



Land Use Review Application

Department of City Planning

120 Broadway, 31st Floor, New York, NY 10271

N 160308 ZRM

City Planning will assign and stamp reference numbers here

1. APPLICANT AND APPLICANT'S REPRESENTATIVES

APPLICATION NUMBER

APPLICATION NUMBER

New York City Department of City Planning

APPLICANT (COMPANY/AGENCY OR OTHER ORGANIZATION) *
120 Broadway

STREET ADDRESS

New York NY 10271

CITY STATE ZIP

212-720-3300

AREA CODE TELEPHONE # FAX#

APPLICATION NUMBER

Edith Hsu-Chen

APPLICANT'S PRIMARY REPRESENTATIVE

REPRESENTATIVE'S COMPANY/AGENCY OR OTHER ORGANIZATION

STREET ADDRESS

CITY STATE ZIP

AREA CODE TELEPHONE # FAX#

* List additional applicants below:

CO-APPLICANT (COMPANY/AGENCY OR OTHER ORGANIZATION)

CO-APPLICANT (COMPANY/AGENCY OR OTHER ORGANIZATION)
ADDITIONAL APPLICANT REPRESENTATIVE:

NAME AND PROFESSIONAL AFFILIATION (ATTORNEY/ARCHITECT/ENGINEER ETC.) TELEPHONE # FAX #

2. SITE DATA

(If the site contains more than one property complete the "LR Item 2. Site Data Attachment Sheet.")

STREET ADDRESS **Special Hudson River Park District**

PROJECT NAME (IF ANY)

Washington, Clarkson, Spring streets, US Pierhead Line

DESCRIPTION OF PROPERTY BY BOUNDING STREETS OR CROSS STREETS

M 1 - 5 , M 2 - 4 , M 2 - 3 **1 2 a**

EXISTING ZONING DISTRICT (INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY) ZONING SECTIONAL MAP NO(S).

Block 656, Lot 1; Block 596, Lot 1 **Manhattan** **2**

TAX BLOCK AND LOT NUMBER BOROUGH COMM. DIST.

N / A

URBAN RENEWAL AREA, HISTORIC DISTRICT OR OTHER DESIGNATED AREA (IF ANY)

IS SITE A NEW YORK CITY OR OTHER LANDMARK? NO YES IF YES, IDENTIFY

3. DESCRIPTION OF PROPOSAL

(If the entire project description does not fit in this space, enter "see attached description" below and submit description on a separate sheet, identified as "LR item 3. Description of Proposal")

4. ACTIONS REQUESTED AND FEES

(Check appropriate action(s) and attach supplemental form)

* No supplemental form required

- CHANGE IN CITY MAP.....MM \$ _____
- ZONING MAP AMENDMENT.....ZM \$ _____
- ZONING TEXT AMENDMENT..... ZR \$ _____
- ZONING SPECIAL PERMIT.....ZS \$ _____
- ZONING AUTHORIZATION.....ZA \$ _____
- ZONING CERTIFICATION.....ZC \$ _____
- PUBLIC FACILITY, SEL./ACQ.....PF \$ _____
- DISPOSITION OF REAL PROP.....PP \$ _____
- URBAN DEVELOP+T ACTION.....HA \$ _____
- URBAN RENEWAL PROJECT.....* \$ _____
- HOUSING PLAN & PROJECT.....* \$ _____
- FRANCHISE.....* \$ _____
- REVOCABLE CONSENT.....* \$ _____
- CONCESSION.....* \$ _____
- LANDFILL.....* \$ _____
- OTHER (Describe) \$ _____

- MODIFICATION \$ _____
 - FOLLOW-UP \$ _____
 - RENEWAL \$ _____
 - OTHER \$ _____
- APPLICATION NO. _____
- APPLICATION NO. _____
- SPECIFY _____
- TOTAL FEE (For all actions) \$ _____**

Make Check or Money Order payable to Department of City Planning.

If fee exemption is claimed check box below and explain

City agency

Has pre-application meeting been held? NO YES

If yes _____
DCP Office/Representative Date of meeting

DEPT. OF CITY PLANNING
2016 MAY -6 AM 10:14
CITY PLANNING COMMISSION

5. ENVIRONMENTAL REVIEW

CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) (Discuss with CEQR lead agency before completing)
LEAD AGENCY City Planning Commission CEQR NUMBER 1 6 D C P 0 3 1 M

TYPE OF CEQR ACTION:

Form with checkboxes for TYPE II, TYPE I, UNLISTED, and CEQR determination status. Includes fields for 'Date determination was made' and 'Date determination made: 10/21/15'.

6. COASTAL ZONE MANAGEMENT

IS SITE IN STATE DESIGNATED COASTAL ZONE MANAGEMENT (CZM)? AREA? No Yes

7. RELATED ACTIONS BY CITY PLANNING

LIST ALL CURRENT OR PRIOR CITY PLANNING COMMISSION ACTIONS RELATED TO SITE:

Table with columns: APPLICATION NO., DESCRIPTION/ DISPOSITION/STATUS, CAL. NO., DATE. Content: See attached

8. RELATED ACTIONS BY OTHER AGENCIES

LIST ALL OTHER CURRENT OR PRIOR CITY, STATE OR FEDERAL ACTIONS RELATED TO APPLICATION:

Table with columns: REFERENCE NO., DESCRIPTION/ DISPOSITION/STATUS, CAL. NO., DATE

9. FUTURE ACTIONS REQUIRED

LIST ALL FUTURE CITY, STATE OR FEDERAL ACTIONS REQUIRED TO IMPLEMENT THE PROPOSED ACTION:

10. APPLICANT (Attach authorizing resolution(s), if applicable)

Edith Hsu-Chen, Director, Manhattan Office
NAME AND TITLE OF APPLICANT OR AUTHORIZED REPRESENTATIVE

Signature of Edith Hsu-Chen and date 5/5/16
SIGNATURE OF APPLICANT DATE

New York City Department of City Planning
APPLICANT'S COMPANY/AGENCY OR OTHER ORGANIZATION (IF ANY)

11. CO-APPLICANTS

NAME AND TITLE OF CO-APPLICANT OR AUTHORIZED REPRESENTATIVE SIGNATURE OF CO-APPLICANT DATE

(Attach authorizing resolution(s), if applicable)

CO-APPLICANT'S COMPANY/AGENCY OR OTHER ORGANIZATION

STREET ADDRESS CITY STATE ZIP TEL.NO. FAX

NAME AND TITLE OF CO-APPLICANT OR AUTHORIZED REPRESENTATIVE SIGNATURE OF CO-APPLICANT DATE

CO-APPLICANT'S COMPANY/AGENCY OR OTHER ORGANIZATION

STREET ADDRESS CITY STATE ZIP TEL.NO. FAX

ADMINISTRATIVE CODE

ANY PERSON WHO SHALL KNOWINGLY MAKE A FALSE REPRESENTATION ON OR WHO SHALL KNOWINGLY FALSIFY OR CAUSE TO BE FALSIFIED ANY FORM, MAP, REPORT OR OTHER DOCUMENT SUBMITTED IN CONNECTION WITH THIS APPLICATION SHALL BE GUILTY OF AN OFFENSE PUNISHABLE BY FINE OR IMPRISONMENT OR BOTH, PURSUANT TO SECTION 10-154 OF THE CITY OF NEW YORK ADMINISTRATIVE CODE.

NOTICE

THIS APPLICATION WILL BE DEEMED PRELIMINARY UNTIL IT IS CERTIFIED AS COMPLETE BY THE DEPARTMENT OF CITY PLANNING OR THE CITY PLANNING COMMISSION. ADDITIONAL INFORMATION MAY BE REQUESTED OF THE APPLICANT BY THE DEPARTMENT OF CITY PLANNING.

N 160308 ZRM

City Map Change MM

Proposed City Map Change
(Check appropriate boxes)

----- APPLICATION NO -----

1. ESTABLISH NEW..... STREET PARK PUBLIC PLACE GRADE

2. ELIMINATE EXISTING..... STREET PARK PUBLIC PLACE GRADE

3. CHANGE EXISTING STREET..... WIDTH ALIGNMENT GRADE

4. EASEMENT
Delineate New..... Remove Existing..... Modify Existing.....

5. RELATED ACQUISITION OR DISPOSITION OF PROPERTY

Zoning Map Change ZM

Proposed Zoning Map Change(s)

----- APPLICATION NO -----

(If more than five changes are being requested, enter "see attached" below and list ALL PROPOSED ZONING CHANGES in the same format as below on a separate sheet titled "Proposed Zoning Map Changes")

CHANGE #1	FROM:	EXISTING	TO:	PROPOSED
CHANGE #2	FROM:	EXISTING	TO:	PROPOSED
CHANGE #3	FROM:	EXISTING	TO:	PROPOSED
CHANGE #4	FROM:	EXISTING	TO:	PROPOSED
CHANGE #5	FROM:	EXISTING	TO:	PROPOSED

Zoning Text Amendment ZR

N 160308 ZRM

----- APPLICATION NO -----

If more than five sections are proposed to be amended, enter "see attached" below, and list ALL PROPOSED TEXT AMENDMENTS in the same format as below on a separate sheet titled "Proposed Zoning Text Amendments.")

Affected Zoning Resolution (ZR) Sections

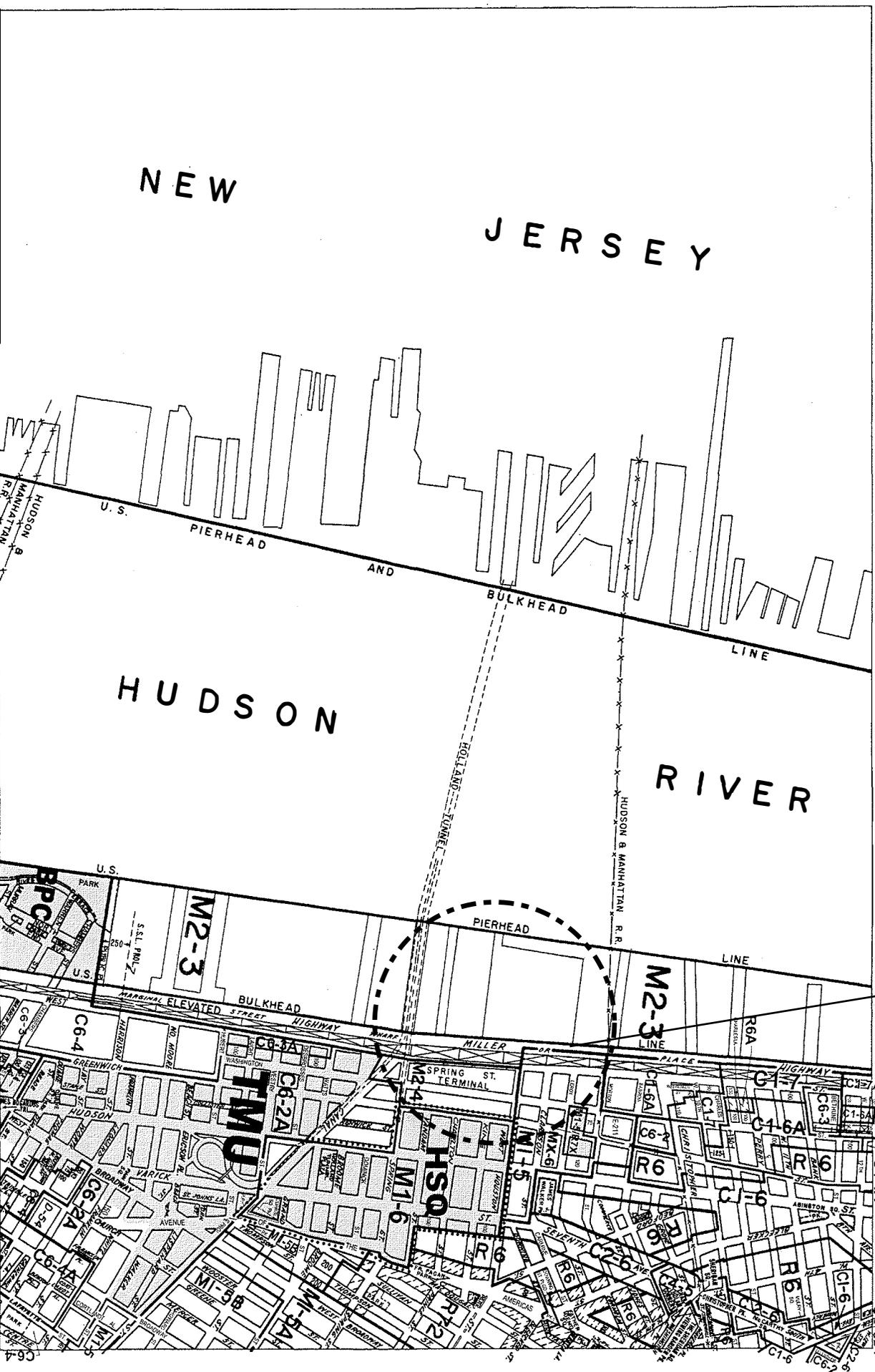
ZR SECTION NUMBER	ZONING RESOLUTION SECTION TITLE
<u>89-00</u>	<u>Hudson River Park</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

CITY PLANNING COMMISSION
 2016 MAY -6 AM 10:15
 DEPT. OF CITY PLANNING

Basic Form – LR

7. RELATED ACTIONS BY CITY PLANNING

Application Number	Description/Disposition/Status	Cal No	Date
N 160308 ZRM	Text Amendment		
160309 ZMM	Zoning Map Amendment		
160310 ZSM	Special Permit (89-21		
160311 ZSM	Special Permit (13-45 & 13-451, North Site)		
160312 ZSM	Special Permit (13-45 & 13-451, Center Site)		
160313 ZSM	Special Permit (13-45 & 13-451, South Site)		
N 160314 ZAM	Zoning Authorization (13-441)		
N 160315 ZAM	Zoning Authorization (13-441)		
N 160316 ZAM	Zoning Authorization (13-441)		
N 160317 ZCM	Chairperson's Certification (89-21(d)(i))		



Project Area

ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

Major Zoning Classifications:

The number(s) and/or letter(s) that follows on R, C or M District designation indicates use, bulk and other controls as described in the text of the Zoning Resolution.

- R - RESIDENTIAL DISTRICT
- C - COMMERCIAL DISTRICT
- M - MANUFACTURING DISTRICT

SPECIAL PURPOSE DISTRICT
The letter(s) within the shaded area designates the special purpose district as described in the text of the Zoning Resolution.

..... AREAS) REZONED

Effective Date(s) of Rezoning:
03-20-2013 C 120380 ZMM

Special Requirements:

For a list of lots subject to CEQR environmental requirements, see APPENDIX C.
For a list of lots subject to "D" restrictive declarations, see APPENDIX D.
For Inclusionary Housing designated areas on this map, see APPENDIX F.

CITY MAP CHANGE(S):
▲ 8-28-2015 C 150203 MMM

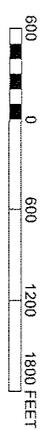
MAP KEY

8b	8d
12a	12c
12b	12d

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ZONING MAP 12a

NOTE: Zoning information as shown on this map is subject to change. For the most up-to-date zoning information for this map, visit the Zoning section of the Department of City Planning website: www.nyc.gov/planning or contact the Zoning Information Desk at (212) 720-3291



Special Hudson River Park District

Zoning Text Amendment

May 5, 2016

This is an application by the Department of City Planning for a zoning text amendment to establish Article VIII Chapter 9, the Special Hudson River Park District, to include Pier 40 (Block 656, Lot 1; the “granting site”) and the St. John’s Center (Block 596, Lot 1; the “receiving site” which, together with the granting site, comprises the “Project Area”) and include provisions for a special permit to allow the transfer of floor area from the granting site to the receiving site, and permit bulk modifications within the receiving site in the Hudson Square neighborhood in Manhattan Community District 2.

As part of a separate application, the owner of the St. John’s Center is seeking several actions, including the proposed special permit, to facilitate the redevelopment of the St. John’s Center with a mix of uses. The proposed project would include a transfer of floor area from Pier 40, in the Special Hudson River Park District, to the St. John’s Center.

Background

Occupying approximately 550 acres in and along the Hudson River waterfront from Chambers Street to West 59th Street, Hudson River Park (“Park”) has become one of the City’s and the State’s premier open space resources, drawing approximately 17 million visits each year. The Park serves the Tribeca, Greenwich Village, Hudson Square, Chelsea, Hell’s Kitchen and Clinton neighborhoods that immediately border it, and attracts users from across the City and region. The Park includes a dozen completed park piers, acres of landscaped walking paths and garden areas, four dedicated non-motorized boat houses, two mooring fields, four playgrounds, four dog runs and some of the most popular and heavily-used athletic fields in New York City.

Following a 10-year planning effort, the Park was established by New York State legislation, the Hudson River Park Act in 1998 (as amended, the “Act”). The Act identifies the Park’s boundaries, stipulates the Park’s operating framework and establishes the Hudson River Park Trust (“Trust”) as a public benefit corporation and 501(c)(3) to design, develop, operate and maintain the Park. Subsequently, and as required by the Act, a Multi-Purpose General Project Plan (the “GPP”) was adopted. Together with a zoning text amendment and certification, N 980175 ZRM and N 000105 ZCM, the Act and GPP set forth the regulations that govern the Park’s use and development. At its inception, it was envisioned that the Park would comprise upland, pier and water areas, with a continuous waterfront esplanade and that the Park would contain a mixture of active and passive public recreational facilities, maritime facilities, a variety of ecological, educational, cultural and historic features, and allow for some limited commercial uses at defined locations that would be compatible with park use and financially support the Park’s operations.

The State and City own the underlying Park property. The Trust leases the property from each entity and operates the Park. The City, through the Department of Parks and Recreation, owns the piers and upland areas from West 35th Street to West 59th Street. The State, through the Office of Parks, Recreation and Historic Preservation, owns the piers and upland areas from West 35th Street to the northern seawall of Battery Park City as extended east to Route 9A. The State Department of Environmental Conservation owns all lands under water between the US Pierhead Line to the west and constructed bulkhead to the east for the entire length of the Park. There are several properties outside of this ownership structure and the Trust’s control: Pier 78 is privately owned; Piers 88, 90, 92 and 94 are owned and operated by the City; and Pier 76 is currently controlled by the City Police Department for use as a tow pound. The Park is now approximately 70 percent complete and HRPT continues to plan, build out, manage, and operate the Park.

The Act defines particular uses that are and are not permitted throughout the Park, and restricts uses, locations and extent of construction within the Hudson River. Residential, manufacturing, hotel, casino, riverboat gambling and office uses (except at Pier 57) are prohibited throughout the park. On certain piers, including Pier 40, the Act allows “park/commercial uses,” defined as uses that are not prohibited, that are “compatible” with park uses and that are limited to water-dependent transportation, entertainment, retail, restaurant, certain media studios, commercial recreational uses and amusements, performing arts, educational facilities and, at Pier 57, primary office uses. Additionally, the Act allows certain revenue-generating uses as more particularly defined in the Act, including but not limited to authorized uses under the pre-existing Chelsea Piers lease as well as certain parking at Pier 40.

At many other piers, only “park uses” are permitted. Park uses primarily consist of public open space uses, public recreation including the arts and performing arts, and a variety of other uses including but not limited to certain boating, environmental education and historic preservation uses. Pursuant to the Act, the only uses or structures within the Park which shall not be subject to zoning and other land use laws and regulations of the City are passive and active public open space uses. As a general premise, areas of the Park designated for park/commercial use are subject to zoning regulations. For Pier 40, the Act directs that at least 50 percent of the square footage of the footprint of the pier be devoted to active and passive recreational space, and allows for the remainder of the pier to be used for permissible park compatible commercial uses, including parking. Pier 40 is wholly in an M2-3 zoning district and, therefore, is allowed 2.0 FAR of floor area for uses permitted under the Act.

Pier 40, the granting site, is an approximately 15-acre pier in Hudson River Park built as a passenger ship terminal for the Holland America Line in 1958. The pier ceased passenger operations in the late 1960s and, in subsequent years, began housing a parking garage and depot operations for Federal Express and the New York Times. Today, the pier includes approximately 5 acres of actively-used playing fields, a public parking garage over three levels with approximately 1,900 spaces, and the administrative offices of the Trust, among other uses. The playing fields at Pier 40, which are open-air and located on the roof of the pier building, are used by numerous community athletic programs, including Greenwich Village Little League, Downtown Little League, Gotham Girls Football Club, the Pier, Park, and Playground Association, Downtown Soccer League, and Downtown United Soccer League. The pier serves as a critical active open space resource for the community. The Act stipulates that, to the extent practicable, the costs of operation and maintenance of the Park be paid by revenues generated within the Park. Revenues derived from Pier 40 constitute more than 30% of the Trust’s operating budget.

Pier 40 has experienced significant deterioration of its supporting piles and roof. Over the past four years, the Trust has spent approximately \$18 million on urgent repairs to maintain Pier 40 and its parking facility in safe operating condition, and has contracted for an additional \$14 million to repair damage caused by Hurricane Sandy. An engineering study commissioned by the Trust and issued in March 2015 found that the pier piles were in overall “poor” condition, with 35 percent of the 3,463 steel piles graded in “severe” condition and an additional 22 percent needing “major” repair. In recent years sections of the roof have deteriorated significantly, forcing the closure of portions of the revenue-generating parking garage to ensure public safety. The closures have eliminated revenue from approximately 500 parking spaces. These structural concerns threaten an important open space resource as well as one of the Park’s most important sources of revenue, thereby posing considerable risk to the viability of the greater Park.

In the past fifteen years, there have been two unsuccessful Requests for Proposals to redevelop Pier 40 and allow limited private development as permitted by the Act. Separately, consideration was also given to amending the Act to allow a greater range of uses, and to lengthen the Act’s permissible sublease term beyond the maximum legislatively prescribed length of thirty years. These efforts have not yielded a solution to provide the necessary funding for Pier 40’s repairs. In 2013, the State adopted an amendment to the Act allowing the transfer by sale of unused development rights, generated by park/commercial piers, to properties one block east of the Park, to the extent permitted under local zoning law. The amendment further prescribes that any revenue generated from the sale of

development rights from Pier 40 must be used first to rehabilitate Pier 40's infrastructure, including its piles and roof.

The zoning text amendment proposed by the Department of City Planning would introduce the Special Hudson River Park District to enable the transfer of floor area from Pier 40 to the receiving and development site, the St. John's Center at 550 Washington Street.

Surrounding Area

The Project Area, Pier 40 and the St. John's Center site, are located at the crossroads of three neighborhoods: Hudson Square to the east, the West Village to the north and Tribeca to the South. Significantly, the sites are also bordered by or are on the Hudson River. The blocks that immediately surround the Project Area are representative of the amalgam of uses, building typologies and infrastructure that have defined the neighborhood over its industrial history and more recent revitalization. Pier 40 itself and the building that stands on the receiving site are emblematic of the waterfront industry, shipping and distribution that have, over time, largely left the area. Blocks to the north, concentrated in the West Village, are chiefly residential with amenities and facilities to serve the residential population. Hudson Square, to the east, contains a stock of large, high lot-coverage loft buildings that were previously a hub for the printing sector and are now an established office, and increasingly residential, district. Tribeca to the south is separated from the Project Area by Canal Street, and is characterized by a blend of residential and office uses with a strong retail and restaurant presence.

Residential uses are primarily located in the West Village and Tribeca, and are mainly comprised of converted manufacturing buildings, apartment buildings of varying heights, and row houses. In recent years, there has been a rise in residential development on the blocks that immediately border the Project Area and Hudson Square. The block to the north of Clarkson Street is currently being improved with a 12-story residential development. As has been noted, commercial uses dominate the large-lot, former manufacturing buildings in Hudson Square. The Hudson Square area also contains several parking facilities and storage businesses. Ground floor retail lines many of the main corridors, including Christopher, Hudson, Greenwich, and Canal streets. Some manufacturing uses still operate on the blocks adjacent to the Project Area. The superblock to the east, across Washington Street, is an active UPS distribution facility. Federal Express also occupies two facilities on blocks north of Clarkson Street. Directly abutting the St. John's Center site to the south is a recently completed Department of Sanitation garage, with salt shed across Spring Street.

The most proximate open space is the 550-acre Hudson River Park, which extends from approximately Chambers Street to West 59th Street. The section of the Park nearest the Project Area includes Pier 45 with shade structures, seating areas, wood decking and grass lawns. Other nearby public recreational space includes Canal Park, at Canal and West Streets, James J. Walker Park and the Tony Dapolito Recreation Center on the block bounded by Hudson, Leroy, and Clarkson Streets and Seventh Avenue South. The Church of Saint Luke in the Fields, bounded by Barrow, Christopher, Hudson, and Greenwich Streets, includes a chapel, parochial school, denominational housing, and gardens. Other institutional and community facility uses include the Hudson Park Library at 66 Leroy Street, City As School at 16 Clarkson Street, the New York City Fire Museum at 278 Spring Street, and the Metro New York Developmental Disabilities Service Office at 75 Morton Street.

Area transit includes the No. 1 line Houston Street subway station, several bus lines and New York Water Taxi service from the Christopher Street pier. The Hudson River Greenway bicycle route extends the length of Manhattan's west side on Route 9A. The entrance to the Holland Tunnel is located near Hudson and Canal Streets.

The zoning districts in the surrounding area are as varied as the neighborhood's uses and building typologies. The receiving and development site, St. John's Center, is in the M1-5 and M2-4 zoning districts. M1-5 extends north to Morton Street and east to Varick Street. M1-5 permits 5.0 FAR of commercial and manufacturing uses, 6.5 FAR for some community facility uses. M2-4 is mapped over

the southern segment of the development site and includes the block to the east, to Greenwich Street, and extends south to Spring Street. M2-4 also permits 5.0 FAR, is more restrictive with respect to some uses. For example, hotels are not permitted in M2-4 districts. Bulk is subject to the sky exposure plane above a height of 85 feet from the street line in both districts. M2-3 is mapped over Pier 40 and extends along the Hudson River to the north and south. It allows 2.0 FAR of commercial and manufacturing uses. Buildings in these manufacturing districts, many still serving a manufacturing use, such as shipping, distribution and vehicle repair, are generally low-rise, not exceeding 60 feet and constructed to their permitted densities of between 4.0 and 5.0 FAR.

The Special Hudson Square District, adopted in 2013, is mapped over several blocks bounded by Greenwich Street to the west, West Houston Street to the north, Canal Street to the south and Avenue of the Americas to the east. The special district is one block east of the proposed Special Hudson River Park District. The Special Hudson Square District was created to support the growth of a mixed residential, commercial and industrial neighborhood, recognizing that the formerly manufacturing area could harmoniously balance these uses. The underlying zoning district is M1-6, which permits 10 FAR. The special district permits 12 FAR with the provision of inclusionary housing. Bulk regulations are contextual, to match the existing stock of large floor-plate, high street-wall former printing buildings. Street walls are required at the street line for between 125 and 150 feet on wide streets, and 60 feet and 125 feet on narrow streets. Generally, maximum building heights are 290 feet on wide streets and 185 feet on narrow streets. In Subdistrict A, at the intersection of the Avenue of the Americas and Canal Street at Duarte Square, the maximum building height is 430 feet. Buildings in the Special Hudson Square District immediately east of the project area that occupy full blocks, particularly along Hudson Street and West Houston Street, are built to densities of between 9 and 16 FAR, with heights between 180 and 260 feet.

To the northeast of the project, there is an MX-6 Special Mixed Use District comprised of M1-5 and R7X designations, that was mapped in 2008 and covers portions of two blocks between by Morton, Leroy, Washington, and Hudson Streets. A mixture of commercial, residential, and light industrial uses can be developed as-of-right to a maximum 5.0 FAR.

A C1-6A contextual district is mapped north of Morton Street and west of Washington Street in the West Village. The maximum FAR permitted is 2.0 for commercial uses and 4.0 for residential uses. C6-2A, also a contextual district, is mapped south of Spring Street. It allows a wider range of uses than C1-6A, the maximum FAR is 6.0 for commercial uses and 6.02 for residential uses. Buildings here are generally built to between 90 and 140 feet, and varying densities.

Proposed Project Area

The Project Area is subject to the proposed zoning text amendment to establish the Special Hudson River Park District and includes two sites in the special district: the granting site and the receiving site.

- Granting site: Pier 40 is a park/commercial pier, as stipulated in the Act, in the Hudson River at the intersection of West Houston Street. The zoning lot, which includes land under water, is 1,096,075 square feet. The footprint of the pier structure (the area that, according to the Zoning Resolution, is used for the purpose of determining allowable floor area) is 672,328 square feet. The zoning lot is currently constructed with 673,074 square feet of floor area. The entire zoning lot is in the M2-3 zoning district, which permits 2.0 FAR. The total amount of unused floor area is 671,582 square feet.
- Receiving site: St. John's Center across West Street and immediately east of Pier 40, the granting site. It is a 213,654 square-foot zoning lot over two city blocks, which is bounded by West, Clarkson and Washington streets, and a line approximately 415 feet north of Spring Street. The single tax lot and zoning lot is bisected by West Houston Street, a mapped street. Deducting the area of the zoning lot occupied by West Houston Street, the zoning lot is 196,410 square feet in area. The block north of West Houston Street is in an M1-5 zoning district (5.0 FAR); the remainder of the site to the south is in an M2-4 zoning district (5.0 FAR). The existing building comprises four stories and bridges over West Houston Street, which has three stories above it.

It occupies approximately 4.0 FAR. The northern portion is largely vacant, the southern portion of the building is occupied by commercial tenants, including back-office and communications uses, and is also used as temporary event space. The current warehouse building was constructed in 1934 as the southern terminus of the High Line, with extant railroad tracks entering the building on its second floor.

Actions Necessary to Facilitate the Project

The Department of City Planning proposes an amendment to the Zoning Resolution to establish Article VIII Chapter 9, the Special Hudson River Park District, which would encompass two sites, the Project Area, in the special district: a granting site in Hudson River Park and a receiving site, located one block inland from the Park. Further, the text would include provisions for a special permit that, if granted, would enable the transfer of development rights from the granting site to the receiving site, as well as certain bulk modifications on the receiving site.

The text amendment designates Pier 40 at West Houston Street and the Hudson River, in Hudson River Park, as the granting site. The text additionally identifies the St. John's Center site at 550 Washington Street as the receiving site, which is bounded by West, Clarkson and Washington streets, and a line 415 feet north of Spring Street. Under a separate application, the property owner of 550 Washington Street seeks several actions, including the Special Hudson River Park District special permit for the transfer of floor area, to effectuate the redevelopment of the site.

The objectives of the Special Hudson River Park District include, among other goals:

- to facilitate the repair and rehabilitation of piers, bulkheads and infrastructure within the Hudson River Park, and facilitate their maintenance and development, through the transfer of development rights within the Special Hudson River Park District;
- to promote an appropriate range of uses that complements Hudson River Park and, to the extent housing is included, to serve residents of varied income levels; and
- as is consistent with all special districts, to promote the most desirable use of land and development in the area.

Special permit

The special permit under proposed section 89-21, "Transfer of Floor Area from Hudson River Park" enables the Commission to permit the transfer of floor area from the granting to the receiving site and, on the receiving site, to modify bulk regulations. The transfer of development rights from the Park to the designated receiving site will support the essential repair of Pier 40's infrastructure as required by the Act. The pier, which is a core source of financial support for the Park and a major recreational resource for the community, is in significant disrepair. Pier 40 also has the potential to be a greater asset to the Park's financial health, just as was envisioned in the Act and GPP at the Park's inception. However, the pier's poor structural condition prevents Pier 40 from being improved in a manner that would realize its full intended purpose.

The proposed special district text also supports the opportunity to redevelop the St. John's Center site, a large, underutilized and inactive parcel, into a vital part of an increasingly mixed-use and dynamic neighborhood. Very significantly, the site is able to accommodate a program of affordable housing that is a benefit to the immediate community as well as the diversity of New York City's housing stock.

In addition to the transfer of floor area, the special permit would allow the Commission to grant waivers of bulk requirements on the receiving site to facilitate a distribution of floor area that relates well to the adjacent Park and, on the receiving site, promotes an improved site plan and configuration of buildings that enhance the site and respond to adjacent streets and its location on West Street and the Hudson River.

Further, on the receiving site, the Commission may allow the distribution of floor area across the receiving site irrespective of zoning lot boundaries and permit the receiving site to be treated as a single

zoning lot. The St. John's Center site is roughly the size of a full city block and currently extends across two zoning districts, and is proposed, as part of the private applicant's separate set of actions, to be designated in three zoning districts. In order to efficiently and effectively appropriate floor area across the site, the proposed zoning text would allow the flexibility to allocate floor area generated on the receiving site across district boundaries. The existing St. John's Center building is constructed across West Houston Street, a mapped street. The Department of Buildings has issued a determination that the site is both a single tax lot and a single zoning lot. Typically, a single zoning lot cannot be intersected by a city street. Given the receiving site's present condition, the determination by the Department of Buildings and the unified site plan proposed as part of the private set of actions, the proposed text would maintain the status of the receiving site as a single zoning lot with the stipulation that West Houston Street not generate floor area and be subject to height and setback requirements.

The proposed text amendment anticipates that, among the actions that may be proposed with the Special Hudson River Park District special permit, the owner of the receiving site may additionally seek a zoning map amendment to allow a greater variety of uses and an increase in permitted floor area that complements the sought floor area transfer and bulk modifications. As part of a separate application, the owner of St. John's Center is proposing a zoning map amendment to change manufacturing zoning districts to commercial zoning districts that will allow residential uses and a greater amount of floor area to be generated on the receiving site. The proposed Special Hudson River Park District text conditions the effectiveness of the new zoning districts on the use of the special permit. That is, absent the election of the special permit and construction pursuant to the special permit approvals, the receiving site is restricted to the regulations of the manufacturing zoning districts that apply today.

Application requirements

The Special Hudson River Park District text requires that, as part of a special permit application by the receiving site owner, the Hudson River Park Trust provides a statement identifying improvements in the Park that would be completed using proceeds from the transfer of floor area in conjunction with any other available funding. A statement from the Hudson River Park serves to underpin the upgrades planned for the Park and helps inform whether the special permit sought is appropriate in relation to the identified Park improvements.

In order to seek the special permit, a site plan, zoning analysis and drawings showing any proposed bulk modifications must also be submitted. These documents are subject to the Commission's review and constitute part of the approvals, if granted.

Conditions and limitations

The proposed text includes certain restrictions with regard to the transfer of floor area. On the granting site, any available development rights must exclude floor area already developed; once transferred, this floor area is permanently deducted from the granting site. The receiving site may only accommodate an amount of transferred floor area no greater than 20% of the floor area permitted on the receiving site pursuant to underlying district regulations. The 20% maximum is consistent with other transfer mechanisms in the Zoning Resolution, including Transfers of Development Rights from Landmark Sites pursuant to Section 74-79.

The special permit also requires that the granting site and Park improvements are in the same Community District as or within one-half mile of the receiving site. The geographic stipulation helps to ensure that the area that is seeing development associated with the transferred development rights is also the area that experiences enhancement of Hudson River Park.

If the development on the receiving site includes residential use, the program must include affordable housing in accordance with Section 23-90, "Inclusionary Housing." With the recent adoption of Mandatory Inclusionary Housing ("MIH") regulations, the Commission may apply MIH to special permits in special purpose districts pursuant to Section 23-934. The text provides that, where a discretionary special permit in a Special District would allow a modification of use and bulk provisions that are proposed as part of a significant increase in residential development, the Commission shall require the provision of affordable housing to the extent that such housing furthers the goals of the City's

Inclusionary Housing Program. Section 23-934 recognizes the area subject to special floor area transfer provisions pursuant to State legislation, and enables the Commission to adjust the income levels and percentages prescribed by Section 23-154(d) in a manner that remains consistent with the purposes of the Inclusionary Housing program.

Findings

The grant of the special permit is contingent on the Commission's ability to find that the proposed development, which seeks the transfer of development rights from the Hudson River Park, as well as modifications of bulk regulations on the receiving site, meets certain criteria.

With regard to the Park, the proposed project must further the goals of the special district, by including a transfer of floor area that facilitates the repair, rehabilitation, maintenance and development of the Hudson River Park and supports the completion of the identified improvements.

The receiving site must be conceived with a configuration and design of buildings that produces an improved site plan that yields structures that relate well to one another and relate well to surrounding streets and open areas. The program of uses must also complement the site plan. The transfer of floor area and waivers of bulk regulations must not be detrimental to light and air to the block, surrounding block or neighboring streets and public spaces. The permitted transfer and bulk modifications should also be appropriate in relation to the improvements that the Trust has identified that will be facilitated by the grant of the special permit. Finally, any proposed affordable housing must support the objectives of the Inclusionary Housing program.

Additional provisions

The Special Hudson River Park District text also creates two Chairperson's certifications to ensure that the receiving site can only be availed of the special permit if the owner of the receiving site has made payments to the Hudson River Park Trust associated with the transfer of floor area. The Department of Buildings cannot issue building permits until the Chairperson has certified that the receiving site owner and Trust have executed a payment schedule. The Department of Buildings also cannot issue a temporary certificate of occupancy until the Chairperson has certified that the Trust has submitted a letter confirming that either the entire payment associated with the transferred floor area has been made or that payments are in compliance with the executed payment schedule.

PROPOSED
HUDSON RIVER PARK
TEXT AMENDMENT

May 5, 2016

Matter underlined is new, to be added;

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

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

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

Article I: GENERAL PROVISIONS

Chapter 1 - Title, Establishment of Controls and Interpretation of Regulations

* * *

**11-122
Districts established**

* * *

Special Purpose Districts

* * *

Establishment of the Special Hillside Preservation District

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

Establishment of the Special Hudson River Park District

In order to carry out the special purposes of this Resolution as set forth in Article VIII, Chapter 9, the #Special Hudson River Park District# is hereby established.

Establishment of the Special Hudson Square District

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

* * *

Chapter 2 – Construction of Language and Definitions

**12-10
DEFINITIONS**

* * *

Special Hillside Preservation District

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

Special Hudson River Park District

The “Special Hudson River Park District” is a Special Purpose District designated by the letters “HRP” in which special regulations set forth in Article VIII, Chapter 9, apply.

Special Hudson Square District

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

* * *

Article VIII: SPECIAL PURPOSE DISTRICTS

Chapter 9: Special Hudson River Park District

89-00

GENERAL PURPOSES

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 to 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 complements 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.

89-01

General Provisions

The provisions of this Chapter shall apply within the #Special Hudson River Park District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

89-02

Definitions

For the purposes of this Section, matter in italics is defined in Section 12-10 (DEFINITIONS) or within this Section.

Granting site

Within the #Special Hudson River Park District#, the “granting site” is a #zoning lot#, within the area identified as “A1” on the map in the Appendix, upon which development is regulated by contract, lease, covenant, declaration or otherwise to assure compliance with the purposes of this Special District and from which floor area may be transferred.

Receiving site

Within the #Special Hudson River Park District#, the “receiving site” is a #zoning lot#, within the area identified as “A2” on the map in the Appendix, to which floor area of the #granting site# may be transferred.

89-03

District Plan and Maps

The regulations of this Chapter are designed to implement the #Special Hudson River Park District# Plan. The District Plan includes the map, “Special Hudson River Park District” in the Appendix to this Chapter which is hereby incorporated and made part of this Resolution for the purpose of specifying locations where special regulations and requirements set forth in this Chapter apply.

89-10

USE AND BULK REGULATIONS

The #use# and #bulk# regulations applicable to the #receiving site# shall be modified as follows:

(a) C6-4 Districts

The #use# and #bulk# regulations of the C6-4 District shall not apply. In lieu thereof, the #use# and #bulk# regulations of an M1-5 District shall apply.

(b) C6-3 and M1-5 Districts

The #use# and #bulk# regulations of the C6-3 and M1-5 Districts shall not apply. In lieu thereof, the #use# and #bulk# regulations of an M2-4 District shall apply.

However, on a #receiving site#, for any #development# or #enlargement# that is the subject of a special permit granted by the City Planning Commission pursuant to Section 89-21 (Transfer of Floor Area from Hudson River Park), the #use# and #bulk# regulations of the underlying C6-3, C6-4 or M1-5 District shall only apply to such approved #development# or #enlargement#.

89-20

SPECIAL PERMITS

89-21

Transfer of Floor Area from Hudson River Park

The City Planning Commission may permit a transfer of #floor area# from a #granting site# to a #receiving site#, may permit distribution of total allowable #floor area# of a #receiving site# without regard for zoning district boundaries, may permit that such #receiving site# be treated as

a single #zoning lot# for all purposes of this Resolution, and may modify #bulk# regulations for a #development#, #enlargement# or #conversion# located on such #receiving site#.

(a) Application requirements

All applications for a special permit pursuant to this Section shall include the following:

- (1) a survey of the #granting site# illustrating existing #buildings# to remain on the #granting site# and zoning calculations indicating the #floor area# on the #granting site# and within such #buildings#;
- (2) a survey of the #receiving site# and a site plan illustrating the proposed #development#, #enlargement# or #conversion# on such lot, and associated zoning calculations demonstrating compliance with the conditions and limitations set forth in this special permit;
- (3) drawings that illustrate any proposed #bulk# modifications for the proposed #development#, #enlargement# or #conversion# on the #receiving site#; and
- (5) a statement from the Hudson River Park Trust identifying improvements to be made to Hudson River Park, and indicating that the transfer of #floor area# pursuant to this Section, in combination with any other available funding, would be sufficient, according to the Trust's estimate, to complete such identified improvements.

(b) Conditions and limitations

All applications for a special permit pursuant to this Section shall comply with the following conditions:

- (1) the maximum #floor area# that may be transferred from the #granting site# shall be the maximum #floor area# permitted for the #granting site# under the applicable district regulations if it were undeveloped, less the #floor area# of all #buildings# on such #granting site#;
- (2) the increase in #floor area# on the #receiving site# allowed by the transfer of #floor area# to such #receiving site# shall in no event exceed 20 percent of the maximum #floor area# permitted on such #receiving site# by the underlying district;
- (3) the transfer, once completed, shall irrevocably reduce the amount of #floor area# that can be utilized by the #granting site# by the amount of #floor area# transferred;
- (4) the #granting site# and location of identified improvements to be made to the Hudson River Park in connection with the proposed transfer of #floor area# are located in the same Community District as the #receiving site#, or within one-half mile of the #receiving site#;
- (5) if the proposed #development#, #enlargement# or #conversion# on the #receiving site# includes #residential floor area#, it shall provide #affordable housing# in accordance with Section 23-90 (Inclusionary Housing);

- (6) the portion of the #receiving site# located over West Houston Street shall not generate #floor area#, and no #floor area# shall be located directly above West Houston Street; and
- (7) the height and setback requirements of the applicable district shall apply to the portions of the #receiving site# located on each side of the mapped #street lines# of West Houston Street.

(c) Findings

The Commission may grant the transfer of #floor area# 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#:
 - (i) 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;
 - (ii) the location and quantity of the proposed mix of #uses# will complement the site plan;
 - (iii) 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 or users of #buildings# on the #block# or nearby #blocks#, or of people using the public #streets# and other public spaces;
 - (iv) such transferred #floor area# and any proposed modifications to #bulk# are appropriate in relation to the identified improvements to Hudson River Park; and
 - (v) 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.

(d) Additional requirements

The City Planning Commission shall receive a copy of a transfer instrument legally sufficient in both form and content to effect 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

recording 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 the #receiving site# that are a party to such transfer.

On a #receiving site#, for any #development# or an #enlargement# that is the subject of a special permit granted by the Commission 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.

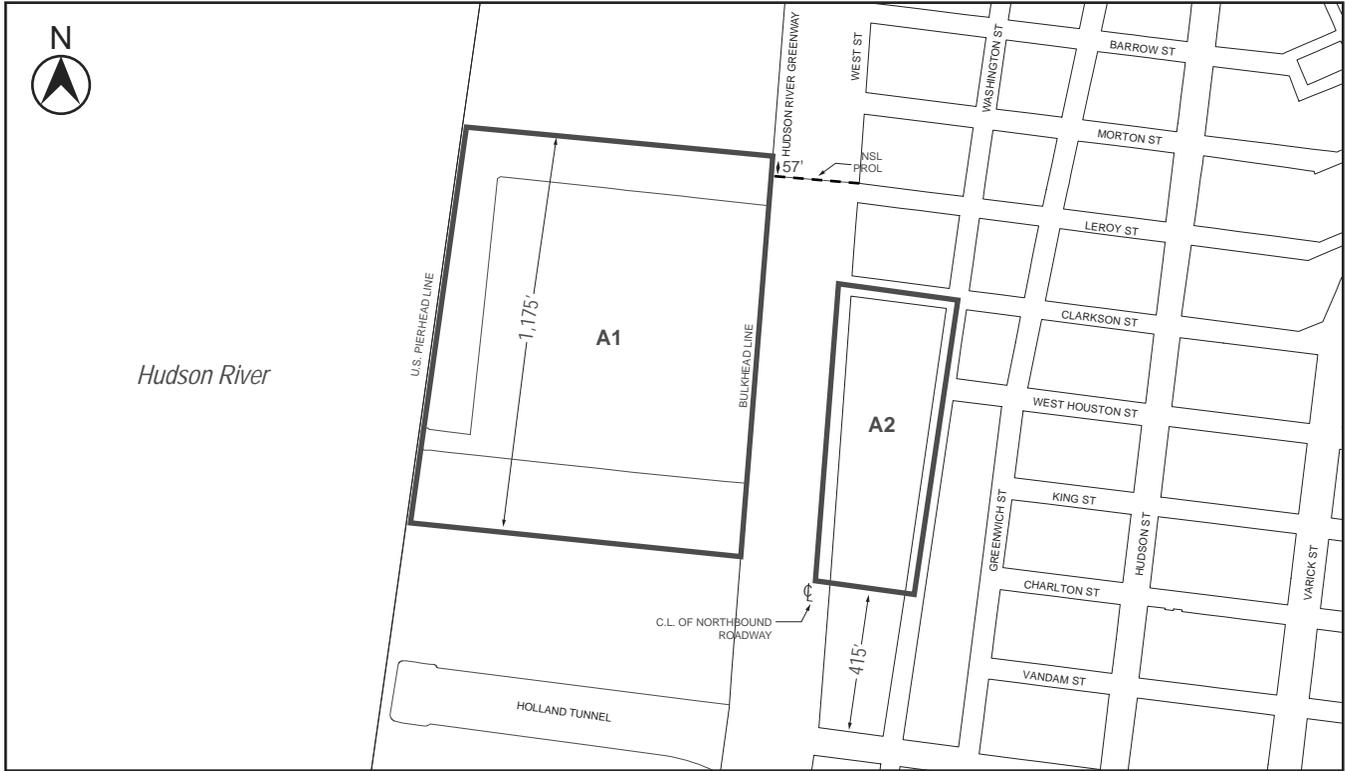
APPENDIX

* * *

(date of adoption)

**Appendix
Special Hudson River Park District Plan**

Transfer of Floor Area - Granting and Receiving Sites



— Special Hudson River Park District

A1 Granting Site

A2 Receiving Site