Chapter 3: Land Use, Zoning, and Public Policy

A. INTRODUCTION

This chapter considers the potential for the proposed actions to result in significant adverse impacts to land use, zoning, and public policy. Under the guidelines of the 2014 *City Environmental Quality Review (CEQR) Technical Manual*, this detailed analysis evaluates the uses and development trends in the area that may be affected by the proposed actions and determines whether the proposed actions are compatible with those conditions or may otherwise affect them. The analysis also considers the proposed actions' compatibility with zoning regulations and other applicable public policies in the area.

As described in Chapter 1, "Project Description," and Chapter 2, "Analytical Framework," in the future with the proposed actions (the With Action condition) the St. John's Terminal Building at 550 Washington Street (the development site) is assumed in this Environmental Impact Statement (EIS) to be redeveloped with one of two development programs—the proposed project or the proposed project with big box retail—either of which would include residential uses (including 30 percent of units and 25 percent of floor area across the proposed project that would be permanently affordable), retail uses, a hotel or office use, event space, new publicly accessible open space, and accessory parking. Both development programs are considered in this analysis. In the future without the proposed actions (the No Action condition), the development site is assumed to be redeveloped with retail, office, hotel, event, and accessory parking uses. The increments between the No Action and With Action conditions, taken together with the proposed changes in land use and zoning, form the basis for the analysis presented in this chapter.

PRINCIPAL CONCLUSIONS

The detailed analysis presented in this chapter concludes that the proposed actions would not have a significant adverse impact on land use, zoning, or public policy.

DEVELOPMENT SITE

The With Action condition considers two development programs: the proposed project and the proposed project with big-box retail. Both would demolish the existing building similar to the No Action project. Both would construct new mixed-use buildings on the North, Center, and South Sites. In contrast to the No Action condition, the proposed project would be largely residential. The full build out of the 1,961,200-gsf is assumed to include up to approximately 1,586 residential units (including up to approximately 476 permanently affordable units) and approximately 160,000 gsf of retail uses, 229,700 gsf of hotel or office space, 20,750 sf of publicly accessible open space, and cellar-level parking. With the proposed project, an open space that would be private in the No Action condition would instead be publicly accessible open space.

The proposed mix of uses would be consistent with the mixed-use character of the surrounding study area and would reflect the ongoing trend towards residential use. The proposed project would add to the row of residential uses that would stretch south from Christopher Street.

The proposed project would be compatible with and would support use of the Hudson River Park. The development site is a prominent location, and its redevelopment would contribute to enlivening the waterfront and improving the visual character of the area. Active ground-floor retail and other uses would enhance the pedestrian experience, as would the proposed removal of portions of the platform spanning West Houston Street. The proposed retail uses are expected to include a mix of destination retail uses and local retail uses that serve the needs of the surrounding neighborhood. The proposed parking uses would also be appropriate given the demand for parking created by the new uses and the proximity of the development site to Route 9A.

The siting of commercial uses on the South Site has been designed taking into account nearby light industrial and transportation uses, including the new New York City Department of Sanitation (DSNY) facility. Residential entrances and loading areas for the proposed buildings have also been located away from the portion of Washington Street where there is active UPS loading and unloading. The affordable senior housing building is proposed for the North Site, where it would be farthest from the UPS and DSNY facilities. The proposed hotel use would be appropriate given the site's location in Lower Manhattan, an area that contains major destinations attracting tourists and business travelers.

The proposed actions would result in an increase in density on the development site. However, the proposed project would be consistent with the study area's land use and would enliven the development site by bringing a 24-hour population to this currently underutilized location. Overall, the proposed project and increase in density on the development site would not be considered a significant adverse land use impact.

With use of the proposed special permit created as part of the Special Hudson River Park District, 200,000 square feet of floor area would be transferred from Pier 40 to the development site. Payment for development rights would allow the Hudson River Park Trust (HRPT) to undertake critical infrastructure repairs to Pier 40. There would not be any changes to the uses on Pier 40 as a result of the proposed actions. The proposed repairs have been previously approved and have been awaiting funding. Therefore, the proposed project would not result in any significant adverse land use impacts on the granting site.

The proposed actions would only facilitate development on the development site, and would not result in any other land use changes in the study area. The study area would continue to have a mix of uses and an ongoing trend of residential and commercial development, in particular the new residential and other uses that are projected to be created in the Hudson Square neighborhood. Overall, the proposed actions would be compatible with and in support of land uses in the surrounding area and would not result in significant adverse land use impacts.

The proposed project with big box retail scenario would involve less parking on the site (412 spaces) and an increase in retail use to approximately 255,000 gsf. Other elements would be the same as the proposed project. Compared to the No Action condition it would bring a significant residential use with an important affordable housing component. It would also bring big box retail, a use which could not occur in the No Action condition. Big box would add to the mix of existing retail uses in the area and would be compatible with the other proposed destination and local retail uses on the development site. It would provide study area residents with access to

certain goods closer to home. As most of the big box use would be located below-grade, it would not affect the streetscape and visual character of the development site. Therefore, the potential inclusion of a big box use in the proposed project would not result in any significant adverse land use impacts on the development site.

ZONING

The proposed actions include the following approvals by the New York City Planning Commission (CPC):

- A Zoning Text amendment to establish the Special Hudson River Park District comprising Pier 40 as the granting site and the development site as the receiving site. The special district would provide a new special permit to allow floor area transfer, in accordance with the recent amendment to the Hudson River Park Act. It would also allow bulk waivers and require that residences serve a variety of income levels. The uses and increased density permitted by the proposed rezoning (described below), would not be applicable absent the grant of the special permit. The text amendment would also establish two Chairperson's Certifications to facilitate the floor area transfer.
- A Zoning Map amendment to map the Special Hudson River Park District and to rezone the development site. The North Site would be rezoned from M1-5 to C6-4 permitting residential use and increased density (10 FAR for residential and commercial uses). The Center Site would be rezoned from M2-4 to C6-3 permitting residential use and increased density (7.52 FAR for residential and 6 FAR for commercial use).The South Site would be rezoned from M2-4 to M1-5 permitting hotel use but not permitting residential use or changing the existing permitted density (5 FAR for commercial or manufacturing use).
- A special permit pursuant to the proposed Special Hudson River Park District to transfer 200,000 sf of floor area from Pier 40 to the development site and permit certain bulk waivers on the development site.
- Special permits pursuant to the Manhattan Core parking regulations (Zoning Resolution Section 13-45 and 13-451) for additional accessory parking in three separate parking facilities.
- Authorizations pursuant to Zoning Resolution Section 13-441 to allow three curb cuts for parking access on West Street, a wide street.
- A Chairperson's Certification pursuant to the proposed Special Hudson River Park District to allow a building permit for the proposed project to be issued, on the basis that the applicant and HRPT have agreed on payment terms for the transfer of floor area from Pier 40.
- The proposed mix of uses and the density that would result from the proposed actions would be compatible with surrounding uses. Compared to the No Action condition, the proposed project would provide substantial benefits to the surrounding community including permanently affordable housing at a range of income levels, including senior housing; publicly accessible open space; and improvements to the streetscape. The special permit process would also ensure that the massing of the proposed project is compatible with the surrounding area.

The floor area transfer will provide much needed funding for the repair of Pier 40. The proposed actions would not result in any significant adverse zoning impacts to the granting site.

The proposed actions would apply only to the development site and the granting site and would have no effect on zoning in the surrounding area. Therefore, the proposed actions would not result in a significant adverse impact to zoning in the surrounding study area.

Additionally, an approval from the New York State Department of Transportation (NYSDOT) for the proposed curb cut changes on Route 9A would be required. New York City Department of Transportation (NYCDOT) approval would also be required for the proposed widening of the west sidewalk on Washington Street adjacent to the development site.

PUBLIC POLICY

The proposed project would be consistent with the *Housing New York* plan and would result in a substantial amount of new permanently affordable housing at a variety of income levels, and would be supportive of this key public policy goal.

The proposed actions would be consistent with the city's sustainability goals, including those outlined in OneNYC by creating substantial new housing opportunities at a range of incomes; redeveloping underutilized sites along the waterfront with active uses; focusing development in areas served by mass transit; and fostering walkable retail destinations. The proposed project would also incorporate resiliency measures for future storm events. Overall, the proposed actions would be supportive of the applicable goals and objectives of OneNYC.

The proposed actions would not result in new development within or adjacent to any historic district designated by the New York City Landmarks Preservation Commission (LPC) and would be consistent with this public policy.

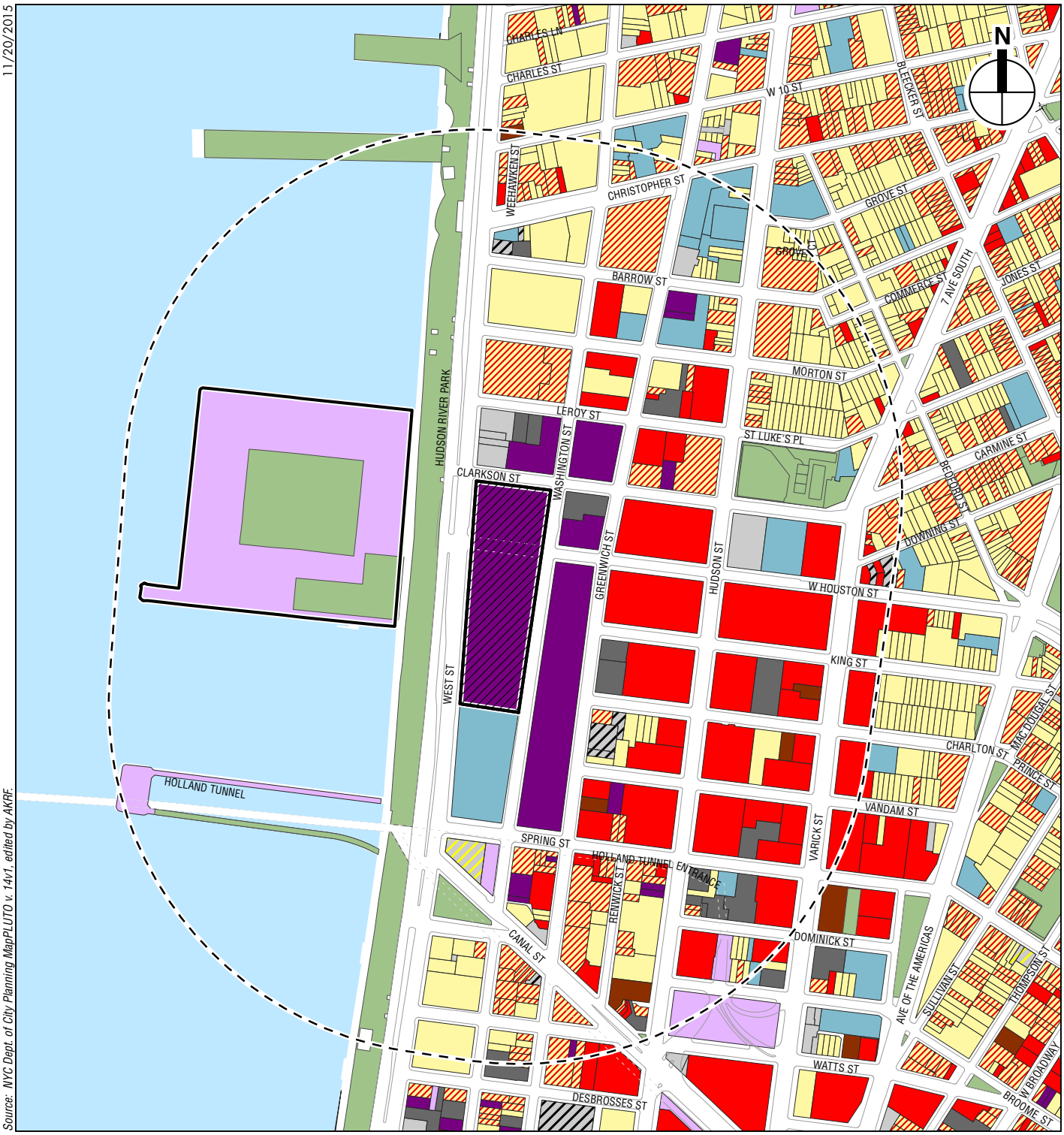
Located within the city's Coastal Zone, the proposed project is subject to review for consistency with the policies of the New York City Waterfront Revitalization Program (WRP) designed to maximize the benefits derived from economic development, environmental preservation, and public use of the waterfront, while minimizing the conflicts among those objectives. The proposed project is consistent with applicable WRP policies.

B. METHODOLOGY

Following the guidance of the 2014 *CEQR Technical Manual,* this analysis of land use, zoning, and public policy examines the area within ¼-mile of the development site, which is the area within which the proposed project could reasonably be expected to cause potential effects. The land use study area is generally bounded by Varick Street to the east, the Hudson River to the west, West 10th Street to the north and Desbrosses Street to the south (See **Figure 3-1**). The development site and most of the study area are within Community District 2; the portion of the study area south of Canal Street is located in Community District 1.

As described in Chapter 2, "Analytical Framework," in the future with the proposed actions (the With Action condition), the development site is assumed to be redeveloped with one of two development programs: the proposed project or the proposed project with big box retail. In addition, under both of these scenarios, the South Site could contain either hotel or office use. Both of these scenarios, including the potential for hotel or office use on the South Site, are considered in this detailed analysis.

The analysis begins by considering existing conditions in the study area in terms of land use, zoning, and public policy. The analysis then considers land use, zoning, and public policy in the No Action scenario in the 2024 analysis year by identifying developments and potential policy



11/20/2015

Source: NYC Dept. of City Planning MapPLUTO v. 14v1, edited by AKRF.

0 500 FEET

- Development Site
- Granting Site
- Study Area (Quarter-Mile boundary)
- Commercial and Office Buildings
- Hotels
- Industrial and Manufacturing
- Open Space and Outdoor Recreation
- Parking Facilities
- Public Facilities and Institutions
- Residential
- Residential with Commercial Below
- Transportation and Utility
- Vacant Land
- Vacant Building
- Under Construction

550 WASHINGTON STREET

Land Use
Figure 3-1

changes expected to occur within that time frame. Probable impacts of the proposed actions are then identified by comparing conditions in the With Action scenario with those conditions anticipated in the No Action scenario. Sources for this analysis include the New York City Department of City Planning (DCP), the New York City Department of Buildings (DOB) and recent environmental assessment and impact statements in the area, including the 2013 Hudson Square Rezoning Final Environmental Impact Statement and the 2010 North Tribeca Rezoning Environmental Assessment Statement.

C. BACKGROUND AND DEVELOPMENT HISTORY

Much of the study area was formerly controlled by Trinity Church, as part of the approximately 215-acre area granted to the Church by Queen Anne of England in 1705. Over time, Trinity Church sold much of its land and residential development occurred in the study area in the late 18th and early 19th centuries. In the 1840s and 1850s, growth from Lower Manhattan had pressed northward, the study area's earlier residents began moving uptown, and development in the area trended toward commercial and industrial uses. The land use pattern of the study area became characterized by warehouses, large industrial properties, and an active market area nearby ships docking at the piers on Canal and Clarkson Streets. By the late 1800s, the study area was primarily industrial in character.

In addition to the well-established port and shipping uses, other transportation-dependent industrial uses began to locate in the study area following the completion of the Holland Tunnel in 1927. In 1934, the St. John's Terminal Building began operations, replacing the former St. John's Park Freight Terminal that was demolished to make way for the exit roads from the Holland Tunnel. The St. John's Terminal Building was built as a freight terminal and warehouse that served as the terminus for the High Line (also known as the West Side Line or the New York Central viaduct), an elevated freight rail line that ran along the west side of Manhattan. The High Line was an important route for the distribution of food and other goods in New York City and the area surrounding the St. John's Terminal Building contained warehouses, factories, and shipping uses. At this time, the West Side of Manhattan was an important shipping center with active wharfs, docks, and piers along the Hudson River. Work began in 1958 on Pier 40, a large 15-acre structure to handle freight and transatlantic passenger service.

Also in the 1950s, work began on the Elizabeth Marine Terminal in New Jersey, one of the first specially-constructed container ports in the world. With the completion of the new state-of-the-art port in Elizabeth, shipping facilities in the study area became obsolete. Due to the resulting decline of the West Side's port uses, coupled with the ascendance of interstate freight trucking, the High Line and the St. John's Terminal Building became increasingly disused. The portion of the High Line from the St. John's Terminal Building to Bank Street was demolished in 1960 and all of the line below Gansevoort Street was demolished by 1991; service on the line was completely discontinued in 1980. Following decades of underutilization, the St. John's Terminal Building is outmoded. Pier 40 ceased serving passenger and cargo ships in 1983.

Following the collapse of a portion of the West Side Highway in 1973, and an unsuccessful attempt to replace the deteriorated highway with the Westway project, the final portion of the West Side Highway was dismantled in 1989. In 1992, then-Governor Mario Cuomo and then-Mayor David Dinkins announced an agreement to replace the highway with an at-grade roadway (West Street/Route 9A) and create Hudson River Park. The Hudson River Park Act created the Park in 1998 and established HRPT to continue the planning, construction, management, and operation of the Park. The Hudson River Park Act designated certain areas, including Pier 40,

for commercial development that would generate revenue to support the operations of the Park. However, entertainment and retail proposals for the pier have not been successful, leaving HRPT without a key source of revenue. In 2013, Governor Andrew M. Cuomo signed an amendment to the Hudson River Park Act in to law to help HRPT address its ongoing financial constraints. Under the amended Act, the Trust can sell air rights for developments up to one block east of the park's boundaries, across West Street. However, the transfer of development rights could not occur without supporting provisions in the City's Zoning Resolution.

The study area has experienced an ongoing transformation, with a general trend towards increased residential use and a wider range of land use mixes. Beginning in the mid-1970s, development of the residential West Village Houses began on the block bounded by West, Washington, Barrow, and Morton Streets. Supported in part by rezoning actions, the northern portion of Tribeca, which lies in the southern portion of the study area, has also seen substantial conversion and redevelopment with residential/mixed-use projects. More recently, the City created the Special Hudson Square District to facilitate residential and mixed-use development in the eastern portion of the study area.

D. EXISTING CONDITIONS

LAND USE

DEVELOPMENT SITE

The development site is located south of Clarkson Street between Washington Street and Route 9A/West Street (see **Figure 3-1)**. The St. John's Terminal Building covers a portion of West Houston Street, across from Pier 40 (Manhattan Block 596, Lot 1). While the portion of the building north of West Houston Street is largely vacant, the south building is occupied by commercial tenants (office, back office and communications) and is used as temporary event space (fashion shows, exhibits, etc.). The existing buff-colored brick building is four stories tall, with three stories above West Houston Street. The ground floor is primarily a series of loading bays along both West Street and Washington Street. Under existing zoning, the development site is underbuilt by 242,819 zoning square feet (zsf). As noted above, the building was constructed as a shipping terminal in the 1930s and is underutilized and outmoded.

GRANTING SITE

Pier 40 is an approximately 15-acre structure located over the Hudson River, directly west of the Development Site across Route 9A. The pier is located within Hudson River Park, and is under the jurisdiction of HRPT. Originally used as a freight and passenger ship terminal, Pier 40 currently contains a public parking facility, athletic fields and other recreational uses, and offices for HRPT. HRPT has reported that Pier 40 is in need of critical infrastructure repairs to its roof, electrical infrastructure, and supportive piles. In recent years sections of the roof have deteriorated significantly, forcing HRPT to close portions of the parking garage to ensure public safety. According to HRPT, Pier 40's roof must be reconstructed and steel piles supporting the pier also need to be repaired.

STUDY AREA

The ¼ mile study area includes portions of the neighborhoods of Hudson Square, the West Village, and Tribeca. The study area contains a mix of residential, commercial, light industrial, parking, open space, and community facility uses (see **Figure 3-1**).

Residential uses are primarily located in northern (West Village) and southern (Tribeca) portions of the study area. Residential uses in these portions of the study area include converted manufacturing buildings, apartment buildings of varying heights, and row houses. There has also been a trend towards greater residential development in the areas adjacent to the development site and in the Hudson Square neighborhood. To the north of the development site, on the western half of the block bounded by Clarkson, Washington, Leroy, and West Streets, demolition has begun in connection with a planned 15-story residential development. As described below, under "the Future Without the Proposed Actions," an additional residential building is planned in proximity to the development site at 537-545 Greenwich Street.

Commercial uses are predominant east of Greenwich Street, including large office buildings, some of which are converted manufacturing space. The Hudson Square area also contains several parking facilities and storage businesses. Retail uses are located throughout the study area, including along Christopher, Hudson, Greenwich, and Canal Streets.

Light industrial uses are concentrated on several blocks east of the development site, including large UPS and Federal Express distribution facilities. The UPS facility is bounded by Spring, Greenwich, Washington, and West Houston Streets and the Federal Express facility is on a portion of the block bounded by Clarkson, Washington, Leroy, and West Streets and all of the block bounded by Leroy, Greenwich, Clarkson, and Washington Streets. A DSNY garage is nearing completion between Spring, Washington, Canal, and West Streets. A DSNY salt shed facility is also nearing completion on the south side of Spring Street across from the garage facility, adjacent to a vent structure for the Holland Tunnel.

The most prominent open space resource in the study area is Hudson River Park. The 550-acre Park extends to 59th Street to the north and Battery Park to the south. The portion of the Park within the study area contains a bicycle path, walkways, lawns, landscaped areas, a basketball court, a tennis court, a dog run, restrooms, a café, the Christopher Street pier (Pier 45), and Pier 40 (described in detail above under "Granting Site"). Other public open space resources in the study area include: 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.

A large community facility use in the study area is the Church of Saint Luke in the Fields, which occupies most of the block bounded by Barrow, Christopher, Hudson, and Greenwich Streets. The church's facilities in this block include a chapel, parochial school, denominational housing, and gardens that are open to the public. 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.

The ¼-mile study area is served by numerous public transit services, including New York City Transit (NYCT) bus service, the Houston Street subway station (No. 1 line service), and New York Water Taxi service from the Christopher Street pier. The entrance to the Holland Tunnel is located in the southern portion of the study area near Hudson and Canal Streets.

ZONING

DEVELOPMENT SITE

The North Site is zoned M1-5, and the Center and South Sites are zoned M2-4 (see **Figure 3-2**).

M1 districts often buffer M2 or M3 districts and typically include light industrial uses, such as woodworking shops, repair shops, and wholesale service and storage facilities. Industrial uses are allowed in M1 districts if they meet the M1 performance standards concerning minimum or maximum allowable limit on noise, vibration, smoke, odor and other effects of industrial uses. Other uses, such as community facilities, are allowed in M1 districts only by special permit. M1-5 districts allow a Floor Area Ratio (FAR) of 5.0 and have no parking restrictions. M2-4 districts are often mapped along the waterfront and the required performance standards are lower than in M1 districts, except when bordering a residential district. The maximum FAR in M2-4 districts is 5.0.

As described in Chapter 1, "Project Description," the development site is assumed to have an effective lot area of 196,410 square feet, and allowable development potential of up to 982,050 zoning square feet (zsf). The existing building has a total of 739,231 zsf; therefore, the development site is underbuilt by 242,819 zsf when compared to the permitted maximum of 982,050 zsf.

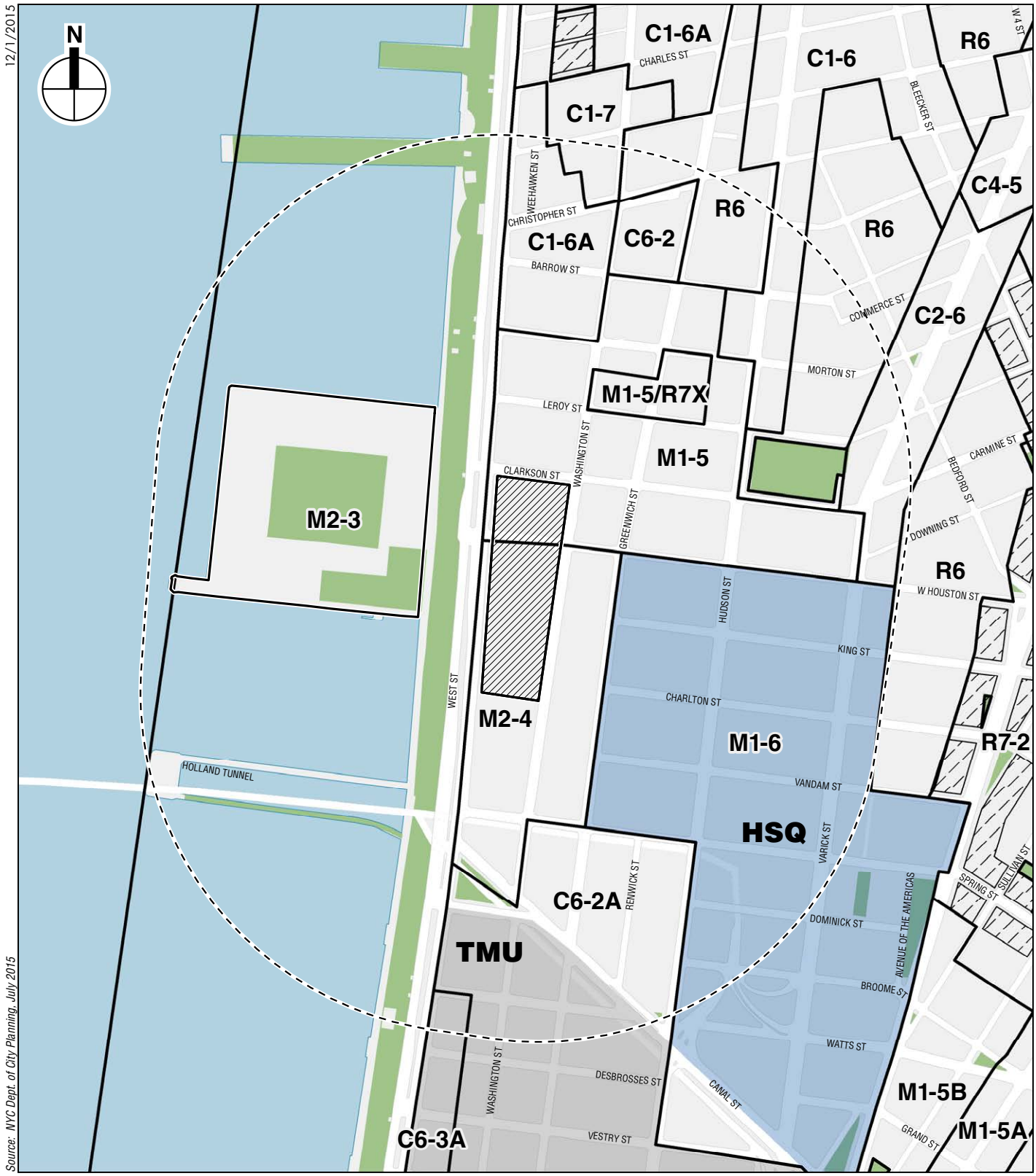
GRANTING SITE

Pier 40 is within an M2-3 zoning district. M2 districts occupy the middle ground between light and heavy industrial areas. M2 districts generally require lower performance standards than a general M1 district. The maximum FAR is 2.0 and the maximum base height before setback is 60 feet. M2-3 districts, mapped only in Manhattan, are exempt from parking requirements.

STUDY AREA

The study area contains various manufacturing, commercial, residential, and mixed-use districts (see **Figure 3-2** and **Table 3-1**). Zoning districts with a suffix, such as A and X, are contextual zoning districts that were created to produce buildings that are consistent with the existing neighborhood character. Much of the study area is zoned M1-5, M2-3, or M2-4, as described above. **Table 3-1** lists the zoning districts in the study area.

The North Site is a larger M1-5 district that extends through much of the study area north of West Houston Street. Within this M1-5 district is an M1-5/R7X mixed use district that covers portions of two blocks between by Morton, Leroy, Washington, and Hudson Streets. A mixture of commercial, residential, and light industrial uses are permitted, to a maximum FAR of 5.0. This district is also designated as Mixed-Use District 6: Hudson Square (MX-6), which was established in 2008 to encourage investment in, and enhance the vitality of this mixed use area. New residential and non-residential uses (commercial, community facility and light industrial) can be developed as-of-right and be located side-by-side or within the same building. Residential uses are generally subject to the bulk controls of the governing residence district; commercial, industrial and community facility uses are subject to the M1 district bulk controls, except that community facilities are subject to residential FAR limits. Most light industrial uses are permitted in the district as-of-right, others are subject to restrictions, and Use Group 18 uses are excluded altogether, except for small breweries.



Zoning
Figure 3-2

Table 3-1
Zoning Districts Located in the Study Area

Zoning District	Maximum FAR[1]	Uses/Zone Type
Manufacturing Districts		
M1-5	5.0 Commercial or Manufacturing; 6.5 Community facility (Use Group 4 only)[2]	Medium-density light industrial uses (high performance), commercial, and certain community facilities (for loft areas)
M1-6	10.0 Commercial or Manufacturing (12.0 with plaza bonus); 6.5 community facility (Use Group 4 only)[2]	High-density light industrial uses (high performance), commercial, and certain community facilities (for loft areas)
M2-3	2.0 Manufacturing	Older industrial use areas along the waterfront, including piers, passenger ship terminals and municipal facilities
M2-4	5.0 Commercial or Manufacturing	Medium-density moderate industrial uses (medium performance), commercial
Commercial Districts		
C1-6	2.0 Commercial, 0.87-3.44[3] Residential – R7 District Equivalent	Commercial district with residential character; in medium-high density areas; typical residential uses
C1-6A	2.0 Commercial; 4.0[4] Residential – R7A District Equivalent	Low/medium-density contextual commercial district with maximum building heights; residential and community facility
C1-7	2.0 Commercial, 4.0[4] residential and community facility – R8 District Equivalent	Medium-high-density Commercial district with residential character; mixed use buildings with residential uses must always be above commercial uses
C2-6	2.0 commercial; 0.87-3.44[3] residential; 6.5 community facility	Low/medium-density; commercial, residential, and community facility uses
C6-2	6.0 Commercial; 0.94-6.02[4,5] Residential – R8 District Equivalent	Medium-density general central commercial district; residential and community facility allowed
C6-2A	6.0 Commercial FAR; 6.02[5] Residential – R8A District Equivalent	Contextual commercial district with maximum building heights; residential and community facility
C6-3A	6.0 Commercial, 7.52[5] Residential – R9A District Equivalent	Contextual commercial district with maximum building heights; residential and community facility
Residential Districts		
R6	0.78-2.43 residential; 4.8 community facility	General residence district. Medium density residential, community facility.
R7X	5.0 Residential	R7X are governed by contextual Quality Housing bulk regulations; typically produces higher FAR and max building height characterized by taller bulkier buildings; Base height 60-85 ft; building height 125 ft required parking for 50% of dwelling units

Notes:
[1] Floor area ratio (FAR) is a measure of density establishing the amount of development allowed in proportion to the lot area. For example, a lot of 10,000 square feet with a FAR of 1 has an allowable building area of 10,000 square feet. The same lot with an FAR of 10 has an allowable building area of 100,000 square feet.
[2] Use Group 4A by Special Permit only.
[3] 4.0 FAR on wide streets outside the Manhattan Core under Quality Housing Program
[4] 7.2 FAR on wide streets outside the Manhattan Core under Quality Housing Program
[5] Increase in FAR with Inclusionary Housing Program bonus

Source: *New York City Zoning Resolution.*

The M2-4 district that includes the Center and South Sites extends east to Greenwich Street and South to Canal Street. The M2-3 district that includes Pier 40 extends the length of the Hudson River Park and Route 9A in the study area.

There is also an M1-6 district within the study area, south of West Houston Street and east of Greenwich Street. M1-6 districts are similar in character to M1-5; however M1-6 districts allow FAR of 10.0, or 12.0 if a manufacturing building contains a public plaza. The M1-6 district in the study area is also mapped as the Special Hudson Square District, which is described below.

There is a C1-6 district on the west side of Hudson Street between Morton Street and Barrow Street, and a C1-6A district north of Morton Street and west of Washington Street. C1-6 districts are usually mapped in areas that are primarily residential in character, and typically contain local neighborhood retail uses, such as drug stores, grocery stores, dry cleaners, and restaurants. The maximum FAR in a C1-6 district is 2.0 for commercial uses, 3.44 for residential, and 4.0 for residential uses in C1-6A districts. C1-6A zoning districts are contextual districts in which the height and bulk of new development must conform to the existing built environment. There is also a C1-7 commercial district located in the north western portion of the ¼ mile study area, just north of West 10th Street. C1-7 districts have a commercial FAR of 2.0, a residential FAR of 0.94-6.02 and have an R7 residential district equivalent.

Other commercial districts in the study area are C2 and C6 commercial districts. C2-6 districts are similar in character and use to C1-6 districts (described above), but permit a wider range of uses, such as funeral homes and local repair services. The maximum FAR is 2.0 for commercial uses and 3.44 for residential uses. The C6 districts in the study area are C6-2, C6-2A and C6-3A. C6-2 districts permit a wide range of commercial uses requiring a central location; generally mapped outside of the central business core. C6-2 districts have a commercial FAR of 6.04, a residential FAR of 0.94-6.02, 5 and a R8 residential district equivalent. There is a C6-2 district in the northern portion of the study area.

There is a C6-2A district in the southern portion of the study area. C6-2A districts permit a wide range of commercial uses, such as corporate headquarters, hotels, department stores, and entertainment facilities. C6-2A zones are also contextual districts that employ height limits to ensure that new development conforms to the existing built environment. The maximum FAR is 6.0 for commercial uses and 6.02 for residential uses. There is also a small C6-3A district located along West Street between Watts and Hubert Streets. C6-3A districts are similar in character and use to C6-2A districts, but permit greater residential development. The maximum FAR is 6.0 for commercial uses and 7.52 for residential uses.

R6 districts are located in the northeast quadrant of the study area. They produce a variety of building types, ranging from attached row houses to "tower-in-the-park" developments. Applying height factor regulations, the maximum FAR for residential use ranges from 0.78 to 2.43. If contextual regulations are employed through the Quality Housing option, the maximum residential FAR ranges from 2.2 to 2.43. Development of community facility uses is permitted at 4.8 FAR.

SPECIAL DISTRICTS

The Special Hudson Square District (HSQ) preserves a former warehouse and manufacturing district with a concentration of large industrial buildings while encouraging residential and retail development in a vibrant mixed use district. Surrounded by the Greenwich Village, Soho and Tribeca neighborhoods, the special district comprises 18 blocks generally bounded by West Houston Street, Canal Street, Greenwich Street and Sixth Avenue. Height limitations prevent out-of-scale development that disrupts the established neighborhood character. In order to maintain the commercial and manufacturing uses once prevalent in the area, the special district establishes a definition of a "qualifying building" with a minimum of 70,000 sf of floor area, in which the existing amount of non-residential floor area must be retained on the zoning lot by either keeping the existing building or incorporating the amount of non-residential floor area within new construction, although the same type of use is not required. Residential development and community facilities with sleeping accommodations require certification by CPC if the

zoning lot contains a qualifying building but is otherwise allowed as-of-right. Hotels with more than 100 rooms are subject to a special permit.

The Special Tribeca Mixed Use District (TMU) was originally enacted in 1976 as the Lower Manhattan Mixed Use District to permit limited residential development in an otherwise industrial 62-block area in Manhattan within the triangle below Canal Street, west of Broadway. Revised in 1995 and in 2010, the underlying zoning throughout the district is now commercial, but unique provisions limit the size of ground floor retail uses and hotels. New contextual mixed buildings house a growing residential community, while special rules encourage a mix of uses by allowing light industries.

PUBLIC POLICY

HOUSING NEW YORK: A FIVE-BOROUGH, TEN-YEAR PLAN

On May 5, 2014, the de Blasio administration released *Housing New York: A Five-Borough, Ten-Year Housing Plan* ("*Housing New York*"), a plan to build or preserve 200,000 affordable residential units. To achieve this goal, the plan aims to double New York City Department of Housing Preservation and Development (HPD)'s capital budget, target vacant and underused land for new development, protect tenants in rent-regulated apartments, streamline rules and processes to unlock new development opportunities, contain costs, and accelerate affordable construction. The plan details the key policies and programs for implementation, including developing affordable housing on underused public and private sites.

ONENYC

In April 2007, the Mayor's Office of Long Term Planning and Sustainability released PlaNYC: A Greener, Greater New York (PlaNYC). Since that time, updates to PlaNYC have been issued that build upon the goals set forth in 2007 and provide new objectives and strategies. In 2015, One New York: The Plan for a Strong and Just City (OneNYC) was released by the Mayor's Office of Sustainability and the Mayor's Office of Recovery and Resiliency. OneNYC builds upon the sustainability goals established by PlaNYC and focuses on growth, equity, sustainability, and resiliency. Goals outlined in the report include those related to housing (ensuring access to affordable, high-quality housing) and thriving neighborhoods (ensuring that neighborhoods will be well-served).

NEW YORK CITY LANDMARKS LAW

The New York City Landmarks Law of 1965 established the New York City Landmarks Preservation Commission (LPC) and authorized the Commission to designate individual buildings, historic districts, interior landmarks and scenic landmarks of historical, cultural and architectural significance. The Landmarks Law defines a Historic District as an area that has a "special character or special historic or aesthetic interest," represents "one or more periods of styles of architecture typical of one or more eras in the history of the city," and constitutes "a distinct section of the city." Historic district designation by LPC protects buildings from demolition and development that is out of context or insensitive to the historic nature of the area. Property owners are required to obtain LPC approval before altering the exterior of designated buildings. While the development site and granting site are not within a historic district, the ¼-mile study area does include LPC-designated historic districts: the Greenwich Village Historic

District and the Greenwich Village Historic District Extension II. There is also a historic district just south of the ¼-mile study area boundary, the Tribeca North Historic District.

WATERFRONT REVITALIZATION PROGRAM

The WRP is the City's principal coastal zone management tool. As originally adopted in 1982 and revised in 2016, it establishes the City's policies for development and use of the waterfront. Revisions to the WRP were adopted by the City Council in 2013, and were then approved by the New York State Secretary of State in February, 2016. All proposed actions subject to CEQR, Uniform Land Use Review Procedure (ULURP), or other local, state, or federal agency discretionary actions that are situated within New York City's designated Coastal Zone Boundary must be reviewed and assessed for their consistency with the WRP. The development site and Pier 40 are within the coastal zone (see **Figure 3-3**). The WRP contains 10 major policies, each with several objectives focused on: improving public access to the waterfront; reducing damage from flooding and other water-related disasters; protecting water quality, sensitive habitats (such as wetlands), and the aquatic ecosystem; reusing abandoned waterfront structures; and promoting development with appropriate land uses.

E. THE FUTURE WITHOUT THE PROPOSED ACTIONS

This section considers land use, zoning, and public policy conditions for the No Action condition in 2024. These conditions are projected by considering changes that are likely or expected to occur on the development site, the granting site, and within the study area.

LAND USE

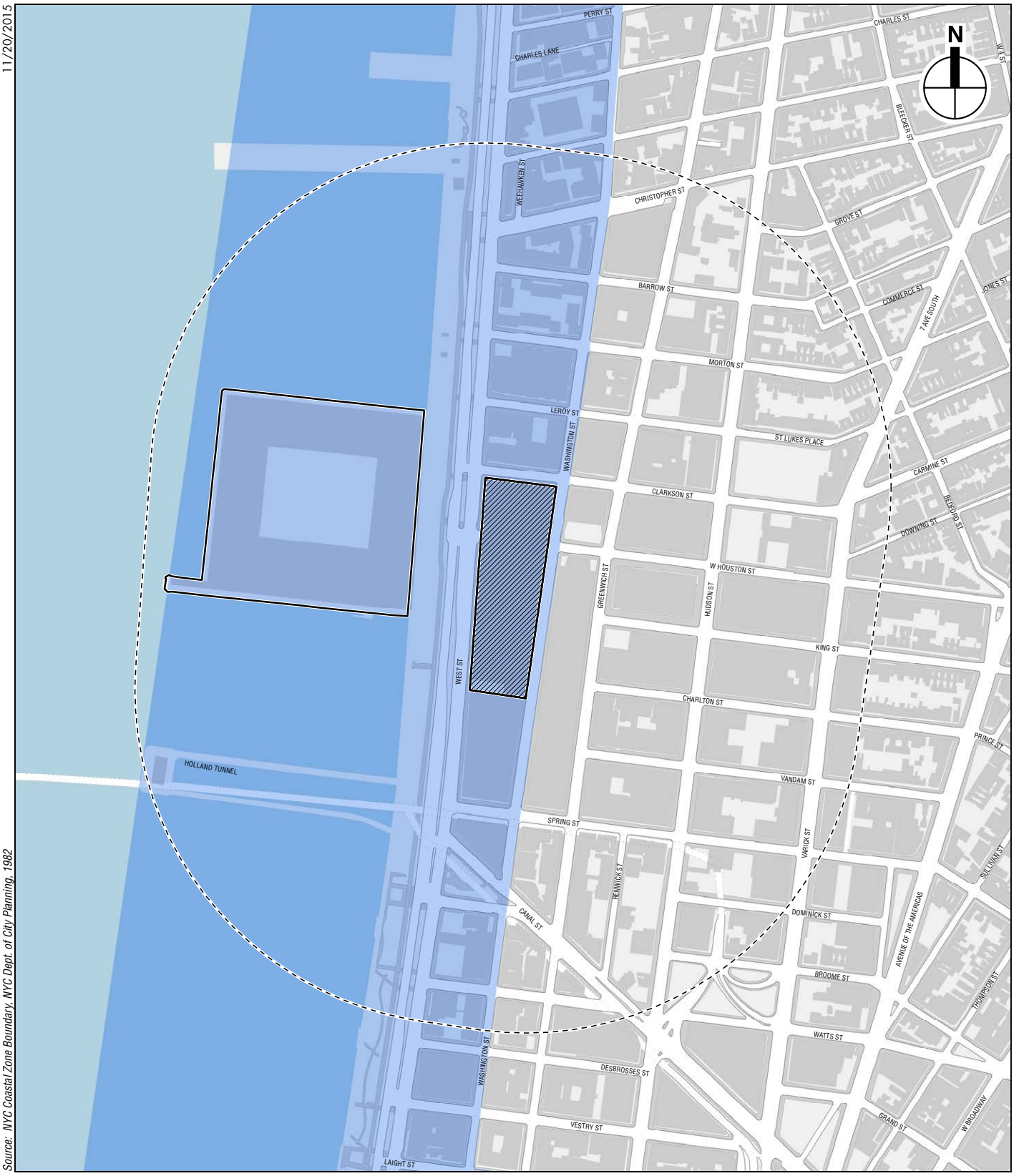
DEVELOPMENT SITE

In the No Action condition, the development site is expected to be redeveloped with new commercial buildings that do not require any discretionary approvals. The No Action development would utilize the available unused floor area of 242,819 zsf as well as existing floor area above Houston Street that would be demolished and reused on the north site. The platform space above Houston Street would be developed as a private open space serving the building tenants.

On the North Site, the No Action development will include hotel, office, and retail uses in a 48-story (approximately 630 feet) building. On the Center and South Sites, the existing building will be demolished and rebuilt but there will be no substantial change in floor area. The South and Center Sites will include office uses, event space, and retail uses. Overall, the No Action development is assumed to include approximately 322,000 gsf of retail uses (including 61,500 gsf of local retail and 260,500 gsf of destination retail), 427,000 gsf of office space, a 285,000-gsf hotel (438 rooms), and approximately 176 accessory parking spaces.

GRANTING SITE

In the No Action condition, Pier 40 will remain in its current use, with a public parking facility, athletic fields, other recreational uses, and offices for HRPT. The proposed transfer of floor area from Pier 40 to the development site will not occur. HRPT has reported that Pier 40 is in need of critical infrastructure repairs to its roof, electrical infrastructure, and supportive piles. Without the proposed transfer of floor area from Pier 40 and its major financial benefit to HRPT, the pier will continue to deteriorate and additional uses or spaces may need to be closed, diminishing a



NYC Coastal Zone Boundary

Figure 3-3

major source of funding for Hudson River Park operations. Alternatively, another source of funding for the necessary critical repairs to Pier 40 will need to be found.

STUDY AREA

Within the ¼-mile study area, numerous background development projects are expected to be built by 2024, as described in Chapter 2, "Analytical Framework."

These projects are expected to introduce substantial new residential, commercial, hotel, community facility, and other active uses, increasing the density and mixed-use character of the study area. The 2013 Hudson Square Rezoning changed the zoning regulations in the Hudson Square neighborhood to allow greater residential development; pursuant to that rezoning, a 26-story residential development is planned at 537-545 Greenwich Street. As noted above, another new 15-story residential project is underway just north of the development site, at 160 Leroy Street. Overall, more than 4,000 new residential units are planned or projected to be built in the study area by 2024. Other background development projects include the DSNY garage south of the development site, and the projected development sites analyzed in the 2013 Hudson Square Rezoning EIS (CEQR No. 12DCP045M) and the 2010 North Tribeca Rezoning EAS (CEQR No. 10DCP039M).

ZONING

In the No Action condition, no changes to zoning are currently anticipated affecting the development site, granting site, or study area. Two city-wide zoning text amendments—Mandatory Inclusionary Housing and Zoning for Quality and Affordability—were recently approved.

PUBLIC POLICY

There are no changes to public policy expected in the ¼-mile study area in the No Action condition. Existing public policies are expected to remain in effect.

F. THE FUTURE WITH THE PROPOSED ACTIONS

LAND USE

DEVELOPMENT SITE

In the With Action condition, the development site is assumed to be redeveloped with one of the two development programs: the proposed project or the proposed project with big-box retail. Both of these scenarios are considered below.

Proposed Project

As described in greater detail in Chapter 1, "Project Description," the proposed project would demolish the existing building on the development site and construct new mixed-use buildings on the North, Center, and South Sites. The full build out of the 1,961,200-gsf proposed project is assumed to include up to approximately 1,586 residential units (including up to approximately 476 permanently affordable units) and approximately 160,000 gsf of retail uses, 229,700 gsf of hotel (or office) space, 20,750 sf of publicly accessible open space, and cellar-level parking. Compared to the No Action condition, the proposed project would result in a substantial increase

in residential uses (including affordable housing) and parking on the development site, the same amount of event space, and a reduction in retail uses and hotel or office space. The proposed project would provide new publicly-accessible open space, which would be private space for building tenants in the No Action condition.

The proposed mix of uses would be consistent with the mixed-use character of the surrounding study area and would reflect the ongoing trend towards residential use. With the proposed project, all of the blocks along West Street south of Christopher Street would be primarily residential. As noted above, directly north of the development site is the future site of another primarily residential development, and additional residential development is planned in the nearby Hudson Square neighborhood, including at 537-545 Greenwich Street. The proposed project would be compatible with, and an extension of, these uses.

The siting of commercial and residential uses on the development site has been designed taking into account nearby light industrial and transportation uses, including locating only commercial uses on the South Site, which is closest to the DSNY facility. The entrances to the Washington Street building on the Center Site and the affordable senior housing building on the North Site have been sited near Houston Street and the subway station. The proposed hotel use would be compatible with the surrounding uses as well, and would be appropriate given the site's location in downtown Manhattan, an area that contains major destinations attracting tourists and business travelers.

The proposed project would be compatible with and would support use of the Hudson River Park. The development site is a prominent location near the waterfront and across from Pier 40, and its redevelopment would contribute to enlivening the waterfront and improving the visual character of the area. The proposed project would provide a new publicly-accessible open space resource for the community. Active ground-floor retail and other uses would enhance the pedestrian experience, as would the proposed removal of portions of the platform spanning West Houston Street. The proposed retail uses are expected to include a mix of destination retail uses and local retail uses that serve the needs of the surrounding neighborhood. The proposed parking uses would also be appropriate given the demand for parking created by the new uses and the proximity of the development site to Route 9A.

The proposed actions would result in an increase in density on the development site. However, the proposed project would be consistent with the study area's land use trends toward increased density and mixed-use development. In addition, increased density would enliven the development site with new residents, workers, and visitors, and the residential units would bring a 24-hour population to this currently underutilized location.

Overall, the proposed uses and increase in density on the development site would not be considered a significant adverse impact.

Proposed Project with Big Box Retail

The proposed project with big box retail scenario would be similar to the proposed project, except that the amount of parking would decrease and the amount of retail would increase. As with the proposed project, full build out of the proposed project with big box retail scenario is assumed to provide up to approximately 1,586 residential units (including up to approximately 476 affordable units), 229,700 gsf of hotel space, and 20,750 sf of publicly accessible open space. The proposed project with big box retail would also provide approximately 255,000 gsf of retail uses (including a 104,800-gsf big box use) and 412 cellar-level parking spaces.

The proposed big box retail use would be a new element in the study area. It would add to the mix of existing retail uses in the area and would be compatible with the other proposed retail uses on the development site, including destination and local retail establishments. Rather than travelling to similar stores in less convenient locations, the big box use would provide study area residents with access to certain goods closer to home. As most of the big box use would be located below-grade, it would not detract from the streetscape and visual character of the development site. Therefore, the potential inclusion of a big box use in the proposed project would not result in any significant adverse land use impacts on the development site.

GRANTING SITE

In the With Action condition, a special permit would be issued pursuant to the proposed Special Hudson River Park District to transfer 200,000 sf of floor area from Pier 40 to the development site. The purchase of development rights would provide funds for HRPT to undertake critical infrastructure repairs to Pier 40. There would not be any changes to the uses on Pier 40 as a result of the proposed actions. Therefore, the proposed project would not result in any significant adverse land use impacts on the granting site.

STUDY AREA

The proposed actions would only apply to the development site and granting site as set forth in the proposed zoning text amendment, would only facilitate development on the development site, and would not result in any other land use changes in the study area. The study area would continue to have a mix of uses and an ongoing trend of residential and commercial development, in particular the new residential and other uses that are projected to be created in the Hudson Square neighborhood. As described above, the proposed actions would continue the existing trends toward increased density and mixed-use development and would be compatible with the surrounding area. In addition, the new publicly-accessible open space and affordable housing created by the proposed project would provide important benefits to the study area and the City as a whole.

Overall, the proposed actions would be compatible with and in support of land uses in the surrounding area and would not result in significant adverse land use impacts.

ZONING

As described in Chapter 1, "Project Description," the proposed actions include the following approvals by CPC:

- A Zoning Text amendment to establish the Special Hudson River Park District comprising Pier 40 and the development site. The text amendment would further define Pier 40 as the "granting site" and the development site as the "receiving site" in the special district. The special district would include provisions for a new special permit that, in accordance with a recent amendment to the Hudson River Park Act, would permit the transfer of floor area within the Special Hudson River Park District. The special permit would additionally allow specified bulk waivers and require that residences serve a variety of income levels on the development site. Pursuant to Zoning Resolution Section 89-21, a special permit for a proposed development that includes residential floor area must provide affordable housing in accordance with the Inclusionary Housing Program. Under the proposed special district text, the uses and increased density permitted by the proposed zoning districts, described below, would not be applicable to the development site absent the grant of the special

permit. The text amendment would also establish two Chairperson's Certifications to facilitate the transfer of floor area. A draft of the proposed zoning text amendment is included as **Appendix A**.

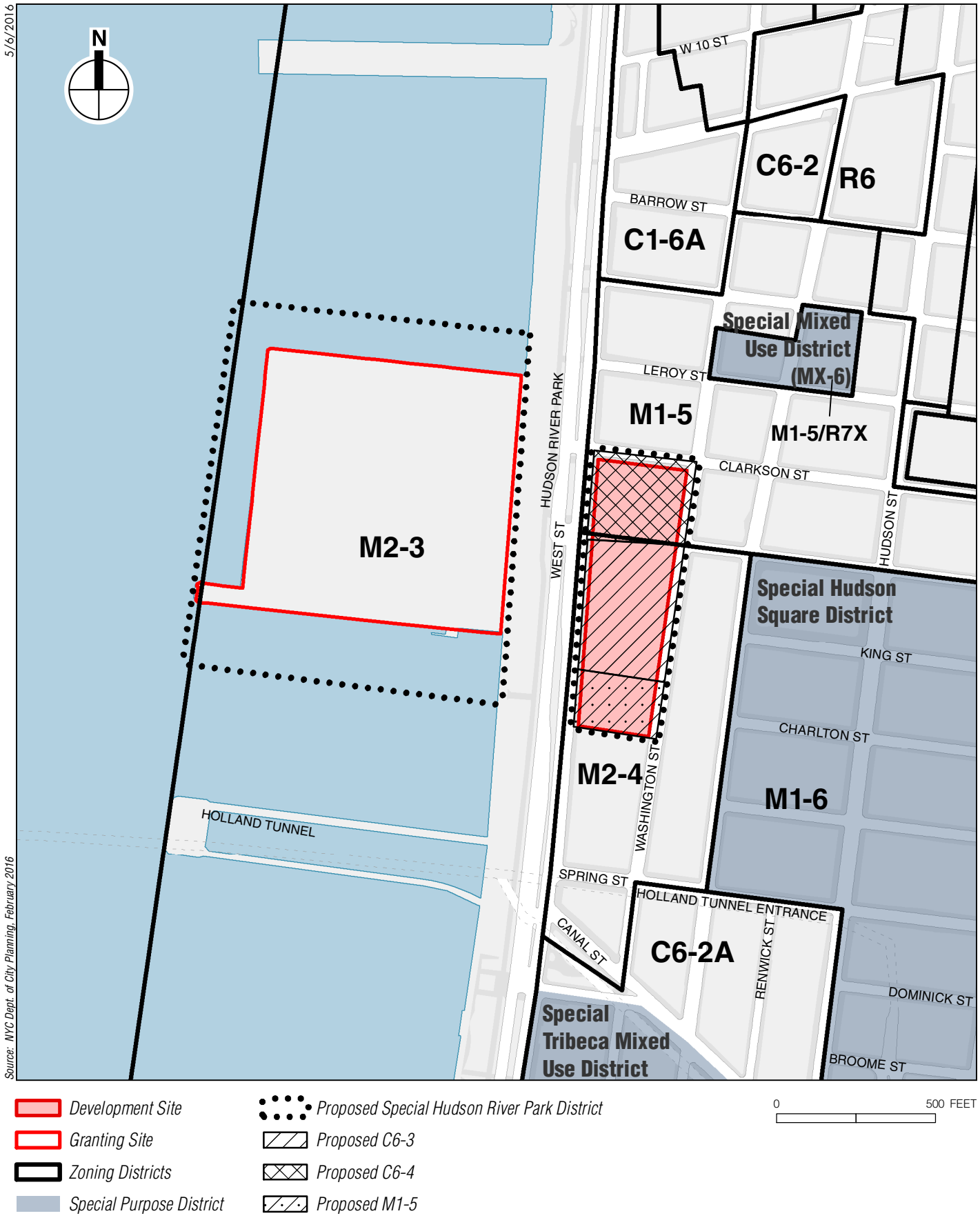
- A Zoning Map amendment to map the Special Hudson River Park District, which would comprise Pier 40 and the development site, and to rezone the development site.

  The Zoning Map amendment would rezone the North Site from an M1-5 manufacturing zoning district to a C6-4 commercial zoning district. M1-5 districts do not permit residential uses, restrict certain commercial uses, and allow a maximum FAR of 6.5 for community facility uses and 5.0 for commercial or manufacturing uses. The proposed C6-4 zoning district would allow residential uses, a wider range of commercial uses, and a basic FAR of 10.0 for residential, commercial, and community facility uses. The rezoning of the North Site is needed to permit residential use, a wider range of commercial uses, and increased density. The proposed Zoning Map amendment would rezone the Center Site from an M2-4 manufacturing zoning district to a C6-3 commercial zoning district. M2-4 districts do not permit residential uses, restrict certain commercial uses, and allow a maximum FAR of 5.0 for all permitted uses. The proposed C6-3 zoning would allow residential uses, a wider range of commercial uses, and a maximum FAR of 10.0 for community facility uses, 6.0 for commercial uses, and up to 7.52 for residential uses (using height-factor zoning). The rezoning of the Center Site is needed to permit residential use, a wider range of commercial uses, and increased density. Finally, the Zoning Map amendment would rezone the South Site from an M2-4 manufacturing zoning district to an M1-5 manufacturing zoning district. As noted above, M2-4 districts do not permit residential uses, restrict certain commercial uses, and allow a maximum FAR of 5.0 for all permitted uses. The proposed M1-5 zoning would permit hotel use or office use (but not residential use), and leave the existing permitted density unchanged. The proposed zoning is shown on **Figure 3-4**.

- A special permit pursuant to Zoning Resolution Section 89-20 of the proposed Special Hudson River Park District to permit the transfer of 200,000 sf of floor area from Pier 40 to the development site and permit certain bulk waivers on the development site.

  The bulk waivers would allow: the proposed building heights above the applicable sky exposure plane; street walls higher than the maximum 85 feet; the maximum permitted residential FAR on the Center Site of 7.52 without regard to the height factor and open space regulations; and encroachments of the South Site building into the rear yard equivalent area required by Section 43-28. The bulk waivers would permit the development of the development site with a varied mixture of buildings, with high street walls and stepped-back, articulated towers of different heights and widths, reflecting the context of the neighborhood. The tower heights and locations have been arranged to maintain sight lines through the site, and to graduate bulk vertically to reinforce the building bases that are consistent with the stock of buildings in the Hudson Square neighborhood. Overall, the bulk modifications would allow the proposed floor area and uses—including both the market-rate housing, affordable housing (including senior housing), and a variety of retail uses—to be accommodated on the development site with a context-sensitive design. Under the proposed special district text, the uses and increased density permitted by the proposed C6-4, C6-3 and M1-5 zoning districts would not be applicable to the development site absent the grant of the special permit

- Three special permits pursuant to the Manhattan Core parking regulations (Zoning Resolution Section 13-45 and 13-451) for a total of 772 accessory parking spaces in three separate parking facilities, with one in each of the North, Center, and South sites.



Proposed Zoning
Figure 3-4

- Authorizations pursuant to Zoning Resolution Section 13-441 to allow three curb cuts for parking access on West Street, a wide street. These authorizations are required to allow parking entrances for the North Site and South Site from West Street, and an entrance to a through-block private driveway between the Center and South Sites. The proposed curb cuts on West Street would represent a reduction in the number and size of curb cuts on West Street at present
- A Chairperson's Certification pursuant to the proposed Special Hudson River Park District to allow a building permit for the proposed project to be issued, on the basis that the applicant and HRPT have agreed on payment terms for the transfer of floor area from Pier 40.

Additionally, an approval from NYSDOT for the proposed curb cut changes on Route 9A would be required. NYCDOT approval would also be required for the proposed widening of the west sidewalk on Washington Street adjacent to the development site.

DEVELOPMENT SITE

The proposed actions would change the underlying zoning of the development site and map the new Special Hudson River Park District. These actions would increase the permitted density of the development site and allow residential use on the North and Center Sites, but not the South Site.

As described above, the proposed mix of uses and the density that would result from the proposed actions would be compatible with surrounding uses. Compared to the No Action condition, the proposed project would provide substantial benefits to the surrounding community including permanently affordable housing at a range of income levels, including senior housing; publicly accessible open space; and improvements to the streetscape. The special permit process would also ensure that the massing of the proposed project is compatible with the surrounding area.

GRANTING SITE

As noted above, the proposed actions would map the new Special Hudson River Park District over Pier 40 and designate the pier as the granting site for the transfer of floor area to the development site.

This transfer of floor area to the development site from the Hudson River Park will provide much needed funding for HRPT and specifically for the repair of Pier 40. As described above, Pier 40 is an aging waterfront structure that requires significant repair and renovation to address structural and other needs. The proposed actions would result in funding to help repair Pier 40.

Overall, the proposed actions would not result in any significant adverse zoning impacts to the granting site.

STUDY AREA

The proposed actions would apply only to the development site and the granting site and would have no effect on zoning in the surrounding area. Existing zoning controls, as described above, would continue to be in force. Therefore, the proposed actions would not result in a significant adverse impact to zoning in the surrounding study area.

PUBLIC POLICY

HOUSING NEW YORK: A FIVE-BOROUGH, TEN-YEAR PLAN

The proposed project would be consistent with the *Housing New York* plan and would result in a substantial amount of new permanently affordable housing at a variety of income levels. As noted in Chapter 1, "Project Description," the creation of housing, including much-needed affordable housing, is a key goal of the proposed project. 30 percent of the residential units in the proposed development would be affordable, including a senior housing component and a mixed-income rental building. Therefore, the proposed actions would be supportive of this key public policy goal.

ONENYC

The proposed actions would be consistent with the city's sustainability goals, including those outlined in OneNYC. In particular, the proposed project would support OneNYC's land use goals of creating substantial new housing opportunities at a range of incomes, including permanently affordable senior housing and non-senior housing; redeveloping underutilized sites along the waterfront with active uses (including recreational space); focusing development in areas that are served by mass transit; and fostering walkable retail destinations. The proposed project would also incorporate measures to increase the resiliency of the project site to future storm events, which would be consistent with the City's resiliency goals. As described below, the proposed project would be consistent with WRP policies. Overall, the proposed actions would be supportive of the applicable goals and objectives of OneNYC.

NEW YORK CITY LANDMARKS LAW

The proposed actions would not result in new development within or adjacent to any LPC-designated historic district. See Chapter 8, "Historic and Cultural Resources," for a detailed analysis of the potential effects of the proposed project on historic resources. Overall, the proposed actions would be consistent with this public policy.

WATERFRONT REVITALIZATION PROGRAM

As noted above, the development site and granting site are located within the city's Coastal Zone and, therefore, the proposed project is subject to review for consistency with the policies of the WRP. The WRP includes policies designed to maximize the benefits derived from economic development, environmental preservation, and public use of the waterfront, while minimizing the conflicts among those objectives. The WRP Consistency Assessment Form (see **Appendix B**) lists the WRP policies and indicates whether the proposed project would promote or hinder that policy, or if that policy would not be applicable. This section provides additional information for the policies that have been checked "promote" or "hinder" in the WRP Consistency Assessment Form.

Policy 1.1: Encourage commercial and residential redevelopment in appropriate coastal zone areas.

The proposed project would transform an underutilized site across Route 9A from the waterfront with new residential, commercial, publicly accessible open space, and parking uses. Senior housing would be provided and residential units would serve households at a range of incomes, as 30 percent of the proposed project's residential units would be permanently affordable. In addition, the proposed project would facilitate critical infrastructure repairs to Pier 40, a vital

waterfront open space resource of the Hudson River Park. There would not be any change in use of Pier 40 or any development directly on the waterfront as a result of the proposed actions, which include the transfer of floor area from Pier 40 the development site. Therefore, the proposed project would be consistent with this policy.

Policy 1.2: Encourage non-industrial development with uses and design features that enliven the waterfront and attract the public.

The development site is a prominent location near the waterfront and across from Pier 40, and its redevelopment would contribute to enlivening the waterfront and improving the visual character of the area. The proposed project would provide a new publicly accessible open space resource for the community. Active ground-floor retail and other uses would enhance the pedestrian experience, as would the proposed removal of portions of the platform spanning West Houston Street. The proposed project is expected to enliven the development site with new residents, workers, and visitors and the residential units would bring a 24-hour population to this currently underutilized location. In addition, as described above, the proposed actions would facilitate critical infrastructure repairs to Pier 40, a vital waterfront open space resource of Hudson River Park. Therefore, the proposed project would be consistent with this policy.

Policy 1.3: Encourage redevelopment in the Coastal Zone where public facilities and infrastructure are adequate or will be developed.

As described above, the proposed actions would facilitate critical infrastructure repairs to Pier 40, a vital waterfront open space resource of Hudson River Park. The existing building on the development site was completed in 1934 and is already served by public facilities and infrastructure. As described in Chapter 12, "Water and Sewer Infrastructure," the proposed project would reroute the wastewater flow that is currently conveyed through the site via two existing combined sewers that are located beneath the existing building. The rerouting of flow is currently being coordinated with the New York City Department of Environmental Protection (DEP). The private applicant will conduct an additional analysis and investigation to consider the proposed project's effects on the capacities of the local sewers and combined sewer overflow (CSO) at the downstream regulator in the corresponding street frontages. Once DEP has reviewed and approved the rerouting, the changes to such infrastructure would be reflected on an amended drainage plan as required per DEP rules and regulations. Therefore, the proposed project would be consistent with this policy.

Policy 1.5: Integrate consideration of climate change and sea level rise into the planning and design of waterfront residential and commercial development, pursuant to WRP Policy 6.2.

See response to WRP policy 6.2.

Policy 3.1: Support and encourage in-water recreational activities in suitable locations.

As described above, the proposed actions would facilitate critical infrastructure repairs to Pier 40, a vital public waterfront open space resource of the Hudson River Park. The south side of Pier 40 is used by the Village Community Boathouse, an organization that promotes awareness of the public ownership of our urban waterways and provides the means for everyone to access them through activities such as rowing, sailing, and boatbuilding. As noted above, HRPT has reported that Pier 40 is in need of critical infrastructure repairs to its roof, electrical infrastructure, and supportive piles. In recent years sections of the roof have deteriorated significantly, forcing HRPT to close portions of the parking garage to ensure public safety. According to HRPT, Pier 40's roof must be reconstructed and steel piles supporting the pier also

need to be repaired. The proposed actions would therefore maintain in-water recreational opportunities. Overall, the proposed actions would be consistent with this policy.

Policy 3.2: Support and encourage recreational, educational, and commercial boating in New York City's maritime centers.

As described above, the proposed actions would facilitate critical infrastructure repairs to Pier 40, a vital public waterfront open space resource of the Hudson River Park. Hornblower Cruises currently provides commercial boating opportunities from Pier 40. The south side of Pier 40 is used by the Village Community Boathouse, an organization that promotes awareness of the public ownership of our urban waterways and provides the means for everyone to access them through activities such as rowing, sailing, and boatbuilding. As noted above, HRPT has reported that Pier 40 is in need of critical infrastructure repairs to its roof, electrical infrastructure, and supportive piles. In recent years sections of the roof have deteriorated significantly, forcing HRPT to close portions of the parking garage to ensure public safety. According to HRPT, Pier 40's roof must be reconstructed and steel piles supporting the pier also need to be repaired. The proposed actions would therefore maintain recreational, educational, and commercial boating opportunities. Overall, the proposed actions would be consistent with this policy.

Policy 4.3: Protect designated Significant Coastal Fish and Wildlife Habitats.

Pier 40 is located in a Significant Coastal Fish and Wildlife Habitat, the Lower Hudson Reach. As described above, the proposed actions would facilitate critical infrastructure repairs to Pier 40 but would not result in any change in use of Pier 40. HRPT has received or will seek any required permits for the necessary work to repair Pier 40's roof, electrical infrastructure, and supportive piles, thus ensuring that the ecological quality of the Lower Hudson Reach would not be significantly adversely impacted. Therefore, the proposed actions would be consistent with this policy.

Policy 4.5: Protect and restore tidal and freshwater wetlands.

Pier 40 is located on the Lower Hudson River, which is a tidal wetland. Therefore, certain activities necessary to repair Pier 40's infrastructure would occur in a tidal wetland. HRPT has received or will seek any required permits necessary for repair work, ensuring that the Lower Hudson River would not be significantly adversely impacted. Therefore, the proposed actions would be consistent with this policy.

Policy 6.1: Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the site, the use of the property to be protected, and the surrounding area.

See the response to WRP policy 6.2, below.

Policy 6.2: Integrate consideration of the latest New York City projections of climate change and sea level rise into the planning and design of projects in the city's Coastal Zone.

The development site and Pier 40 are within the 100-year floodplain (area with a one percent chance of flooding each year). The proposed project would comply with applicable flood mitigation requirements and the development site buildings would include dry flood proofing.

As described in Chapter 16, "Greenhouse Gas Emissions and Climate Change," the proposed project would be designed to accommodate flood levels projected for the 2100 for all critical infrastructure and residential uses, and for the 2050s or higher for commercial uses (applying the higher 2100 levels where practicable). This would account for the New York City Panel on

Climate Change's (NPCC) "High Estimate" level of +30 inches for the 2050s and +75 inches for the end of the century (2100). In terms of absolute elevations, the design will account for potential future "100-year" levels (flood levels with a one percent probability of occurring in any given year); for the proposed project site, this would be 18 feet and 19 feet NAVD88 for critical infrastructure and residential uses in the South and North/Center Sites, respectively, and at least 14.5 and 15.5 feet NAVD88 for commercial spaces in the South and North/Center Sites, respectively.[1]

The proposed project would have substantial below grade commercial space at elevations below current and future potential flood elevations. These areas would be dry- flood proofed to accommodate flooding up to the above 2050-projected flood levels (14.5 and 15.5 feet NAVD88) such that the subgrade levels would be fully protected from flooding to that level.

All critical infrastructure, including but not limited to electricity connections, generators and fuel, communications, and elevators would be designed to withstand flooding up to the above levels. Connections and systems would be either located above this elevation or sealed. The lowest residential locations would well above these elevations (the lowest residential unit would be at approximately 38 feet NAVD88, 25 feet above current design flood elevations). If entrances and other aperture need to be lower than this elevation, they would be protected using temporary deployable barriers.

Any plantings in at-grade open spaces (excluding the elevated open spaces which would be above flood levels) would be water- and salt-tolerant species to the extent practicable.

The development site is not on the waterfront (the site is east of Route 9A/West Street) and, therefore, would not include any coastal protection measures that would affect other sites or open space areas. Since there are buildings on the site in the existing condition, and there would be new buildings in the No Action condition, the proposed project would not substantially affect flood levels in the surrounding area (regardless of the selection of dry- or wet-flood proofing for cellar spaces).

Based on the above review and design commitments, the proposed project would be consistent with New York City policies regarding adaptation to climate change, and the proposed actions would be consistent with this policy.

Policy 7.1: Manage solid waste material, hazardous wastes, toxic pollutants, substances hazardous to the environment, and the unenclosed storage of industrial materials to protect public health, control pollution, and prevent degradation of coastal ecosystems.

See the response to WRP policy 7.2, below.

Policy 7.2: Prevent and remediate discharge of petroleum products.

As described in Chapter 11, "Hazardous Materials," the development site currently contains 16 diesel above-ground storage tanks (AST) and a 4,000 gallon underground storage tank (UST) is believed to be located beneath the sidewalk at 350 West Street (along the north side of Houston Street near the intersection with West Street). The current development site building is known to include asbestos-containing materials (ACM) and lead-based paint (LBP). Given the age of the building, it may well contain polychlorinated biphenyls (PCBs), since these are often found in

[1] Based on preliminary flood insurance rate map (FIRM) "100-year" level of 11 feet NAVD88 and one foot freeboard, added to the projected sea level rise.

older transformers and hydraulic equipment. Although the construction of the proposed project could increase pathways for human exposure, impacts would be avoided by conducting a Subsurface (Phase II) Investigation of the development site. Based upon the findings of the investigation, a Remedial Action Plan (RAP) will be implemented during construction. The RAP will address requirements for items such as soil stockpiling, soil disposal and transportation; dust control; quality assurance; and contingency measures. Additionally, a Construction Health and Safety Plan (CHASP) will be prepared for implementation during construction. The CHASP will identify potential hazards that may be encountered during construction and specify appropriate health and safety measures to be undertaken to ensure that subsurface disturbance is performed in a manner protective of workers, the community, and the environment (such as personal protective equipment, air monitoring, and emergency response procedures). With these measures in place, the proposed project would not result in any significant adverse hazardous materials impacts, and would be consistent with this policy.

Policy 8.1: Preserve, protect, maintain, and enhance physical, visual, and recreational access to the waterfront.

With the proposed project, a special permit would be issued pursuant to the proposed Special Hudson River Park District to transfer 200,000 sf of floor area from Pier 40 to the development site. The purchase of floor area would provide funds for HRPT to undertake critical infrastructure repairs to Pier 40, a vital public waterfront open space resource of the Hudson River Park. As noted above, HRPT has reported that Pier 40 is in need of critical infrastructure repairs to its roof, electrical infrastructure, and supportive piles. In recent years sections of the roof have deteriorated significantly, forcing HRPT to close portions of the parking garage to ensure public safety. According to HRPT, Pier 40's roof must be reconstructed and steel piles supporting the pier also need to be repaired. There would not be any changes to the uses on Pier 40 as a result of the proposed actions. The proposed actions would be supportive of Pier 40's existing open space uses, including recreational uses. In addition, the proposed project would include a new 20,750 sf publicly accessible open space. As analyzed in Chapter 9, "Urban Design and Visual Resources," the proposed project would create a new view corridor at the through-block driveway between the Center and South Sites that would open views to the Hudson River Park and the Hudson River. Therefore, the proposed actions would be consistent with this policy.

Policy 8.2: Incorporate public access into public and private development where compatible with proposed land use and coastal location.

As noted in the response to WRP Policy 8.1, the proposed actions would be supportive of Pier 40's existing open space uses, including recreational uses, and would therefore maintain public access to this section of the waterfront. In addition, the proposed project would include a new 20,750 sf publicly accessible open space. Therefore, the proposed actions would be consistent with this policy.

Policy 8.3: Provide visual access to the waterfront where physically practical.

As noted in the response to WRP Policy 8.1, the proposed actions would be supportive of Pier 40's existing open space uses, including recreational uses, and would therefore maintain public access to this section of the waterfront. As analyzed in Chapter 9, "Urban Design and Visual Resources," the proposed project would create a new view corridor at the through-block driveway between the Center and South Sites that would open views to the Hudson River Park and the Hudson River. Therefore, the proposed actions would be consistent with this policy.

Policy 8.4: Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations.

As noted in the response to WRP Policy 8.1, the proposed actions would be supportive of Pier 40's existing open space uses, and would therefore help to preserve waterfront open space and recreational uses in Hudson River Park. Therefore, the proposed actions would be consistent with this policy.

Policy 8.5: Preserve the public interest in and use of land and waters held in public trust by the State and City.

With the proposed project, a special permit would be issued pursuant to the proposed Special Hudson River Park District to transfer 200,000 sf of floor area from Pier 40 to the development site. The purchase of floor area would provide funds for HRPT to undertake critical infrastructure repairs to Pier 40, a vital public waterfront open space resource of the Hudson River Park. As noted above, HRPT has reported that Pier 40 is in need of critical infrastructure repairs to its roof, electrical infrastructure, and supportive piles. In recent years sections of the roof have deteriorated significantly, forcing HRPT to close portions of the parking garage to ensure public safety. According to HRPT, Pier 40's roof must be reconstructed and steel piles supporting the pier also need to be repaired. There would not be any changes to the uses on Pier 40 as a result of the proposed actions. The proposed actions would therefore preserve waterfront recreational opportunities and the public's ability to experience the waterfront. Overall, the proposed actions would be consistent with this policy.

Policy 9.1: Protect and improve visual quality associated with New York City's urban context and the historic and working waterfront.

As described above, the proposed actions would facilitate critical infrastructure repairs to Pier 40, a vital public waterfront open space resource of the Hudson River Park. The proposed actions would not result in any change of use on Pier 40 or otherwise change the visual quality of this portion of the waterfront. Therefore, the proposed actions would be consistent with this policy.

Policy 9.2: Protect and enhance scenic values associated with natural resources.

As described above, the proposed actions would facilitate critical infrastructure repairs to Pier 40, a vital public waterfront open space resource of the Hudson River Park. The proposed actions would not result in any change of use on Pier 40 or otherwise change the visual quality of this portion of the waterfront. The proposed actions would maintain existing public access to the waterfront, including scenic views of the Hudson River. Therefore, the proposed actions would be consistent with this policy.

Overall, the proposed actions would not result in any significant adverse public policy impacts.

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