



Legislation Text

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THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 1342

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 160308 ZRM, 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 (L.U. No. 506).

By Council Members Greenfield and Richards

WHEREAS, the City Planning Commission filed with the Council on October 17, 2016 its decision dated October 17, 2016 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the New York City Department of City Planning, for an amendment of the text 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. The amendment in conjunction with the other related actions would facilitate the redevelopment of 550 Washington Street with a mix of uses over five buildings and open areas, including a designated public access area, in Manhattan Community District 2. The development would include 1,711,000 total square feet with 1,289,000 square feet of residential floor area, of which 328,700 square feet would be permanently affordable; 200,000 square feet of retail and event space; and 222,000 square feet of office or hotel use; three separate accessory parking facilities below grade with a total of 772 spaces; and additionally, would enable a transfer of floor area to support the repair and rehabilitation of Pier 40 in the Hudson River Park, (Application No. N 160308 ZRM), Community District 2, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to applications C 160309 ZMM (L.U. No. 507), an amendment of the Zoning Map, Section No. 12a: changing from an M1-5 District to a C6-4 District property bounded by Clarkson Street, Washington Street, West Houston Street, and West Street; 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; 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 establishing a Special Hudson River Park District (HRP) bounded by: (a) Clarkson Street, Washington Street, a line 415 feet northerly of Spring Street, and West Street; and (b) a line 57 feet northerly of the westerly prolongation of the northerly street line of Leroy Street, the U.S. Pierhead Line, a line 1118 feet southerly of the westerly prolongation of the northerly street line of Leroy Street, and the U.S. Bulkhead Line; C 160310 ZSM (L.U. No. 508), a special permit pursuant to Section 89-21 to allow the distribution of 200,000 square feet of floor area from a granting site (A1, Block 656, Lot 1) to a receiving site (A2, Block 596, Lot 1), and to modify the height and setback requirements of Sections 23-60 (Height and Setback Regulations) and Section 43-40 (Height and Setback Regulations), the height factor requirements of 23-151 (Basic regulations for R6 through R9 Districts) and the rear yard requirements of Section 43-20 (Rear Yard Regulations), in connection with the proposed mixed use development; C 160311 ZSM (L.U. No. 509), a special permit pursuant to Sections 13-45 and 13-451 to allow an attended accessory parking garage with a maximum capacity of 236 spaces on portions

of the ground floor and cellar on the North Site of the proposed mixed use development; C 160312 ZSM (L.U. No. 510), a special permit pursuant to Sections 13-45 and 13-451 to allow an attended accessory parking garage with a maximum capacity of 372 spaces on portions of the ground floor and cellar on the Center Site of the proposed mixed use development; and C 160313 ZSM (L.U. No. 511), a special permit pursuant to Sections 13-45 and 13-451 to allow an attended accessory parking garage with a maximum capacity of 164 spaces on portions of the ground floor and cellar on the South Site of the proposed mixed use development;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on December 1, 2016;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council is aware that commercial development is limited within Hudson River Park by the Hudson River Park Act, and understands that the Hudson River Park Trust intends to use the remaining floor area generated by Pier 40 on Pier 40 so as to generate needed funds for the park, should the Hudson River Park Act be amended; and

WHEREAS, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (“FEIS”), for which a Notice of Completion was issued on October 6, 2016 (CEQR No. 16DCP031M), and the CEQR Technical Memorandum 001 dated October 17, 2016 and the CEQR Technical Memorandum 002 dated December 9, 2016 (together, the “CEQR Technical Memoranda”);

RESOLVED:

Having considered the FEIS and the CEQR Technical Memoranda with respect to the Decision and Application, the Council finds that:

- (1) The FEIS and CEQR Technical Memoranda meet the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the Revised Proposed Project Alternative adopted herein is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FEIS and CEQR Technical Memoranda will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration marked as Exhibit A, as modified by the City Council as of December 5, 2016, those project components related to the environment and mitigation measures that were identified as practicable and the placement of (E) designation (E-384) for Air Quality and Noise; and
- (4) The Decision together with the FEIS and the CEQR Technical Memoranda constitute the written

statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 160308 ZRM, incorporated by reference herein, the Council approves the Decision with the following modifications:

N 160308 ZRM

- Matter in underline is new, to be added;
- Matter in ~~strikeout~~ is old, to be deleted;
- Matter within ## is defined in Section 12-10;
- Matter in double ~~strikeout~~ is text deleted by the Council;
- Matter in double underline is new text added by the Council;
- * * * indicates where unchanged text appears in the Zoning Resolution

Article I: GENERAL PROVISIONS

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

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**11-122
Districts established**

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Special Purpose Districts

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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.

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Chapter 2 - Construction of Language and Definitions

12-10

DEFINITIONS

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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 given that commercial development is limited by the Hudson River Park Act;
- (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 establish criteria for any and all transfers of air rights from the Hudson River Park to inland areas; and
- (c)(d) 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 to this Chapter, 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 this Chapter, to which #floor area# of the #granting site# may be transferred.

Required funds

Within the #Special Hudson River Park District#, the “required funds” are the specified amount of funds required to effectuate the transfer of #floor area#, pursuant to Section 89-21(a), set forth in a statement from the Hudson River Park Trust.

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#, #enlargement# or #conversion# 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#, #enlargement# or #conversion#.

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
- (4) a statement from the Hudson River Park Trust identifying improvements to be made to Hudson River Park, and indicating that payment of the #required funds# necessary to effectuate 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# for the proposed special permit #development#, 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.
- (8) no more than 200,000 square feet of #floor area#, in the aggregate, shall be transferred to #receiving sites# located within the boundaries of Manhattan Community Board 2.

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

On a #receiving site#, for any #development#, #enlargement# or #conversion# 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 Purchase and Sale Agreement a payment schedule for the amount of the #required funds#, specified in (a)(4) hereof, associated with the transfer of #floor area#, and that all of such #required funds# have either been irrevocably paid to Hudson River Park Trust or will be paid in accordance with a payment schedule and secured by a cash equivalent, such as a letter of credit, in accordance with such Purchase and Sale Agreement; or
- (2) issue a temporary or final 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 of the #required funds# specified in (a)(4) hereof, associated with the transfer of #floor area#, has been irrevocably made by the owner of such #receiving site# to the Hudson

River Park Trust, or that Hudson River Park Trust has drawn down on the security such that no portion of the #required funds# is outstanding and that all required funding tools and/or payments are in satisfactory compliance with the executed payment schedule.

Any modification of a special permit previously issued pursuant to this Section which proposes a change to the amount of #required funds# shall be referred to the affected Community Board for a period of at least 45 days. The City Planning Commission shall not act upon the modification application until the completion of the Community Board review period.

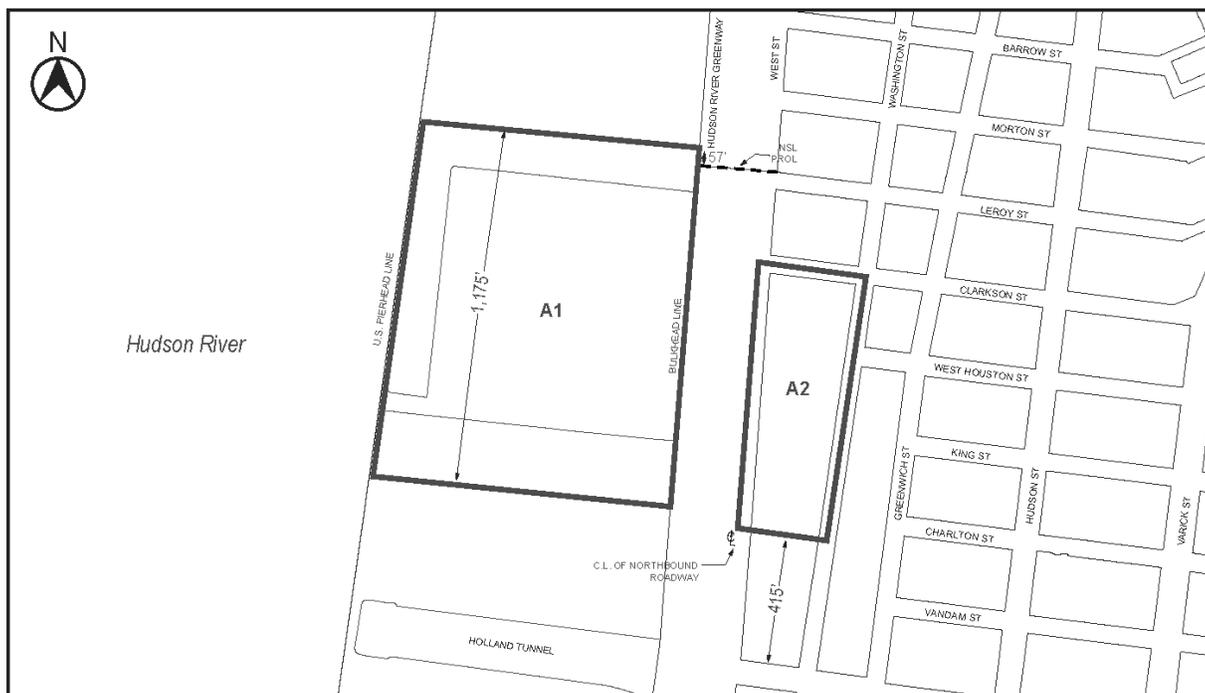
The Commission may prescribe additional appropriate conditions and safeguards to improve the quality of the #development#, #enlargement# or #conversion# and minimize adverse effects on the character of the surrounding area.

* * *

(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

Adopted.

Office of the City Clerk, }
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on December 15, 2016, on file in this office.

.....
City Clerk, Clerk of The Council