

1 **Chelsea Land Use Committee**

**Item #: 1**

2  
3 February XX, 2014

4  
5 Hon. Meenakshi Srinivasan, Chair  
6 Board of Standards and Appeals  
7 40 Rector Street New York, NY 10006

8  
9 **Re: BSA No. 271-07-BZ**  
10 **Special Permit at 215 West 23<sup>rd</sup> Street**

11 Dear Ms. Srinivasan,

12  
13  
14 On the recommendation of its Chelsea Land Use Committee, and after a duly noticed public  
15 hearing at the regular Board meeting on February 5, 2014, Manhattan Community Board No. 4  
16 (CB4), by a vote of \_\_ in favor, \_\_ opposed, \_\_ abstaining and \_\_ present but not eligible, voted  
17 to recommend, with the conditions set out below, approval of an application to amend a previous  
18 grant by the Board of Standards and Appeals (BSA) for a physical culture establishment (PCE)  
19 at 215 West 23<sup>rd</sup> Street. The application seeks an amendment to allow a change in the operator  
20 of the PCE, from the David Barton Gym to Crunch, to extend the term of the previous grant and  
21 to extend the time to obtain a Certificate of Occupancy.

22  
23 In January 2008, after reviewing plans and visiting the site, CB4 recommended approval of a  
24 special permit for a PCE in the former McBurney YMCA building on West 23<sup>rd</sup> Street. The  
25 building occupies a through-lot block from West 23<sup>rd</sup> Street to West 24<sup>th</sup> Street. The lot is split  
26 between a C2-7A district on the West 23<sup>rd</sup> Street side and an R-8A district on the West 24<sup>th</sup>  
27 Street side. The entrance to, and the bulk of, the facility are located on 23<sup>rd</sup> Street in the C2-7A  
28 district. On each of the three floors one room extends 22'3" north into the R-8A district, where a  
29 PCE is not permitted. The Board recommended approval of a variance that would permit the  
30 David Barton Gym to operate in the R8A portion of the site. BSA approved the special permit  
31 and the variance on September 16, 2008.

32  
33 The siting of a PCE in a residential building raises compatibility issues. The David Barton Gym  
34 has operated successfully in its space since 2008 without generating complaints from residents or  
35 from the community. Based on this, and on positive experiences with other Crunch facilities,  
36 CB4 believes that Crunch is likely to operate in this space without disturbing residents or the  
37 local community. We therefore recommend approval of the application with the following  
38 conditions:

- 39
- 40 • Crunch personnel will conduct a tour of the facility for designated CLU/CB4 members who  
41 will conclude that the proposed programming is located so as to minimize the possibility of  
42 disturbing building residents and that planned noise mitigation efforts are appropriate;
  - 43
  - 44 • Programming will not include potentially disruptive activities such as Olympic style weight  
45 lifting, where the weights are permitted to fall from overhead; and
- 46

- 47 • *[Suggested Alternative: Programming will either not include potentially disruptive activities*  
48 *such as Olympic style weight lifting, where the weights are permitted to fall from overhead,*  
49 *or demonstrate conclusively that they will not disturb building residents; and]*  
50
- 51 • If operation of the facility leads to complaints from residents or from the community, Crunch  
52 will attend meetings set up by the Board and quickly take any steps necessary to correct the  
53 problems leading to the complaints.  
54

55 Sincerely,

56  
57 Christine, JLC, Betty  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90

DRAFT

2  
3 January 29, 2014

4  
5 Kenneth Adams  
6 President & CEO  
7 Empire State Development  
8 633 Third Avenue  
9 New York, NY 10017

10  
11 **Re: Bayview Correctional Facility**  
12 **550 West 20<sup>th</sup> Street**  
13 **Request for Proposals and Future Use**

**RATIFICATION**

14  
15 Dear Mr. Adams:

16  
17 At the January 16, 2014 meeting of Manhattan Community Board 4's (MCB4) Housing, Health  
18 and Human Services (HH&HS) Committee and the January 22, 2014 meeting of the Chelsea  
19 Land Use Committee, the Committees reviewed the Request for Proposals (RFP) for Bayview  
20 Correctional Facility (Bayview) at 550 West 20<sup>th</sup> Street by Empire State Development (ESD).  
21 MCB4 is both pleased and encouraged that ESD has been responsive to MCB4's request to:

- 22
- 23 • Preserve and restore the historic facade of the building and,
  - 24 • Include a community facility use to be operated by a non-profit organization which can  
25 continue to provide both social and neighborhood benefits.
- 26

27 After reviewing the RFP and learning that the site will only be used for commercial use as a job  
28 generator, MCB4 understands and accepts that the building will not address the need to create  
29 additional affordable housing in the district.

30  
31 In order to achieve the community's goals, MCB4 would like to clarify the community's  
32 objectives:

33  
34 **Historic Preservation**

- 35 • The Bayview building is an historic resource and must be preserved. Designed by Shreve,  
36 Lamb & Harmon, the architects of the Empire State Building, Bayview housed the  
37 Seamen's YMCA from 1931 to 1966. The building is both historically and architecturally  
38 significant and was deemed State and National Register Eligible in 2005 in the  
39 Environmental Impact Statement for the West Chelsea Special District Rezoning.
- 40 • The Board requests that ESD only entertain proposals from respondents which include:
  - 41 ○ Preservation and restoration of the brick and masonry façade including multiple  
42 terracotta plaques
  - 43 ○ Installation of historically appropriate windows and doors
  - 44 ○ Restoration of building entry sconces

- 45 ○ Additions, if sought, which are minimal and consistent with the building character
- 46 ○ Preservation and reuse of stained glass windows, a mural and a commemorative
- 47 bas relief plaque located within the current chapel on the 2<sup>nd</sup> floor of the building
- 48

## 49 **Zoning**

- 50 • The Bayview building is located within the Special West Chelsea Zoning District
- 51 (SWCD) which exists to encourage development within the area while enhancing the
- 52 neighborhood character, specifically through the creation of additional affordable
- 53 housing, and restoring and maintaining the High Line open space. SWCD was approved
- 54 by the City Council in 2005 and was carefully crafted with specific regulations for height,
- 55 setback and use across 9 subareas with different regulations. As a major condition of the
- 56 approval, SWCD the Mayor and the City Council executed a West Chelsea Points of
- 57 Agreement document, in response to community concerns, to record those agreements
- 58 (copy attached).
- 59 • MCB4 cannot support any variance from the SWCD, subareas D<sup>1</sup> and E<sup>2</sup>, in which
- 60 Bayview is located, especially the height, setback and use provisions. The SWCD does
- 61 however allow for a wide range of commercial uses.
- 62 • MCB4 requests that ESD amend the language of the Zoning, Development Goals and
- 63 Zoning Calculation sections<sup>3</sup> of the RFP to remove language which allows proposals
- 64 from respondents which do not comply with the current zoning of the recently enacted,
- 65 carefully crafted SWCD.
- 66

## 67 **Community Use and Benefit**

- 68 • The Bayview building was built as the Seamen's House YMCA in 1931 and contains
- 69 both a gym and swimming pool with decorative mosaics on the 3<sup>rd</sup> and 4<sup>th</sup> floors. Their
- 70 location in the center of this C-shaped building can be separated from the surrounding
- 71 eastern and western portions of building with a dedicated building entrance and access
- 72 core.
- 73 • MCB4 ranks 57 out of 59 Community Boards in the City of New York in open space and
- 74 recreational space. Reuse of the existing facilities represents a unique opportunity to
- 75 address this serious deficiency. These recreational resources, with adequate support
- 76 space, must be preserved.
- 77 • Today's City budgets are hard pressed to construct such facilities. These recreational
- 78 resources, with adequate support space, must be preserved and be operated by a not-for-
- 79 profit organization to provide recreational space for youth and teens.
- 80

81 MCB4 appreciates ESD's willingness to work together again so disposition of the Bayview site  
82 will bring benefits to both New York State and the Chelsea community.

83  
84

---

<sup>1</sup> Subarea D: Base height between 60' and 90', maximum height of 250'

<sup>2</sup> Subarea E: Base height between 60' and 105', maximum height of 120'

<sup>3</sup> Zoning section text on page 5, Development Goals section text on page 7 and Zoning Calculation section text on page 11

85 Sincerely,

86

87 Christine Berthet  
88 Chair

Barbara Davis, Co-Chair  
Housing, Health &  
Human Services Committee

Joe Restuccia, Co-Chair  
Housing, Health &  
Human Services Committee

90

91

92 Lee Compton, Co-Chair  
93 Chelsea Land Use  
94 Committee

Betty Mackintosh, Co-Chair  
Chelsea Land Use  
Committee

Pamela Wolff, Chair  
Landmarks Committee

95

96

97 cc: Brad Hoylman, NY State Senator  
98 Richard Gottfried, NY State Assemblymember  
99 Jerrold Nadler, Congressman  
100 Gale Brewer, Manhattan Borough President  
101 Corey Johnson, NYC Councilmember

102

103

104

105

106

107

108

109

110

111

112

113

114

115

2  
3 February 6, 2014

4  
5 Ken Knuckles  
6 Vice Chair  
7 NYC Department of City Planning  
8 22 Reade Street  
9 New York, NY 10007

10  
11 **Re: Manhattan West Text Amendment**  
12 **N 140191 ZRM**

13  
14 Dear Vice-Chair Knuckles,

15  
16 Manhattan Community Board 4 (MCB4) is pleased to provide its recommendation on an  
17 application ("Application") by BOP West 31<sup>st</sup> Street LLC and Brookfield Properties West 33<sup>rd</sup>  
18 Co., L.P. ("Applicant") to amend the Special Hudson Yards District of the New York City  
19 Zoning Resolution in order to facilitate development of 450 West 33<sup>rd</sup> Street in Subarea B1 and  
20 Ninth Avenue Rail Yard in Subarea B2.

21  
22 The proposed text amendment would modify the requirements of the public access area and  
23 phasing of 450 West 33<sup>rd</sup> Street (450 Building) in Subarea B1 and Ninth Avenue Rail Yard in  
24 Subarea B2; and parking certification of Ninth Avenue Rail Yard in Subarea B2.

25  
26 Although the Application for a zoning text amendment (N140191 ZRM) is not subject to the  
27 Uniform Land Use Review Procedure and did not require public hearing by Manhattan  
28 Community Board 4 (MCB4), public presentations on the proposed development and the  
29 required zoning actions were given to the Clinton/Hell's Kitchen Land Use And Zoning  
30 Committee on January 8, 2013 and, at the Board's request, to Manhattan Community Board 4 at  
31 its Full Board Meeting on February 5, 2014.

32  
33 At the Full Board Meeting Manhattan Community Board 4 recommended approval with  
34 conditions of the application by a vote for --, against --, and present but not eligible to vote.\*

35  
36 **DEVELOPMENT SITE**

37  
38 The Development Site consists of Lots 50 and 60 in Block 729. The site occupies the entire  
39 Ninth Avenue block front (455 feet) and extends 478 feet west on West 31<sup>st</sup> Street. Along West  
40 33<sup>rd</sup> Street, the Development Site also extends west a distance of 478 feet but it does not include  
41 the lot containing 424 West 33<sup>rd</sup> Street.

42  
43 The Development Site has an area of approximately 213,600 square feet. It contains no existing  
44 buildings but there is an active below-grade rail yard used primarily for Amtrak. The Applicant  
45 is currently constructing a platform to cover the rail yard and to enable the development of the  
46 proposed commercial and residential buildings. Along both West 33<sup>rd</sup> and West 31<sup>st</sup> Streets,

47 public parking lots with a total capacity of approximately 450 spaces were in operation until  
48 recently.

49  
50 The Applicant intends to develop the Development Site into a new commercial center, residential  
51 hub and extensive green space (to be known as Manhattan West) that links the midtown business  
52 district and Moynihan Station to the Eastern and Western Rail Yards and beyond to Hudson Park  
53 and Boulevard, the northern terminus of the High Line, and the new 7 Line extension.

54  
55 Upon completion, the Development Site will contain approximately four million square of  
56 zoning floor area, with approximately 3.2 million square feet of commercial (office, hotel, and  
57 retail) uses and 800,000 square feet of residential uses. The first stage of the project is the  
58 construction of a platform about the rail yards which commenced in late 2012.

59  
60 Completion of the entire project is expected in 2020.

### 61 62 **Five Buildings**

63 It is currently anticipated that a total of five buildings will be constructed on the Development  
64 Site: two office buildings on the northeast and southeast corners, respectively, a residential  
65 building on the southwest portion and mixed-use buildings containing office, hotel, or retail uses  
66 on the northwest portion and to the north of the residential buildings.

67  
68 The height and setback regulations in the Special Hudson Yard District allow a building to rise  
69 without setback to a height of 150 feet with a mandatory 15 foot setback above that height on a  
70 wide street and 20 feet on a narrow street. Alternatively, if a 15-foot setback at grade is provided  
71 on a narrow street, no setback is required on a narrow street.

72  
73 According to the Applicant, the exact heights of the buildings are not known but it is expected  
74 that the two office buildings will be skyscrapers.

### 75 76 **Public Space**

77 The proposed Development will provide over two acres of publicly accessible open space.  
78 According to the Applicant, the space will include "gardens, plazas, terraces," and passageways  
79 along with a deck over the existing Dyer Avenue between West 31<sup>st</sup> and West 33<sup>rd</sup> Streets "to  
80 create a seamless public open space in place of the open cut roadway." The open space will be  
81 "extensively landscaped with both trees and planted areas, (and) have fixed and moveable  
82 seating and tables and other amenities".

### 83 84 **PROPOSED AMENDMENT**

85  
86 It should be noted that the proposed text amendment is not required to implement the Applicant's  
87 proposed development for the Development Site. They do not change the amount of floor area  
88 that can be developed nor do they modify any height and setback or other bulk requirement  
89 applicable to the Development site. Rather, they only seek to modify the nature of the public  
90 access areas to be provided on the Development Site and the parking requirements. The changes  
91 to the parking regulations are required to accommodate the size and complexity of the  
92 Development Site.

93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138

The central elements of the proposed revised public access plan are:

- A Central Plaza;
- An Entry Plaza at Ninth Avenue and West 33rd Street;
- A new Platform over Dyer Avenue;
- An Art Plaza at Ninth Avenue and West 31st Street; and,
- A Breezeway in the 450 Building running from Dyer Avenue to Tenth Avenue.

The following actions are required to implement the proposed project.

### **Zoning Text Amendments**

1. Amendment to Section 93-221 (Maximum Floor Area Ratio in the Farley Corridor Subdistrict B).

The proposed text amendment would prohibit a transfer of floor area between a zoning lot located north of West 31st Street in the Western Blocks Subarea B1 and a zoning lot located north of West 31st Street in the Central Blocks Subarea B2

2. Amendments to Section 93-70 (Public Access Requirements for Special Sites); Section 93-72 (Public Access Areas at 450 West 33rd Street; Section 93-73 (Public Access Areas on Ninth Avenue Rail Yard); 93-731 (Special Requirements for Zoning Lots with Floor Area Ratios Greater than 10).

The proposed text amendment would substitute a new, redesigned series of public access areas. The revised public access spaces for the Development Site will consist of the following elements:

- An **Entry Plaza** with a minimum size of 10,080 square feet and a minimum Ninth Avenue frontage of 168 feet located at the corner of Ninth Avenue and 33rd Street. The Entry Plaza will have a minimum of eight trees, 336 linear feet of seating including a minimum of 48 moveable chairs and 12 moveable tables and at least two planting bed with an aggregate minimum size of 800 square feet. The Entry Plaza will connect to the northern edge of the central plaza.
- The **Central Plaza** will be a minimum of between 80 to 100 feet wide and extend from Ninth Avenue to Dyer Avenue. The Central Plaza will include a landscaped area with at least 44 trees, large (minimum 7,500 square feet) planting beds as well as at least 725 linear feet of seating including a minimum of 120 moveable chairs and 30 moveable tables.
- An **Event Space** of no more than 4,500 square feet is proposed for the western part of the Central Plaza and will be used for both public events (such as concerts, performances, special events, art exhibits, etc.) with up to 12 private events permitted upon approval by the Commission of a restrictive declaration. When no events are occurring, the Entry Plaza will contain a minimum 192 linear feet of seating including 96 moveable chairs and 24 moveable tables along with two moveable food kiosks during winter months.
- A **Pavilion**. For the 100 foot wide plaza alternative, the proposed text amendment allows for a

139 one-story retail Pavilion to be constructed in the Central Plaza provided that the lot coverage of  
140 the Pavilion is at least 1,000 square feet and no more than 3,000 square feet. The text limits the  
141 width of the pavilion to 40 feet and 25 feet in height.

142  
143 • An **Art Plaza** with a minimum of 7,480 square feet at the corner of Ninth Avenue and West  
144 31st Street. The Art Plaza will contain one or more pieces of artwork approved by the Public  
145 Design Commission, 45 feet of linear seating along with at least four trees, and a planting bed of  
146 at least 410 square feet.

147  
148 • A **Platform** ("Dyer Platform") covering the full width of Dyer Avenue from West 31<sup>st</sup> to West  
149 33<sup>rd</sup> Street. The platform will be landscaped with trees (a minimum of 16) containing a planting  
150 bed of at least 1,500 square feet and have two eight-foot wide circulation paths or one 12-foot  
151 wide path extending for the full length of the Dyer Platform. A West 31<sup>st</sup> Street connector  
152 consisting of a stair and elevator will connect the Dyer Platform with the sidewalk at West 31<sup>st</sup>  
153 Street.

154  
155 For the 450 Site, the proposed text provides that the following new public access areas must be  
156 constructed at the time that the Dyer Platform is substantially completed:

157  
158 • A **Breezeway** (or passageway) in the 450 Building which connects the Dyer Platform to Tenth  
159 Avenue.

160  
161 • A **Podium** with a minimum area of 1800 square feet at the corner of Tenth Avenue and West  
162 31st Street which will connect with the breezeway and provide stairs and elevators to the  
163 sidewalk.

164  
165 The proposed text requires that the seating, planting areas, trees, and stairs generally comply  
166 with the public plaza design standards. The public access areas are required to be open to the  
167 public from 6 a.m. to 1 a.m. The Applicant wants to close them between 1 a.m. and 6 a.m.

168  
169 3. Section 93-821 (Permitted Parking when the Reservoir Surplus is Greater than or Equal to  
170 Zero) and 93-822 (Permitted Parking when a Reservoir Deficit Exists).

171  
172 The proposed text amendment aligns the certification for the parking with the timing of the  
173 actual construction process for this large site. It only allows the Development Site to utilize the  
174 parking permitted by the Zoning Resolution and does not increase the number of parking spaces  
175 permitted on the Development Site or allowed in the Special Hudson Yards District.

## 176 177 **Certifications**

178 Certification under Section 93-122

179  
180 Residential development is only permitted on the Development Site after 15 FAR of commercial  
181 uses have been developed. Section 93-122 provides that residential use on the Development Site  
182 requires a certification by the Chairperson of the City Planning Commission that the minimum  
183 amount of commercial floor area has been provided.

184

185 The Applicant is proposing to develop a residential building on the southwest portion of the  
186 Development Site that will contain 854,520 square feet of residential floor area (4 FAR).

187  
188 Certification under Section 93-122(b)

189  
190 Section 93-122(b) provides that for phased developments, the Chairperson of the City Planning  
191 Commission may, be certification, permit one or more buildings containing residential uses to be  
192 developed before residential use is allowed under Section 93-221.

193  
194 The Applicant intends to develop the Development Site in two phases and has submitted a plan  
195 describing the proposed phases.

196  
197 **MCB4 COMMENTS AND CONDITIONS**

198  
199 MCB4 wishes to thank the Applicant for its consistent willingness to present at the Board's  
200 request its proposed plans to the community and the Board and to listen to their concerns.

201  
202 MCB4 applauds the Applicant's desire to install works of art and produce performances for the  
203 public and welcomes the increased public space that the approval of these proposed text  
204 amendments will provide The Board feels; however, that public space should not be expanded  
205 solely to provide access corridors to retail venues. And the Board fears that the Applicant's  
206 employment of stale, corporate-speak lacking in specificity ("open spaces ... to be designed in an  
207 integrated fashion, (to) greatly enhance the pedestrian environment") portends open space  
208 characteristic more of an upper Sixth Avenue "pedestrian environment" than of a public space  
209 worthy of the Applicant's and the community's aspirations.

210  
211 The Board is not unmindful of the many, sometimes competing demands, public space design  
212 has to balance — maintenance and safety considerations, tree and plant requirements, pedestrian  
213 circulation, etc. But public space design should not be driven by commerce. It should be driven  
214 by a desire to create a respite *from* commerce, an inviting refuge from the hustle and bustle of the  
215 city.

216  
217 The Winter Garden Atrium at Brookfield's World Financial Center is a beautiful and stirring  
218 example of what great public space can be. The Board urges the Applicant to create a similar  
219 great public space — alas, one without an atrium — in our neighborhood.

220  
221 **Conditions For MCB4 Approval**

222  
223 MCB4 recommends approval of the proposed text amendment with the following conditions:

224  
225 **1. Affordable Units**

226 The Applicant plans to develop a residential building on the southwest portion of the  
227 Development Site with 800,000 square feet of residential uses. MCB4 particularly welcomes the  
228 Applicant's statement that 20% of the units in the residential building will be permanently  
229 affordable. The Applicant proposes to take advantage of the inclusionary housing mechanism in  
230 its residential building. As a result, MCB4 requests that the applicant agree in a restrictive

231 declaration to use the inclusionary housing mechanism with the proposed residential building.

232

233 Provisions for income bands exist in the Special Hudson Yards District and the Board strongly  
234 urges they be applied to this project. It is clear to this Board that the mandate to maintain District  
235 4 as an economically diverse community can only be achieved with housing affordable to a wide  
236 range of incomes.

237

238 *MCB4 requests that the applicant agree in a restrictive declaration to use the inclusionary*  
239 *housing mechanism with the proposed residential building in order to assure that 20% of the*  
240 *units will be permanently affordable.*

241

242 *The Board also requests that the affordable units be available to a range of incomes: low- (80*  
243 *percent of AMI), moderate- (100 and 125 percent of AMI), and middle- (165 percent of AMI)*  
244 *income housing.*

245

246 *The Board strongly insists that the affordable units not be segregated, that is, that they be*  
247 *randomly distributed throughout all floors of the building.*

248

## 249 **2. Finishes and Fixtures**

250 The Applicant has been unable to answer the Board's simple question: will the affordable units  
251 have finishes and fixtures of inferior quality to the market-rate units? We would hope that a  
252 company in possession of a respected national and international reputation would wish to treat all  
253 the renters in its residential units the same.

254

255 *The finishes and fixtures of the affordable units must be the same as the market-rate units.*

256

## 257 **3. Residential Building Amenities**

258 *All amenities in the residential building will be open to all market-rate and affordable tenants.*  
259 *For fee-based amenities, there will be a reduced fee for the affordable tenants.*

260

## 261 **4. An Open City**

262 The Board fully understands the necessity of closing the public access areas for emergencies or  
263 repairs. The Board does not believe, however, that outside those contingencies, open public  
264 access areas in our district in the heart of a 24-hour city should ever be closed to the people of  
265 New York.

266

267 The Applicant contends that Central Park is also closed from 1:00 a.m. until 6 a.m. The Board  
268 notes that Central Park is over 800 acres in size, contains over 25,000 trees and wooded areas,  
269 and is visited by 20 million people each year. And people have been known to walk or run in it  
270 after its closing hours. Despite that, it remains the safest precinct in in Manhattan.

271

272 As far as we know, there are no wooded areas in the Applicant's proposed 87,000 square feet of  
273 public space.

274

275 *The public access areas should be open at all times.*

276

277 **5. Event Space and Pavilion**

278 If a one-story retail Pavilion is constructed in the public space of the Central Plaza, and if it is a  
279 restaurant, it must be one with a price range which will not be prohibitive to majority of the  
280 public. And since a Pavilion would take otherwise freely accessible public space, the Board  
281 requests that the Applicant consider the possibility of having some of the Pavilion space  
282 available to the public even if it is not patronizing the restaurant or café.  
283

284 *The Event Space will be used for private events not more than 12 days out of the year. All other*  
285 *events in the space will be non-commercial events open to the public and free of charge. MCB4*  
286 *will participate in the event selection process.*  
287

288 **6. Construction Task Force**

289 The Applicant is already cooperating with an MCB4 Construction Task Force to deal with  
290 construction effects (noise, hours of construction, sanitation pickup, rat baiting, etc.) to mitigate  
291 the impact of construction on the surrounding community, including the Clinton School for  
292 Writers and Artists, the Church of St. Michael, the Webster apartments, the Fashion Institute of  
293 Technology (FIT), and nearby residential owners and tenants.  
294

295 *The Applicant will continue to cooperate with the MCB4 Construction Task Force.*  
296

297 **7. West 31st and West 33rd Streets**

298 *The Applicant work with MCB4 and DOT to make West 31<sup>st</sup> and West 33<sup>rd</sup> Streets landscaped,*  
299 *inviting, and well lit.*  
300

301 **8. Continuing Community Cooperation**

302 The Board expects that the Applicant will continue to be a good neighbor and valuable member  
303 of the Hell's Kitchen community after the development is complete. The Board hopes the  
304 Applicant will look into the possibility of offering space in the development for community  
305 meetings.  
306

307 *The applicant will work with MCB4 and the surrounding community to address and resolve*  
308 *issues of light "bounce," noise issues, security, and other concerns which might arise after the*  
309 *development is completed.*  
310

311 Thank you,  
312

313 Christine, JD  
314

315 Brookfield  
316  
317 Electeds  
318

319  
320 \* Joe Restuccia, a member of MCB4 who serves on the Clinton/Hell's Kitchen Land Use  
321 Committee is Executive Director of the Clinton Housing Development Company. Mr. Restuccia  
322 recused himself from voting.  
323

1 **Quality of Life: ACES Committee (QoL)**

**Item #: 5**

2  
3 February 5, 2014

4  
5 Cristin D. Burtis  
6 Street Activity Permit Office  
7 100 Gold Street, 2<sup>nd</sup> Floor  
8 New York, NY 10038  
9

10 **Re: Chelsea Farmers Market 2014**

11  
12 Dear Ms. Burtis:

13  
14 Manhattan Community Board 4 (MCB4) recommends approval of the street activity application by Down  
15 to Earth Farmers Market for every Saturday from June 7, 2014 to November 22, 2014 on West 23<sup>rd</sup> Street  
16 between Eighth and Ninth Avenues (closer to the SVA Theater) with certain stipulations.  
17

18 The Church of the Holy Apostles has agreed to be their community sponsor and an agreement has been  
19 signed with them. Down to earth Markets has spoken with businesses in buildings adjoining the proposed  
20 market site and received positive response from them including the fruit vendor on the corner.  
21

22 The following stipulations have been agreed to:

- 23
- 24     ▪ **Pedestrian Safety:** applicant agrees to keeping a minimum of eight feet of sidewalk  
25     clearance for foot traffic;
  - 26
  - 27     ▪ **Noise and air quality:** This is not a particularly noisy operation as people speak in  
28     normal voices while setting up and taking down tents. Trucks may make a sound while  
29     they are backing up, and it will be kept to a minimum and idling will not be permitted.  
30
  - 31     ▪ **Perishable food not sold by end of the day:** In other locations food kitchens have been  
32     found to take this food at the end of the day. Down to Earth Markets will work to do the  
33     same at this location and are willing to consider the soup kitchen at Holy Apostles  
34     Church.  
35
  - 36     ▪ **Cleanup at the end of the day:** Every one of the sites has assigned managers whose  
37     responsibility is to assure that no debris is left at the end of the day. The manager will  
38     arrive before the set up begins and remain until after the takedown is completed.  
39
  - 40     ▪ **Food Stamps:** Down to Earth Markets manages all the required paperwork as part of  
41     their business model.;
  - 42     ▪ **Community complaints:** Down to Earth Markets will be responsive to any and all  
43     complaints. In addition should complaints be severe they will arrange for meetings to find  
44     solutions with the applicable shareholders.  
45
  - 46     ▪ **Restroom facilities:** arrangements will be made with the local stores.

47  
48 Sincerely,

1 **Quality of Life: ACES Committee (QoL)**

**Item #: 6**

2  
3 February XX, 2014

4  
5 Cristin D. Burtis  
6 Street Activity Permit Office  
7 100 Gold Street, 2<sup>nd</sup> Floor  
8 New York, NY 10038  
9

10 **Re: New Street Activity Permit Application**

11 Applicant: The (UN)FAIR  
12 Location: West 52<sup>nd</sup> Street between 10<sup>th</sup> and 11<sup>th</sup> Avenues  
13 Date: Saturday, March 8, 2014  
14 Time: 10am – 5pm  
15 Street Closure: 9am – 6pm  
16

17 Dear Ms. Burtis:

18  
19 Manhattan Community Board 4 supports the new application made by UN(FAIR) for a street fair to be  
20 held on Saturday, March 8<sup>th</sup> on West 52<sup>nd</sup> Street between 10<sup>th</sup> and 11<sup>th</sup> Avenues. The applicant appeared at  
21 the Quality of Life Committee meeting and has agreed to the following stipulations:  
22

- 23 • UN(FAIR) will reach out to all businesses and residences on 52<sup>nd</sup> street prior to fair to alert them
- 24 about the event and to address any concerns;
- 25 • All security issues will be addressed by (UN)FAIR security team;
- 26 • All street cleaning will be provided by (UN)FAIR;
- 27 • All amplified music will be very limited, at a low volume and abated if needed;
- 28 • A hotline phone number will be provided by (UN)FAIR which will be manned on the day of the
- 29 event giving residents and businesses an opportunity to reach the organizers if issues come up. This
- 30 hotline number will be posted on the MCB4 web site.  
31

32 As background, The (UN)FAIR is curated by Jennifer Wallace of nAscent Art and Mikel Glass. The  
33 theme for 2014 is “Exploring the Divide” and will feature installations, performance art, original artwork  
34 and participatory pieces. The (UN)FAIR will create a cohesive, indoor and outdoor environment that will  
35 pull together art and people with disparate views, to create an environment to consider what connects and  
36 divides us. There is no charge to attend this event.  
37

38 The applicant hosted a successful indoor event in 2013 with no complaints received related to the fair.  
39

40 The location of the fair does not interfere with local transportation.  
41

42 Sincerely,  
43  
44  
45  
46  
47

2  
3 February XX, 2014

4  
5 Honorable Corey Johnson  
6 Office of Councilmember Corey Johnson  
7 224 West 30th Street, Suite 1206  
8 New York, NY 10001

9  
10 **Re: 512 West 23rd Street, Block 694 Lot 40 (the “Site”), EMS Facility (the “Facility”)**

11  
12 Dear Councilmember Johnson:

13  
14 As you know, Manhattan Community Board 4 (“MCB4”) has been working with residents,  
15 businesses and representatives of the New York City Fire Department (“NYFD”) to address the  
16 impacts from the EMS Facility located beneath the High Line at 512 West 23<sup>rd</sup> Street for many  
17 years. However, due to the difficulty of finding a permanent site for this vital EMS facility,  
18 based on the information listed below provided to us by Richard Bass, attorney for some of the  
19 affected buildings and residents, we ask if you would help us in working with the relevant City  
20 agencies to relocate the Facility. The information provided to us states:

- 21
- 22 • The ULURP application (C120177 PCM) for the site selection and acquisition of the Site  
23 failed to disclose to the public review decision makers and general public that (i) the  
24 Site’s development rights were sold as part of the High Line development rights transfer  
25 process (ZR Section 98-33), and (ii) that the Site no longer has any remaining  
26 development rights.
  - 27
  - 28 • The ULURP application also failed to disclose (i) pedestrian conflicts between the  
29 Facility and High Line egress/23rd Street pedestrian, (ii) noise and air impacts to the  
30 contiguous residential buildings from the Facility vehicles, and (iii) illegal parking and  
31 impact to surrounding area by EMS staff who park their private vehicles.
  - 32
  - 33 • EMS built an additional 3,656 square feet on the Site in violation of ZR Section 98-35,  
34 which required a monetary contribution to the High Line Improvement Fund and a  
35 certification by the City Planning Commission Chairperson, neither of which occurred.
  - 36
  - 37 • The Facility and related activity (storage of spare vehicles and other material/equipment)  
38 violates the letter and/or spirit of the Special West Chelsea District.
  - 39
  - 40 • More importantly, the current Site was flooded during Storm Sandy, and therefore may  
41 not be able to serve the host community effectively during future periods of devastation.
  - 42

43 We would like to work with you and the relevant City Agencies in order to have DCAS  
44 commission and conduct a full scale site selection review for a permanent EMS Facility for the  
45 west side of Manhattan. This full scale review process has long been promised, but has never

46 been conducted. MCB4 believes that alternative sites do exist in our community, and that many  
47 commercial developers would welcome the opportunity to work with the City of New York in  
48 finding a new location for this very important facility.

49  
50 MCB4 understands that the EMS function is extremely important to the west side of Manhattan  
51 and agree that until a permanent location is found, the current location serves a vital civic need.  
52 However, the current Facility site significantly impacts the host community, possibly violates  
53 both the letter and spirit of the West Chelsea High Line supportive zoning regulations and is  
54 vulnerable to recurrent flooding. For such an important lifesaving installation, there should be a  
55 more thorough site selection and public review process. And we believe that there is a better site  
56 solution than what exists currently.

57  
58 Sincerely,

59  
60

DRAFT

2  
3 February XX, 2014

4  
5 Thomas F. Prendergast President  
6 MTA New York City Transit  
7 2 Broadway  
8 New York, NY 10004

9  
10 **Re: Proposed Far West Side Bus Route**

11  
12 Dear Mr. Prendergast:

13  
14 Manhattan Community Board 4 (CB4) applauds the MTA for creating a new proposed bus route  
15 on the far west side of Manhattan from West 58<sup>th</sup> Street and Seventh Avenue to West 14<sup>th</sup> Street  
16 (herein referred to as M12). CB4 has long been on record asking for such a route in order to  
17 service the thousands of new residents that have settled there since the 2005 Hudson Yards and  
18 West Chelsea rezonings. We appreciate the opportunity to comment on the proposed route and  
19 we thank the MTA for returning to CB4 as was requested in February 2013.

20  
21 The proposed route would begin at West 58<sup>th</sup> Street and Seventh Avenue and travel west,  
22 connecting the route with the Columbus Circle transit center. The route turns south on Eleventh  
23 Avenue, then west on to West 49<sup>th</sup> Street to Twelfth Avenue (West Side Highway), travels south  
24 on Twelfth Avenue from West 49<sup>th</sup> Street to West 34<sup>th</sup> Street where it then turns east back to  
25 Eleventh Avenue and travels south to West 14<sup>th</sup> Street. The northbound route travels north on  
26 Twelfth Avenue to West 57<sup>th</sup> Street where it turns east to Seventh Avenue.

27  
28 The buses would run every 30 minutes, from 7 a.m. to 10 p.m., seven days a week. The stops  
29 would be spaced every 3.5 blocks and provide easy transfer to other major crosstown buses or  
30 subways (M57, M31, M50, M42, M34, M23, M14, M11, M8, M21, Subway lines 7, A, C, D, B,  
31 and 1).

32  
33 After review of the revised plan, we are asking the MTA to address several issues and to take  
34 into consideration the board's suggestions. We request that the MTA return to CB4 to present  
35 their final plan before it gets implemented.

36  
37 The Route:

- 38  
39
- 40 • As previously requested during the MTA's preliminary presentation on the proposal, CB4  
41 strongly urges MTA to ensure reliable service from the outset: **changing Eleventh  
42 Avenue from two-way to one-way between West 57<sup>th</sup> and West 45<sup>th</sup> Streets is a  
43 prerequisite** to any reliable service: this avenue has only two moving lanes southbound  
44 between West 57<sup>th</sup> and West 45<sup>th</sup> Streets. These lanes are extremely congested during  
45 most of the day but particularly in the peak hours of the afternoon, as they provide a  
46 queuing reservoir for the north tube of the Lincoln Tunnel. CB4 is on record for asking  
such a change and DOT has already found it feasible in its Hell's Kitchen traffic Study.

47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91

- If DOT is unable to make the change on Eleventh Avenue by the time the new line is set to begin operating, CB4 would then like the MTA to review the possibility of changing the eastbound turn from West 34<sup>th</sup> Street to West 42<sup>nd</sup> Street.
- Additionally CB4 is particularly concerned about the southbound portion of the route. The proposal to have the route travel south bound on Twelfth Avenue is a serious concern. CB4 is concerned for the safety of the riders who would be forced to cross the West Side Highway to catch the southbound bus. Furthermore it is unclear if it would even be possible to place bus stops on the southbound lane of the West Side Highway. Finally, placing the route so far west makes it inaccessible for the majority of the population living between Tenth and Eleventh Avenues.
- CB4 appreciates the adjustments made by the MTA on the proposed route to include a connection to Columbus Circle. CB4 would like to request that the MTA look into possible route connections that could be made with Upper West Side bus routes in the West 60's.

The Stops:

- Ensure minimal comfort and safety: Bus shelters are critical because of the long wait between buses and the windy conditions on Eleventh and Twelfth Avenues. It is critical that bus shelters be installed at all bus stops in CB4. We also request that single phone booths equipped with Wi-Fi and phone charging capability be installed adjacent to these bus stops to provide safety and the opportunity to productively use the wait time. (Such installations could be relocated from Ninth Avenue).
- Ensure service to main generators and destinations: We recommend that beyond the main connections mentioned above, the following additional bus stops be provided:
  - West 59<sup>th</sup> Street
  - West 55<sup>th</sup> Street serving the Cove and Terminal 5
  - West 45<sup>th</sup> Street serving the Intrepid, and Pasha
  - West 39<sup>th</sup> Street serving New Jersey ferries
  - West 30<sup>th</sup> Street serving the High Line and Hudson Yards
  - West 20<sup>th</sup> Street where there is a crossing on the highway
  - West 17<sup>th</sup> Street to serve Pier 57.

The Service

- CB4 is disappointed that the service will be limited to every 30 minutes. Such a sparse schedule will severely limit usage, which will distort usage statistics and defeat the purpose. Without changing the overall number of buses, we request that the service be every 15 minutes in the a.m. and p.m. peak hours and less frequent in between.

- 92 • We recommend that the service be extended to 1 a.m. since most cultural events on the  
93 piers do last until such hours.
- 94
- 95 • We also request that all buses are hybrid-electric or CNG (compressed natural gas)  
96 vehicles with a lower floor.
- 97
- 98 • Further we recommend that the MTA consider making the new far west side bus line a  
99 Select Bus Service (SBS) route as currently operates on the M34 bus line. We believe this  
100 will improve service and better accommodate the growing west side population.  
101

102 CB4 appreciates all the constraints the MTA is operating under and is delighted to have been  
103 selected for one of the very few new routes in the city. Our comments aim at improving ridership  
104 and making this line as successful as possible.

105

106 Sincerely,

107

108 CB/JM/EM

109

110

111

112

113

114

115

116

117

118

119

120

121

122

123

124

125

126

127

128

129

130

131

132

133

134

135

136

137

1 **Transportation Planning Committee**

**Item #: 17**

2  
3 February XX, 2014

4  
5 Margaret Forgione  
6 Manhattan Borough Commissioner  
7 NYC Department of Transportation  
8 59 Maiden Lane, 37th Floor  
9 New York, NY 10038

10  
11 **Re: Request to study for speed bumps – West 53<sup>rd</sup> Street (Ninth and Tenth Avenues)**

12  
13 Dear Commissioner Forgione:

14  
15 Manhattan Community Board 4 (CB4) requests a speed bump study be done on West 53<sup>rd</sup> Street  
16 between Ninth and Tenth Avenues to see if speed bumps may be appropriate for that block.  
17 Residents on West 53<sup>rd</sup> Street between Ninth and Tenth Avenues have reported frequent trucks  
18 and other vehicles speeding down this street. Residents are concerned about their safety and the  
19 safety of children attending P.S. 111 located on this block.

20  
21 A single speed bump currently exists on this block towards the Ninth Avenue side of the street,  
22 and the residents believe an additional speed bump is needed closer to the Tenth Avenue side.  
23 We request DOT do a speed bump study and report the results back to the Transportation  
24 Planning Committee of CB4 for further discussion and potential speed bump remedies.

25  
26 Thank you very much for your consideration and assistance.

27  
28 Sincerely,

29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46