

CITY PLANNING COMMISSION

March 6, 2013 / Calendar No. 6

C 130100 ZMM

IN THE MATTER OF an application submitted by submitted by Hudson River Park Trust and Hudson Eagle LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 8b, changing from an M2-3 District to an M1-5 District property bounded by:

1. a line perpendicular to the U.S. Bulkhead Line and passing through a point along such line at a distance of 80 feet southerly (as measured along the U.S. Bulkhead Line) from the point of intersection of the westerly prolongation of the southerly street line of West 16th Street and the U.S. Bulkhead Line;
2. a line midway between 11th Avenue and the U.S. Bulkhead Line;
3. a line 375 feet southerly of Course No. 1; and
4. the U.S. Pierhead Line;

as shown on a diagram (for illustrative purposes only) dated November 5, 2012, Borough of Manhattan, Community District 4.

This application for a zoning map amendment was filed by Hudson River Park Trust (“HRPT”) and Hudson Eagle LLC (a subsidiary of Young Woo & Associates) on October 23, 2012; a revised application was received on November 7, 2012 to clarify the location of and access to loading facilities. The zoning map amendment, along with its related actions, would facilitate redevelopment of Pier 57, an existing structure located in the Hudson River between West 15th Street and West 16th Street at 25 Eleventh Avenue (Block 662, Lot 3 part of Marginal Street Wharf or Place) in the Borough of Manhattan, Community District 4.

RELATED ACTIONS

In addition to the proposed zoning map amendment (C 130100 ZMM), which is the subject of this report, implementation of the proposed project also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

C 130101 ZSM: Special Permit pursuant to Section 62-834 to modify the use regulations of

Section 62-241 (Uses on existing piers and platforms), the waterfront yard requirements of Section 62-332 (Rear yards and waterfront yards), the height and setback requirements of Section 62-342 (Developments on piers), the waterfront public access requirements of Section 62-57 (Requirements for Supplemental Public Access Areas), and the visual corridor requirements of Section 62-513 (Permitted obstructions in visual corridors).

- C 130102 ZSM:** Special permit pursuant to Section 74-922 to allow large retail establishments (Use Group 6 and 10A uses) with no limitation on floor area.
- C 130103 ZSM:** Special permit pursuant to Section 13-561 to allow an enclosed attended accessory parking garage with a maximum capacity of 74 spaces.
- N 130104 ZCM:** Certification by the Chairperson of the City Planning Commission, pursuant to Section 62-811 for compliance with waterfront public access and visual corridor requirements.

BACKGROUND

A full background discussion and description of this application appears in the report of the related action for a special permit (C 130101 ZSM).

ENVIRONMENTAL REVIEW

This application (C 130100 ZMM), in conjunction with the application for the related actions, was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.* and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 11HRP001M. The lead agency is the Hudson River Park Trust.

A summary of the environmental review and the Final Environmental Impact Statement appears in the report of the related action for a special permit (C 130101 ZSM).

UNIFORM LAND USE REVIEW

This application (C 130100 ZMM), in conjunction with the applications for the related actions

(C 130101 ZSM, C 130102 ZSM and C 130103 ZSM), was certified as complete by the Department of City Planning on November 5, 2012, and was duly referred to Manhattan Community Board 4 and the Manhattan Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Board 4 held a public hearing on this application (C 130100 ZMM), on December 5, 2012 and by a vote of 36 in favor to 0 opposed, adopted a resolution recommending approval of the application with conditions.

A summary of the Community Board's recommendation appears in the report on the related application for a special permit (C 130101 ZSM).

Borough President Recommendation

This application (C 130100 ZMM), in conjunction with the related actions, was considered by the President of the Borough of Manhattan, who issued a recommendation approving this and the related applications on January 16, 2013.

City Planning Commission Public Hearing

On January 9, 2013 (Calendar No. 3), the City Planning Commission scheduled January 23, 2013, for a public hearing on this application (C 130100 ZMM). The hearing was duly held on January 23, 2013 (Calendar No. 13) in conjunction with the public hearing on the applications for related actions. There were sixteen speakers in favor of the application and six speakers in opposition as described in the report on the related application for a special permit (C 130101 ZSM), and the hearing was closed.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY

This application (C 130100 ZMM), in conjunction with those for the related actions, was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City

Council on October 13, 1999 and by the New York State Department of State on May 22, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 *et seq.*). The designated WRP number is 12-103.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that this application for a zoning map amendment (C 130100 ZMM), in conjunction with the application for related actions, is appropriate. A full consideration and analysis of the issues, and the reasons for approving this application appear in the report on the related application for a special permit (C 130101 ZSM).

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on February 22, 2013, with respect to this application (CEQR No. 11HRP001M), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act & regulations, have been met and that:

1. Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the Proposed Action adopted herein is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, those project components related to the environment and mitigation measures that were identified as practicable.

This report of the City Planning Commission, together with the FEIS, constitute the written

statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

RESOLVED, the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter that based on the environmental determination and consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is hereby amended by changing the Zoning Map, Section No. 8b, changing from an M2-3 District to an M1-5 District property bounded by:

1. a line perpendicular to the U.S. Bulkhead Line and passing through a point along such line at a distance of 80 feet southerly (as measured along the U.S. Bulkhead Line) from the point of intersection of the westerly prolongation of the southerly street line of West 16th Street and the U.S. Bulkhead Line;
2. a line midway between 11th Avenue and the U.S. Bulkhead Line;
3. a line 375 feet southerly of Course No. 1; and
4. the U.S. Pierhead Line;

as shown on a diagram (for illustrative purposes only) dated November 5, 2012, Borough of Manhattan, Community District 4, is approved.

The above resolution (C 130100 ZMM), duly adopted by the City Planning Commission March 6, 2013 (Calendar No. 6), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, *FAICP*, Chair
KENNETH J. KNUCKLES, *ESQ.*, Vice Chairman
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, *III*, BETTY Y. CHEN, MICHELLE R. DE LA UZ,
MARIA M. DEL TORO, JOSEPH I. DOUEK, RICHARD W. EADDY,
ANNA HAYES LEVIN, ORLANDO MARIN, Commissioners