zoning Law in 1961, these rights can be transferred to adjacent properties, which can utilize them to build structures that exceed what the underlying zoning would otherwise permit. The legal conceit that enables this is the idea of a “combined” zoning lot in which the aggregated bulk, separate ownership and architectural identity notwithstanding, is understood to conform with the overall zoning limits.

In the case of Pier 40, nominally surplus bulk – expressed as Floor Area Ratio (FAR) – is to be transferred across a major roadway to a private developer who has prepared plans for a project that substantially exceeds the dimensions of what is currently allowable. The developer additionally requests that currently permitted uses be amended to permit

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construction of a project that includes uses – among them housing and a hotel – that are not permitted under current zoning (a hotel is currently permitted on a portion of the site and the developer proposes to place it elsewhere). The legal fiction that would enable this transfer would be the creation of a “Special Hudson River Park District” that would, in effect, combine Pier 40 and the potential development site across the highway into a single zoning lot as if it were literally contiguous. The deal calls for a transfer of 200,000 square feet and results in a project of close to two million. The as-of-right proposal the developer suggests it will build if transfer negotiations are unsuccessful is just over 1.15 million square feet.

The developer has presented several alternatives, including the as-of-right (“No Action”) scheme and some suggestive variations within the “Proposed Project” that would result from the rights transfer from Pier 40. The language of this presentation is somewhat threatening and – in the case of the as-of-right scheme – is explicit about its including no housing and about the harmful impacts on and under-funded Pier 40 should a deal not be consummated. It features as its main architectural element a 50 story tower that is fully 630 feet tall and likely to be either a hotel, office building, or mix of the two. This is contrasted with the more “reasonable” heights of 430 and 360 feet of the two main buildings in the transfer-enabled project, the inclusion of both market and affordable housing, and a public space that would otherwise remain private in the as-of-right design. The developer also offers a series of possible variations in the “Proposed Project” in such things as total housing units, number of parking spaces, and – most prominently – in the possibility of “big box” retail as a component of the project, with the disingenuous suggestion that if this is excluded it would oblige the inclusion of additional parking spaces. What is most clear, however, is that the difference between the 1,962,200 gsf “Proposed Project” and 1.152,000 gsf “No Action” scheme – 810,000 square feet – suggests enormous latitude for negotiation.

The arguments offered for the transfer, up-zoning, and use changes are several:

1. The sale of these rights would enable the Hudson River Park Trust to realize substantial income that it would use for both the rehabilitation of Pier 40 and for ongoing maintenance of the larger park. Under the terms of its incorporation, the Trust bears

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ongoing responsibility for generating revenues required for the upkeep of the park and Pier 40's income – mainly from parking – has been a key, if inadequate, source for these revenues.

2. The new development would replace a large existing structure that is underutilized and would add uses that are more in keeping with the current direction of neighborhood change as well as change along the lower Manhattan waterfront more generally.
3. The primary use of the new development would be housing and the developer has committed to provide 30% of the units by number (25% by area) as “permanently affordable”.

4. The project would open a new “street” between Washington and West Streets effectively mid-way between the alignments of Charlton and King Streets (although this location deserves further study).
5. Municipal revenues via increased taxation of real estate and business activity would increase.

Terreform has examined the proposed plan and finds that it is deficient in a number of ways, some of which are specific to the project, others more endemic. In particular:

1. The plan is insufficiently comprehensive. The idea of a Special District is, in this instance, too patently designed to enable a single developer to realize a golden opportunity and insufficiently attuned to broader community impacts and needs: the is no planning logic to the district, only a fiscal one.
 2. The building volumes proposed are too large.
 3. The public space promised – to be located at an upper level - is unlikely to be truly public and even with its inclusion the project will result in a net reduction of per capita open space in the area.
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4. The question of parking is not sufficiently addressed and the addition of over 800 parking spaces is not in the public interest.
5. The relationship of the new development to the rehabilitation and transformation of Pier 40 has not been studied and the new development does nothing to facilitate access to either the pier or the park.
6. Questions of transportation and site access have been too easily dismissed.
7. Strain on a variety of other public infrastructures and assets, including schools, solar exposure and shadows, sewers, heat island effects, and energy supply are not convincingly dealt with.
8. The actual rents for the “affordable” units are unclear. These will presumably be based in some percentage of Area Median Income (AMI) but such calculations can – and often do – exclude those most in need of “subsidized” housing.
9. The idea of big box retail on this site is a complete non-starter and must be seen as a threat rather than a serious option.
10. The claim that the project – orders of magnitude larger than anything nearby – is “contextual” is not convincing.

Going forward, we would propose that approval be withheld for this plan until the following issues have been more thoroughly studied and resolved:

1. A comprehensive study of the potential banking, sale, and transfer of all air rights under the purview of the HRPT, including those that might be generated by existing piers, former piers, and from the analysis of the ambiguous status of the total area spanning from the bulkhead line to the pier head line over the full length of the park. Such a study must question both the scope and the use of this potentially enormous asset in light of a variety of pressing public needs. We see West Street as a conceptual Rubicon: crossing it opens a vast territory and possibilities have, to date,

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been overly limited. Not simply should these rights be used to advance of a well-thought vision of the waterfront as a whole, they should be deployed in support of the entire city system of public parks and open space, especially those parts of it that do not enjoy adjacency to a real estate gold mine.

2. In line with this larger envisioning of the future of the waterfront, a detailed physical plan for what will, in effect, be the completion of the Hudson River waterfront should be designed and ratified such that any new development – including that on the St. John’s site - is in conformity with its larger formal and social objectives.
 3. A comprehensive plan should be prepared for the ambiguously developing territory between Tribeca and the West Village – the erstwhile “Hudson Square” - that takes into account a broad set of public requirements for parks and open space, street improvements and reconnections, transit, housing, job retention and creation, schools, and other infrastructures likely to emerge as the neighborhood is transformed. At a minimum, this plan must consider the implications of the likely departure of the enormous UPS facility and its transformative impact on the future of the area.
 4. Any plan for large-scale development on the basis of air-rights transfer from Pier 40 should be designed *together* with the renovation and transformation of this vital public asset. This must include a careful harmonization of uses and appropriate continuity of design.
 5. Existing parking uses and requirements should be radically reconsidered as the city moves away from its coddling attitude to private automobiles. In particular, the need for over 800 parking spaces in the proposed development and the retention of public parking on Pier 40 should be vigorously questioned.
 6. There should be a careful assessment of the actual affordability of the 30% of units to assure that tenants at the low end of the income scale – including many who currently work in the area – are able to pay the rents on offer.
-

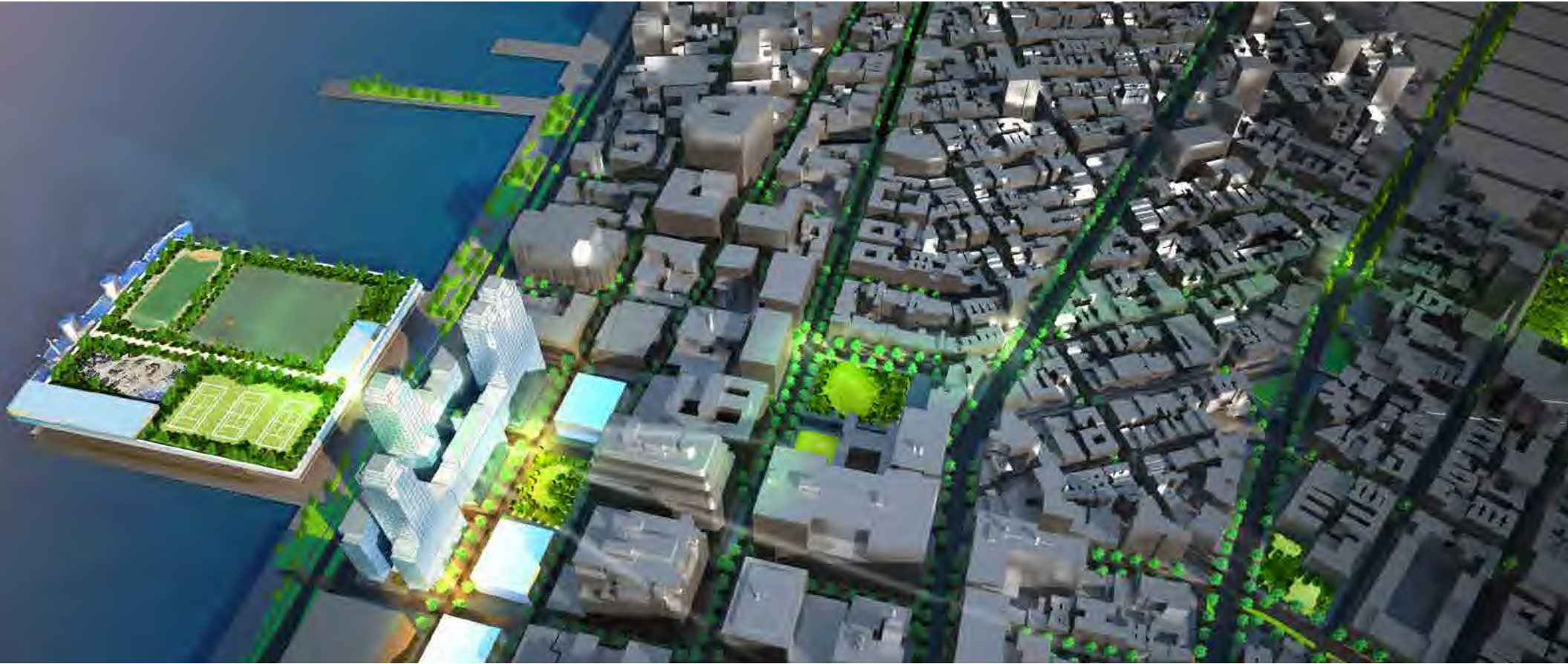
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We are prepared to produce some notional sketches indicating the scope of planning that we feel should precede approval of this project should the Board desire this. Our wish is not to thwart development nor to handicap the future of a wonderful park but to assure that this proceeds on the basis of rigorous and harmonious planning and that this planning be done at the scale of site, waterfront, and city.

AN ALTERNATIVE PLAN FOR THE DEVELOPMENT OF 550 WASHINGTON STREET



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TERREFORM

Terreform is a non-profit 501(c)(3), urban research studio and advocacy group. Founded in 2005 by Michael Sorkin, its mission is to investigate the forms, policies, technologies, and practices that will yield equitable, sustainable, and beautiful cities for our urbanizing planet.

Terreform works as a “friend of the court,” dedicated to raising urban expectations and to advocating innovative and progressive ideas as widely as possible. We undertake self-initiated investigations into both local and global issues and make research and design available to community and other organizations to support independent environmental and planning initiatives.

This proposal was prepared by:

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Introduction

In early July, Terreform was approached by a representative of Manhattan CB2 for its opinion about the proposed development at 550 Washington Street and the facilitating transfer of air rights from Pier 40. Our initial response is attached as an appendix to this document. After further discussion, Terreform was asked to elaborate its recommendations in physical form and this document reflects both Terreform's own analysis and the recommendations in the Final Resolution of CB2, in which Terreform's consultation is invited. While the two are not completely aligned in detail and scope, we believe that they are entirely consistent in spirit.

To quickly summarize the basic elements recommendations of the Terreform Plan:

- The bulk of the proposed project is reduced by 15%.
- The maximum height of the proposed project is reduced from 430 feet to 400 feet.
- The hotel, big-box store, and parking are eliminated and apartments, small retail shops, parks, public space, and a school are added.
- The site plan is reconfigured to restore the historic street grid as pedestrian space and to anticipate future connections should the adjacent UPS site be developed either with or without the sorting and shipping facility as its base.
- The project is investigated as a key element in the future of both the neighborhood in which it will live and of the character of the extended waterfront it will so dramatically affect.
- The design of Pier 40 is considered in direct relationship to the proposed project and a several-fold enlargement of its recreational area is suggested.
- The green and public spaces of the extended neighborhood of the project are envisioned as a growing network connecting with the wider city.

To be clear, these suggestions are meant neither to prevent development nor to thwart the deal to provide the Hudson River Park Trust with \$100,000,000 for the rescue and reconstruction of Pier 40. Our analysis of the developer's submission, however, strongly suggests a willingness to negotiate reductions in bulk, changes of use, and questions of design. Indeed, its proposal is larded with hints about where such compromises might occur and this strategy of an inflated opening gambit (like the inclusion of a truly frightening "as of right" alternative scheme) is typical of such negotiations. We believe that a scheme reduced by 15% and modified per the ideas above can still be an extremely profitable venture, even with full payment for air rights as currently envisioned. However, the sort of comprehensive planning we propose also offers other

options for recovering the 15% reduction elsewhere. Given current uncertainty about what will become of Pier 40, there are possibilities for transfer of some commercial activity – even parking – from the development site to the pier. Elsewhere in this document we have suggested a scheme that could more than double recreational space while simultaneously offering additional parking and very attractive commercial possibilities.

We do not address the larger question of the disposition of the 1.5 million square feet of air rights that represent the primary fiscal asset of the Hudson River Park Trust. We assume that the sale of 200,000 square feet of these rights to enable this project is a number based on the projected costs to rehabilitate Pier 40 and the volume of the sale engineered to reflect this: we thus take the \$100 million/200,000 square foot deal as a given, although the price of \$500 per square foot for prime waterfront property is scandalously low in today's market. We also point out that the project being proposed is one in which the existing FAR of the site is to be doubled (to FAR 10) via the creation of a special zoning district that is a rich bouillabaisse of deals and bonuses. This includes the 200,000 square feet transferred from the park as well as another 170,000 square feet for the inclusion of affordable housing (30% of total housing units and 25% of total housing area). Ongoing negotiation of the project must secure not simply this ratio but maintain the total number of affordable units and we propose to do so by replacing the proposed hotel with additional housing while still decreasing the aggregated volume of the project as a whole.

Although beyond the remit of this study, we note the problems that will be increasingly posed in selling the remaining 1.3 million square feet of rights, given the limited distance over which they can be transferred, the problematic effects this will have on the character of the waterfront, and the likely community resistance to this great bulking up of the city's Hudson River face. Absent a strategy for direct funding of the park, it seems rational to consider increasing the fungibility of this asset, allowing it to be used on more remote and appropriate sites. An imaginative use of these air rights might even enable the purchase of space within the neighborhood for additional parks: this would require a deal no more convoluted than the one we discuss here!

Our basic position, however, remains. The project, as presented, is too big, has uses that are dramatically inappropriate for the neighborhood, fails to adequately address questions of public space, and is isolated from the kind of broad planning and urban design view that would truly allow it to be at home on this most precious site.

EXISTING



WESTBROOK PARTNERS/
ATLAS CAPITAL GROUP PROPOSAL

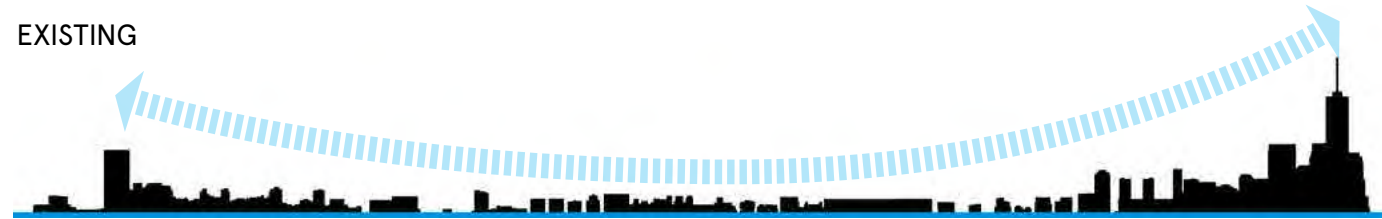


A Project in Harmony with the Waterfront and at the Scale of its Neighborhood

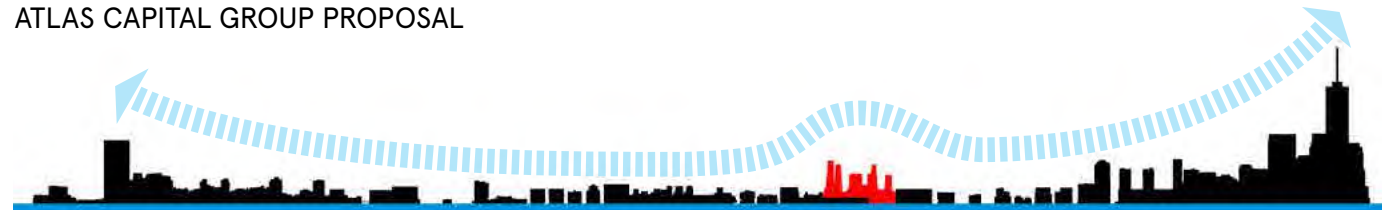
As the Hudson River waterfront moves to a state of completion – vacant sites built out and soft sites enlarged – it's crucial that its character be considered as a whole. Massive air-rights transfers from the Hudson River Park across the West Side Highway and the pressures of development in general have the potential to radically disrupt the present scale and rhythm of the waterfront, especially in the low-rise territory that extends from Tribeca to Chelsea. Sensitive planning demands serious reflection on what we want our waterfront to be. This must include consideration of where the built frontage should be high and where it should be low, of the rhythm of variation and eccentricity, and of the way in which the character of the city's edge reflects and reinforces the qualities of the neighborhoods behind it. These are questions that combine matters of scale, expression, mix, opportunity, and environment. The risks are great. Do we want the Hudson waterfront to replicate Lake Shore Drive in Chicago, Copacabana, or the spreading high-rise wall that's increasingly lining the East River in Brooklyn and Queens? Or do we want to find a more particular solution that embodies the special histories and circumstances of the variegated neighborhoods and places that have accumulated their differences over centuries?

This drawing indicates that there is a crucial range of building from Chelsea to Tribeca that has a visual median of mid-rise proportions and contains many lower sections. Adding 1.5 million square feet in transferred rights (and additional bonuses that may be available) to this relatively even profile with its potential disruption of the remaining small-scaled fragments of the nineteenth century city that still persist along the waterfront is clearly to sacrifice something of real importance and the cost-benefit analysis that justifies it needs to be rigorously questioned. We do not believe that towers belong in this territory.

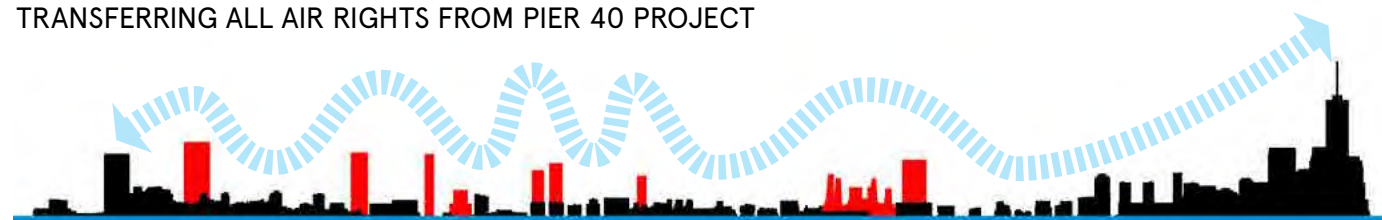
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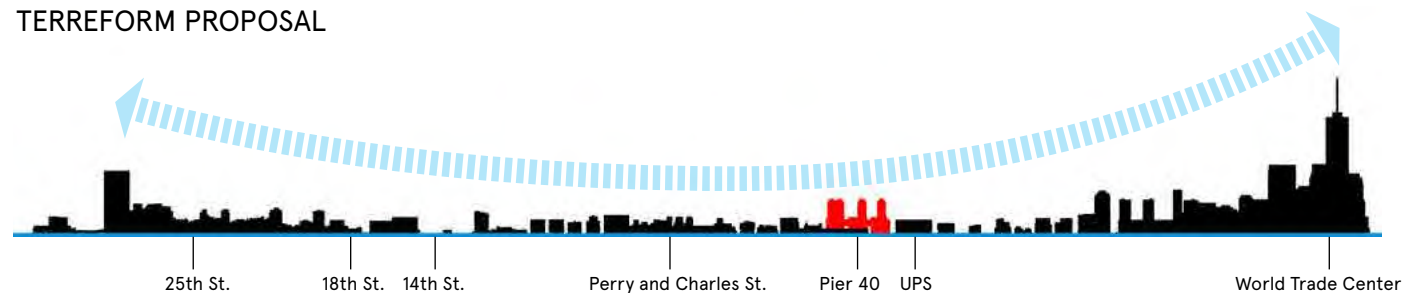
WESTBROOK PARTNERS/
ATLAS CAPITAL GROUP PROPOSAL



TRANSFERRING ALL AIR RIGHTS FROM PIER 40 PROJECT



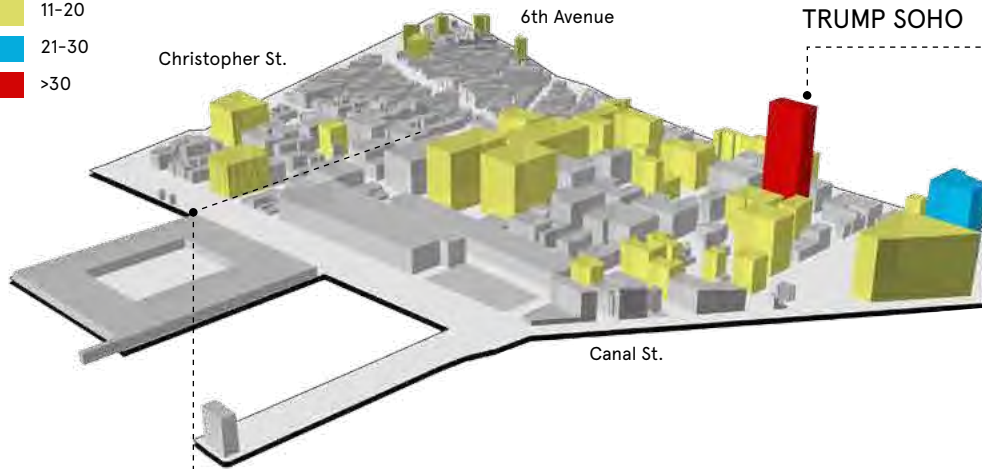
TERREFORM PROPOSAL



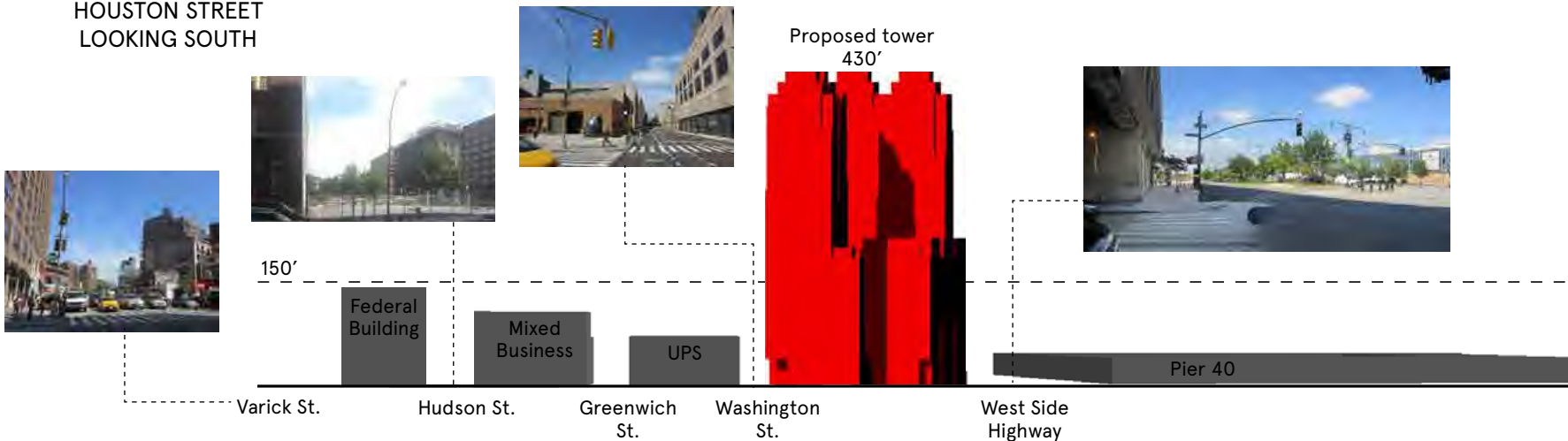
We're also concerned that project is out of sync with the the neighborhood behind it and will accelerate an alarming tip of a re-scaling underway, most dramatically emblemized by the Trump Soho Hotel, looming over its neighbors with glassy contempt. The texture of "Hudson Square" is comprised of buildings with a default height of around fifteen stories. This satisfying and harmonious character is now being sundered by buildings more than twice as tall, liberated by changes in zoning. We understand that edges of great value – our riverfronts and great parks – demand special responses and that much of the character of the city derives from the harmony of the conventions expressed by Riverside Drive or Central Park West. However, just at the southern end of Central Park is now falling victim to the thoughtless grandiosity of "Billionaire's Row" so we worry that buildings too tall at 550 Washington will have negative artistic, social, and environmental consequences for the neighborhood for which it will form a crucial edge and will open the floodgates for further scaling up along the river. We do know that this site faces a broad highway and a huge pier and that these, too, are its context. However, we strongly feel that an extended view of the character of the waterfront and a cogent, anticipatory, plan for the neighborhood to the east must inform the scale, mix, and siting of this project.

Building Floors

- 0-10
- 11-20
- 21-30
- >30

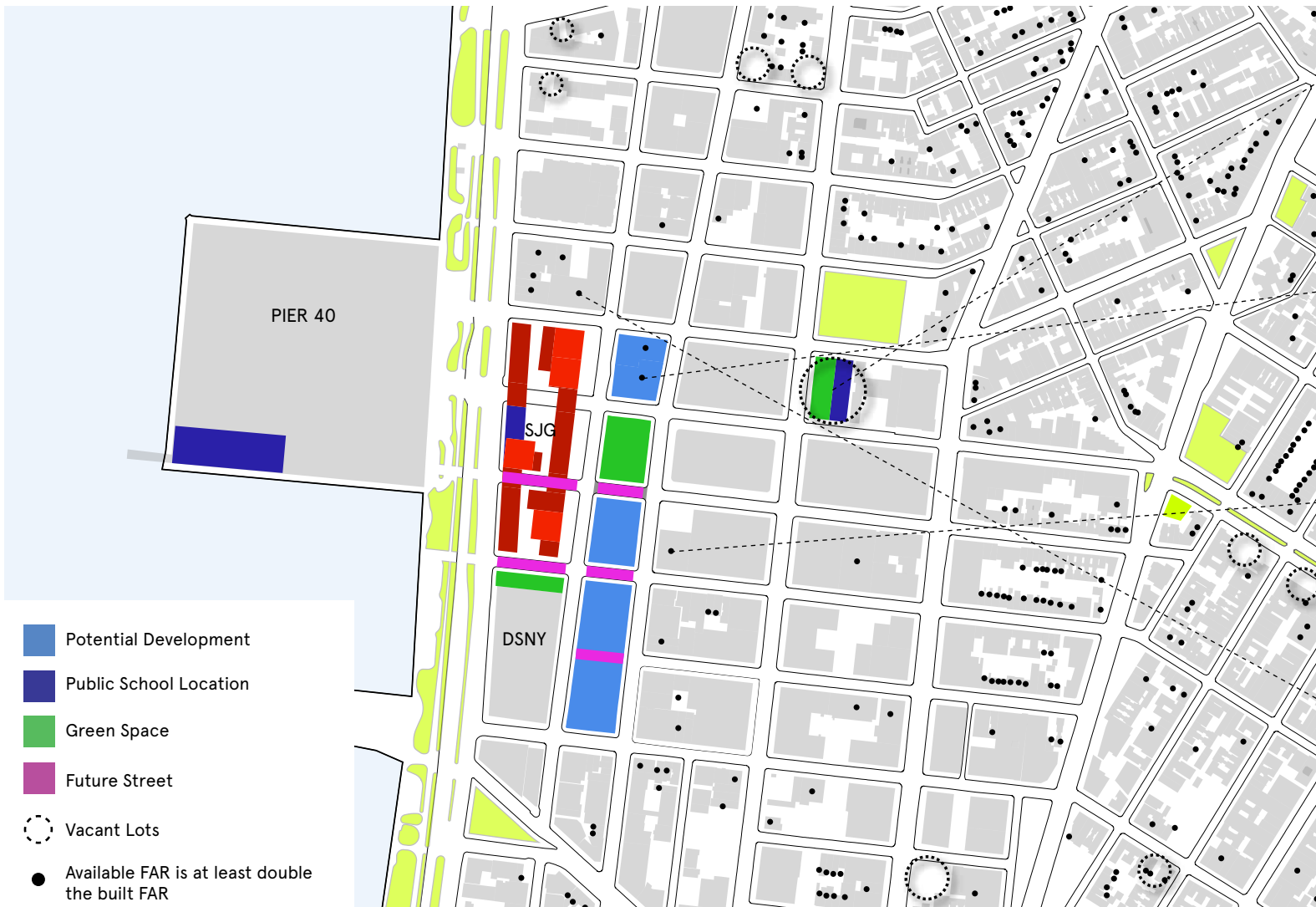


**HOUSTON STREET
LOOKING SOUTH**



A Plan for the Neighborhood

The St. John's site is so capacious and the project proposed for it so extensive that planning for the future of the surrounding neighborhood must be an influential element of any design. In particular, a number of soft and vacant sites must be assayed to produce a coherent proposition, most notably the blocks-long and underbuilt UPS shipping facility that runs between Washington and Greenwich Streets from Spring all the way to Houston as well as the Fedex Site to its north, the vacant lot at Hudson and Clarkson as well as other soft sites throughout the area. On the assumption that this structure will eventually be replaced, the question of the double interruption of the street grid now enforced by UPS and the St. John's building is thrown open. We strongly support planning for the eventual extension of both King and Charlton Streets from Sixth Avenue to the river as well as of Van Dam through the current UPS site. This will require the reconfiguration of the 550 Washington Street project to align with these streets as well as a pre-emptive re-mapping of the UPS site to eventually permit the two streets to pass through it, defining small blocks that will help define local character. Re-knitting the city grid to bring it to the waterfront will both rescale neighborhood parcels downward and will suggest that additional opportunities to cross the West Side Highway by pedestrians be created, permitting far easier access to Pier 40 and Hudson River Park. Our preference is for additional grade-level crossings, rather than a bridge over the highway.



- Potential Development
- Public School Location
- Green Space
- Future Street
- Vacant Lots
- Available FAR is at least double the built FAR

NYC Department of City Planning, "PLUTO," BYTES of the BIG APPLE, 2015.

Example of Neighborhood Soft Sites

388 Hudson St.



318 W. Houston St.



551 Greenwich St.



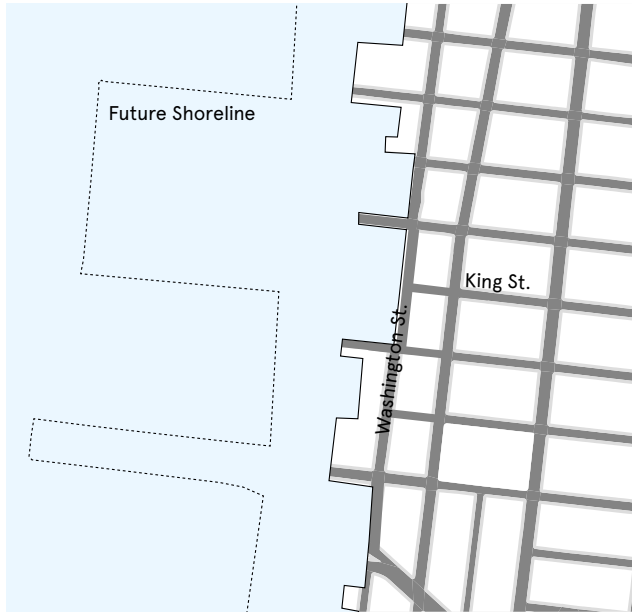
584 Washington St.



Google Earth Images

Re-Knitting the City Grid

POPPLINGTON MAP 1817



EXISTING



FUTURE RECONNECTION



Enlarging Public Space

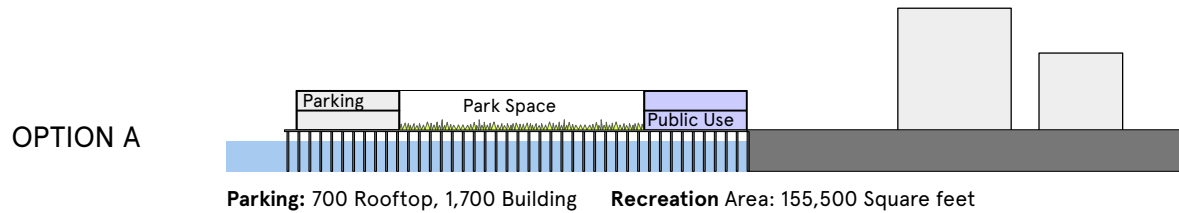
Lower Manhattan is one of the most underserved areas of the city in open and public space. While the overall average open space throughout New York is 2.9 acres per 1000 residents, the comparable number downtown is only 1 acre. Even the developer's own environmental impact statement reports that the construction of the Washington Street project - including a highly dubious public space proposed for a bridge above Houston Street - will result in a net reduction of green space per capita of approximately seven percent. This is intolerable but can be addressed - as illustrated here - in a number of ways. To begin, this new space needs to be at grade, not just up in the air, and a proper ground-level park or plaza should be part of the development site. Additional opportunities for urban squares are available on the current FEDEX site to the north of UPS, as part of the ultimate redevelopment of the UPS site itself, and on vacant land on Hudson Street. Moreover, as illustrated, there are opportunities to create links between existing green spaces by repurposing portions of streets (including areas of very wide and under-utilized stretches of both Washington and Greenwich) and the removal and greening of parking lanes on smaller streets. The scale of the opportunity to knit the territory between Sixth Avenue and the river together with a rich green grid has the potential to create a truly singular neighborhood, not merely an accidental one. We propose to further study a connection that will effectively lead from Pier 40 to Washington Square.



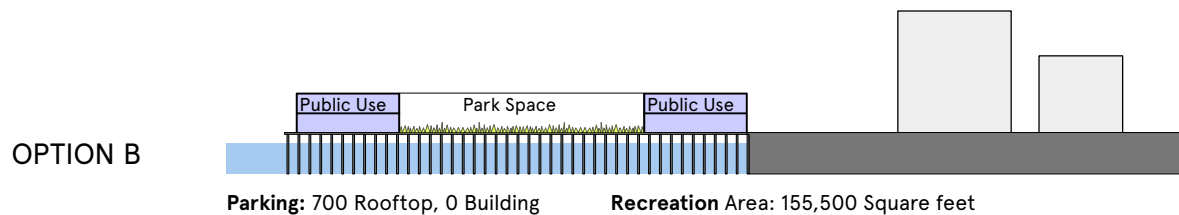
Maximizing Public Use on Pier 40

A comprehensive approach to planning the future of the neighborhood demands that Pier 40 be designed in concert with other new public and private developments that will arrive over the years. It seems generally agreed that the main goal is to maximize the recreational area of the pier, creating as many sports fields as possible. Obviously, this is contingent on what additional uses the pier is to hold, their compatibility with open space, and the level of transformation of the existing configuration of the pier that's practical and acceptable. From Terreform's perspective, the use of the enclosed areas of the pier for parking seems a ludicrous waste of such valuable space. (Indeed, we believe that the addition of any additional parking in lower Manhattan is folly.) However, it seems that the community of local drivers and the fees they generate for the Trust is an irresistible force and that the storage of 700 private cars will part of the reconstructed pier. There are a variety of ways of incorporating this if it must be included. The path of least resistance is simply to rehabilitate the existing parking areas. A more radical solution would be to remove the existing superstructure and add a deck over the entire area of the pier, reserving the existing "grade" for parking, thus allowing the equivalent of the entire surface area of the pier to utilized as sports and park space.

Assuming that the pier retains its current shape, a number of ancillary uses might be added that will not subtract from maximized recreational space. A marina is a perennial possibility as are a ferry terminal, floating bars, restaurants, gymnasias, schools, and other marine and amphibious vessels. In general, the Hudson River Park generally takes little advantage of its augmentation by boats and barges. We have studied this area extensively over the years and would be happy to offer more concrete designs to provoke a winning and imaginative solution. However, we unalterably believe that all uses of the pier should be accessible to the public.

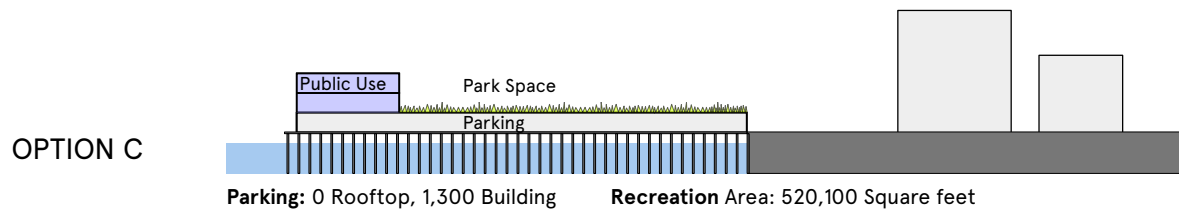
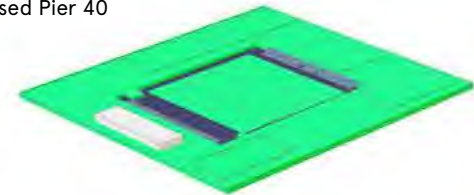


OPTION A

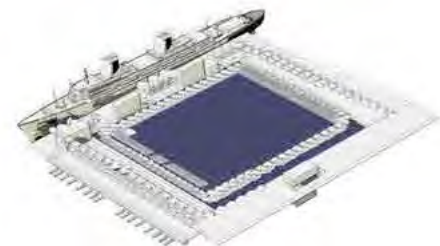
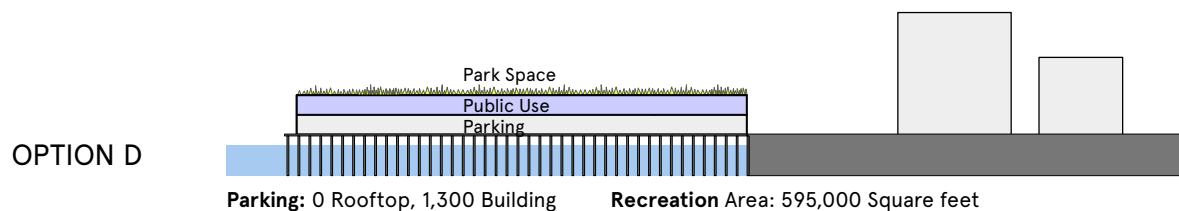


OPTION C

Proposed Pier 40



Rooftop
Recreational
Space



A New Public School

It is generally agreed that the development of the Washington Street site as well as the rapid addition of residential population in Hudson Square calls for the construction of a new elementary school. We suggest three potential locations. First, within the area of the new project; second, on Hudson Street, opposite Walker Park, and, finally, on Pier 40 itself, with its abundant sports fields and superb location on the river.

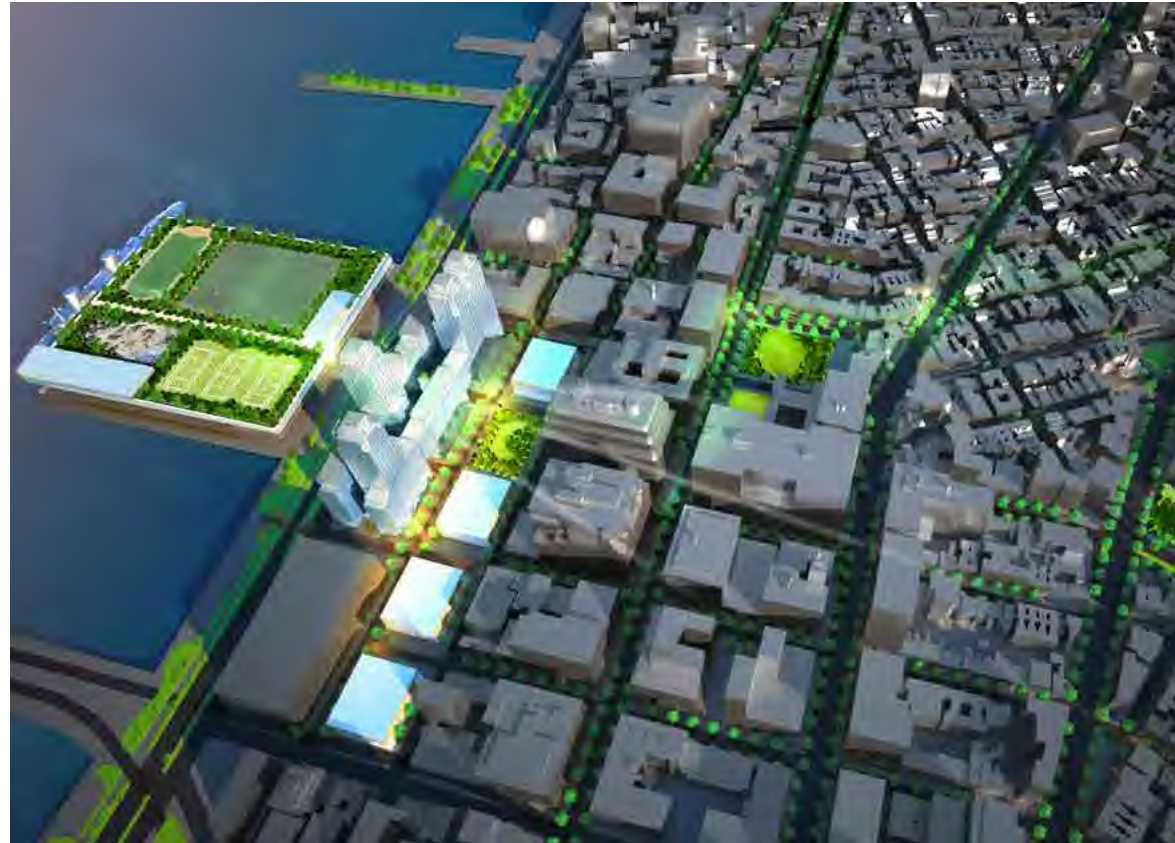


A Revised Proposal for the 550 Washington Site

To be clear, we take no issue with the elegant expressive character of the architecture developed for this project by Cook/Fox. The formal combination of simple elevations with complex massing is impressive. Our proposal seeks to see this architecture revised to reflect a reduction in overall bulk and maximum height, a change in mix, and a more responsive approach to the urban design of the area. We include a number of diagrams and tabulations by way of urgings rather than absolutes and greatly look forward to what these talented architects will bring to a more responsively programmed and organized project. We suggest the following:

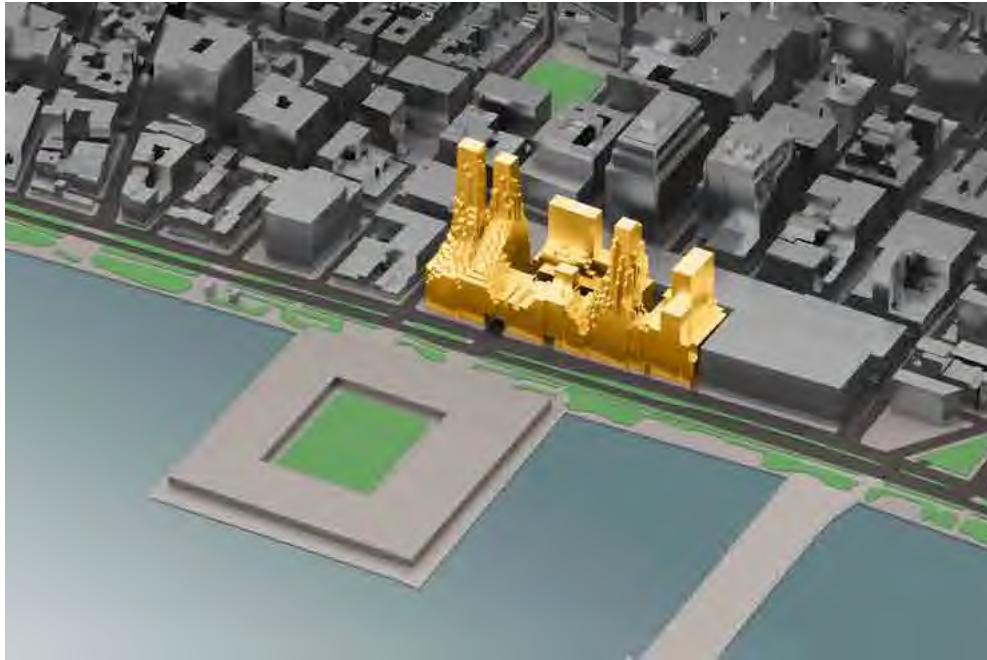
1. The height of the project be reduced to a maximum of 400 feet. The bulk of the project should be lower, reflecting the scale of the neighborhood behind it and the buildings adjacent to it along the waterfront.
2. The site be configured as three distinct blocks aligned with the extensions of Charlton and King Streets.
3. The big box store be eliminated in favor of smaller-scale ground-level retail and professional space, possibly including a supermarket.
4. Parking be substantially reduced.
5. Public space be expanded at grade in the form of pedestrian streets on the historic grid, a linear park along Washington Street, and an internal way. We believe, however, that the question of public space must be considered holistically and strongly urge the dramatic enlargement of open space on Pier 40 and the mapping of a future park either to the north or south of Houston Street, between Greenwich and Washington.
6. The planned hotel (a likely economic non-starter in the current market) be eliminated in favor of additional housing, retaining a 70/30 (or better) split between market and affordable units.
7. An additional signaled grade-level crossing of West Street be added on alignment with the newly restored King Street pedestrian way.

Our quick investigation of morphologies that would satisfy these requirements suggests that a street-wall at the neighborhood default (approximately 180 feet) serve as a podium for slimmer towers rising above. We assume the architects of the project will design an elegant transition from this block-filling base to four or five elegant luxury towers atop it and will organize the structure as a whole to maximize skyline and water views. The small block strategy should assist in this by maximizing perimeter conditions.



Bulk Comparison

WESTBROOK PARTNERS/
ATLAS CAPITAL GROUP PROPOSAL



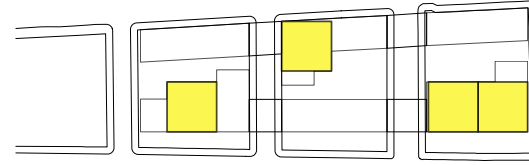
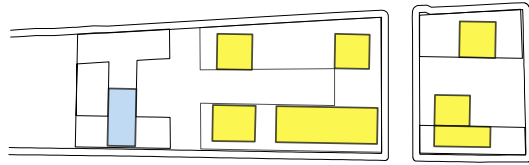
TERREFORM PROPOSAL



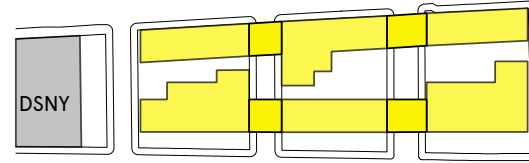
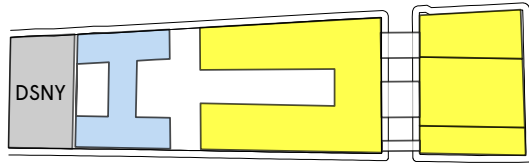
WESTBROOK PARTNERS/ATLAS CAPITAL GROUP PROPOSAL

TERREFORM PROPOSAL

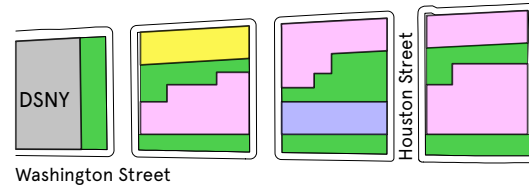
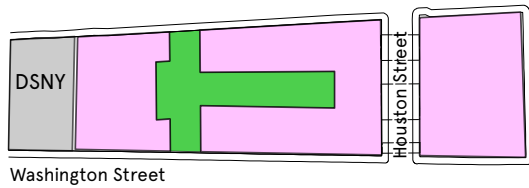
Tower Level



Podium Level



Ground Level



USE

- Residential
- Commercial/Retail
- Hotel
- Parking
- School
- Green Space

PUBLIC SPACE BREAKDOWN

Westbrook/Atlas

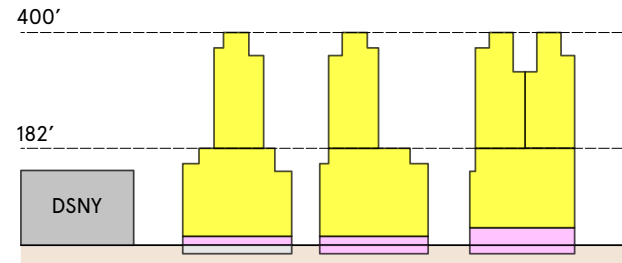
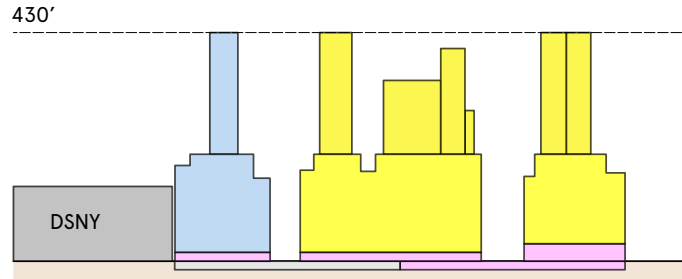
32,500 sq.ft.

Terreform

66,600 sq.ft.

266% Increase

Section



WESTBROOK PARTNERS/ATLAS CAPITAL GROUP PROPOSAL

	Retail				Residential	Hotel	Event Space	Parking	School	Total
	Local	Destination	Big Box	Retail Total						
Above Ground	37,000 sqft	113,200 sqft	0	150,200 sqft	1,334,100 sqft	229,700 sqft	41,400 sqft	0	0	1,755,400 sqft
Basement	0	0	104,800 sqft	104,800 sqft	0	0	0	101,000 sqft	0	205,800 sqft
Total				255,000 sqft	1,334,100 sqft	229,700 sqft	41,400 sqft	101,000 sqft	0 sqft	1,961,200 sqft

TERREFORM PROPOSAL

	Retail			Retail Total	Residential	Hotel	Event Space	Parking	School	Total
	Local	Destination	Luxury							
Above Ground	37,000 sqft	113,200 sqft	12,000 sqft	162,200 sqft	1,457,800 sqft	0	0	0	30,000 sqft	1,650,000 sqft
Basement	0	0	0	0	0	0	0	25,000 sqft	0	25,000 sqft
Total				162,200 sqft	1,457,800 sqft	0 sqft	0 sqft	25,000 sqft	30,000 sqft	1,675,000 sqft



SIERRA
CLUB
FOUNDED 1892

Sierra Club New York City Group
One Penn Plaza, Suite 6285
New York, NY 10119

August 24, 2016

Members
City Planning Commission of New York City

Re: ULURP #N16030-8ZRM

To the Members of the NYC City Planning Commission:

My name is Allison Tupper, and I am Chair of the Sierra Club New York City Group. Thank you for the opportunity to testify against the sale of alleged air rights above Pier 40 or anywhere else in the Hudson River.

The very bad 2013 amendments to the Hudson Park Trust Act authorized only the "transfer by sale" of any development rights that actually exist. (The language reads "any unused development rights as may be available for transfer . . . if and to the extent designated and permitted under local zoning ordinances. . .") we believe that such so-called air rights over the Hudson River do not exist. Public waterways like the Hudson River do not have air rights, and those 2013 amendments did not create them.

We must protect our neighborhoods from overdevelopment, and we must protect the extremely productive habitat of the Hudson River, which supports fisheries up and down the Atlantic coast. Fisheries mean food, and jobs. The 490-acre stretch of the Hudson River in the so-called Hudson River Park project area supports over 100 species of valuable marine life, including endangered species, and this irreplaceable stretch of the river must not be subjected to the habitat degradation and destruction that would be the effect of more building and rebuilding in and over the river.

The national environmental laws enacted to protect rivers and other waters effectively prohibit siting non-water-dependent uses of public waterways in or over the water. There are reasonable alternatives to the uses proposed for pier 40 at higher, dryer, safer upland locations. The habitat at issue is a natural resource of extraordinary national importance, and the Sierra Club is committed to protecting its integrity.

The Sierra Club is one of the country's oldest and largest environmental organizations, with more than 12,000 members in New York City. And we strongly urge the City Planning Commission to say NO to the sale of alleged air rights over public waterways, and to DISAPPROVE the package of zoning changes you are considering.

Thank you

Allison Tupper
Chair, Sierra Club New York City Group

From: [Kate Wood](#)
To: [Carl Weisbrod \(DCP\)](#)
Subject: Pier 40/St. John's Development
Date: Tuesday, May 24, 2016 12:52:24 PM

Dear Mr. Weisbrod:

To All Those Concerned:

LANDMARK WEST! joins colleague groups and New Yorkers in opposing the City's intent to create and transfer a large volume of development rights from Pier 40 to the adjacent St. John's site, which we understand will also be upzoned to accommodate massive development. This procedure--taking place with no area-wide planning or protections against future overdevelopment--plays fast and loose with zoning to deliver a windfall for a specific developer and potentially enormous burdens on the surrounding South Village community.

As evidenced by recent reporting from virtually every media outlet in the city (including the New York Times, Wall Street Journal, New York Daily News, and the New York Post), real estate developers and their lobbyists command disproportionate influence over policy-making in New York. This condition--currently under federal investigation--is the single biggest threat to New York's neighborhoods and quality of life, making it nearly impossible for communities to safeguard themselves using planning tools such as zoning and landmark designation. These protections mean nothing when they can be gratuitously overturned or disregarded on a case-by-case basis. The Pier 40 action is not rational planning that advances the public interest, as understood by the city's police power. It is arbitrary and clearly driven by individual private interests.

This community has waited years for the City landmark and zoning protections. Why have these equally legitimate development plans been ignored in favor of huge air rights transfers? We believe the answer lies in the fundamental imbalance between the value the City places on private developer's rights and the rights of other citizens. In this case, this imbalance would result in totally out-of-context mega-development in the South Village. And if it can happen in the South Village, it can happen anywhere.

Because of these issues, in our opinion, the Pier 40/St. John's development should not be approved.

Sincerely,
Kate Wood
President
LANDMARK WEST!

Kate Wood
45 West 67th Street
New York, NY 10023

From: [Carolyn Amato](#)
To: [Carl Weisbrod \(DCP\)](#)
Subject: St. John's, Pier 40 and Hudson River Park
Date: Monday, August 01, 2016 12:58:42 PM

Dear Mr. Weisbrod:

As a neighbor in the West Village, I'm concerned about the impact of the development proposal for St. John's.

I acknowledge the community value of a safely maintained Pier 40 and can recognize the need for a "solution" to fund repairs of that site.

But the transfer of air rights as proposed will irrevocably damage the lower height communities along Manhattan's far west side.

To transfer air rights from Hudson River Park in this manner is wrong. It sets dangerous precedent that will scar open space, access to sky, and the unique sense of "village" that exists in these lower height parts of Manhattan.

There are quiet, sun-lit moments in the West Village that take my breath away. Since many of the homes on my street were built in the late 1800's, I doubt I'm the first person to have this experience. And now, as a 6 year citizen of these cherished blocks - - I recognize the responsibility to help protect the experience of these "lower height" neighborhoods for future New Yorkers.

The massive waterfront overdevelopment that will surely result from Hudson River Park air rights transfers feels irresponsible to the future generations who will follow us down these far west streets of Manhattan.

Please protect the South and West Village neighborhoods from the current proposal for St. Johns by demanding scale changes from the developer and by restricting transfers of air rights from this and any waterfront park.

To imagine that other waterfront parks in Manhattan could one day sell air rights to developers in adjoining neighborhoods paints a scary image.

Thank you for listening to community contributors and for assessing impact to the neighborhoods.

Sincerely,
Carolyn Amato

Carolyn Amato
99 Jane Street
4A
New York, NY 10014

MARY ANN M. ARISMAN

7 SAINT LUKE'S PLACE

NEW YORK, NY 10014

AUGUST 24, 2016

TESTIMONY BEFORE NYC CITY PLANNING COMMISSION

**RE: PIER 40/ST. JOHN'S DEVELOPMENT AND HUDSON RIVER
PARK SPECIAL DISTRICT APPLICATION**

**CHAIRMAN CARL WEISBROD AND CITY PLANNING
COMMISSIONERS:**

**I KNOW YOU HAVE BEEN INUNDATED WITH TESTIMONY TODAY
AS WELL AS A FLOOD OF LETTERS MAKING THE SAME POINTS SO
I WILL TRY TO ABBREVIATE BUT STILL REINFORCE WHAT TO ME
AND SO MANY OF MY NEIGHBORS IS ESSENTIAL TO
MAINTAINING A QUALITY OF LIFE IN THE SOUTH AND WEST
VILLAGE WHILE ALLOWING FOR APPROPRIATE DEVELOPMENT.**

**AS SOMEONE WHO LIVES JUST TWO BLOCKS FROM THE
NORTHERNMOST AND TALLEST PART OF THIS PROPOSED
DEVELOPMENT, I STRONGLY URGE YOU TO REJECT THE
PROPOSED PIER 40/ST. JOHN'S REZONING AND SPECIAL PERMITS,
AND THE PROPOSED HUDSON RIVER PARK SPECIAL DISTRICT,
UNLESS THE FOLLOWING CHANGES ARE MADE:**

- LANDMARK PROTECTIONS ARE GRANTED FOR THE ENTIRE
REMAINING SEGMENT OF THE PROPOSED SOUTH VILLAGE
HISTORIC DISTRICT, BEFORE OR CONCURRENTLY WITH
ANY APPROVALS FOR CHANGES TO ZONING RULES FOR
THE ST. JOHN'S SITE.**
- ANY APPROVALS ARE CONDITIONED UPON AND CONTAIN
RESTRICTIONS AGAINST ANY FURTHER AIR RIGHTS
TRANSFERS FROM THE HUDSON RIVER PARK INTO
COMMUNITY BOARD #2.**
- PLANS FOR "BIG BOX" STORES AND "DESTINATION" RETAIL
MUST BE ELIMINATED FROM THE DEVELOPMENT.**

**WITHOUT THESE CHANGES AND PROTECTIONS, THE PROPOSED
APPROVALS AND DEVELOPMENT ARE TOTALLY UNACCEPTABLE
AND WILL HAVE AN ENORMOUS, NEGATIVE AND PERMANENT
IMPACT UPON THE SURROUNDING NEIGHBORHOODS, ALLOWING
AND ENCOURAGING TERRIBLE OVERDEVELOPMENT IN THE
SOUTH AND WEST VILLAGE.**

**I URGE YOU TO ADOPT OR INCORPORATE THESE CHANGES OR
REJECT THE PROPOSAL**

MARY ANN M. ARISMAN

MARY ANN M. ARISMAN

7 SAINT LUKE'S PLACE

NEW YORK, NY 10014

AUGUST 24, 2016

**CITY PLANNING COMMISSION
22 READE STREET
NEW YORK, NY**

**RE: PIER 40/ST. JOHN'S DEVELOPMENT AND HUDSON RIVER
PARK SPECIAL DISTRICT APPLICATION**

DEAR CHAIRMAN WEISBROD AND COMMISSIONERS:

**AS SOMEONE WHO LIVES JUST TWO BLOCKS FROM THE
NORTHERNMOST AND TALLEST PART OF THIS PROPOSED
DEVELOPMENT, I STRONGLY URGE YOU TO REJECT THE
PROPOSED PIER 40/ST. JOHN'S REZONING AND SPECIAL PERMITS,
AND THE PROPOSED HUDSON RIVER PARK SPECIAL DISTRICT,
UNLESS THE FOLLOWING CHANGES ARE MADE:**

- LANDMARK PROTECTIONS ARE GRANTED FOR THE ENTIRE
REMAINING SEGMENT OF THE PROPOSED SOUTH VILLAGE
HISTORIC DISTRICT, BEFORE OR CONCURRENTLY WITH
ANY APPROVALS FOR CHANGES TO ZONING RULES FOR
THE ST. JOHN'S SITE. THIS LOW-RISE, HISTORIC,
RESIDENTIAL AREA WAS LISTED ON THE STATE AND
NATIONAL REGISTERS OF HISTORIC PLACES, BUT THE
LANDMARKS PRESERVATION COMMISSION HAS REFUSED
TO LANDMARK IT. IT IS ENDANGERED, AND APPROVAL OF
ZONING CHANGES FOR THIS SITE WILL ONLY INCREASE
THAT DEVELOPMENT PRESSURE.**
- ANY APPROVALS ARE CONDITIONED UPON AND CONTAIN
RESTRICTIONS AGAINST ANY FURTHER AIR RIGHTS
TRANSFERS FROM THE HUDSON RIVER PARK INTO
COMMUNITY BOARD #2. AIR RIGHTS TRANSFERS FROM
THE PARK ARE WRONG, ARE NOT AN APPROPRIATE WAY TO
FUND THE PARK, AND WILL LEAD TO MASSIVE
OVERDEVELOPMENT OF WATERFRONT BLOCKS IN THE
VILLAGE. STATE LEGISLATION PASSED IN 2013 CREATED A
TERRIBLE DANGER TO OUR NEIGHBORHOODS BY ALLOWING
SUCH TRANSFERS, AND STEPS MUST BE TAKEN TO ENSURE
THIS NEVER HAPPENS.**
- PLANS FOR "BIG BOX" STORES AND "DESTINATION" RETAIL
MUST BE ELIMINATED FROM THE DEVELOPMENT. THIS
WILL GENERATE HUGE AMOUNTS OF TRAFFIC, IMPACTING
NEIGHBORS FOR BLOCKS AROUND WHEN THIS AREA IS
ALREADY OVERBURDNEED WITH TRAFFIC. NEW RETAIL
SHOULD BE LIMITED TO SUPERMARKETS AND LOCALLY-
ORIENTED STORES OF A NEIGHBORHOOD SIZE.**

From: [Cheryl Brock](#)
To: [Carl Weisbrod \(DCP\)](#)
Subject: Financial Points not covered in proposal for Pier 40/St.John's Development/HudsonRiver Park"Special District"
Application
Date: Monday, August 01, 2016 2:06:28 PM

Dear Mr. Weisbrod:

Several points, mostly financial in nature:

A. It makes NO financial sense to SELL public air-rights to a private corporate entity. We have options:

1) A lease with an end-date (think Hong-Kong)

2) more effectively, a base annual rent with a surcharge as the net profits increase for the development. The prototype for this is the NYS law in which (supposedly) an artist gets a percentage of the sale price for their work as it increases in value, particularly from public sales as recorded at auction houses. Why are we approaching this cap-in-hand? This valuable property will increase in value quickly, but it requires our air-rights to happen = we can still negotiate this for funds going forward. Do I have ideas as to how this could be done? Of course.

B. We have frail & aging waterpipes down here. (How many times has tiny Father Demo Square flooded in the past 3 years?) The epic scale of this project's construction guarantees capillary-like fractures in our old pipes, as will increased traffic from uber-heavy construction equipment & eventually from increased vehicular traffic. Who pays for the repairs going forward as these tiny fractures become actual breaks? The pipes, the broken asphalt & sidewalks, the inevitable overtime staunching the flood, the loss of water most all points south: this is an accident guaranteed to happen.

I actually think this project could be wonderful. I just don't want my City to regret getting the short end of things as unconsidered details cascade into real financial headaches.

C. Who pays for the extension of old water pipes & who pays for the new enhanced pipes which must be installed to accommodate the expanded residential & commercial demands? Previous warehouse water usage has been stable & minimal, so this new concern is quite legitimate.

D. I am from Buffalo. I live on King St. I KNOW ICE.

The proposed height of several of the towers will guarantee that many streets to the East of the development will lose their winter light much earlier. This translates to ice forming a little earlier as our temperature drops sooner. Ice equals more potholes plus more salt on the sidewalk & more pedestrians falling. Is pothole repair suddenly free? I spoke briefly to one of the architects (also from upstate) & he felt that "this would be a minimal concern". However, there was no neutral environmental study that even considered this challenge -or the possible financial ramifications for the City.

E. The height of the entire project will affect points west, mainly our Hudson River Park, our community's main park. The morning sunlight will warm the piers & walkways much later, especially in winter. Won't the runners & children in strollers & dogs be delighted. The Hudson is a tidal estuary: I cannot imagine the extent of the environment effect on the river, but I do know that the expensive trees & shrubbery that the City has planted with such care between the Westside Highway & the Park will be affected both by the nature of the local construction traffic, plus by losing their warming morning light. I suggest strongly that the neutral environment study consider the effects on plantlife on both sides of the project as well.

F. Others have articulated their concerns about the abuse/ ignoring the necessary landmarked protections for our nationally treasured neighborhood. They have made their arguments far more succinctly than I ever could. Personally, I do not object to development of this site. But I do object to it being done stupidly & hurriedly. This is NOT the best long-term deal for the City. We can do much better if we proceed AFTER a neutral environmental study, after an aggressive reconsideration of the financial parameters currently in place & after a study of the long-term impact on both the infrastructure & the potential landmark abuses we would be vulnerable to.

Why are we even considering this project, which we know absolutely will result in our having to subsidize it going forward? For now, I strongly urge you to reject the proposed Pier 40/St. John's rezoning and special permits, and

the proposed Hudson River Park Special District.

Respectfully,
Cheryl Brock
23 King St #1
NYC 10014

Cheryl Brock
23 King St
New York, NY 10014

Sept. 1, 2016

SEP 07 2016

29998

Chairman Carl Weisbrod and Members of the City Planning Commission,
City Planning Commission,
120 Broadway, 31st Floor,
New York NY 10271

Hon. Letitia James, Public Advocate,
1 Centre St. #1500,
New York, NY 10007

Re: 550 Washington St./Special Hudson River Park District

I urge the City Planning Commission to DISAPPROVE the proposals in CPC's 8/24/16 Calendar to facilitate the transfer by sale of purported air rights from Pier 40 in the Hudson River to the developers of the mega-development planned for 550 Washington St.

The proposals in CPC's 8/24/16 Calendar would create the mechanisms and models for "air rights" transfers from public waterways to upland sites (or even to other in-water sites). If this new mechanism (to facilitate a deal for Pier 40 in the Hudson River and 550 Washington St.) is approved by CPC, and then by the City Council, this disastrous model could spread to the rest of the Hudson River, and to other waterways around NYC.

If it's widely adopted, this "City for Sale"-style model could create a virtually unlimited supply of "transferable development rights" (TDRs) to make proposed mega-development projects even bigger. It could also subsidize and encourage massive destruction of environmentally critical habitats in the nearshore waters around NYC.

PREVENTION is the best way to block the misuse of air rights transfers from public waterways before these schemes take off. Keep CPC from authorizing them in the first place with a storm of public protest against the proposed "Special Hudson River Park District" spanning both land and water, and related zoning changes.

Sincerely,



Peter Brooks

Teacher, Stuyvesant High School

August 24, 2016

Dear City Planning Committee Members:

I am a professor at New York University and have lived in the South Village for more than forty years. I wish to state that I am adamantly opposed to any plan to move ahead with massive air rights transfers from Pier 40 and upzoning of the adjacent St. John's site without movement by the City on the long-standing proposal to rezone and landmark the nearby South Village, and without any limits on future air rights transfers from the park to allow further overdevelopment in our neighborhood in the future.

We have been waiting years for the City to act upon widely supported plans for landmark and zoning protections for the South Village. Not only have they refused to do so, but they are now moving ahead with this massive windfall for a developer, allowing one of the largest developments EVER in our neighborhood.

And nearly three years after the State Legislature voted to allow the transfer of millions of square feet of "air rights" from the Hudson River Park to allow increased development in our neighborhoods, we still have no accounting of how many air rights have been created, nor any limits on how many air rights can be used to enable overdevelopment in our neighborhood.

This mega-development should NOT be approved until and unless these issues are addressed. To do so would be further evidence of the massive benefits being given away to developers in our city while the needs and wishes of local communities are ignored. The physical and mental health and well-being of the many residents are being sold to profit a very few.

This is our community, our home. Please, do not let it be destroyed in the name of progress which serves the financial benefit of a few.

Sincerely,

A handwritten signature in black ink that reads "William P. Burns". The signature is written in a cursive style with a long horizontal line extending to the right.

William P. Burns, PhD

William P. Burns

139 Thompson Street, Apt. B

New York, NY 10012

City Planning Commission

Pier 40/St. John's Development and Hudson River Park Special District Application
Hearing Testimony August 24, 2016

My name is Michael Clayton and I live on Jane Street in the West Village. As a resident, a citizen, a member of the affected community, a member of the public, I strongly urge you to reject the proposed Pier 40/St. John's rezoning and special permits, and the proposed Hudson River Park Special District, unless the following changes are made:

(1) Landmark protections are granted for the entire remaining segment of the proposed South Village Historic District, before or concurrently with any approvals for changes to zoning rules for the St. John's site. This low-rise, historic, residential area near the St. John's site was listed on the State and National Registers of Historic Places, but the Landmarks Preservation Commission has refused to landmark it. It is endangered, and approval of zoning changes for this site will only increase development pressure.

(2) Any approvals are conditioned upon and contain restrictions against any further so-called "air rights" transfers from the Hudson River Park into Community Board 2. "Air rights" transfers from the park are absolutely wrong, are not an appropriate way to fund the park, and will lead to massive overdevelopment of waterfront blocks in the Village. State legislation catering to real-estate developers that passed in 2013 created a danger to our neighborhoods by allowing such devious transfers, and steps must be taken to ensure this never happens.

(3) Plans for five massive, horrendously out-of-scale, high-rise, river-blocking towers must be scaled down or eliminated; these five skyscrapers would forever take away the horizon, the sky, and the light from the district and destroy forever the low-scale, human-scale nature and character of the historic neighborhood.

(4) Plans for Big Box stores and "destination" retail must be eliminated from the development. Such stores would generate great unmanageable amounts of traffic, impacting neighbors for blocks around when this area is already overburdened with traffic. New retail should be limited to supermarkets and locally-oriented stores of a neighborhood size.

Without these changes and protections, the proposed approvals and development are totally unacceptable to the community, and will have an enormous, negative, and permanent impact upon the surrounding neighborhoods, allowing and encouraging terrible overdevelopment in the South Village and West Village. I urge you to demand these changes, or reject the proposed approvals.


Michael Clayton
Jane St, NY, NY

Testimony on Pier 40/St. John's Development and Hudson River Park Special District Application, 24 August, 2016

Pablo O Garcia

249 Eldridge St. Apt. 21

New York, N.Y. 10002

g.pablo2012@gmail.com

Research Foundation of the City University of New York (CUNY)

My work is developing a collaborative model for Formal/Informal Learning Environments in Teacher Education for STEM for the National Science Division of Research on Learning sponsored by CUNY Brooklyn College.

A formal/informal learning site is a resource designated by the NYC Department of Education for educators to use for teaching science, technology, Engineering and math (STEM) skills to inner city students.

This includes places like The American Museum of Natural History, the South Street Seaport Museum, the River Project, and the Village Community Boathouse, on Pier 40.

This past year, my report has stated the success of engaging students with:

- Historical boat building traditions of NY harbor
- Team building on the water through the use of human power rowing
- Leadership development in stewardship of the Hudson River estuary
- Implementation of the Next Generation Science Standards in curriculum through teaching weather, tides and currents and river navigation

I hope my testimony will help Pier 40 continue the positive work being done for young people in our community and for all students who participate in the Village Community Boathouse..

As a lifelong New York City resident, and active member of the Greenwich Village Historical Preservation Society, I would like to see air transfer rights with contextual architecture, low building height and without a statement of "EB5 Investment Opportunity", such as has happened with the Four Seasons in downtown Manhattan, Hudson Yards on the west side and the GW bridge bus terminal..

321 E 54th St
New York City NY
10022

OFFICE OF THE
CHAIRPERSON

SEP 07 2016

29994

9/2/16

Dear Chairman Weisbrod

I am opposed to the transfer of a portion of the purported unused development air rights from Pier 40 in the Hudson River to an uplands development at 550 Washington St.

Transferring such air rights acknowledges that they exist; which is an open question, quite likely to force adjudication at some point. Further, the remaining development rights would be used on the pier. This would open the structures up to the challenges of flooding, structural damage from the wind, and eventual piling deterioration from corrosive sea water.

Further, the Clean Water Act stresses the importance of maintaining the open waterways around New York for public navigation and fish spawning and nursery functions.

Rather than encouraging development of non compatible commercial uses over the river the city should reduce the waterfront structures which block views to west across the river.

The best way to accomplish this goal is to deny the proposal to transfer any development air rights to any uplands development parcel of land.

Sincerely

Steve Hopkins

**Testimony of New York Environmental Law Project &
Environmental Justice Initiatives
and 9/11 Environmental Action**

New York City Planning Commission Hearing

ULURP #N16030-8 ZRM

Wednesday, August 24, 2016

Spector Hall

22 Reade Street

The New York Environmental Law Project & Environmental Justice Initiatives and 9/11 Environmental Action urge New York City Planning Commission (CPC) to disapprove any "air rights" transfers from Pier 40 in the Hudson River to the mega-development proposed for 550 Washington St.—or any other "air rights" transfers from public waterways. The Hudson River Park Trust's plan for a sale of so-called "air rights" over the Hudson River contravenes important policies under federal, New York State, and common law.

The Hudson River Park Act, as amended, only authorizes the "transfer of unused development rights as may be available." These so-called air rights do not exist, and therefore are not available for sale.

There is a strong legal presumption against the right to build in or over navigable water, pursuant to the Clean Water Act, the New York State Protection of Waters Act, and the Public Trust Doctrine, unless the construction is necessary (usually for a water-dependent use such as shipping, recreational boating, or fishing). No general "right" to build to a particular height exists.

We are extremely concerned about the harmful precedent that would be set by deeming that an over-water pier has "air rights," and that such air rights could be transferred to land in order to foster near-shore development density. Making reality out of such a legal fiction could only lead to more development density along our coastline, putting more people at risk from storms and flooding.

We remind the City Planning Commission and the City Council that Hurricane Sandy, which inundated Lower Manhattan with a 9.4 foot storm surge, cost the City more than \$19 billion. The storm took the lives of more than 43 New Yorkers. The City knows from its own Panel on Climate Change that Sandy is a harbinger of the weather events our city will face in a future of warming climate and rising sea levels. By the end of this century, the waters surrounding Manhattan could rise by 6 feet. That is why, according to Dan Zarrilli, Director of the Mayor's Office of Recovery and Resiliency, the City plans to use "measures like levees, flood walls, and more park land to soak up storm water and protect the area from the 'absolute devastation' it experienced during Sandy"(NY Daily News August 27, 2015).

Given the reality of climate change, inventing a framework that empowers, not to mention enriches, those developers who would ignore the dangers and build non-water dependent structures on the coastline is as reckless as it is illegal.

Finally, if approved, this new fictional “right to build to a particular height” will likely set a precedent that will perpetuate inequity and gentrification, through the creation of more “special districts” with “air rights” that can be transferred and sold to the highest bidder. The City Planning Commission and the City Council must oppose any scheme that could usher in a new wave of luxury high-rise construction along the water, so that in effect, Manhattan’s waterfront becomes a vista enjoyed almost exclusively by high-income occupants.

We urge you to reject this ill-advised and unsustainable proposal that takes our City in the wrong direction, re-making the law in ways that are certain to put people and property into harm’s way, and further undermine the public’s right to the city in which they live and work.

Thank you for your time and attention.

Joel R. Kupferman, Esq.
Executive Director
NEW YORK ENVIRONMENTAL LAW & JUSTICE PROJECT
225 Broadway Suite 2625 New York NY 10007-3040
212-334-5551 joel@nyenvirolaw.org

Esther Regelson
Secretary,
9/11 Environmental Action
PO Box 3314, Church Street Station
New York, NY 10008
Cell 917-705-3886

September 2, 2016

Chairman Carl Weisbrod
City Planning Commission
31st floor
120 Broadway
New York, NY 10271

OFFICE OF THE
CHAIRPERSON

SEP 07 2016

29995

Re: manufacturing of air rights transfers from public waterways

Ladies and Gentlemen:

CPC should disapprove of the transfer of supposed air rights and unused development rights from Pier 40 in the Hudson River to the developer at 550 Washington St.

You must consider the fallacy of this claim of air rights from an in-water site and supposed State Park, as well as the effects your approval will have on the rest of our city.

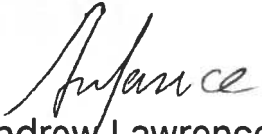
The best analogy to this fantasy of air rights on the Hudson was expressed in another vein by Joseph Stiglitz, economist and Nobel prize winner from Columbia University. Stiglitz said that the most incredible thing about the "invisible hand" was that it is not there. Please extrapolate Professor Stiglitz' insight to apply to the idiocy of these air rights and the transfer.

If you were to approve this, please imagine developers around Prospect Park, or Alley Pond Park, or Central Park, once they see the blood in the water and go after air rights for every piece of public space in the city. I'm sure you have discussed this, and now you have to deal with it by denying this usurpation.

We all know that hedge funds are now being exposed for the scam they always were, and the richest people in our city need as much help as they can get to continue their lifestyle.

For the CPC to enable the richest of the rich to continue on their path of unneeded development while 50% of the people in the richest city in the world are at or near the poverty level, well, this is something that doesn't have to be thought through. Just reject it.

Sincerely, ,

A handwritten signature in cursive script that reads "Andrew Lawrence".

Andrew Lawrence

510 E. 23, 13 B

New York, NY 10010

From: Ralph Lewis [mailto:pwprl@yahoo.com]
Sent: Sunday, August 28, 2016 2:38 PM
To: Pier 40 Comments
Subject: Pier 40 Comments -- Please Don't Do It!

Amy Jedlicka, Esq.
Hudson River Park Trust
Pier 40, 2nd Floor
353 Wet Street
New York, NY 10014

Dear Ms. Jedlicka,

Please add my voice to the many who are calling for an end to any transfer of air rights from Pier 40. I do not know the air rights laws, but just realistically, it seems wrong to endow a temporary structure, like a pier, or the water under it, with real air rights. It's not right, and not what air rights are for.

What if the pier collapses next year – do the air rights still exist? What if not enough money is generated to save the entire pier and part of it must be destroyed – do a portion of the air rights dissolve as well? What kind of precedent is created by such air rights – can the City just build more piers and continue selling fictional air rights? So much just does not make logical sense, and therefore, there should be no transfer of air rights in this temporary case.

And besides, I'm no fan of the St. John's Center, but replacing it with 5 luxury buildings is NOT the answer to any problem this community has. It's way too much build for this site's envelope. It doesn't lift up the surrounding area -- it drains it. The promises of affordable housing are underwhelming to say the least, and the commitments to senior housing are too small to matter. The plans for these buildings are way out of scale, and will only undermine other development in the area. Unless these buildings are limited to 5 stories in height, they will no doubt adversely affect any other buildings around it, and create problems for any future nearby development. Please put a stop to this madness.

I appreciate all that HRPT is doing for the park and Pier 40, but this is an obvious case of "Less is More". More will mean that current residents will have less access to the park. Less suits us just fine and will keep the park from being overwhelmed with new wear-n-tear. The area is not prepared for a mini-city at the end of Houston Street. Building mammoth structures in this area will result in a virtual gated-community for luxury lifestyles and will yield a part of this City, that so many have fought for, in the hands of the rich condo buyers. It's not right to so many current neighbors, who have spent so much time and energy trying to make this a great park.

Thank you,
Ralph Lewis

From: Nicolas Michael [mailto:nico_michael@yahoo.com]
Sent: Thursday, September 01, 2016 4:15 PM
To: Pier 40 Comments
Subject: Saving Pier 40

Dear Ms. to Amy Jedlicka, Esq.,

I am writing to urge the Trust board to vote in support the Pier 40 "air rights" sale from the St. John's development proposal.

As you may know, the plan's air rights transfer proposal is vital to saving Pier 40.

Manhattan Community Board #2 approved the resolution overwhelmingly in support of the proposal, with several specific requests. If approved, the land use rezoning and special district will allow the developer to allocate \$100 million to the Hudson River Park Trust in order to repair the damaged and deteriorating pilings at Pier 40.

My family and children use Pier 40's ball fields for years and it would be terrible to lose the use of this great outdoor space.

Pier 40 is used by tens of thousands of athletes and families, both in adult and children sports and recreation. The treasured fields have about 240,000 uses. These ball field users include many families, children and athletes from the West side of New York City and beyond.

The funding to repair Pier 40 is urgent. Pier 40 provides major revenues for the Hudson River Park Trust's operations. Pier 40's essential parking garage and athletic uses generates nearly 30% of the Hudson River Park Trust's operating budget.

If this funding is not approved and Pier 40 is not repaired, we could lose scarce open space for our families and kids. We could also lose a major offer by a developer to fund the much needed repairs of Pier 40's pilings. Loss of Pier 40 would cause a major loss of operating funds for our most beloved Park.

I strongly urge you to support the Pier 40/St. John's land use proposal and air rights transfer to save Pier 40.

Sincerely,

Nicolas Michael

September 1, 2016

Dear Ms. Amy Jedlicka,

I am writing to urge you to vote in favor/support the Pier 40/St. John's development proposal.

As you may know, the plan's air rights transfer proposal is vital to saving Pier 40.

Manhattan Community Board #2 approved the resolution overwhelmingly in support of the proposal, with several specific requests. If approved, the land use rezoning and special district will allow the developer to allocate \$100 million to the Hudson River Park Trust in order to repair the damaged and deteriorating pilings at Pier 40.

As a member of the Friends of Hudson River Park, Playground Committee Capital Campaign, I want to thank you for your time.

The issue of selling Pier 40's air rights is important to the future of the Park, AND for me and my family. I am a New York City native, and lived down the block on Bleecker Street from 2000-2010. The Pier 40 ballfields were part of my daily exercise regimen then, where I would meet friends on the athletic fields to work out, or socialize with girlfriends while watching our guy friends compete in various sports. Remember that scene in Sex In the City when Carrie went to the Trapeze School NY? That's a classic – and such a New York moment and experience!

Today I live in West Chelsea with my family, and we use the Pier nearly every week –whether it's to run around with my toddler, or to watch friends play rugby, it remains a community resource we adore.

But as confirmed by experts, the piles that hold up the Pier are failing and in dire need of repair.

It is sad to me that the future of the Pier is in doubt. Without the sale of the Pier's air rights, the Trust may not have the funds necessary to make these repairs. As an active member of the Trust's Playground Committee Capital Campaign, I know how difficult it can be to raise the funds to keep our

playgrounds, ballfields and recreational facilities not only up and running, but safe for the community.

My family and I purchased our home in West Chelsea, along the Park, because of everything the Park has to offer. We use the Park on a daily basis. Greenspace, activities and fresh air are very important to us. We are avid supporters in joining community efforts and raising awareness to keep the Park a destination for New Yorker's and tourists alike.

\$100 million dollars won't just enable the Trust to fix the piles at the Pier, but given my real estate background, I can confidently say that it will significantly reduce the financial burden on any future development and preservation. Not only of the ballfields at Pier 40 but throughout the entire Park – and that effects so many of us.

For the sake of the Park's financial future, let's take this first step and support OUR COMMUNITY who rely on the ballfields. I strongly urge the Board to support the funding of \$100 million dollars from the sale of air rights so we can repair the pier, and keep the Park alive!

Thank you for your time.

Katherine Salyi

Katherine Salyi
555 West 23rd Street, Apt S15D
New York, NY 10011
Katie.katherine@gmail.com
646-422-9766

From: [Mark Schulte](#)
To: [Carl Weisbrod \(DCP\)](#)
Subject: Pier 40/St. John's Development and Hudson River Park Special District Application
Date: Friday, August 05, 2016 10:25:40 AM

Dear Mr. Weisbrod:

I strongly urge you to approve the proposed Pier 40/St. John's rezoning and special permits, and the proposed Hudson River Park Special District. No changes need to be made.

The proposed approvals and development are totally acceptable, and will have an enormous positive impact upon the surrounding neighborhoods, allowing and encouraging development in the South and West Village. I urge you support the proposed approvals.

Mark Schulte
255 W 94th Street #12RR
NYC, NY 10025

From: [Charles Sewell](#)
To: [Carl Weisbrod \(DCP\)](#); [Tony Simone](#)
Subject: The Sale of Pier 40 Air Rights
Date: Thursday, August 04, 2016 11:31:17 AM

Dear Mr Weisbrod:

I am writing to urge you to vote in favor/support the Pier 40/St. John's development proposal.

As you may know, the plan's air rights transfer proposal is vital to saving Pier 40.

Manhattan Community Board #2 approved the resolution overwhelmingly in support of the proposal, with several specific requests. If approved, the land use rezoning and special district will allow the developer to allocate \$100 million to the Hudson River Park Trust in order to repair the damaged and deteriorating pilings at Pier 40.

My family and children use/have used Pier 40's ball fields for years and it would be terrible to lose the use of this great outdoor space.

Pier 40 is used by tens of thousands of athletes and families, both in adult and children sports and recreation. The treasured fields have about 240,000 users. These ball field users include many families, children and athletes from the West side of New York City and beyond.

The funding to repair Pier 40 is urgent. Pier 40 provides major revenues for the Hudson River Park Trust's operations. Pier 40's essential parking garage and athletic uses generates nearly 30% of the Hudson River Park Trust's operating budget.

If this funding is not approved and Pier 40 is not repaired, we could lose scarce open space for our families and kids. We could also lose a major offer by a developer to fund the much needed repairs of Pier 40's pilings. Loss of Pier 40 would cause a major loss of operating funds for our most beloved Park.

I strongly urge you to support the Pier 40/St. John's land use proposal and air rights transfer to save Pier 40.

Sincerely,

Charlie Sewell
99 Reade Street

From: Charles Sewell [mailto:sewell.charlie@gmail.com]
Sent: Thursday, August 04, 2016 11:39 AM
To: Pier 40 Comments; Tony Simone
Subject: Sale of Pier 40 Air Rights

To Whom It May Concern at Hudson River Park Trust:

I am writing to urge you to vote in favor/support the Pier 40/St. John's development proposal.

As you may know, the plan's air rights transfer proposal is vital to saving Pier 40.

Manhattan Community Board #2 approved the resolution overwhelmingly in support of the proposal, with several specific requests. If approved, the land use rezoning and special district will allow the developer to allocate \$100 million to the Hudson River Park Trust in order to repair the damaged and deteriorating pilings at Pier 40.

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I strongly urge you to support the Pier 40/St. John's land use proposal and air rights transfer to save Pier 40.

Sincerely,

Charlie Sewell
99 Reade Street

From: [Jayne Kaszas-Levy](#)
To: [Carl Weisbrod \(DCP\)](#)
Subject: Pier 40/St. John's Development
Date: Thursday, July 21, 2016 6:19:17 AM

Dear Mr. Weisbrod:

I am adamantly opposed to any plan to move ahead with massive air rights transfers from Pier 40 and upzoning of the adjacent St. John's site without movement by the City on the long-standing proposal to rezone and landmark the nearby South Village, and without any limits on future air rights transfers from the park to allow further overdevelopment in our neighborhood in the future.

We have been waiting years for the City to act upon widely supported plans for landmark and zoning protections for the South Village. Not only have they refused to do so, but they are now moving ahead with this massive windfall for a developer, allowing one of the largest developments EVER in our neighborhood.

And nearly three years after the State Legislature voted to allow the transfer of millions of square feet of "air rights" from the Hudson River Park to allow increased development in our neighborhoods, we still have no accounting of how many air rights have been created, nor any limits on how many air rights can be used to enable overdevelopment in our neighborhood.

This mega-development should NOT be approved until and unless these issues are addressed. To do so would be further evidence of the massive benefits being given away to developers in our city while the needs and wishes of local communities are ignored.

Jayne Kaszas-Levy
24 Monroe Place, Apt. 5B
Brooklyn, NY 11201

—— Forwarded message ——

From: Ronald Rothenberg <rsrkk@gmail.com>

To: "Carl Weisbrod (DCP)" <CWEISBROD@planning.nyc.gov>

Cc:

Date: Mon, 5 Sep 2016 11:51:01 +0000

Subject: Pier 40/St. John's Development and Hudson River Park Special District Application

Dear Mr. Weisbrod:

I agree with the Greenwich Village Society for Historic Preservation and the overwhelming majority of people who testified at the recent City Planning Commission hearing, and I strongly urge you to reject the proposed Pier 40/St. John's rezoning and special permits, and the proposed Hudson River Park Special District, unless the following changes are made:

- Landmark protections are granted for the entire remaining segment of the proposed South Village Historic District, before or concurrently with any approvals for changes to zoning rules for the St. John's site. This low-rise, historic, residential area near the St. John's site was listed on the State and National Registers of Historic Places, but the Landmarks Preservation Commission has refused to landmark it. It is endangered, and approval of zoning changes for this site will only increase that development pressure.
- Any approvals are conditioned upon and contain restrictions against any further air rights transfers from the Hudson River Park into Community Board #2. Air rights transfers from the park are wrong, are not an appropriate way to fund the park, and will lead to massive overdevelopment of waterfront blocks in the Village. State legislation passed in 2013 created a terrible danger to our neighborhoods by allowing such transfers, and steps must be taken to ensure this never happens.
- Plans for 'Big Box' stores and 'destination' retail must be eliminated from the development. This will generate huge amounts of traffic, impacting neighbors for blocks around when this area is already overburdened with traffic. New retail should be limited to supermarkets and locally-oriented stores of a neighborhood size.

Without these changes and protections, the proposed approvals and development are totally unacceptable, and will have an enormous, negative, and permanent impact upon the surrounding neighborhoods, allowing and encouraging terrible overdevelopment in the South and West Village. I urge you to demand these changes, or reject the proposed approvals.

Ronald Rothenberg
37 West 12 Street
Apt 10F

TOTAL COUNT: 2 AS OF 8/17/16

From: [Tom Jennings](#)
To: [Carl Weisbrod \(DCP\)](#)
Subject: Pier 40 Hudson River Air Rights Transfers and the Need To Protect the Nearby South Village
Date: Saturday, June 25, 2016 10:48:21 AM

Dear Mr. Weisbrod:

I am deeply troubled that a plan to move ahead with massive air rights transfers from Pier 40 and an upzoning of the adjacent St. John's site is moving ahead, while the City refuses to move on the long-standing proposal to rezone and landmark the nearby South Village. Proposals to rezone and extend landmark protections to the remainder of the South Village have been put forward by the Greenwich Village Society for Historic Preservation, and are supported by the local Community Board and Councilmember Corey Johnson, as well as other area elected officials.

The South Village, an historic neighborhood with a wonderfully intact character, remains vulnerable to inappropriate demolition and totally out-of-scale new construction – up to 300 feet tall under existing rules. The entire South Village needs zoning and landmark protections to preserve its special character. Rather than supporting these, the City is moving ahead with a plan to increase by many hundreds of thousands of square feet the size of allowable development on a three-block stretch nearby at Houston and West Streets.

It is troubling that the City seems only willing to entertain rezoning proposals that substantially increase the allowable size and scale of development in our neighborhoods, when current rules already allow too great a scale of development. I urge you to balance your priorities and move ahead with long-standing, widely supported requests for a contextual rezoning of and landmark protections for the remainder of the South Village.

Tom Jennings
45 Christopher Street
New York, NY 10014

From: [Linda Yowell](#)
To: [Carl Weisbrod \(DCP\)](#)
Subject: Pier 40 Hudson River Air Rights Transfers and the Need To Protect the Nearby South Village
Date: Thursday, May 05, 2016 4:52:07 PM

Dear Mr. Weisbrod:

I am deeply troubled that a plan to move ahead with massive air rights transfers from Pier 40 and an upzoning of the adjacent St. John's site is moving ahead, while the City refuses to move on the long-standing proposal to rezone and landmark the nearby South Village. Proposals to rezone and extend landmark protections to the remainder of the South Village have been put forward by the Greenwich Village Society for Historic Preservation, and are supported by the local Community Board and Councilmember Corey Johnson, as well as other area elected officials.

The South Village, an historic neighborhood with a wonderfully intact character, remains vulnerable to inappropriate demolition and totally out-of-scale new construction – up to 300 feet tall under existing rules. The entire South Village needs zoning and landmark protections to preserve its special character. Rather than supporting these, the City is moving ahead with a plan to increase by many hundreds of thousands of square feet the size of allowable development on a three-block stretch nearby at Houston and West Streets.

It is troubling that the City seems only willing to entertain rezoning proposals that substantially increase the allowable size and scale of development in our neighborhoods, when current rules already allow too great a scale of development. I urge you to balance your priorities and move ahead with long-standing, widely supported requests for a contextual rezoning of and landmark protections for the remainder of the South Village.

Additionally, the scale of the proposed development is significantly greater than what could be otherwise built here, and would have significant impacts upon the surrounding community. The plan fails to address long-standing questions from groups like the Greenwich Village Society for Historic Preservation about how air rights from the Hudson River Park can and should be used and limited, alternatives which should be explored for funding the park, and even how many air rights state legislation has allowed to be transferred from the park to increase development inland. No plan should move ahead without these questions being answered and these issues being addressed.

Linda Yowell
761 Greenwich Street
277 Broadway Suite 1201
New York, NY 10014