



HUDSON YARDS PLAN
and related
LAND USE (ULURP) APPLICATIONS
COMMENTS and RECOMMENDATIONS



Manhattan Community Board No. 4

August 2004



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Contents

EXECUTIVE SUMMARY	i
THE LETTER	
Overview and Background	1
The Community's Concerns with the Hudson Yards Plan	3
1. Excessive Density	3
2. No Plan for Affordable Housing	
3. Tremendous Risk to the City's Finances	
4. Beyond ULURP's Reach: Barricades to the Waterfront (Jets Football Stadium and Javits Convention Center)	11
5. Environmental Concerns	12
6. Condemnation of Residences and Businesses	13
7. Missing Infrastructure (Hell's Kitchen Park South and the Consolidated Bus Parking Facility)	14
8. Architectural Historic Resources – Preservation and Landmarking	15
9. Parking Requirements	20
Comments and Resolutions on the ULURP Applications	23
Zoning Map Change (C 040499 ZMM)	23
Zoning Text Amendment (N 040500 ZRM)	24
Site Selection and Acquisition for Tow Pound and/or Sanitation Facility (C 040501 PCM) and City Map Change for Rooftop Park (C 040502 PCM)	33
Site Selection and Acquisition for a Public Parking Garage (C 040508 MMM)	34
Acquisition of Property for No. 7 Subway Extension (C 040504 PQM)	35
Acquisition of the Eastern Rail Yard (C 040505 PQM)	37
Disposition of City-owned Properties (C 040506 PPM)	37
City Map Change Related to Hudson Boulevard/Park (C 040507 MMM) and Acquisition of Easements for Mid-block Pedestrian Bridge (C 040503 PQM)	39
Attachments	
Attachment A: Diagram of possible development permitted by proposed Hudson Yards rezoning	
Attachment B: CB4's zoning map revisions	
Attachment C: Early 20 th Century Corridor/34 th Street Historic District	
Attachment D: 43 rd /44 th Street Historic District	
Attachment E: HKNA plan for mid-block parks between Tenth and Eleventh avs.	

SELECTED BIBLIOGRAPHY

HUDSON YARDS PLAN and related LAND USE APPLICATIONS COMMENTS and RECOMMENDATIONS

EXECUTIVE SUMMARY

Manhattan Community Board No. 4

August 2004

On August 23, 2004, Manhattan Community Board No. 4 submitted its recommendations on the City's Hudson Yards Plan to the City Planning Commission. The submission marked the completion of the first step of the public review process (ULURP) for the City's controversial plan to redevelop Manhattan's far West Side, roughly between 28th and 42nd streets. The City's plan includes new commercial and residential development, an extension of the No. 7 subway line, a new football stadium for the New York Jets, and an expansion of the Jacob K. Javits Convention Center.

The Community Board has the responsibility under the City Charter to examine the City's proposals, to evaluate impacts on the community – on those who live and work there – and to recommend action in the best interest of all constituents concerned. Between the Midtown Central Business District and the area targeted for development lie the existing historic residential and business communities of Hell's Kitchen. Local businesses serve area residents and are popular destinations for visitors; many also serve the Midtown office district, or the nearby garment or entertainment industries. Most importantly, the neighborhood is home to approximately 21,000 residents living in a variety of housing types.

After careful study of the plan and hearing from the public through a series of public meetings and forums, the Board found that the City plan did not meet the needs of the community or the City. The Board agrees that parts of the Hudson Yards area now zoned for low-density industrial use should be rezoned to allow for contextual expansion of residential and commercial uses in Hell's Kitchen, but disagrees with the scale of development contemplated by the overall plan. Moreover, the Board is also concerned about precedent-setting aspects of the plan, including its financing.

Two overriding concerns about the plan dominated the Community Board's deliberations. First is the plan to build a football stadium for the New York Jets just east of the West Side Highway between 30th and 33rd streets. Second is the lack of a real plan to create affordable housing.

The Board's concerns and recommendations for the City's plan are outlined below in brief. Complete details and supporting materials may be found in the Board's August 23, 2004 letter to the Commission, in the appendices that follow, or at the Board office. Many of these materials are accessible through the Board's Web site: <http://www.ManhattanCB4.org>.

The Community's Concerns

1. Excessive Density: The proposed rezoning adds an amount of density to our neighborhood that is unprecedented, undesirable and ultimately unnecessary.

The Hudson Yards plan would permit 70- and 80-story office towers on Eleventh Avenue. These densities are achieved through unprecedented mechanisms – through contributions to a District Improvement Fund, through the creation and then transfer of substantial development rights from the Eastern Rail Yards, and through mandated commercial development in mixed-use districts. These mechanisms are driven more by the plan's financial needs than by sound planning considerations. The massive buildings will block light, air and views, bring traffic and place burdens on city services. Such densities will not create a vibrant and desirable mixed-use community. We cannot accept that 28 million square feet of commercial office space is truly needed in our neighborhood.

2. No Plan for Affordable Housing.

We cannot and will not support any plan that does not provide the amount and type of permanent affordable housing the community needs to retain its diversity. We must be able to accommodate lawyers and librarians, stockbrokers and policemen, school teachers and bankers.

Not less than 30% of all housing units constructed in the rezoned area must be permanently affordable to low- middle- and moderate-income households.

The Board has supported densities and building heights that, while lower than those in the City's proposal, exceed what it believes are most desirable for this neighborhood only if the City makes a concrete commitment for substantial development of affordable housing within the Board's boundaries. It will not support such high levels of density in the absence of a permanent and sustainable affordable housing program.

3. Tremendous Risk to the City's Finances.

The total estimated public cost of the plan is almost \$3 billion, excluding borrowing costs, but would not be subject to the City's normal public decision making process for capital projects. This cost would be financed through an untried and aggressive financing scheme that would evade the City's budget but could lead to a City bail-out if the plan fails.

The Hudson Yards Infrastructure Corporation (HYIC) would be created to sell bonds based on expected revenues to cover construction costs. HYIC would have three principal sources of revenue: (1) commercial payments in lieu of taxes (PILOTs) and residential property taxes, (2) payments into a District Improvement Fund, and (3) revenues from the sale of city-owned development rights.

The plan would require real estate tax payments that would ordinarily be paid into the City's general fund to be channeled instead to HYIC. This scheme, generally known as Tax Increment Financing or TIF, would be, by some estimates, 10 times bigger than the largest TIF on record. It would also be much riskier because the City would front all the infrastructure costs without any assurance that development would take place to generate the revenue that the City is counting on.

The plan also proposes use of the Transitional Financing Agency (TFA) which was created in 1997 to issue bonds for financing capital projects and was intended, in particular, to finance the repair or replacement of school buildings. If HYIC's resources prove insufficient, TFA's reserves would be used to purchase HYIC's commercial paper – the short-term debt that will be used to pay infrastructure costs until HYIC revenues start coming in. The use of TFA represents a cynical attempt to by-pass the City's capital budget process, and the protections built into the TFA Act, and has the potential to expose the City's general revenues to the risks of HYIC's financing.

In this case, where the land use applications are so inextricably intertwined with an aggressive and poorly understood financing plan, it would be irresponsible for the Commission to proceed beyond a basic rezoning of the area before there has been a more complete public description of the plan and an opportunity for its implications for the City's financial health to be fully understood. The review process designed for land use decisions should not be used to create an end-run around the requirement for informed debate on capital projects and their financing.

4. *Beyond ULURP's Reach: Barricades to the Waterfront (the football stadium and the convention center).*

The Jets football stadium should not be part of the overall plan for the area. We support the expansion of the Jacob K. Javits Convention Center, though expansion to the south remains the preferred direction for expansion.

The proposed Jets football stadium is the wrong project for this location. The inclusion of a football stadium as part of the redevelopment of the Hudson Yards area has mired the plan in needless controversy. The stadium would become an obstacle to the waterfront and impede commercial and residential development; it would create traffic nightmares, it would require at least \$600 million in public funds that could be far better spent on other City priorities, it would rob the MTA of a major capital asset, and it would not serve the needs of the convention center. The stadium should be eliminated from the plan, and the rail yards should be subjected to a public process to select the best possible mixed-use development proposal to serve the City's planning needs and the MTA's capital needs.

It defies belief that projects of this significance to the City's landscape and finances could be carried out without the local oversight provided by the ULURP process. We believe that they should be subject to local citywide public review.

5. *Environmental Concerns.*

Though it is incomplete, the Draft Generic Environmental Impact Statement (DGEIS) confirms our fears that the congestion, pollution and other environmental impacts associated with the Hudson Yards plan will be overwhelming.

The DGEIS makes it clear that substantial additional facilities will be required, but there is no plan or timetable for providing them as required by the Zoning Resolution. The DGEIS does not discuss how any of these facilities will be sited, built or funded, nor does it adequately address the need for new police services, emergency medical services, or after-school programs.

The DGEIS indicates that all projected and potential development sites will be saddled with notices in their title records, called "E" designations, saying their land is probably contaminated. Almost no physical sampling has been performed (this has been deferred until the final EIS), yet on the basis of paper records, the owners of nearly 100 properties will receive burdens on their titles that will make it very difficult for them to sell, finance or insure their properties.

The DGEIS confirms our conclusion that the scale of development that would be allowed by the proposed rezoning is excessive, and reinforces our opposition to the stadium.

6. *Condemnation of Residences and Businesses.*

The plan would result in the direct displacement of hundreds of residents, hundreds of businesses and thousands of jobs. Primarily through the creation of Hudson Yards Boulevard and Park, 85 households or housing units housing an undisclosed number of residents and a family shelter housing at least 290 residents would be displaced. An estimated 338 to 344 businesses and 1,200 to 3,000 private sector jobs would also be directly displaced. We oppose these displacements.

The City has approached some businesses about relocation assistance, but other tenants have had no such contact. For example, the relocation plan for the emergency family center assumes its case load

will be absorbed by other American Red Cross facilities, even though operations were transferred to the Children's Rescue Fund several months ago. Relocation assistance, even initial assessments, should be applied evenly, not arbitrarily or randomly.

7. Missing Infrastructure.

The City's plan does not adequately provide for Hell's Kitchen Park South or a consolidated bus parking facility.

Hell's Kitchen Park South

Although a mid-block park between Ninth and Tenth avenues was prominently displayed in preliminary versions of Hudson Yards Plan, the park has now disappeared from the Hudson Yards Plan. The land use applications contain no concrete actions to create this park. Instead, zoning incentives are proposed which would include waivers of just established building height limits in exchange for the provision of publicly accessible open areas. This approach burdens developers with additional costs and burden the community with taller buildings. Public action must be taken now to ensure that this park becomes a reality. It will make a significant difference in the lives of the area's residents and its workers, and will provide a more welcoming gateway to visitors.

Consolidated Bus Parking Facility

A new consolidated bus parking facility is crucial to alleviate existing traffic congestion and pollution problems, and to improve safety in the area. The DGEIS assumes completion of this facility by 2025, yet we are not aware of any public commitment to its development. The rezoning should not be allowed to go forward without assurances that this facility will become a reality.

8. Architectural Historic Resources.

We urge consideration of landmark designations to encourage the preservation and development of irreplaceable architectural resources of the City's commercial, industrial and immigrant past.

Future development offers an opportunity for major improvement and restoration of these structures, the context of which will be improved by new construction to come. The area has a unique juxtaposition of historic buildings that are adjacent to development sites. Preservation of such buildings and development on adjacent parking lots or garages will enable balanced development to proceed. Development rights from landmarks and historic areas will easily transfer to new development sites, thereby allowing the preservation of neighborhood fabric and integrity.

9. Parking Requirements.

The plan's parking requirements would reverse long-standing parking policies and attract more traffic. The amount of parking allowed in the Hudson Yards area should be no greater than the amount currently allowed by the Zoning Resolution. All accessory and public parking should be allowed only by special permit. A comprehensive traffic management plan is sorely needed.

The ULURP applications

Zoning Map Change (C 040499 ZMM)

We agree that parts of the project area should be rezoned, but disagree with the scale of development contemplated by the overall plan; we recommend approval of the proposed zoning map changes provided changes are made to limit the development to the proposed base densities shown on Attachment B.

Zoning Text Amendment (N 040500 ZRM)

We recommend denial, unless the proposed zoning text is amended in many respects, including:

- The District Improvement Fund Bonus and Eastern Rail Yard floor area distribution are eliminated;
- Mixed use (rather than required commercial use) in C6-4 districts is permitted;
- Provisions relating to Hudson Boulevard and Park are eliminated;
- Distribution of floor area to create open space in Hell's Kitchen is eliminated;
- Overall building height limits in Hell's Kitchen and on Tenth and Eleventh Avenues are established;
- Parking requirements are eliminated;
- Existing Special Clinton District 42nd Street Perimeter Area bonus mechanism is preserved; and
- Special permit requirements are restored.

Site Selection and Acquisition for Tow Pound and/or Sanitation Facility(ies) (C 040501 PCM) and City Map Change for Rooftop Park (C 040508 MMM)

We recommend approval only if the multi-agency facility is below the Eleventh Avenue grade and provides for community input as part of the design process, and only if the rooftop park's design and development include a strong community advisory role and is adequately funded.

Site Selection and Acquisition for a Public Parking Garage (C 040502 PCM)

We recommend denial.

Acquisition of Property for Subway Extension (C 040504 PQM)

We recommend denial of this proposal and consideration of less expensive, less risky alternatives. Site acquisition should be limited to the minimum needed for transit infrastructure and related improvements, not to create publicly funded development sites. A comprehensive transit plan that integrates regional rail, bus, subway and other means of mass transit should be developed.

Acquisition of Eastern Rail Yard (C 040505 PQM)

We recommend denial. The Eastern and Western Rail Yards should be developed pursuant to a new comprehensive plan without a stadium.

Disposition of City-Owned Properties (C 040506 PPM)

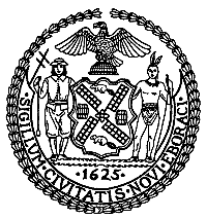
We recommend denial. We view as a dangerous precedent the disposition now of so many large and valuable city-owned properties without specific plans or details of their development, which is not expected until ten years or more into the future.

City Map Change Related to Hudson Boulevard/Park (C 040507 MMM) and Acquisition of Easements for Mid-block Pedestrian Bridge (C 040503 PQM)

We recommend denial. We oppose creation of the boulevard and park, and prefer a series of linked parks and open spaces over and around the Amtrak cut.

All of our conditional recommendations are subject to two additional overriding conditions:

- a concrete, detailed plan for affordable housing production and preservation
- no West Side football stadium.



CITY OF NEW YORK

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WALTER MANKOFF
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August 23, 2004

Hon. Amanda Burden
Chair
City Planning Commission
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Re: Hudson Yards ULURP Applications: Zoning Map Change (C 040499 ZMM); Zoning Text Amendment (N 040500 ZRM); Site Selection and Acquisition for Tow Pound and/or Sanitation Facility(ies) (C 040501 PCM); Site Selection and Acquisition for a Public Parking Garage (C 040502 PCM); Acquisition of Easements for Mid-block Pedestrian Bridge (C 040503 PQM); Acquisition of Property for Subway Extension (C 040504 PQM); Acquisition of Eastern Rail Yard (C 040505 PQM); Disposition of City-Owned Properties (C 040506 PPM); City Map Change Related to Hudson Boulevard/Park (C 040507 MMM); and City Map Change for Rooftop Park (C 040508 MMM).

Dear Chair Burden:

At its duly noticed public meeting on August 11, 2004, Manhattan Community Board No. 4 reviewed the Hudson Yards land use and zoning proposals including the ten ULURP items referenced above. Comments and resolutions on each application begin on page 23. **The following general comments were unanimously approved (30 votes in favor):**

OVERVIEW AND BACKGROUND

Manhattan Community Board No. 4 supports residential and commercial development in Hell's Kitchen that balances the needs of the neighborhood, the city, and the region. We agree that parts of the neighborhood now zoned for low-density industrial use should be rezoned to allow for contextual expansion of residential and commercial uses in Hell's Kitchen.

We are now confronted with the formal opportunity as required by the City Charter to respond to the City's far-reaching Hudson Yards Plan, through consideration of the ten land use applications (the ULURPs) proposed by the City for implementation of the Plan.

The Plan, the ULURPs and the related Draft Generic Environmental Impact Statement (DGEIS) were presented to the community by the Department of City Planning at a Special Meeting of the Clinton/Hell's Kitchen Land Use Committee on July 13, 2004, and were the subject of the Board's public hearing on August 3, 2004.

The Board has been an active and on-going participant in the development of the Plan, since presentation of the Framework for Development in the waning days of the Giuliani Administration in late 2001. In the Bloomberg Administration, the Department of City Planning carried on the planning work in collaborative process. The Board appreciates the open and direct manner City Planning staff and the Chair of the Planning Commission have demonstrated throughout this process.

As the City's application describes it, "The Hudson Yards project is a historic, far-reaching proposal to capitalize on the tremendous potential of Manhattan's Far West Side... to allow for the expansion of the Midtown Central Business District and help secure New York City's economic future."

Between the Midtown Central Business District and the area targeted for its expansion lie the existing historic residential and business communities of Hell's Kitchen. Neighborhood shops and restaurants in this area not only serve local residents, but also are well known to the region and tourists. Other businesses are an essential part of or serve the Midtown Central Business District, the Garment Center and its related trades throughout the city, and the Broadway theater and Times Square entertainment district. Most importantly, the neighborhood houses 21,000 residents in approximately 1,200 housing units located in walk-up, tenement and apartment houses, converted lofts and high-rise apartment towers.

The Community Board has a responsibility under the City Charter to examine the City's proposal, to evaluate the impact on the community – on those who live and work there – and to recommend action in the best interest of all constituents concerned.

Manhattan Community Board No. 4's work over the past three years is built upon the platform of community input and study initially undertaken by the Hell's Kitchen Neighborhood Association (HKNA) starting in 1995. The following goals and strategies from HKNA's *Hell's Kitchen South: Developing Strategies* formed the basis for Board discussions and served as guideposts for the formulation of the Board's responses to the Plan.

Goal 1: Ensure that new development respects the varying scales of the existing neighborhood character, promotes community identity, and is held to superior design and environmental standards.

Goal 2: Substantially increase the residential population while assuring a range of affordability.

Goal 3: Transform Hell's Kitchen South into a model mixed-use neighborhood while protecting existing homes, jobs, and businesses.

Goal 4: Improve and enhance public amenities - public open space, waterfront access and community services.

Goal 5: Mitigate the environmental social and economic consequences of traffic congestion.

In brief, the Board questions the need for 35-40 million square feet of new development in Midtown and the compatibility of mixed uses at such high densities. The Board supports an alternate development plan that uses the Western Rail Yard not for a stadium but for high density commercial buildings, residences and community uses, and for a southward expansion of the Javits Center. This

would allow redistribution of density from sensitive areas such as the 42nd Street, Tenth Avenue and Eleventh Avenue corridors. The Eastern Rail Yard and the areas east to Eighth Avenue, and the 34th Street corridor should be established as the area's main high density commercial spine. 42nd Street should remain a primarily residential mixed-use corridor and a buffer for the Special Clinton District to the north.

The Board's overarching goal for the area between 35th and 42nd streets, from Eighth to Eleventh avenues, is to have a residential neighborhood develop with strong local identity. In this area, existing residential buildings should be protected and development should occur in a fashion that reinforces the community's historical identity and strengthens its connections with neighborhoods to the north and south.

THE COMMUNITY'S CONCERNS WITH THE HUDSON YARDS PLAN

1. Excessive Density: The proposed rezoning adds an amount of density to our neighborhood that is unprecedented, undesirable and ultimately unnecessary for the City's future.

Unprecedented

The Hudson Yards Plan calls for commercial development of enormous scale: densities of up to 24 FAR on Eleventh Avenue and with no maximum in the "Four Corners" at 34th Street and the proposed Hudson Boulevard. Maximum densities would be achieved by distributing floor area by certification from the Eastern Rail Yards. This would permit 70- and 80-story office towers on Eleventh Avenue, and even more at the "Four Corners."¹

In the proposed Hudson Yards Special District, these densities are achieved through unprecedented mechanisms: for contributions to a District Improvement Fund, through the creation and then transfer of substantial development rights from the Eastern Rail Yard, and through mandated commercial development in mixed-use zoning districts. The District Improvement Fund (DIF) mechanism has never been used before in the Resolution. The notion of capturing for public purposes a portion of the value created by an up-zoning is compelling and merits serious consideration and public debate. But the scale of the value capture proposed in the Hudson Yards Special District is daunting: up to one-third of the maximum floor area in the "Northern Blocks" and almost 40% in the "Tenth Avenue Corridor" would be created through these mechanisms. In addition, questions regarding the management and oversight of the DIF and its link to the City's general fund remain unanswered, as discussed below.

¹ Today, the largest maximum total FAR, not subject to any further conditions, authorization or public review, in the New York City Zoning Resolution is a 21.6, permitted only in the Special Lower Manhattan District which covers the downtown's Central Business District. NYC Zoning Resolution, Section 81-211 describes "no limit" for maximum total FAR for non-residential or mixed use buildings in some areas within the Special Midtown District, but only when transferred development rights or incentive programs are used. Section 91-22 indicates that in the Special Lower Manhattan District developments may exceed the 21.6 FAR by special permit.

The Eastern Rail Yard (east of Eleventh Avenue, between 30th and 33rd streets), currently zoned with a 5 FAR, would be acquired from the Metropolitan Transit Authority (MTA) (at a price yet to be disclosed), and up-zoned to a 19 FAR. But only 9 FAR would be permitted to be used for building on the rail yard itself. The balance, or more than 50% of the development rights associated with the Eastern Rail Yard, could be used only if transferred to the north – as far away as 41st Street. In short, development rights are being created in order to be sold.

Recognizing that the market will favor residential development over commercial development, the proposed Hudson Yards zoning would require commercial development in certain areas. This goal makes sense in the 34th Street Corridor which extends westward from the Penn Station transit node. Locating commercial development in that corridor would promote the use of efficient mass transit for local and regional commuters. However, seeking to extend such requirements north along Eleventh Avenue to 41st Street ignores the reality of real estate market forces which have been long at work on the far West Side. The demand for housing at all income levels is an economic reality that has brought thousands of new apartments to the area. This reality cannot be easily dismissed by the proposed planning requirements.

Undesirable

The proposed new commercial buildings will be massive, lining along Eleventh Avenue as a barricade between the City and the Hudson River waterfront (*see Attachment A*). They will block light and air from the river, and obliterate the iconic views of Midtown Manhattan from the west. They will cast enormous shadows over the area's few open spaces, and will leave the Hudson River Park in shadow for much of the morning hours. They will bring traffic that the area will not be able to accommodate, and place burdens on City services that have not yet even been sited or planned for. Buildings of this scale at this location will simply not create the kind of vibrant mixed-use community that the City's planners have said is their goal.

Manhattan Community Board No. 4 believes that a far better plan would eliminate the proposed Jets football stadium and use the Eastern and Western Rail Yards to absorb much of the plan's density, oriented in an East-West direction along the 30th/34th Street corridor, as a natural extension of the high-density commercial area surrounding Penn Station.

Ultimately unnecessary

Twenty-eight (28) million square feet of commercial office space proposed for the Hudson Yards area is substantially more than what is actually needed for the City's future growth. The Group of 35 Report, issued in June 2001 when increasing demand for commercial office space and limited new supply – rents at an all-time high, and vacancy rates the lowest in 2 decades – still only forecast a need for 60 million square feet city-wide of which 20 million was slated for the far West Side. The ULURPs are based on a forecast need of 70 million square feet of commercial office space city-wide of which 28 million is slated for our neighborhood. Since the Group of 35 Report, the real estate landscape has been dramatically transformed, and there is at present a surplus of office space in the City. There is now the fervent hope that 10 million square feet will be rebuilt in Lower Manhattan, and 13 million square feet remains to be developed in Manhattan, in addition to 12.3 million square

feet that already planned or under construction. Against that new reality, we cannot accept that 28 million square feet of commercial office space in our neighborhood is truly needed to serve the City.²

Finally, we note that the redevelopment of the Farley Post Office Building could bring the total amount of commercial development in Hudson Yards to more than 30 million square feet. The Request for Qualifications dated July 12, 2004 states that this project would allow private redevelopment of 750,000 square feet of space within the building and development of as much as 1 million additional square feet of unused development rights under current City zoning. The proposed Hudson Yards rezoning would increase those unused development rights to 1.67 million square feet. These amounts are not included in the estimates of commercial development in Hudson Yards.

2. No Plan for Affordable Housing.

The Problem

It is widely recognized that one of the overwhelming problems facing New York City is a long term housing shortage, particularly housing units permanently dedicated to be affordable for low, moderate and middle income families. Our population has grown many times faster than the housing stock. To his credit, the Mayor has acknowledged the problem and made the building of affordable housing an administration priority.

Affordable housing is an even more critical issue in Hudson Yards and its environs than in the City at large. Unlike some parts of our City, Hell's Kitchen is distinguished by its diversity; families with a wide range of incomes live side by side. Fifty- year residents and newcomers co-exist. Buildings old and new, large and small line its streets. It is this very diversity that gives the area its essential character and attracts new residents and businesses.

While Manhattan Community Board No. 4 supports significant development of Hudson Yards and the needed re-zoning, it cannot and will not support any plan that does not provide the amount and type of permanent affordable housing the community needs to retain its diversity. We must be able to accommodate lawyers and librarians, stockbrokers and policemen, schoolteachers and bankers.

Beyond the direct displacement of 10 buildings with 85 households (to which the Community Board strongly objects), we disagree with the DGEIS conclusion that "the proposed action is a manifestation of an on-going trend toward higher-end market rate housing in the Project Area... and this trend is expected to continue with or without the Proposed Action." Manhattan Community Board No. 4 has strongly articulated a policy for future housing growth affordable to full range of incomes. The City should be mitigating the market trend through public policy initiatives and commitment of resources to ensure affordability for all New Yorkers, not just those with the highest incomes.

The construction of a large quantity of market-rate housing balanced only by the small amount of low-income housing that can be created under existing programs, e.g., 80/20 and inclusionary

² The Independent Budget Office shares our concern. See "Supply and Demand: City and State May Be Planning Too Much Office Space," an IBO Background Paper issued August 2004.

bonuses, does not achieve our goal and is unacceptable. The City has met with the Board several times to discuss these housing needs. We have welcomed Department of Housing Preservation and Development's willingness to both hear and respond to the housing issues raised in several letters since June 2003. Regrettably, however, even though the matter has been under study for well over a year no concrete solutions have been offered. The opportunity exists for a major breakthrough, but it requires creativity and bold initiative that so far seems to have been lacking.

Manhattan Community Board No. 4 has supported densities and building heights that exceed what it believes are most desirable for this neighborhood only if the City makes a concrete commitment for a substantial development of affordable housing within the Board's boundaries. It will not support such high levels in the absence of a permanent and sustainable affordable housing program.

What is Acceptable to Manhattan Community Board No. 4

Manhattan Community Board No. 4 believes that the following elements define an acceptable affordable housing program:

- Not less than 30% of all housing units constructed in the rezoned area must be permanently affordable. For example, if 12,000 units are built, 3,600 must be affordable; if 15,000 are built there must be 4,500 affordable units.
- Affordable units not located in the same building as market-rate units, must be located within the boundaries of Manhattan Community Board No. 4.
- The affordable units shall be available to families with specified incomes in the following proportions:
 - 20% of the affordable units shall be available to people with incomes up to 80% of the Area Median Income (AMI).
 - 50% of the affordable units shall be available to people with incomes up to 125% of AMI.
 - 30% of affordable units shall be available to people with incomes up to 165% of AMI.
- Permanently affordable means that apartments are so designated by deed restriction, regulatory agreement or other legal instrument and may not be converted to market rate units after a given expiration date of a mortgage, tax incentive or any other government program. The units shall remain affordable in perpetuity.
- Demolition of existing buildings containing residential uses (as defined terms in the New York City Zoning Resolution) shall be prohibited and or limited in manner similar to the requirements of 96-108 and 96-23 of the Clinton Special Zoning District. Further and intimately connected, the requirement for Certification of No Harassment and shall be required for such buildings for the purpose of obtaining a permit for alterations, enlargements or new construction in a manner similar to 96-108, 96-109 of the of the Clinton Special Zoning District. The companion Cure for Harassment provision in 96-110 shall also apply to such buildings.
- The City shall have taken concrete steps to demonstrate and effectuate the establishment of an affordable housing program for the Hell's Kitchen/Hudson Yards area as substantially as outlined above through site identification and or designation, submission of legislative changes to

required government bodies , promulgation of regulatory amendments, funding stream identification and set asides and other specific action with other government entities as needed.

How to Achieve the Goal

Manhattan Community Board No. 4 does not pretend to have expertise in construction and housing finance. However, it is obvious that the rezoning of low density manufacturing zones to high-density residential or commercial use creates an overall massive increase in property values in a 59 square block area. The increased value will translate into higher tax receipts for the City and substantial profit for landowners and developers. The City seeks to capture part of that value through its proposed District Improvement Bonus contribution to be administered by the Hudson Yards Infrastructure Corporation. This Board strongly believes that a significant portion of this value capture should be used to provide affordable housing units for families and individuals of low, moderate and middle incomes. Further, the development of affordable housing should be the city's first priority over infrastructure for a new business district. The City is apparently willing to use funds generated by Hudson Yards for less than essential projects such as those related to the ill-advised Jets football stadium. This choice is simply a squandering of newly generated resources and poor public policy.

Numerous mechanisms are available to encourage affordable housing:

- Make available publicly owned or controlled land that is underutilized for direct construction of affordable housing or for FAR transfer for affordable housing.
- Provide funds for land acquisition to help offset unduly high land values in Hudson Yards resulting from the proposed zoning actions.
- Modify existing affordable housing programs
 - to create permanent affordable housing;
 - to make them applicable the Hell's Kitchen/Hudson Yards area; and
 - to create housing accessible to a wider range of incomes.

Examples include the modification the 421 (a) tax incentive boundaries, expansion of the geographic boundaries of NewHOP, requiring permanent affordability of 80/20 housing.

- Insure affordable housing through use of mandatory inclusionary housing, i.e., requiring each developer constructing market rate housing to provide a given number of affordable units on or off site.
- Permit, as needed, programs and tax benefits to be used in conjunction with each other to increase the incentive for affordable housing production.

This Board has given very careful thought to this matter and has listened to the many community residents that have shared their concerns with us. We believe the City has the creativity and the wherewithal to create in Hell's Kitchen a community reflecting the best of today and the promise of the future. We are prepared as always to meet with the City to discuss these issues.

3. Tremendous Risk to the City's Finances.

The Financing Plan

The City proposes to finance the plan's infrastructure costs through the Hudson Yards Infrastructure Corporation (HYIC), a not-for-profit corporation that would be created to receive and disburse revenues that would be generated by the plan. HYIC would be used to finance the No. 7 subway extension (estimated cost: \$1.96 billion), the platform over the Eastern Rail Yards (estimated cost: \$411 million), and the creation of open space and streets (estimated cost: \$407 million). The total estimated cost of these three projects is almost \$3 billion, excluding borrowing costs. These significant capital expenditures would not be subject to the City's normal, public decision making process for capital projects.

HYIC would have three principal sources of revenue:

Commercial PILOTs and Residential Property Taxes. Very few details about these elements of the plan have been released. However, it would appear to amount to what some have described as a "virtual tax increment financing."³ Real estate tax payments that would ordinarily be paid into the City's general fund would be channeled to HYIC through the New York City Industrial Development Agency (IDA). The IDA, whose property is exempt from real estate and other taxes, would take title to real property and lease it back to the owner-developer. The owner-developer would pay rent in lieu of taxes (PILOTs) to the IDA, which would then transfer the funds to HYIC for payments on the bonds. To be successful, the PILOT package would have to be structured to be more attractive to developers than traditional development financing structures. The plan assumes discounts of expected tax rates ranging from 15% to 40%. PILOTs are expected eventually to be the plan's main source of revenues, but that revenue stream will not be established until the expected development takes place, by 2015 or later.

Payments into the District Improvement Fund. These payments would be used to obtain a floor area bonus. They represent a relatively small portion of HYIC's estimated total revenue, but the amount of additional floor area generated by the bonus is substantial: a bonus of 8 FAR on a base of 10 FAR in most of the Large-Scale Plan Subdistrict, and a bonus of 5.5 FAR on a base of 7.5 FAR in the Tenth Avenue Corridor Subdistrict. The plan counts on DIF revenue for a substantial share of HYIC's revenues in the first 15 years of the plan.

Revenues from the sale of development rights on the Eastern Rail Yard. To generate additional revenue to meet the needs of the financing plan, it is proposed to zone the Eastern Rail Yards with an FAR of 19, creating approximately 10.8 million square feet of development rights, but to allow only 9 FAR (5.1 million square feet) to be used over the rail yard itself. The remaining 10 FAR (5.7 million square feet) would be sold for use elsewhere in the Large-Scale Plan Subdistrict.

³ Leonard M. Wasserman, "Building Big Capital Projects: Three Financing Strategies," CityLaw vol. 9, no. 4, July/August 2003, p. 1.

Based on these expected revenues, HYIC would sell project bonds to cover construction costs. But because the revenues do not yet exist, it is proposed that HYIC would get the project started by issuing up to \$900 million in commercial paper to cover interest payments in the early years of the plan. It is expected that investing banks will require credit enhancement for this commercial paper. The Administration proposes to provide that enhancement by having the Transitional Finance Authority agree to purchase the commercial paper as a last resort. None of this borrowing would count against the City's debt limit.

This Plan Creates Significant Risks

Tax increment financing (TIF) has to date only been used on two small projects in New York - \$1.2 million for a road improvement project and \$8 million for renovation and expansion of a mall. TIFs have been more widely used elsewhere in the country, though typically for individual projects with individual private developers committed to building public infrastructure and getting paid back through their own taxes. The scheme the city is proposing would, by some estimates, be 10 times bigger than the largest TIF on record, and much riskier because the City would front all the infrastructure costs without any assurance that development would take place to generate the revenues that the City is counting on. That could lead to a City bail-out or to further tax incentives to encourage development.⁴

The New York City Independent Budget Office has identified several potential drawbacks associated with TIFs in general:⁵

- Revenues may fall short of projections, requiring further commitment of City resources;
- Spillover of costs to taxpayers citywide. The diverted tax revenues are not available for the public services needed in the redeveloped area – schools, police, fire, sanitation – and must be funded by everyone else;
- Spillover of benefits;
- Fragmentation of the tax base;
- Development may be shifted from other areas; and
- Potentially expensive debt.

This month the Independent Budget Office released two reports confirming that these drawbacks present significant risks in the Hudson Yards financing plan.⁶

We are particularly concerned about the proposed involvement of the Transitional Finance Authority (TFA). This agency was created in 1997 to issue bonds for the financing of capital projects in the City. It may only be used to finance “projects whose costs are appropriated in the capital budget of

⁴ Neil deMause, “Olympic Games,” Village Voice January 22-28, 2003

⁵ “Learning from Experience: A Primer on Tax Increment Financing,” an IBO Fiscal Brief issued September 2002.

⁶ “West Side Financing’s Complex, \$1.3 Billion Story,” an IBO Fiscal Brief issued August 2004.

“Supply & Demand: City and State May Be Planning Too Much Office Space,” an IBO Background Paper issued August 2004.

the city.” The TFA was intended, in particular, to finance projects such as the renovation, repair, replacement and modernization of the City’s elementary and secondary school buildings.⁷ The TFA’s bonds are backed by the City’s income tax and sales tax revenues; if TFA’s resources are insufficient to make payments on its bonds, the City’s tax revenues will be diverted to make the payments.

The TFA could not be used to finance HYIC expenses directly. HYIC’s projects have been – improperly, we believe – designed to be beyond the scope of the City’s capital budget. But the TFA has accumulated reserves, and it is those reserves that the City plans to use to finance HYIC. The TFA would, if necessary, become an investor in HYIC by purchasing its commercial paper. However, the TFA Act allows these reserves to be invested only “in obligations which may, from time to time, be legally purchased by the city pursuant to section eleven of the general municipal law.” That section does not appear to allow an investment in HYIC commercial paper.

The proposed use of the TFA therefore represents a cynical attempt to by-pass the City’s capital budget process, and the protections built into the TFA Act, and has the potential of exposing the City’s general revenues to the risks of HYIC’s financing.⁸

In general, we need to know much more about how HYIC’s revenues will be collected and disbursed, and the interface between HYIC and the City’s general fund. We also need to know more about how the infrastructure projects will be carried out – who will oversee the work? What public oversight will there be for budgeting and administration? Development in the Hudson Yards area should not be isolated from City’s finances nor their Charter mandated oversight, and should be part of the City’s normal budget process. It is premature to create a financing plan for capital projects that have yet to receive the necessary public commitment provided by the City Charter required budget process.

We recognize that the City Planning Commission is required to “give consideration only to those conditions [in a Community Board’s recommendation] which are related to land use and environmental aspects of “land use applications.⁹ However, the Commission itself is required by the City Charter to take capital strategies into consideration in developing its planning policies.¹⁰ In this case, where the land use applications are so inextricably intertwined with an aggressive and poorly understood financing plan, it would be irresponsible for the Commission to proceed beyond a basic rezoning of the area before there has been a more complete public description of the plan and an

⁷ New York State Senate Introducer’s Memorandum in Support of Bill Number S2592.

⁸ As noted by the New York State Financial Control Board Review of FYs 2005-2008 Financial Plan released on July 12, 2004: The City’s “expanded capital program does not include a multi-billion dollar economic development plan the city is currently advancing, which involves the extension of the No. 7 subway line, expansion of the Javits Convention Center, and construction of a multi-use sports facility. While the city aims to avoid directly using its own credit, and the related debt service costs are not a component of its expense budget, there is insufficient information available to guarantee that existing limited city resources ultimately may not be diverted to support this plan.” (p. 34)

⁹ ULURP Rules Article 4, Section 4.063

¹⁰ City Charter Section 192(d) and (f)

opportunity for its implications for the City's financial health to be fully understood. The review process designed for land use decisions should not be used to create an end-run around the requirement for informed debate on capital projects and their financing.¹¹

4. Beyond ULURP's Reach: Barricades to the Waterfront

The Jets football stadium and the expansion of the Jacob Javits Convention Center have been consistently portrayed by the City as integral elements of the Hudson Yards Redevelopment Plan. Yet, because they would take place on state-owned land, subject to the Empire State Economic Development Corporation's (ESDC) authority to override local zoning, they are not part of the subject ULURP applications. It defies belief that projects of this significance to the City's landscape and finances could be carried out without the local oversight provided by the ULURP process. We believe that they should be subject to local public review.

In any event, the Commission should be aware of this Board's positions concerning both facilities, as they impact our position on the subject land use actions.

The Football Stadium

CB4's strong opposition to the Jets football stadium has been made clear in previous position papers:

- it would be too big and boxy – a 3-block wide, 30-story tall mega structure;
- it would be too much of an eyesore and an obstacle to waterfront access and open space as well as to residential and commercial development;
- it would create traffic nightmares;
- it would require \$600 million in direct public funds plus additional subsidies that could be far better spent on other citywide priorities;
- the economic boom promised by the Jets and the City is likely not to materialize based on the experience of other cities around the country (and the economic benefits that do materialize are more likely to come from convention events);¹²
- it would rob the MTA of a significant capital asset;
- it would not serve the needs of the Javits Center;
- it would cost the City its Olympic bid; and
- it is deeply controversial and unpopular.¹³

¹¹ Citizens Union shares our concern about the lack of public review in the Hudson Yards Plan as noted in its "Statement of Position, The Hudson Yards Redevelopment Area Proposal," issued August 2004.

¹² "Estimating the Economic and Fiscal Impacts of the New York Sports and Convention Center," an IBO Background Paper issued July 2004; and "Commentary on the Suitability of the Proposed Jets Stadium as an Exhibition Facility," a report by HVS International Convention, Sports & Entertainment Facilities Consulting delivered in connection with the hearing before the Committee on Economic Development of the New York City Council on June 3, 2004.

¹³ Many of our criticisms of the proposed stadium are shared by the Regional Plan Association, and discussed in greater detail in its Position Paper "Fulfilling the Promise of Manhattan's Far West Side" issued July 2004.

The stadium should not be part of the overall plan for the area. Without the stadium, many elements of the plan would have to be reconsidered: the open space on the Eastern Rail Yard has been configured to provide an Olympic Square and the open space adjacent to the stadium. Hudson Boulevard has been designed as a sweeping promenade to the open space, and the parking garage beneath it would be needed primarily for the stadium.

“This thirty acre, publicly-owned site presents a unique opportunity to plan comprehensively for the creation of a new neighborhood” is the description of the yards in the MTA’s Caemmerer West Side Yard Master Plan issued August 1989.¹⁴ We agree, and we would add that the Eastern and Western Rail Yards, together, represent a significant capital asset of the MTA.

The stadium should be eliminated from the plan, and the rail yards should be subjected to a public process to select the best possible mixed-use development proposal to serve the City’s planning needs and the MTA’s capital needs.

The Convention Center

We support the expansion of the Jacob Javits Convention Center to keep it nationally competitive for the kinds of conventions and trade shows that will bring out-of-town visitors to our hotels, restaurants, theaters, stores and cultural institutions. An expansion to the south was originally intended when the Convention Center was built in the 1980s, and this remains a preferred direction for expansion. Expansion to the north is acceptable, so long as 34th, 39th, 40th and 41st streets remain public streets open to the sky.

5. *Environmental Concerns.*

Despite what we believe to be significant methodological errors and an alarming number of items that were included in the Final Scoping Document but not included in the DGEIS, the DGEIS confirms our fears that the congestion and pollution associated with the Hudson Yards projects will be overwhelming. If those errors were corrected and the missing studies were available, we imagine that the cumulative impacts may defy the belief of even seasoned participants in the extreme sport of real estate development in the City of New York.

Unfortunately, the ULURP timetable requires that we act now, on the basis of the incomplete DGEIS, although complete information might have made a difference in our recommendations. We will be providing more detailed comments on the DGEIS toward the end of the public comment period, and limit our observations here to the general issues that are relevant to our consideration of the ULURPs before us.

The DGEIS predicts that the expected development, the stadium and the expanded convention center will together cause so much congestion of our streets, sidewalks and subways that during rush hours traffic will come to a standstill, pedestrians will have “unavoidable contact with other pedestrians,”

¹⁴ It is somewhat ironic that this plan, which proposed 12.5 million square feet of office, hotel and residential buildings at densities of 10 FAR failed, in part, because the scale of the proposed development was considered excessive.

and there will be long lines to get up and down stairs at many subway stations. Air pollution will reach unhealthy levels, the North River Pollution Control Plant will overflow during wet weather, and many blocks will be so noisy that, in commercial buildings sealed windows will be required and in existing residential buildings the City will install double-glazed windows and air conditioners.

The DGEIS also predicts that the project will require construction of a new firehouse, new day care centers, a new school, new water mains and sewage pipes, as well as new electric substations and a transmission facility to provide an additional 309 megawatts of electricity during peak periods - as much as is produced by a mid-sized power plant. It does not discuss how any of these facilities will be sited, built or funded, nor does it adequately address the need for new police services, emergency medical services, or after-school programs.

Finally, the DGEIS indicates that all projected and potential development sites will be saddled with notices in their title records, called "E" designations, saying their land is probably contaminated. Given the long industrial history of the entire area, it is not surprising that properties would contain a variety of hazardous materials. Almost no physical sampling has been performed (this has been deferred to the final EIS), yet on the basis of paper records, the owners of nearly 100 properties will receive burdens on their titles that will make it very difficult for them to sell, finance or insure their properties. The owners will be obligated to spend large sums investigating and cleaning up the land. If the City acquires these properties, it will be liable for their cleanup, but the costs of cleanup have not been estimated or provided for.

We take issue with the DGEIS's conclusion that the project will greatly enhance our neighborhood despite the noise, congestion, air pollution and overwhelming of existing infrastructure. Throughout the DGEIS, the City blithely minimizes and dismisses the current value of our neighborhood - its economic diversity, its industrial jobs, its low- and moderate-income housing, its views, its architectural resources, its access to the waterfront, and open, quiet streets – in short, its entire character. We are concerned that the proposed rezoning and related actions will irreparably harm our neighborhood by flooding it with cars and air pollutants, by burdening it with infrastructure needs it has no plans for meeting, and by displacing current residents and businesses.

The DGEIS confirms our conclusion that the scale of development that would be allowed by the proposed rezoning is excessive, and reinforces our opposition to the stadium.

6. *Condemnation of Residences and Businesses.*

According to the DGEIS, the proposed action would result in the direct residential displacement of 85 households or housing units with an undisclosed number of residents, and a family shelter housing at least 290 residents. An estimated 338 to 344 businesses and 1,200 to 3,000 private sector jobs would also be directly displaced.¹⁵

¹⁵ DGEIS, Volume 1, Chapter 5, pp. 5-32 and 5-46.

Some of this proposed displacement would be the result of condemnations by the City for the extension of the No. 7 subway line. However, most would be a result of the creation of Hudson Boulevard and Park which would serve as a grand entryway to the football stadium. Putting people out work and out of their homes for such a vain use is simply not conscionable. Manhattan Community Board No. 4 strongly opposes residential and job displacement for that purpose.

7. *Missing infrastructure.*

Hell's Kitchen Park South

The Hudson Yards open space plan prominently features a mid-block park between Ninth and Tenth avenues. This park has been referred to in different presentations as the "Mid-block park", the "Infrastructure Park" and the "Neighborhood Park". This park has been discussed throughout a series of meetings between the Community Board and the Department of City Planning, the Economic Development Corporation (EDC), and the Mayor's Office. Strategies to secure land for this park and to develop it over a period of time were presented by the Community Board to those agencies. The park has now disappeared from the Hudson Yards Plan and the ULURPs contain no concrete actions to create this park.

We are dismayed that this park is receiving such limited support in the plan. It will not be easy space to create, but it will make a significant difference in the lives of the area's residents and in the experience of visitors passing through on their way to and from the Convention Center and new development to the west. Steps must be taken now to ensure that this proposal eventually becomes a reality.

Instead, zoning incentives are proposed which would include waivers of just established building heights limits in exchange for the provision of publicly accessible open areas. This approach burdens developers with additional costs and burdens the community with taller buildings. Instead of a plan that combines public and private resources, the development of open space would be entirely market driven. In the proposed scenario, the creation of open space is dependent on the development community and its ability to finance housing on sites that are encumbered by the expense and complexity of bridging Dyer Avenue and by the process of negotiating site acquisition with a bi-state public authority – The Port Authority of New York and New Jersey.

Our discussions with the City have recognized that the greening of the Lincoln Tunnel approaches and street tree planting in the blocks between Ninth and Tenth avenues are essential to improve quality of life for the current residents, to encourage residential development, and to provide a more welcoming gateway to the City and the Javits Convention Center. Throughout our discussions, we were encouraged by the willingness of the City agencies to explore strategies for short-term, low-cost creation of parkland using the existing budget and for longer-term capital planning.

While we realize it will not be easy space to create, we are amazed at the lack of public value given to the creation of neighborhood parks. In comparison to the attention the Hudson Yards plan gives to parks serving the proposed commercial areas, and given that the plan would cost of almost \$3 billion, this lack of resources directed to the existing residential area is unconscionable.

This neighborhood park should be mapped and acquired now and built over time with a combination of public and private funds. Such a public action is an appropriate and balanced approach that is within the context of, and consistent with, the proposed Public Actions. Our plan for this park is described in greater detail in our letter to the Department of City Planning dated March 5, 2004. That plan includes a combination of land acquisition, and long-term development strategies, as well as street tree plantings and use of DPR's Greenstreets program in the immediate term. Regrettably we have not had any response to that letter.

Public action must be taken now to ensure that this park eventually becomes a reality. It will make a significant difference in the lives of the area's residents, it's workers and it's visitors.

Dyer Avenue Mapping

As a step related to the creation of Hell's Kitchen Park South, we repeat our request that Dyer Avenue be mapped as a city street between 34th and 36th streets, and between 40th and 42nd streets – all places where the roadway is at grade and has functioned as a city street since its construction between 1956 and 1974.

Consolidated Bus Parking Facility

A new consolidated bus parking facility, with direct access to the ramp system of the Port Authority Bus Terminal and the Lincoln Tunnel, is crucial to alleviating existing traffic congestion and pollution problems and to improve safety in the area.

The facility would serve not only Port Authority's bus parking needs, but also other commuter and charter buses, mini-buses and vans. Currently, these vehicles layover on neighborhood streets, fouling the air and creating traffic havoc. A large parking lot used by Greyhound Bus Lines is planned as the site for new municipal facilities. Parking lots now used for layover bus parking will be prime sites for housing development or as parcels for the Hell's Kitchen Park South.

The DGEIS assumes completion of this facility by 2025, yet we are not aware of any public commitment to its development. The proposed rezoning should not be allowed to go forward without assurances that this facility will become a reality.

8. *Architectural Historic Resources.*

Encouraging Preservation and Development through Landmark Designation

Landmark designations should be pursued to encourage preservation and development of the irreplaceable architectural resources of the City's commercial, industrial and immigrant past.

The physical fabric of the Clinton/Hell's Kitchen and Chelsea community represents a unique opportunity to preserve elements of the neighborhood's immigrant history. This history is embodied in the rich mixture of buildings that have served immigrants as places to live, work and worship in the late 19th and early 20th centuries. The lack of major development on some of the blocks has frozen in time significant examples of tenements (pre- and post-Civil War), immigrant churches, garment and printing trade architecture, and other examples of early 20th century commerce and industry.

Future development offers an opportunity for major improvement and restoration of these structures, the context of which will be improved by new construction to come. The area has a unique juxtaposition of buildings that retains their historic integrity while being adjacent to development sites. Preservation of such historic buildings while adjacent parking lots or garages are developed will enable balanced development to proceed. Development rights from landmarks and historic areas will easily transfer to new development sites, thereby allowing the preservation of neighborhood fabric and architectural integrity.

We therefore urge consideration of the landmark designation of the following list of architectural resources taken from the DGEIS (each item is followed by the DGEIS ID number). The list is preliminary, and further study will be required by the Landmarks Commission before landmarking can be recommended.

Hell's Kitchen Tenements

- 523-539 Ninth Avenue – State/National Register (S/NR)-eligible; (DGEIS ID No.: 65)
- 500-506 West 42nd Street¹⁶ – NY City Landmark (NYCL)-eligible and S/NR-eligible (72)

Tenements are not usually landmarked. However, the historical nature of tenements in Hell's Kitchen makes them a vital architectural connection to the past. As noted in the DGEIS, the tenements listed below represent an important architectural connection to the history of immigrants in Hell's Kitchen. They also represent two ends of the spectrum of tenement history: one representing pre-old law tenements, and other of the first examples of the model tenement movement. 523-539 Ninth Avenue represent a rare, fully extant row of pre-old law tenements dating from 1885. 500-502 and 506 West 42nd Street are examples of the architect, Ernest Flagg's model tenement housing. A high society architect, best known for the Corcoran Gallery in Washington, D.C. and the Singer Building on lower Broadway in New York City, Ernest Flagg designed a group of eleven model fireproof tenements with courtyards providing adequate light and air. These are the last four surviving buildings of the eleven building complex.

Hell's Kitchen Immigrant Churches

- Holy Cross Roman Catholic Church, Rectory and School, 329-333 West 42nd Street, 330 West 43rd Street¹⁷ – NYCL-eligible and S/NR-eligible; (9)
- St. Raphael Roman Catholic Church and Rectory, 502-504 West 41st Street – NYCL-eligible and S/NR-eligible; (82)¹⁸
- Glad Tidings Tabernacle, 325-39 West 33rd Street – NYCL-eligible and S/NR-eligible; (86)

These churches represent the main focal points of the immigrant community and have retained their role as centers of community life well into the 1970's and the present. Glad Tidings was built in the mid-19th century and is a last remnant of that era of brownstones giving way to tenements. The Holy

¹⁶ Development rights for this building already have been transferred.

¹⁷ Parts of the development rights for this building already have been transferred.

¹⁸ Adjacent development site, ability to transfer development rights.

Cross complex served Irish immigrants and includes the church, a school and a rectory. Holy Cross Church is the oldest building on 42nd Street from river to river. St. Raphael Church served a thriving Italian immigrant area that diminished following the demolition of hundreds of tenements to make way for the construction of the Lincoln Tunnel. The architecture of the church is significant, as contains many Gothic elements including rose windows within arches and a gabled façade.

10th Avenue Industrial Row

- Hill Building, 469-475 Tenth Avenue – S/NR-eligible; (56)¹⁹
- 500 West 37th Street – S/NR-eligible; (93)
- Former Pinehill Crystal Spring Water Company, 500-504 West 36th St. – S/NR-eligible; (94)

These building along Tenth Avenue between 36th and 37th Street represent the architectural character of a commercial and industrial past that thrived on Tenth Avenue during the late 19th and early 20th century. It is significant that this grouping of three industrial buildings has remained intact. They are survivors of area demolition for the Lincoln Tunnel and the West Side improvement. The Hill is a predecessor to the McGraw Hill Building at 42nd Street. Within the context of the Pinehill and 500 West 37th Street it is more than fortunate that all three remain and are available for adaptive reuse and transfer of development rights. Their retention would not compromise the proposed rezoning and would complement a successful commercial or residential future for the area.

Christ Church Memorial Row

- Former Barbour Dormitory, 330 West 36th Street – S/NR-eligible; (75)
- 346 West 36th Street – S/NR-eligible; (76)
- Christ Church Memorial, 334-344 West 36th Street – S/NR-eligible; (NA)

Designed as a memorial to the Reverend Doctor Maltbie D. Babcock, pastor of Brick Presbyterian Church on 5th Avenue and 37th Street, Christ Church Memorial and the two adjacent properties located on 36th Street form a link to the immigrant community once predominant in Hell's Kitchen. The dirt on the façade hides the beauty of the Tudor style church. Along with the dormitory, which once served as settlement house, the rectory and the tenement building, form a remarkably intact example of immigrant religious and working class life. Among high-rise garment center loft buildings, the extant low-rise grouping represents the historic layering of the area.

Garment Center Buildings

- 300 West 38th Street – NYCL-eligible; (11)
- The Harding Building, 440-448 Ninth Avenue – S/NR-eligible; (37)²⁰

These two highly significant garment center buildings to the west of Eighth Avenue were built in the early 20th Century. The unique setbacks of the Harding Building are a result of the 1916 zoning resolution. Located at the corner of Ninth Avenue, the building provides a rare view of the terra cotta ornamented setbacks from both the side street and the avenue. The building also exceeds

¹⁹ Adjacent development site, ability to transfer development rights.

²⁰ Current bulk exceeds current and proposed zoning..

existing zoning limitations. 300 West 38th Street is a unique 3-story gem and a rare example in the city of art nouveau architecture.

*Printing Industry Buildings*²¹

- 344-348 West 38th Street – S/NR-eligible; (61)
- Underhill Building, 438-448 West 37th Street – S/NR-eligible; (62)
- 424 West 33rd Street – S/NR-eligible; (63)
- 406-426 West 31st Street – S/NR-eligible; (64)

These four buildings are prime examples of printing industry buildings typology. Each has façades that rise straight from the street without setbacks – a design that reflects the printing industry’s need for wide floor plates. The buildings are characterized by a base, a shaft and upper floors are ornamented with extensive terra cotta intended to lighten the appearance of the sheer facades. At the top of each are shallow cornices. Three are clad in yellow brick. 344-48 West 38th Street and the Underhill building have been converted to residential condo ownership. 406-26 West 31st Street is undergoing conversion to an FIT dorm. 424 West 33rd Street serves as an office building. All of these buildings are overbuilt as per existing and proposed zoning.

State Bank and Trust Company

- State Bank and Trust Company, 681-685 Eighth Avenue²² – NYCL-eligible; (15)

The bank is a three-story building with art-deco elements. It is currently used as a theater. Adjacent to Eighth Avenue development sites, it represents another opportunity in which preservation and development can be reconciled with the transfer of development rights to an adjacent site to the north.

Carnegie Library, Former 40th Street Branch

- Former NYC Public Library, 457 W. 40th Street – NYCL-eligible; S/NR-eligible; (87)²³

One of the original Carnegie libraries, the former NYPL 40th Street Branch, this is the only branch that is not still used as a library. It was closed after Lincoln Tunnel demolition reduced the local population. The building is an important architectural and historic resource that should be preserved. It is recommended that it be returned in the future for use as a library.

*Early 20th Century Corridor of Commerce and Industry Historic District:
34th Street from 8th Avenue to 10th Avenue*

- Master Printer’s Building, 406-416 Tenth Avenue – NYCL-eligible; (57)²⁴
- William F. Sloan Memorial YMCA, 360 West 34th Street – NYCL-eligible; (79)²⁴
- Webster Apartments, 419 West 34th Street – S/NR-eligible; (80)²⁵

²¹ All buildings are adjacent development sites, and have ability to transfer development rights.

²² Adjacent development site, ability to transfer development rights.

²³ Adjacent development site, ability to transfer development rights.

²⁴ Current bulk exceeds current and proposed zoning.

- West Side Jewish Center, 347 West 34th Street – S/NR-eligible; (84)²⁵
- St. Michael’s Roman Catholic Church Complex, 414-424 W. 34th St.– NYCL-eligible; (85)²⁵
- Former Manhattan Opera House (interior and exterior), 311 West 34th Street – NYCL-eligible; (88)²⁵
- New Yorker Hotel, 481-497 Eighth Avenue – NYCL-eligible; (108)²⁴
- Former J.C. Penney Building, 330 West 34th Street – S/NR-eligible; (110)²⁴

This corridor along 34th Street represents commerce and industry in the early part of the 20th century. In the 1920’s, the construction of many of these buildings dramatically transformed the area’s low-rise character into a formidable center of commerce and industry. The collection of its significant structures merits consideration for designation as an historic district.

Each significant building within this corridor represents an aspect of the commercial, residential, and religious aspects of life for working class residents of the 1920’s. The 43-story Art Deco tower of the New Yorker Hotel stands sentinel as a point of entry into the area. Built during the Great Depression as one of two main hotels serving the demolished Penn Station, the massive building has 8 levels of basements and now has been returned to hotel use. In 1901, Oscar Hammerstein constructed The Manhattan Opera House, to compete with Metropolitan Opera. The New York Freemasons later altered the building for their use in 1923. The West Side Jewish Center, built by Congregation Beth Israel, served immigrants working in the Garment Center. In 1925, the J.C. Penney Company built a Renaissance palazzo at 330 West 34th Street to house its department store and company operations. Adjacent to the Penny’s palazzo is the Memorial Sloan YMCA, another building built in 1929-30 during the Great Depression to serve a central housing facility for men in the Armed Services passing through the City, it originally housed 1600 rooms. Crossing 9th Avenue, the centerpiece of West 34th Street is St. Michael’s Church. In 1906, the Pennsylvania Railroad, as part of the construction of Pennsylvania Station, demolished the original on West 32nd Street. As a condition of the sale of the original church, the railroad built a new church complex to serve as a religious center for the core immigrant community at the turn of the century. The new St. Michael’s complex was built in a unique mixture of Gothic and Romanesque; it includes a rectory, a school, and a convent extending to the 33rd Street side of the block. Across the street, The Webster Apartments building was built as a gift from Charles B. Webster, a former senior partner of R.H. Macy & Company, as an apartment hotel for working women. Webster Apartments continues to serve as a residence for “working women with modest salaries” in accordance with the fund set by Webster. Dominating the Tenth Avenue end of 34th Street, the Master Printers Building is a monument to the printing industry on the West Side. At the time of its construction in 1927, the Master Printers Building was the tallest concrete structure ever built and was the largest printing building in the world.

The buildings within the district connect with the pre- and post-war mid-rise apartment houses that are intermingled along 34th Street. Together they create a formidable district representing the City’s rich commercial and industrial past.

²⁵ Adjacent development site, ability to transfer development rights.

The New Yorker Hotel, the JC Penny building and Webster Apartments all exceed existing and proposed zoning. Others, including the Manhattan Opera House, the Westside Jewish Center and the St. Michael's Church complex, are under existing zoning limitations and are adjacent to significant development sites. This district is a singular opportunity to combine substantial new development with preservation to form a two-block gateway to the new commercial area of the Hudson Yards. The proposed district will be evidence that the city can achieve a balance between preservation and new development (*see Attachment B*).

43rd/44th Street Historic District – West

- Actor's Studio, 432 West 44th Street – NYCL-eligible; (16)
- 446-448 West 44th Street – S/NR-eligible; (67)
- 454 West 44th Street – S/NR-eligible; (68)
- 417-419 and 421 West 43rd Street – S/NR-eligible; (70)
- 435 West 43rd Street – S/NR-eligible; (71)
- Former Second German Baptist Church, 407 West 43rd Street – S/NR-eligible; (81)

43rd/44th Street Historic District – East

- Film Center Building, 630 Ninth Avenue – S/NR-eligible; (14)
- 347-353 West 44th Street – S/NR-eligible; (66)

This proposed historic district is comprised of a mix of brownstones, exceptional tenements and religious institutions within Hell's Kitchen. It represents the residential past of the neighborhood and includes brownstones for wealthier residents and fine examples of historic eclectic tenement design. The Film Center building served the early film industry and continues to serve the entertainment industry. These buildings are some of the significant buildings within the proposed district. The boundaries of the district are made up on the north side of 43rd Street from 407 West 43rd Street to 435 West 43rd Street and on the south side of 44th Street from 454 West 44th Street to the (get address), New Dramatists (*see Attachment C*). Also significant within the study area to the north side of 44th is the model tenement building at 437 West 44th Street.

Chelsea Waterfront Historic District

A Chelsea Waterfront Historic District including the waterfront warehouses around the designated Starrett Lehigh Building and extending eastward to Tenth Avenue close to 26th Street would preserve many of the handsome buildings associated with the industrial past of the area. This proposal will be treated fully in the Board's response to the West Chelsea Rezoning.

9. Parking requirements.

City Planning has included mandatory off-street parking for all developments on lots greater than 15,000 SF to meet the projected parking demand in order to avoid a future parking shortfall in the rezoning area. For residential developments, parking would be required for at least 0.33 spaces per dwelling unit. Commercial and community facility developments would be required to provide a minimum of 0.35 spaces for every 1,000 SF of floor area. Under the full build-out scenario with the

proposed requirement, there would be a total of 30,518 off-street parking spaces in the area – or 7,512 more spaces than currently exist.²⁶

The proposed parking requirement would reverse parking policies that since 1982 have managed the supply of parking in Manhattan south of 110th Street “towards bringing the Zoning Resolution into conformity with current environmental programs and safety standards concerning air pollution.”²⁷

This proposed requirement also represents an increase in standard parking provisions. Under existing zoning, for the area below 60th street, these regulations allow accessory parking for residential buildings (20% of units), hotels (15% of rooms) and commercial developments (one space per 4,000 SF). Public parking lots are currently allowed in C6 districts (and in some other commercial and industrial areas), and only allowed by City Planning Commission (CPC) special permit or authorization in much of Midtown.²⁸ Accessory parking is currently required in Manhattan Community Districts (CDs) 1-8 only for some publicly-assisted housing (12-15% per unit).

The CPC may grant a special permit or authorization for accessory parking spaces or public parking lots in CDs 1-8, only after consideration of the impacts of proposed parking on traffic (as reported by DOT) and on air quality (as reported by DEP). The CPC must also find that the parking spaces will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian movement²⁹ and that the streets providing access to the parking will be adequate to handle the traffic generated thereby.³⁰ If the proposed parking facility would cause a violation of ambient air quality standards or exacerbate an existing violation a special permit or authorization may not be granted.

The DGEIS shows that full build out would result in significant adverse traffic impacts at a number of locations, most occurring during peak commuter and special event hours. At most locations, “standard traffic engineering improvements” such as signal timing changes, lane channelization improvements and restricted on-street parking would be used to improve traffic flow. However, effective implementation of these measures would require an unduly great enforcement effort.

Many of the locations requiring mitigation are also accident prone locations. The DGEIS shows a total of 44 pedestrian and bicycle accidents, one of which was fatal, on Ninth Av at or between 41st and 42nd streets. These intersections are bad now and future conditions could only resemble a nightmare. Furthermore, the community has had a very difficult time convincing DOT and the Port

²⁶ According to the DGEIS, full demand for parking during the weekday mid-day period could be accommodated by new parking facilities associated with commercial and residential development and the 950-space garage below the proposed mid-block boulevard with 19 parking spaces remaining free.

²⁷ NYC Zoning Resolution, Article 1, Chapter 3, Section 13-00.

²⁸ Parking is prohibited in the Manhattan core (between 32nd and 60th sts., and between Eighth and First avs.) and in the Javits Convention Center Study Area (between 30th and 42nd sts, and between Eight Av and Hudson River).

²⁹ NYC Zoning Resolution, Article 1, Chapter 3, Sections 13-551(c) and 13-561 (c).

³⁰ Public parking lots only, Sec 13-552(d).

Authority that programs for improving the efficiency of vehicular traffic (such as the installation of pedestrian barriers and increasing the number of traffic lanes) should not be implemented at the expense of the pedestrian environment.

Although City Planning has attempted in the past to investigate the relationship between parking availability and trips taken into Manhattan, a study was never completed. We find ourselves in agreement with the underlying assumptions of existing parking regulations in Midtown which do recognize a positive correlation between parking availability in trip generation. By requiring parking, the City is creating destinations for more cars, which, in fact, will attract more traffic.

The requirement would also remove the ability of CPC, with input from the community, to review applications on a case by case basis and prescribe appropriate conditions and safeguards to minimize adverse effects on the character of Hudson Yards and surrounding areas, including traffic improvements, if necessary.

Given that many of the trips through our neighborhoods either begin or end at parking lots/garages, and that we disagree to a significant degree to the scale and mix of development proposed, including the stadium, (which will generate many more car trips than the lesser density, no stadium development with that we support) we oppose the proposed parking requirements and related deletions to zoning text.

The amount of accessory parking or public parking lots/garages allowed in the Hudson Yards area should be no greater than that amount currently allowed by the Zoning Resolution for developments south of 60th street. Accessory parking the Hell's Kitchen Subdistrict should require a special permit with a provision modeled on Section 96-11 of the Special Clinton District provision of the Zoning Resolution.

On the other hand, the proposed requirement of one bicycle parking space per 1,000 square feet of commercial floor area would be a welcome step toward the reduction of automobile congestion and the encouragement and support of healthful, non-polluting transportation options. However, a maximum of 400 square feet of required bike parking space per building is unreasonably small, given the potential size of some new buildings. We urge that this maximum be significantly increased.

Finally, a comprehensive traffic management plan is sorely needed to address the area's existing crushing traffic problems. Any changes to parking regulations in Manhattan should be based on a citywide and regional approach, which includes improved access by mass transit and traffic volume reduction as major objectives.

THE ULURP APPLICATIONS

In light of the concerns enumerated above, CB4 has carefully reviewed the ten land use applications presented. Our recommendations on each are outlined on the following pages.

Zoning Map Change (C 040499 ZMM)

The following comments and resolutions regarding Zoning Map Change (ULURP Application C 040499 ZMM) were approved by a vote of 29 in favor, 1 opposed, 0 abstentions and 0 present, but not eligible to vote:

This Board agrees that parts of the project area now zoned for low-density industrial use should be rezoned to allow for contextual expansion of residential and commercial uses in Hell's Kitchen.

While we disagree with the scale of development contemplated by the overall plan, we find that the base densities proposed in connection with the proposed zoning map changes are generally consistent with (and in some cases lower than) what this Board would find acceptable, with several changes:

Hell's Kitchen – Subdistrict F

- Map a residential (R) rather than a mixed-use (C) zoning designation, since residential use is intended for the area
- Map a base FAR of 6 throughout Subareas F1 and F2
- Map Subarea F1 (West of Ninth Avenue) with an R8A designation with no commercial overlay
- Map Subarea F2 (Ninth Avenue Corridor) with an R8A designation with a C1-5 commercial overlay permitting ground floor commercial use along Ninth Avenue;
- Extend the subdistrict north to West 41st Street (west side of Ninth Avenue to 100 feet east of Tenth Avenue)

Tenth Avenue Corridor – Subdistrict D

- Include the subdistrict as part of the Hell's Kitchen Subdistrict to create Subarea F3
- Map with a R9A residential zoning designation (7.52 FAR) with a C1-5 commercial overlay permitting ground floor commercial use
- Extend the Tenth Avenue Corridor, on the west side of Tenth Avenue (south to 35th Street, 300 feet west of Tenth Avenue)
- Extend the Tenth Avenue Corridor, on the east side of Tenth Avenue (north to 41st Street, 100 feet east of Tenth Avenue)

Other Areas – Subdistrict E3

We support Community Board No. 5 in its request that the area be removed from the Hudson Yards proposal and submitted as a separate application for Community Board No. 5's review at such time that development in that area would be anticipated.

Other Changes

- Hudson Boulevard should not be mapped (as discussed in greater detail below); include the portion of this area north of 35th Street in the Tenth Avenue Corridor.
- Map densities up to 10 FAR through Inclusionary Housing Bonus in the 34th Street Corridor and the Garment Center Special District west of Eighth Avenue.
- Do not change the area on the south side of 31st Street between Eighth and Ninth Avenues from a C6-2 district to a C6-3X district. A 50% increase in bulk in this location would lead to increased shadows on the south facade of the landmarked Farley Building, on the glass roof of the concourse for the planned Amtrak Station, and on the great glass "wing" planned for the center of the building. The change would have major contextual impacts on the new station and the residential rowhouse block of 30th Streets between Eighth and Ninth avenues, which is zoned R8B, directly to the south of the up-zoning. This essentially unrelated rezoning should proceed and be reviewed in a separate action.

These changes are shown on Attachment D.

It is therefore

RESOLVED, that the Board recommends approval of ULURP Application C 040499 ZMM only if the changes listed above are reflected in the zoning map, and further

RESOVLED, that this recommendation is subject to two additional overriding conditions: a concrete and detailed plan for affordable housing production and preservation and no football stadium.

Zoning Text Amendment (N 040500 ZRM)

The following comments and resolutions regarding Zoning Text Amendments (ULURP Application N 040500 ZRM) were approved by a vote of 29 in favor, 0 opposed, 1 abstentions and 0 present, but not eligible to vote:

In addition to our general concerns about the proposed rezoning, we offer the following specific comments on the proposed zoning text:

Special Hudson Yards District

General Purposes

93-00(c) change “to provide an open space network to “to provide a variety of open spaces”

93-00(e) change “low- and medium scale character of the residential Hell’s Kitchen area” to “low- and medium scale residential character of the Hell’s Kitchen area;”

Add as related purposes (all are based on Special Clinton District purposes):

“to permit rehabilitation and new construction in the Hell’s Kitchen area in character with the existing scale of the community and at rental levels which will not substantially alter the mixture of income groups presently residing in the area;

“to preserve the small-scale character and variety of existing retail uses and activities in the Hell’s Kitchen area and to control new commercial uses in conformity with the existing character of the area;

“to restrict demolition of buildings that are suitable for rehabilitation and continued residential use;”

93-00(k) add at the end “consistent with the forgoing purposes”

Add as an additional purpose:

“93-00 (l) to preserve and promote access to the waterfront and use of the Hudson River Park;”

93-01 Many aspects of the Hudson Yards District Improvement Fund definition are unclear: What are the “corporate purposes” for which the Fund may be used? What are its rules re: accountability and oversight? As discussed elsewhere, we are opposed to the creation of this fund at this time; if and when it is created, there must be required public participation in its use, and transparency in its activities and finances.

We are alarmed to note that the definition of “Hudson Yards Redevelopment Area” includes the area west of Eleventh Avenue “to the U.S. Pierhead Line.” This would appear to allow the District Improvement Fund to participate in the financing of the football stadium and the expansion of the Convention Center. Throughout our discussions with the City, we have consistently been assured that the DIF would be used exclusively to finance infrastructure east of Eleventh Avenue. We are outraged to discover that this is not the case. The possibility that the DIF could have such expansive powers reinforces our opposition to its creation at this time.

93-053(a) This section overrides a number of existing special permit requirements. Several of these requirements allow for public review of specific proposed actions. Others create a necessary degree of flexibility. In general, this action represents yet another way in which the Hudson Yards plan attempts to evade the public review that would normally be required. The Hudson Yards plan will be implemented over a long period of time, and the development that will actually take place may differ substantially from what is contemplated at this time. Public review and flexibility should be retained to permit appropriate response to specific development proposals in the future. Our individual concerns are as follows:

74-68 for Development over a railroad or transit right-of-way or yard. This would normally apply to the rail yards and the Amtrak cut. As discussed elsewhere, we recommend development of an alternate plan for an integrated mixed-use development of the Eastern and Western Rail Yards, and a series of open squares over the Amtrak cut in place of the proposed Hudson Boulevard and park. Both should require a special permit as part of the large scale plan so that a specific proposal can be publicly considered.

We further note that this provision would apply to redevelopment of the Farley Building, which is within the proposed Special Hudson Yards District but conspicuously absent from the proposed zoning text. The Request for Qualifications for this project was released July 12, 2004. We insist that this significant project be subject to the City's Uniform Land Use Review Procedure, notwithstanding the Empire State Development Corporation's role as the project sponsor.

74-72 for Bulk Modification. This would remove the possibility of modification of height and setback regulations in C6-4 and C6-6 districts in the Hudson Yards. This flexibility should be retained.

74-74 for General Large-Scale Development, made inapplicable in the Large-Scale Plan Subdistrict only. It is presumably replaced by the provision elsewhere in the proposed zoning text that allows development rights from the Eastern Rail Yards to be transferred to the Four Corners or the Northern Blocks. Normally a Large-Scale Plan can happen only when all the properties within the plan boundary are under the same ownership, or pursuant to an urban renewal plan. Neither is the case here.

Most of the findings required for a general large-scale development special permit are covered by the proposed Hudson Yards text, except one: when a general large-scale development requires significant addition to existing public facilities serving the area, the applicant must submit a plan and timetable to provide the required additional facilities. (ZR Sec. 74-743(b)(5)) The DGEIS makes it clear that substantial additional facilities will be required, but there is no plan or timetable for providing them.

It is possible that individual future developments could fit the definition of a general large scale development for reasons other than the transfer of development rights from the Eastern Rail Yards. A special permit should be required in those cases.

93-131

The extent to which the proposed zoning text mandates commercial development in C6-4 zoning districts concerns us. (This zoning designation normally permits the same amount of floor area for commercial or residential use, and leaves the developer free to respond to market demands.) It seems a recognition that the commercial development that the City is counting on is unlikely to occur without undue intervention or incentive. That said, we recognize that commercial development is most appropriate in the Central Blocks and Pennsylvania Station Subareas (though the latter is in CD5 and beyond our jurisdiction) and in the block south of the Port

Authority Bus Terminal. Residential use should be freely permitted in the block west of the Port Authority Bus Terminal. The remaining portion of Subdistrict E is in CD5; Community Board 5 has recommended that this area be excluded from the rezoning, and we join in their recommendation.

- 93-132 Residential use should be permitted without restriction in the Northern Blocks (Eleventh Avenue Corridor).
- 93-15 Ground floor retail uses should also be required on Eleventh Avenue, and Map 2 should be amended to indicate a 100% Retail Requirement in that area. We applaud the transparency requirements for storefronts.
- 93-16 Requiring security gates to leave 75% of the covered area visible is a valuable community amenity which provides security for the street.
- 93-17 We oppose construction of the parking garage planned as part of the Phase 1 Hudson Boulevard and Park; this section should be deleted.
- 93-18 Flashing signs should not be allowed anywhere in the Special Hudson Yards District or the Hudson Yards Redevelopment Area.
- 93-181 This provision, which is the subject of a pending application for amendment to Zoning Resolution Section 42-541 in order to permit the proposed sign at 450 West 37th Street, should not be carried over into the regulations for the Special Hudson Yards as the purpose has been served by the amendment.
- 93-182 This Special Hudson Yards District zoning text should not provide for signs on arenas. As is currently the case, special sign considerations should be taken up as part of the application for a special permit for an arena pursuant to Zoning Resolution Section 74-41.

Floor Area Regulations

- 93-21(a) For the reasons discussed below, references to the District Improvement Fund Bonus, the transfer of floor area from the Phase 2 Hudson Boulevard and Park and distribution of floor area from the Eastern Rail Yards should be deleted. The maximum permitted floor area ratio in the Four Corners and Northern Block Subareas should not exceed 10 FAR (bonusable to 12 FAR with the Inclusionary Housing Bonus).

As noted above, the requirement for commercial use should also be deleted.

- 93-21(b) The Eastern Rail Yards are being given a C6-4 zoning map designation, which provides a basic floor area ratio of 10. This proposed zoning text almost doubles that amount, by providing that “the Eastern Rail Yards Subarea shall generate a maximum FAR of 19”.

However, only 9 FAR may be used in the Eastern Rail Yards Subarea; the balance is to be distributed in the Four Corners and Northern Blocks. We believe that the Eastern Rail Yards, as part of the high density corridor between 30th and 34th Streets, is appropriate for densities up to 16 FAR. However, we oppose the creation of development rights to serve the financial plan. Development rights created on the Eastern Rail Yard should be used on the Eastern Rail Yard. This section should be deleted, retaining density in the 30-34th corridor.

- 93-21(c) We oppose the creation of Hudson Boulevard and Park. We therefore also oppose this provision, which would facilitate its creation.
- 93-22 The priority given to the Inclusionary Housing Bonus in the 34th Street Corridor should apply throughout the Special Hudson Yards District. The references to the District Improvement Fund Bonus and the transfer of floor area from the Phase 2 Hudson Boulevard and Park, and the paragraph concerning the Pennsylvania Station Subarea should be deleted.
- 93-23 As discussed below, we oppose the distribution of floor area and height waivers to create open space in the Hell's Kitchen Subdistrict. This provision should be deleted.

Special Floor Area Regulations

- 93-31 The District Improvement Fund Bonus would add an unacceptable amount of additional floor area throughout the Special Hudson Yards District and, as discussed above, should not be established until the infrastructure needs for the area have been determined through due consideration by the appropriate public bodies. District Improvement Fund Bonus provisions should be stricken.

One provision, buried in this text, allows the contribution amount to be adjusted “to reflect changes in market conditions within the Hudson Yards Redevelopment Area.” Such a process could allow for deal-making on an individual site with significant potential for lack of transparency and public process. The Zoning Resolution can and should not function as if it were party to a private real estate transaction. This type of text, without the means and methods delineated, creates such a function.

- 93-32 We oppose the creation of Hudson Boulevard and Park. We therefore also oppose this provision, which would facilitate its creation.

If the transfer of floor area is to be permitted, it should be by special permit, not certification or authorization. We are also concerned that the mechanism allowing a contribution-in-kind to the DIF creates a process of individual deal-making with significant potential for lack of transparency and public process.

Finally, this section refers to “the approved plan for the Hudson Boulevard and Park.” We request a strong community advisory role in the creation of this plan.

- 93-33 Our objections to the distribution of floor area from the Eastern Rail Yard are noted above.
- 93-34 This section permits a bonus of 4.5 FAR for improvements to the pedestrian environment and public transit access at Penn Station. This area lies within CD5, and therefore beyond our jurisdiction for comment. We note that Community Board 5's resolution on the proposed zoning text states that it "does not object to the proposed up-zoning of the Madison Square Garden site because development beyond 15 FAR would require public amenities including: sidewalk widening, 32,500 square feet of public space and significant improvements to the pedestrian and transit environment." (CB5 did not approve the proposed rezoning for other reasons.)

Height and Setback Regulations

- 93-41 Permits rooftop obstructions (for bulkheads, water tanks, cooling towers etc.) twice as large as now permitted. For example, this provision will permit broadcast aerials such as the 300-foot aerial on 4 Times Square. The provision should be consistent with that applicable in the rest of the city as currently called for the Zoning Resolution.

We support the screening requirements for mechanical equipment.

- 93-43 This section should also provide that streetwalls must align with surrounding streetwalls in the Hell's Kitchen Subdistrict
- 93-431 This provision allows height and setback modifications and distribution of floor area without regard to district boundaries within the Hell's Kitchen Subdistrict for developments or enlargements that provide publicly accessible open areas over or around the Lincoln Tunnel approaches. As discussed above under "Community Concerns," this mechanism for the creation of neighborhood open space burdens developers with additional costs and would burden the community with taller buildings. The community's alternate plan for creating this open space is discussed above. We oppose this provision.

If this provision is to be retained, height and setback modifications and distribution of floor area without regard to district boundaries should be by permit only, so that there is full public review of the proposed development and the open space to be created.

Special Height and Setback Regulations in Subdistricts A-E

Overall building heights should be limited as follows:

Hell's Kitchen Subdistrict:	120' (per underlying zoning) 60-85' streetwall on Ninth Av. 60-95' street wall in mid-block
Tenth Avenue Corridor:	135 feet (per underlying zoning on wide streets)
Eleventh Avenue:	350 feet (Subd. A)

The street wall on Tenth Avenue between 34th and 35th streets should be no taller than height of the Hill building (475 Tenth Av.) and a substantial set back from the avenue should be required to ensure adequate air and light to low-rise residential buildings to the east.

93-512(b) This block should be included in the Tenth Avenue Corridor, and this provision should be deleted.

93-521 This provision applies to a single zoning lot at 450 West 33rd Street, and amounts to "spot zoning."

NOTE: There are no height or setback regulations concerning development over the Farley Building. The Request for Qualifications for this project indicates that this site has as much as 1 million additional square feet of unused development rights under current zoning. That amount would be significantly increased by the proposed rezoning. Consideration must be given to how these rights may be used. Development over the western end of this site should be set well back from Ninth Avenue.

Mandatory Improvements

93-62 We enthusiastically support required street tree plantings. However, 3" caliper trees are too small to survive transplanting and have a healthy start in this challenging environment. The provision should be consistent with the Special Clinton District's requirement of 4" caliper trees. The provision for street tree planting at 30 foot intervals should also apply here as well.

Public Access Requirements for Special Sites

93-70 All public access improvements should require authorization by the City Planning Commission, in order to permit public review of the plans.

Off-Street Parking and Loading Regulations

93-80 The amount of accessory parking or public parking lots/garages allowed in the Hudson Yards area should be no greater than that amount currently allowed by the

ZR for developments south of 60th street.

Accessory parking the Hell's Kitchen subdistrict should require a special permit provision similar to and consistent with Section 96-11 of the Special Clinton District provision of the ZR.

Despite the caption, there is no provision concerning loading regulations. Loading docks should be internal as much as possible. Compare ZR Sec. 84-143, re: Battery Park City.

Demolition of existing 'buildings' containing 'residential uses' (as defined terms in the New York City Zoning Resolution) shall be prohibited and or limited in manner similar to and consistent with the requirements of 96-108 and 96-23 of the Clinton Special Zoning District. Further and intimately connected, the requirement for Certification of No Harassment and shall be required for such buildings for the purpose of obtaining a permit for alterations, enlargements or new construction in a manner similar to 96-108, 96-109 of the of the Clinton Special Zoning District. The companion Cure for Harassment provision in 96-110 shall also apply to such buildings.

Special Clinton District

- 96-00(f) The SCD's goals should not include relating the 42nd Street Perimeter Area to the Special Hudson Yards District.
- 96-201(a) We oppose this provision allowing the transfer of floor area from the site of the American Red Cross Family Shelter (on the south side of 42nd Street between Eleventh and Twelfth avenues) to the Large Scale Plan or Tenth Avenue Corridors.
- 96-201(b) Under current zoning, developments in the 42nd St. and Eighth Avenue Perimeter Areas may be increased from the base 10FAR to 12FAR only by using the Inclusionary Housing bonus, and the low income units for which the bonus is earned must be in the Special Clinton District. This is generally referred to as the "Clinton Bonus."

The rezoning would leave the Clinton Bonus in place for residential development, but allow a District Improvement Fund bonus to intervene for commercial developments. We also understand that a theater development bonus is under consideration for this area. We oppose both changes. The Clinton Bonus should remain the only bonus in all developments in the 42nd Street Perimeter Area. However, recognizing the scarcity of development sites in the Special Zoning District, Manhattan Community Board No. 4 supports a text change that would allow affordable units for which the bonus is earned to be located anywhere within Manhattan Community District No. 4.

- 96-201(h) Hudson Yards parking requirements would apply in 42nd Street Perimeter Area. Under current zoning, a special permit is required for garages north of 42nd Street. We oppose this change.

Special Garment Center District

- 121-00(d) The SGCD's purposes should not include "to recognize the unique character of the western edge of the District as integral to the adjacent of the Special Hudson Yards District."
- 121-11/13 These provisions would allow as-of-right residential conversion of buildings between Eighth and Ninth avenues with less than 70,000 square feet of floor area. The SGCD's preservation mechanism would remain in place for all other buildings.

We should support this change provided conversions are by special permit (rather than as-of-right) and there are increased enforcement efforts, through a dedicated revenue stream, for the remaining SGCD preservation mechanism. We also support efforts to create permanent, quality, affordable manufacturing space for responsible NYC apparel manufacturers, as proposed in the Garment Center Fashion Space.

Now, therefore, be it

RESOLVED, that this Board recommends denial of ULURP Application N 040500 ZRM unless the proposed zoning text is amended substantially in accordance with the foregoing recommendations, and further

RESOVLED, that this recommendation is subject to two additional overriding conditions: a concrete and detailed plan for affordable housing production and preservation and no football stadium.

Site Selection and Acquisition for Tow Pound and/or Sanitation Facility(ies) (C 040501 PCM) and City Map Change for Rooftop Park (C 040508 MMM)

The following comments and resolutions regarding Site Selection for Tow Pound and/or Sanitation Facility(ies) (C 040501 PCM) and City Map Change to establish park on the block from West 29th to West 30th streets between Eleventh and Twelfth avenues (C 040508 MMM) were approved by a vote of 30 in favor, 0 opposed, 0 abstentions and 0 present but not eligible to vote:

Removing the sanitation trucks from Gansevoort and under the High Line and removing the tow pound from Pier 76 have long been priorities for this Board, since they would remove these uses from the Hudson River Park.

We are pleased with the overall plan to locate these facilities on Block 675 beneath a public park. To be successful as a park, however, this park must be accessible at grade along Eleventh Avenue. Measures must also be taken to ensure adequate access at Twelfth Avenue and proper connectivity to Hudson River Park.

Sanitation facilities are required not only for the District 2 garage, which has been located on Gansevoort for some time, but also for the District 5 garage which apparently will be moved to Gansevoort in the next 24 months. Acceptance of locating District 5 and some District 2 trucks within Community District No. 4 has been conditioned on the removal of all Sanitation facilities from the Gansevoort peninsula to enable its inclusion in the Hudson River Park. This condition remains.

We have no objection to the new sanitation facility, as this does not require an additional above-grade floor in the facility. We must note, however, that this would make our district home not only to its own garage, but also to the garages for three neighboring districts and to borough wide recycling and other sanitation facilities.³¹ Given the likely high volume of trucks and other vehicles entering and exiting the tow pound and/or sanitation facility and its prominent location across from Hudson River Park, we request that community input is part of the facility's design process to ensure a safe and high quality environment in the surrounding area.

We also note that Greyhound Bus Lines currently uses a large parking facility on the western end of Block 675. Replacement bus parking must be found and we further urge EDC and the Port Authority to prioritize the development of new facilities to address Midtown's current and future need for the parking and storage of buses and other HOV vehicles.

³¹ The District 4 garage and the District 7 garage now share a facility on Pier 97 within our district. Both will be relocated to a new facility currently under construction at 57th Street and Twelfth Avenue. Manhattan's entire recycling program is operated from Pier 97 (at 58th/59th streets). Pier 97 is currently one of three locations under study for a new Marine Solid Waster Transfer Facility.

The application indicates that the park will be an active recreation park, yet the only action being taken is the mapping of the area in which the park will be created. No information is provided concerning the design, programming or operation of the proposed park which will be the largest public upland park in the board area since Dewitt Clinton Park was approved in 1902. We request a strong community advisory role in each of those elements, as is the case, for example, with the Hudson River Park.

In addition, there must be a concrete commitment to funding of the park's ongoing maintenance and operations.

It is therefore

RESOLVED that the Board recommends approval of ULURP Application C 040501 PCM only if the proposed multi-agency facility is located entirely below the Eleventh Avenue grade, and further

RESOLVED that the Board recommends approval of ULURP Application C 040508 MMM subject to the following conditions:

- 1. There is a strong community advisory role in the design, programming and operation of the park; and**
- 2. Adequate funds are committed to the park's ongoing maintenance, operations and programming.**

And further RESOVLED, that this recommendation is subject to two additional overriding conditions: a concrete and detailed plan for affordable housing production and preservation and no football stadium.

Site Selection and Acquisition for a Public Parking Garage (C 040502 PCM)

The following comments and resolution regarding Site Selection and Acquisition for a Parking Garage (ULURP Application C 040502 PCM) were approved by a vote of 31 in favor, 0 opposed, 0 abstentions and 0 present but not eligible to vote:

As discussed in detail in our response to the proposed text amendments that would create mandatory parking requirements in the Hudson Yards area, the amount of parking in the Hudson Yards area should be managed by the current language of the Zoning Resolution.

The demand for the 950 spaces in the garage – a drop in the bucket given the plan's projected total spaces of 30,518 – has not been made clear. Moreover, overall future demand for parking under the lesser density, no stadium development scenario – the scenario preferred by this Board – would generate less demand. Unlike new facilities for bus parking and storage, a public parking garage is not needed.

According to the application, this action would require the demolition of 13 buildings, including 3 residential buildings with a total of 34 dwelling units, as well as buildings housing 53 businesses with a total of 376 employees.

It is therefore

RESOLVED that the Board recommends denial of ULURP Application C 040502 PCM.

Acquisition of Property for No. 7 Subway Extension (C 040504 PQM)

The following comments and resolution regarding Acquisition of properties and permanent and temporary easements for No. 7 Subway extension (ULURP Application C 040504 PQM) were approved by a vote of 27 in favor, 2 opposed, 1 abstentions and 0 present but not eligible to vote:

Manhattan Community Board No. 4 favors the expansion of mass transit and recognizes its capacity to spur development in the Hells' Kitchen/Hudson Yards area. Currently, bus service is the only transit that serves much of the rezoning area. However, 39th Street Ferry Terminal, Penn Station, the Port Authority Bus Terminal, the proposed Moynihan Station, and proposed ARC improvements at the edges of the rezoning area provide incredible access to the regional transportation network. Access to these nodes should be maximized. DCP, EDC and the MTA should provide a comprehensive transit plan that integrates regional rail, bus, subway and other means of mass transit.

In a world of unlimited resources, we would support the proposed extension of the No. 7 subway at this time. We agree that the preferred alignment is west to Eleventh Avenue, then south. However, the extension must continue from 34th Street and Eleventh Avenue east to Penn Station. A fully built out station at 41st Street and Eleventh Avenue is essential to serve the growing residential population and new developments west of Times Square, particularly near the 42nd Street corridor.

However, we are concerned that embarking now on the No. 7 extension would jeopardize other important transit priorities: the Second Avenue Subway and the East Side Access and the Access to the Region's Core projects which will provide additional rail access to and from commuter suburbs. The DGEIS assumes completion of the Second Avenue Subway; without it the proposed West Side development will lead to transit overcrowding as far away as Grand Central Station. An overwhelming amount of the growth in suburban commuting into Manhattan has come from New Jersey. It would be reasonable to expect that commercial development in the Hudson Yards area will draw significant numbers of commuters from the west. The No. 7 extension does nothing to address this need, and current peak hour commuter rail tunnel capacity under the Hudson River is at or close to its limits.

The extension of the No. 7 tracks down Eleventh Avenue to 24th Street to provide storage for trains will have major impacts on Chelsea that will be discussed in this Board's response to the related proposals to rezone West Chelsea. This extension has major implications for the usability of the proposed station at 34th Street since it requires the platforms to be located far below street level. The

southern extension of the No. 7 and the clearly implied future station near 23rd Street have never been publicly discussed or reviewed.

We are also concerned that there has been so little public discussion about this significant MTA capital project. Though the extension would be paid for by the City, through the Hudson Yards Infrastructure Corporation, it would, as we understand it, nonetheless be an MTA capital project. We have yet to hear that the MTA has embraced this project.

The No. 7 subway extension represents 70 percent or 1.96 billion of the estimated 2.778 billion dollars in infrastructure cost. As discussed above, we are gravely concerned about the extent to which the proposed infrastructure financing may jeopardize the City's financial health. The exposure arises because such a large bet about the success of the redevelopment plan is being placed so far in advance of actual development in the area.

We have therefore urged consideration of less costly alternatives to provide mass transit to Eleventh Avenue and 34th Street from the regional transit hub at Penn Station until revenue from the development in the Hudson Yards area can support the financing of the No. 7 extension and when the extension becomes an MTA priority.

Given the preferred alignment along 41st Street and Eleventh Avenue, the locations where sites were identified in the ULURP seem appropriate for claimed subway uses and most involve temporary and/or below-grade easements.

However, the properties identified for fee acquisitions are quite large, as is the development potential of those sites. All those sites, except the small site on 40th Street between Eighth and Ninth avenues, serve the Hudson Yards Plan for development purposes rather than mass transit needs. The sites on both the north and south sides of 34th Streets and 11th Avenue, and the two at 41st Street and Tenth Avenue well exceed the need for transit related use. They would be development sites created through public action intended to bring revenue to the Hudson Yard Infrastructure Corporation. The need for new subway stations, access points or mechanical systems should not be convoluted to justify taking more property than what is required for mass transit construction. Site acquisition should be limited to the minimum needed for transit infrastructure and related improvements.

It is therefore

RESOLVED that the Board recommends denial of ULURP Application C 040504 PQM because as proposed

- 1. The No. 7 subway extension has not received the necessary MTA approval.**
- 2. The construction of the extension now would jeopardize the construction of the Second Avenue Subway or other transit priorities.**
- 3. Construction of the extension now would increase cost and financial risk; a phased approach is preferred.**
- 4. Property acquisitions are larger than needed and create publicly funded development sites.**
- 5. Alternatives have not been adequately considered.**

Acquisition of the Eastern Rail Yard (C 040505 PQM)

The following comments and resolution regarding Acquisition of the Eastern Rail Yard (ULURP Application C 040505 PQM) were approved by a vote of 30 in favor, 0 opposed, 0 abstentions and 1 present but not eligible to vote:

We agree that the Eastern Rail Yard should be developed. But it should be developed pursuant to a new, comprehensive plan involving both the Eastern and Western Rail Yards. The rail yards represent a significant capital asset of the MTA and the MTA should get the full benefit of the development potential, and use the proceeds to fund its transit priorities.

As mentioned earlier, the rail yards should be subjected to a public process to select the best possible mixed-use development proposal to serve the City's planning needs and the MTA's capital needs.

It is therefore

RESOLVED that the Board recommends denial of ULURP Application C 040505 PQM.

Disposition of City-owned Properties (C 040506 PPM)

The following comments and resolution regarding Disposition of City-owned Properties (ULURP Application C 040506 PPM) were approved by a vote of 31 in favor, 0 opposed, 0 abstentions and 0 present but not eligible to vote:

In other Hudson Yards land use applications, the City proposes to acquire several properties or easements that are needed, at least in part, for the creation of the streets, parks and an underground parking garage associated with Hudson Boulevard and to serve the construction and operational needs for the No. 7 extension. Acquisition of the Eastern Rail Yard to facilitate new development over the yard on a newly constructed platform is also part of the Plan.

This application is a proposal to allow the City to dispose of the Eastern Rail Yard and portions of those properties that are not fully used for the parking garage, parks, streets or for the No. 7 extension to permit future their development of these properties, in total or in part, that is "consistent with the economic development goals of the Hudson Yards plan". This application also seeks to dispose of a large parcel (already city-owned) that is located west of Eleventh Avenue between 39th and 40th streets to facilitate a northward expansion of the Javits Center.

Manhattan Community Board No. 4 views the disposition now of so many large and valuable city-owned properties without specific plans or details of their development, which is not expected until ten years or more into the future, as a dangerous precedent. Ordinarily the development of significant city properties requires public discussion of specific plans and how those plans address a specific public need or purpose. While the City's goals for Hudson Yards broadly describe preferred density,

building envelopes, and land use patterns, it cannot anticipate future conditions to the degree which is required to satisfy our concerns. Even Javits expansion plans have not been finalized.

ULURP is intended to give community boards – and by way of public meetings and hearings, civic groups, elected officials, block associations, individual citizens, etc. – an opportunity to weigh in on proposals to dispose of city-owned real property. Under this process, our Board has recently reviewed plans for

- the sale of unused development rights from a fire house for the development of a residential building on an adjacent lot;
- the transfer of city-owned property in the Clinton Urban Renewal Area to private developers for the construction of residential projects; and
- the sale of a city-owned parking lot and the development rights from a public school yard for the development of Studio City, a planned state-of-the art television production facility.

Each disposition was the subject of public meetings and involved detailed discussions of community concerns.

We know from experience that in some cases the original intent of disposition changes as the City's needs change. The Studio City site, for example, was acquired 31 years ago (1973) as a site for a new school and an affordable housing development. For budget reasons, the school was never built and the site was used as a parking lot until EDC and a private developer proposed Studio City. The Studio City project has been stalled for 2 years, and should this project die, we would expect ULURP once again for a new proposal. Similarly, after the museum at 2 Columbus Circle was acquired by the City, it served as home to the Department of Cultural Affairs and accommodated other City agencies. That site is now undergoing ULURP for sale to the Museum of Art and Design.

To our knowledge, unrestricted disposition of city property has been reserved for marginal pieces of land or small vacant lots with minimal value located outside of Manhattan. This condition is simply not the circumstance on Manhattan's West Side. The subject properties of this application are extremely valuable and centrally located.

These properties offer the potential not just to further the vaguely stated goals of economic development, but could also address existing and future public needs as projected in DGEIS such as affordable housing, schools, firehouses, libraries, day care facilities and senior centers. Manhattan Community Board No. 4 simply cannot approve such a cavalier, unprecedented action to forgo real mandated public review on City assets.

It is therefore

RESOLVED that the Board recommends denial of ULURP Application C 040506 PPM.

City Map Change Related to Hudson Boulevard/Park (C 040507 MMM) and Acquisition of Easements for Mid-block Pedestrian Bridge (C 040503 PQM)

The following comments and resolution regarding City Map Changes to establish Hudson Boulevard and Park, and related street changes (ULURP Application C 040507 MMM) and Acquisition of easements for mid-block pedestrian bridge (ULURP Application C 040503 PQM) were approved by a vote of 29 in favor, 2 opposed, 0 abstentions and 0 present but not eligible to vote:

Since early this year Manhattan Community Board No. 4 has identified the properties that would be affected by the creation of the proposed Hudson Boulevard, and has begun to fully understand the economic and social impacts that condemnation and demolition would have. Some of these properties house uses that are historically characteristic and other uses that are relatively new to the area. They represent a mix of jobs, activities and residences. Many owners have invested tens of millions of dollars in recent years for major improvements.

The uses on affected properties include an emergency family center operated by the Children's Rescue Fund (formerly by the American Red Cross), video and photography studios, Internet companies, film equipment rental companies, recording studios, catering preparation facilities and a package distribution facility - namely FedEx's central midtown hub, and an automobile showroom.

The City has approached some businesses about relocation assistance, but other tenants have had no such contact. For example, the relocation plan for the emergency family center assumes its case load will be absorbed by other American Red Cross facilities, even though operations were transferred to the Children's Rescue Fund several months ago. Relocation assistance, even initial assessments, should be evenly applied, not arbitrarily or randomly.

Through direct discussions with current owners and tenants, we have learned that the proposed mapping action has already begun to freeze the development of these buildings. Although the development of the northern portion of the boulevard is 20 or more years off, prospective new tenants are difficult to find and both owners and tenants have put investment decisions on hold.

Hudson Boulevard is envisioned as a mid-block open space and minor street system from 33rd Street to 42nd Street and it is planned to be constructed in phases. Phase 1 of construction is limited to the portion south of 36th Street, yet the mapping action extends to 42nd Street. Phase 1 also includes a 950-space underground parking facility. Neither the proposed boulevard nor the parking facility has been justified to be integral to spur the development of the office buildings that are central to the redevelopment plan. The Phase 1 boulevard and parking garage seem only to serve the needs of the proposed football stadium.

Mapping this boulevard now to serve development that is not expected to occur for 12 to 20 years or more will result in planner's blight - a swath of city-owned property from 36th Street to 42nd Street left to the City to maintain and manage. Furthermore, condemnation years in advance of development imposes an unjustifiable burden on current businesses and will lead to the loss of

hundreds of jobs. The jobs to be displaced represent both entry level and creative positions which drive the City's economy.

In Clinton/Hell's Kitchen, we are still unraveling the Clinton Urban Renewal Area that was established in 1969. Only in 2003, have the final sites been slated for development. Urban renewal programs all over the city, which resulted in massive condemnation and demolition, have been viewed as planning failures. And those are the ones that have been built. For others, original plans were never realized. Instead, for 30 to 40 years, such sites sat empty awaiting a plan, as in the case of Arverne in the Rockaways where many entire city blocks remain vacant. A host of buildings in the West Village on King and Vandam streets shared a similar fate. After being condemned by Robert Moses to make way for the Lower Manhattan Expressway ramp, they were left in limbo for 30 years because the project never happened. These experiences should speak for themselves; the City has learned its lesson. Why repeat the same mistakes with Hudson Boulevard?

Our initial reaction to the Preferred Direction for Hudson Yards was that it displayed an impressive and welcomed amount and variety of open space. Now that we have more details and a better understanding of the socio-economic impacts of creating Hudson Boulevard, however, we believe that the costs of implementing this element of the open space plan outweigh the benefits.

HKNA has proposed an alternative open space plan that does not displace residents or thousands of jobs (*see Attachment E*). It would still significantly increase the amount of parkland west of Tenth Avenue by establishing a series of public squares which would be surrounded by buildings, not streets. These squares would provide frontage for development, decking over rail cuts, and improvements to existing open spaces. We urge the City Planning Commission to consider this plan and other possibilities for creating new parkland without directly displacing businesses or residents.

In light of the alternatives, Manhattan Community Board No. 4 has reconsidered the mapping and creation of the proposed Hudson Boulevard and has realized that it is by no means essential to the redevelopment of the area. We believe that a better plan would be to eliminate the boulevard and include its proposed boundaries north of 35th Street in the Tenth Avenue Corridor Subdistrict. The inclusion would make more lot area available for development, and would also reduce the heights of the proposed buildings.

Eliminating the boulevard would also allow property owners to stay or sell as a matter of choice, and not face condemnation. It would allow development, driven by the real estate market under the new zoning, to occur over time in a real, not forced, manner.

RESOLVED that the Board recommends denial of ULURP Applications C 040507 MMM and C 040503 PCM.

A. Burden
August 23, 2004
Page 41 of 41

Thank you for this opportunity to provide comments and to submit recommendations on this very important project. We look forward to continued dialogue toward shaping development in the Hell's Kitchen/Hudson Yards area.

Sincerely,



Walter Mankoff
Chair
Manhattan Community Board No. 4



Anna Hayes Levin
Co-Chair
Clinton/Hell's Kitchen Land Use Committee

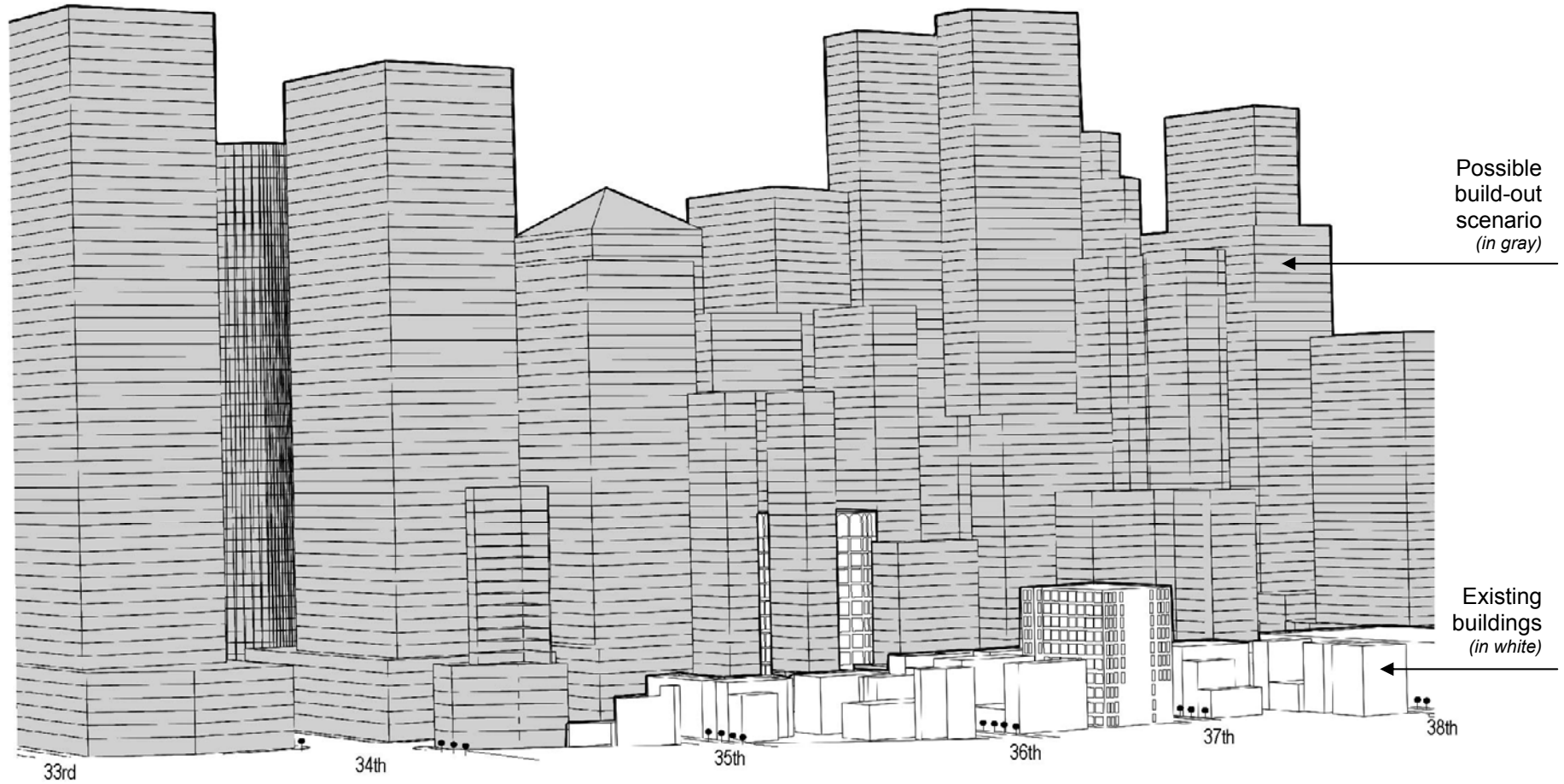


Simone Sindin
Co-Chair
Clinton/Hell's Kitchen Land Use Committee

Attachment A: Diagram of possible development permitted by proposed Hudson Yards rezoning
Attachment B: Early 20th Century Corridor/34th Street Historic District
Attachment C: 43rd/44th Street Historic District
Attachment D: CB4's zoning map revisions
Attachment E: HKNA plan for mid-block parks between Tenth and Eleventh avenues

cc: Elected officials
Government agencies
Civic organizations
Community representatives

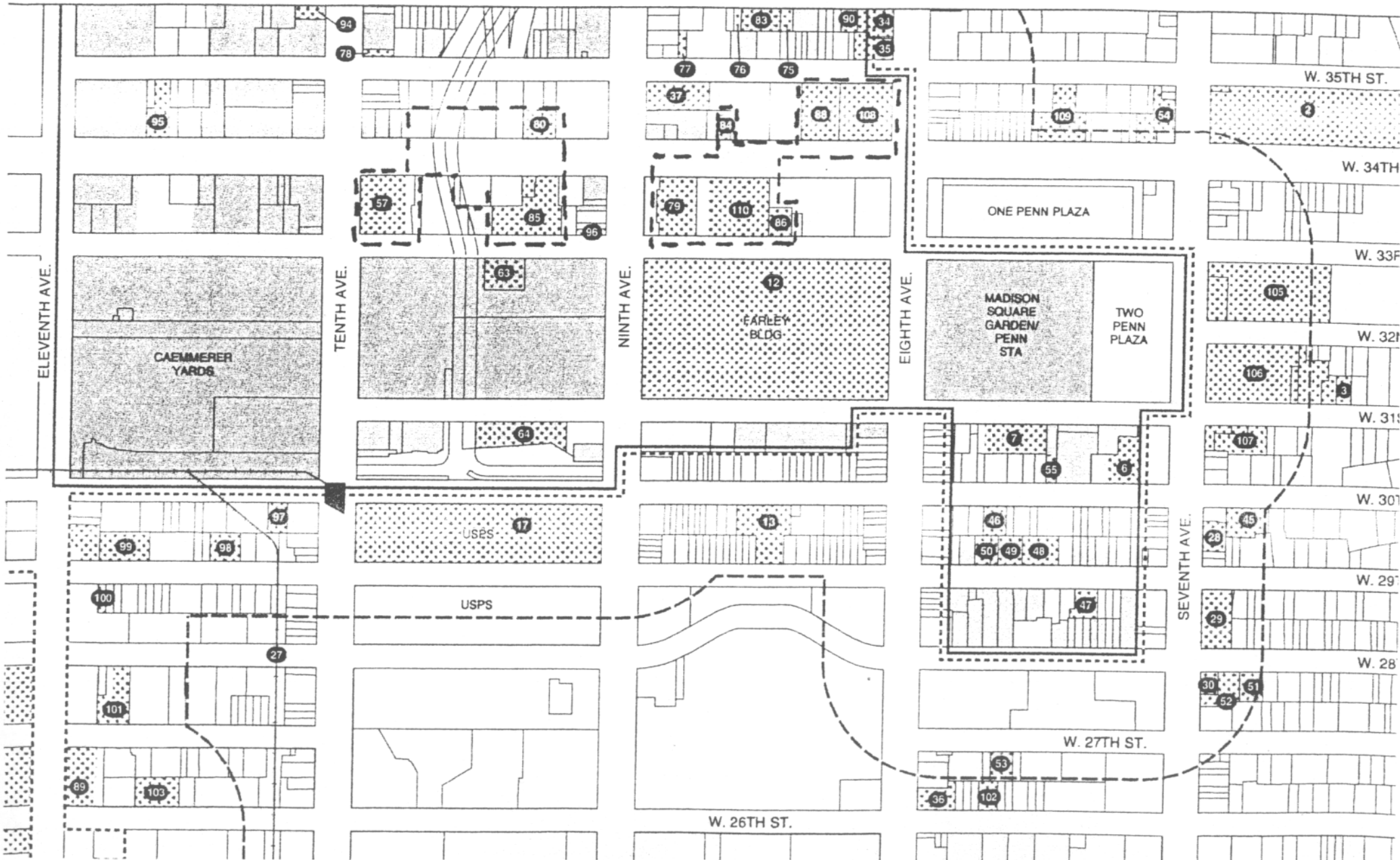
Attachment A: Diagram of possible development permitted by Dept. of City Planning's proposed Hudson Yards rezoning. (Looking north-west from Dyer Avenue at 35th Street)



Early 20th Century Corridor of Commerce and Industry Historic District

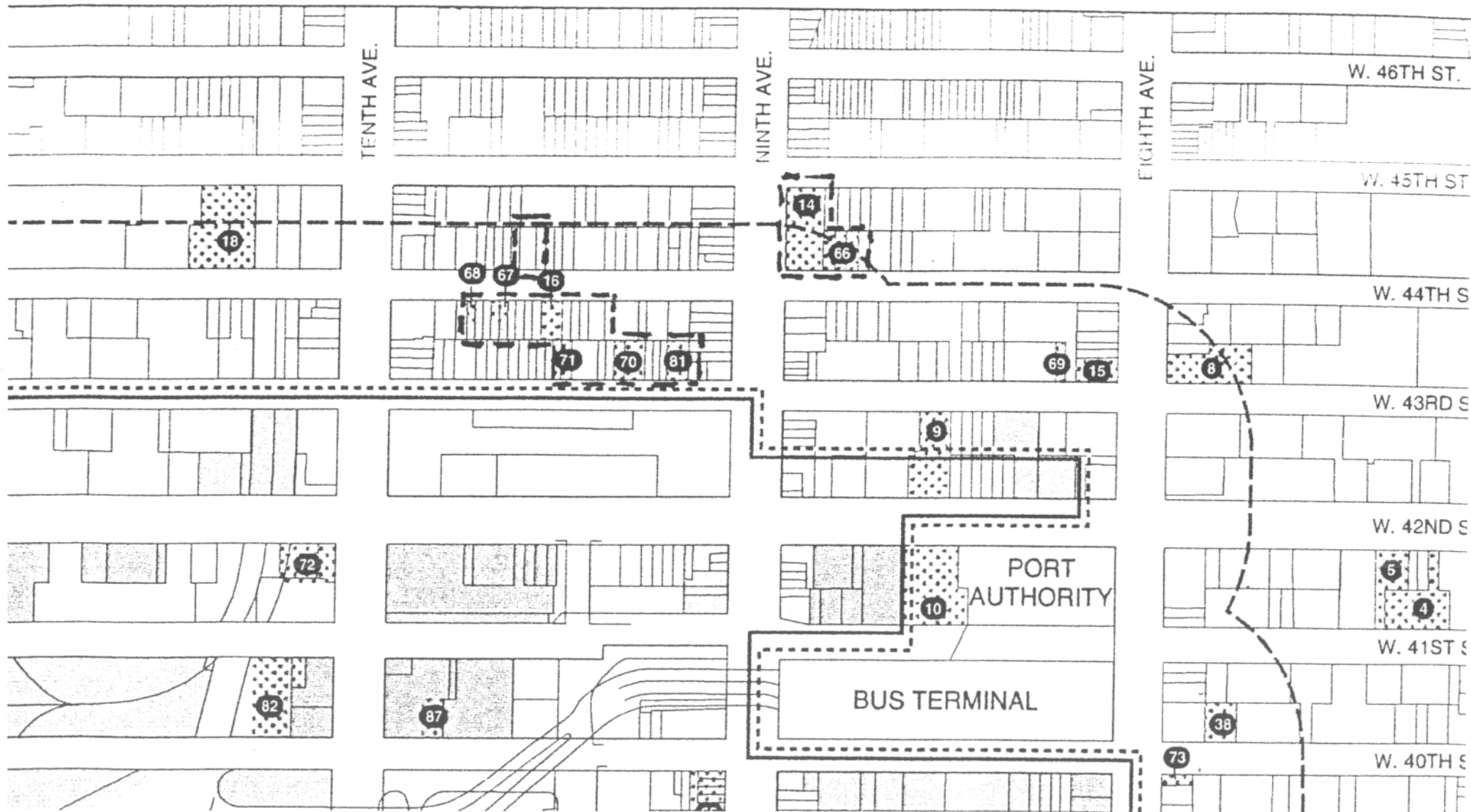
Attachment B:

34th Street from 8th Avenue to 10th Avenue



Attachment C:

43rd/44th Street Historic District

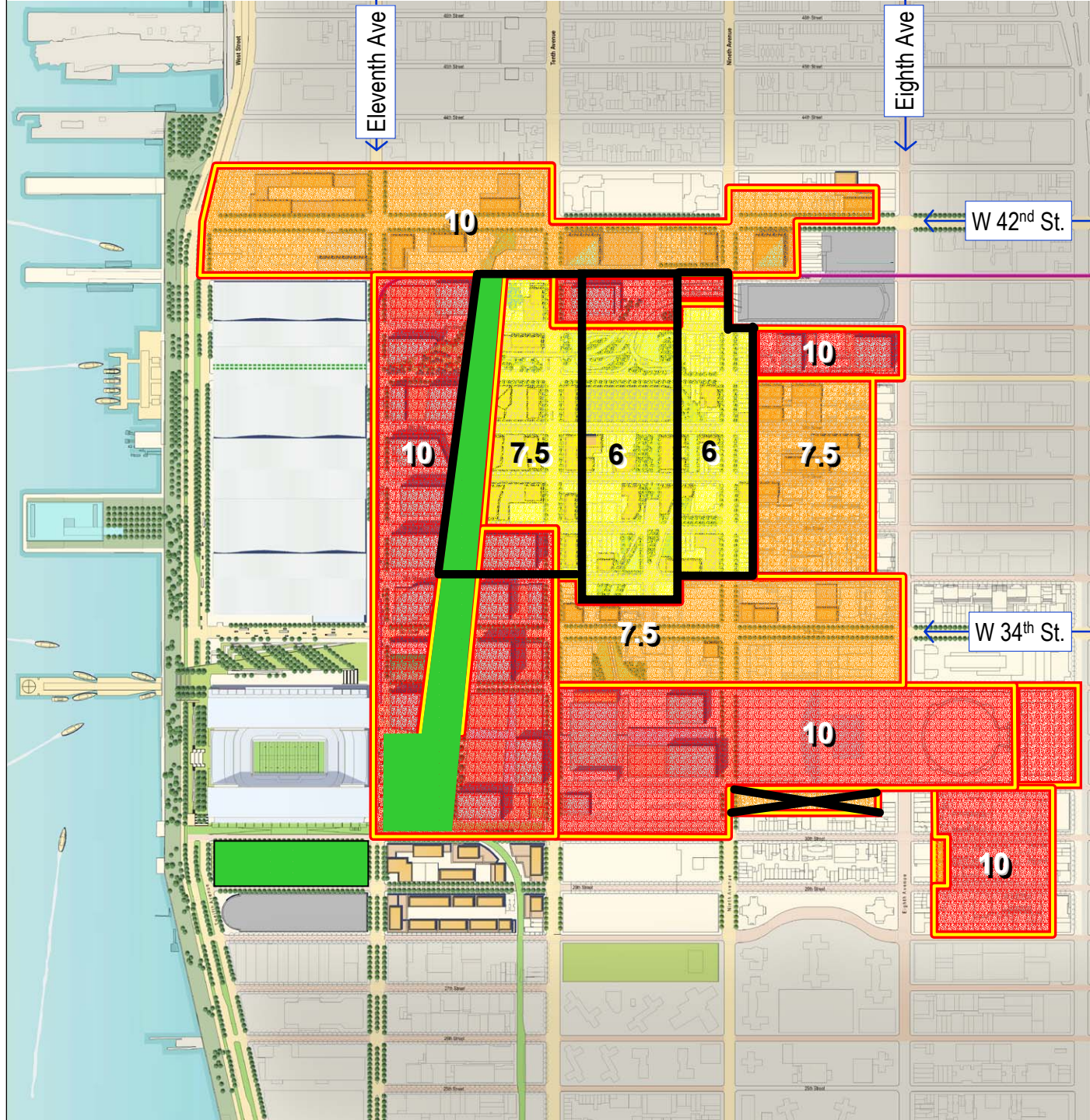


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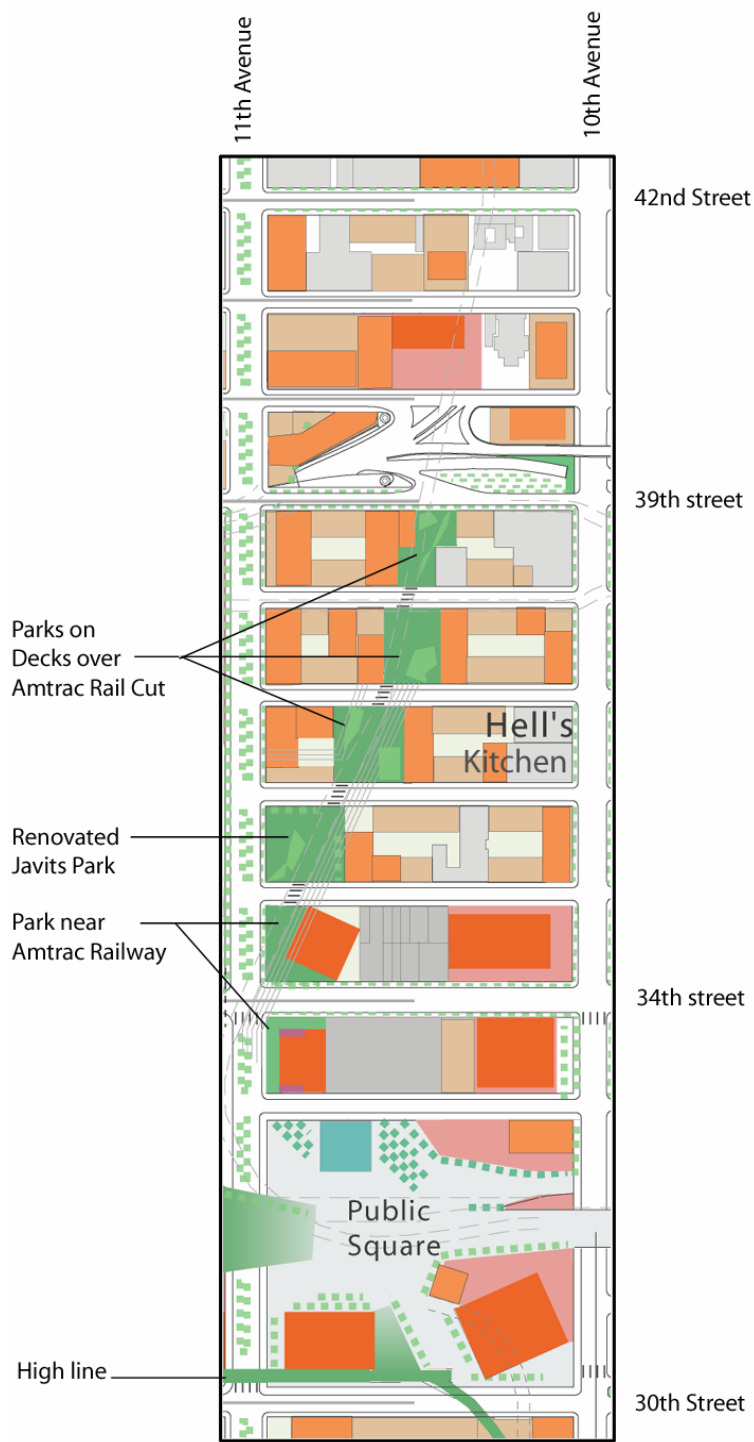
▷ base FAR

▮ CB4 revisions

Attachment D:
Zoning map revisions



Attachment E: HKNA plan for mid-block parks between Tenth and Eleventh avenues.



Mid-block Parks between 10th and 11th Avenues

**HUDSON YARDS PLAN and related LAND USE APPLICATIONS
COMMENTS and RECOMMENDATIONS**

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