



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD No. 4**

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**J. LEE COMPTON**  
Chair

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District Manager

July 8, 2005

The City of New York  
Law Department  
100 Church Street, Room 5-241  
New York, New York 10007

Attention: Lisa Bova-Hiatt

Re: **Proposed acquisition by condemnation of certain property in furtherance of the proposed No. 7 Subway Extension – Hudson Yards Rezoning and Development Program**

Dear Ms. Bova-Hiatt:

Pursuant to the Notice dated May 20, 2005, Manhattan Community Board No. 4 submits the following comments on the proposed acquisition by condemnation of certain property in furtherance of the proposed No. 7 Subway Extension – Hudson Yards Rezoning and Development Program. These comments are based on the positions established by this Board in its various statements concerning the City's Hudson Yards plan, but are subject to formal ratification by the Board at its meeting on July 27, 2005.

**1. Block 675 – Acquisition for tow pound and/or sanitation garage(s) and rooftop park.**

This Board supports the acquisition of the properties in Block 675 for the tow pound and/or sanitation garage(s) and rooftop park. This proposed public use is clear.

However, several of these properties are now used by private operators for the parking of hundreds of buses servicing the Port Authority Bus Terminal. Replacement off-street bus parking must be secured before these parking facilities are dislocated.

The Final Generic Environmental Impact Statement for the No. 7 Subway Extension and the Hudson Yards Rezoning and Development Program (the "EIS") assumes that a new consolidated bus parking facility with direct access to the ramp system of the Port Authority Bus Terminal and the Lincoln Tunnel Port Authority bus garage will be completed by 2025. This facility will be crucial to alleviating the areas existing traffic congestion and pollution problems, yet we are not aware of any public commitment to its development. In the meantime, those existing problems must not be aggravated by eliminating the bus parking on Block 675 without a suitable replacement facility.

## **2. Hudson Boulevard and Park: From Nowhere to Nowhere.**

This Board has consistently opposed the creation of Hudson Boulevard and Park, for the reasons set forth in our response to Hudson Yards ULURP Applications C 040507 MMM and C 040503 PQM. A copy of that response is attached to this letter.

Now, because of developments over the past year, we find it extremely unlikely that the City's plan for Hudson Boulevard and Park will ever be implemented. With that implementation so much in doubt, the public use to be served by the proposed condemnations is now seriously in question. It is premature to move ahead with the condemnations.

Hudson Boulevard and Park was initially planned as a grand boulevard and promenade, sweeping down from 42<sup>nd</sup> Street to the open space planned on the Eastern Rail Yards. Over time, the plan has been cut back on the north and, with the demise of the proposed West Side stadium, has been fatally undermined on the south. It has become a boulevard from nowhere to nowhere.

During the ULURP process, the block between 41<sup>st</sup> and 42<sup>nd</sup> Street was eliminated from the plan, in part because it would have required the displacement of an emergency family center. From 39<sup>th</sup> to 41<sup>st</sup> Streets, the park would traverse the entrance ramps and plaza for the Lincoln Tunnel, an inhospitable landscape that is entirely inappropriate as park space. The real northern boundary of Hudson Boulevard and Park is therefore 39<sup>th</sup> Street.

On the south, the open space planned on the Eastern Rail Yards was originally called "Olympic Square," and it was designed as a gathering space outside an Olympic stadium. Now, the stadium has not received the approvals necessary for it to move forward, and no contracts have been entered into by the MTA, the owner of both the Western and Eastern Rail Yards, to allow the development contemplated by the City's plan. If there is to be no stadium on the Western Rail Yards, the plan for the Eastern Rail Yards must be reconsidered.

A new comprehensive plan is required for the Eastern and Western Rail Yards together. The new plan should be developed through 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 should establish a spine for development extending west from Penn Station, so that development over the rail yards is linked to the high-density development surrounding Penn Station. With such a new plan, the proposed Hudson Boulevard and Park will make no sense at all.

The condemnations should not proceed until development plans for the rail yards are established and agreed to by the MTA and the new plans provide a strong rationale for the boulevard.

## **3. Homes and Businesses Destroyed.**

The proposed condemnations for Hudson Boulevard and Park and the parking garage will displace residents and businesses that are integral and productive members of our community. As discussed throughout this letter, the public uses articulated in the City's plan are not adequate to justify these condemnations.

The plan claims that many more residential units will be created in Hudson Yards than will be displaced. But those new residential units will be created whether or not the existing residential properties are condemned; the condemnations are not necessary for the creation of new residential

units in Hudson Yards. The plan also claims that many more new jobs will be created throughout the City than will be displaced. But the City's claims are based on economic development studies that had at their heart claims about the development potential associated with the proposed stadium. Without the stadium as part of the plan, the economic justification for the proposed commercial condemnations must be reconsidered.

Rent regulated residential tenants must be relocated within the Hudson Yards area. We understand that an agreement has been reached to accomplish this. Yet, to date, none of the residential tenants has been contacted by the City to provide any information about the condemnation or relocation process. That situation must be immediately remedied. This Board will be vigilant to ensure that their eventual relocation is handled appropriately.

Many of the affected businesses serve Manhattan's theater or central business district. Many have told us that proximity to midtown is essential to their business. We urge that they be relocated within Community District 4 – though we note that only 15 blocks remain zoned for manufacturing use and the pressure for conversion to commercial zoning is intense.

#### **4. No parking.**

The demand for the 950 spaces in the proposed parking garage that is part of Phase I of the proposed Hudson Boulevard and Park has not been made clear. Overall future demand for parking in the area without a stadium will be reduced. The amount of parking in the Hudson Yards area should be managed by the language of the Zoning Resolution in effect prior to the Hudson Yards rezoning, which would preclude construction of the proposed garage. In addition, a lawsuit has been filed by the Hell's Kitchen Neighborhood Association charging that the parking provisions of the City's Hudson Yards plan violate New York State's Implementation Plan pursuant to the federal Clean Air Act.

The condemnations required for the proposed parking garage should not proceed until the litigation surrounding these important policy questions are resolved.

The Hudson Yards ULURP applications included approval of the subsequent disposition of the parking garage for operation by a private entity. If the garage is privately operated to serve the needs of private property owners in the area, the public use required for condemnation cannot be established.

#### **5. No Condemnation Without Compensation.**

Financing for the proposed acquisitions depends on the successful implementation of the financing plan for the Hudson Yards Infrastructure Corporation (HYIC). That plan depends, in turn, on the approval, among other things, of the No. 7 Subway Extension and the sale by HYIC of development rights associated with the Eastern Rail Yards. But the No. 7 Subway Extension is not yet a fully-approved element of the MTA's capital plan and, as discussed above, there is no agreement between the City and the MTA for the City's use of the Eastern Rail Yards.

The condemnations should not proceed until funds are available to provide just compensation to property owners on a timely basis and relocation assistance to all legal occupants.

**6. Two Classes of Condemnees.**

Section 93-32 of the Zoning Resolution establishes a development rights transfer mechanism for the properties that are part of the proposed Phase II acquisitions. The owners of these properties will therefore be able to negotiate private transactions for all of the development rights associated with their properties. These private transactions may result in faster and better compensation for property owners desiring to sell than will be available to them through condemnation proceedings. The owners of properties that are part of the proposed Phase I acquisitions will have no similar opportunity. This disparate treatment of property owners in Phase I and Phase II is unfair and unjust.

**7. Taking too much too soon for the proposed No. 7 Subway Extension.**

The properties identified for fee acquisitions for the No. 7 Subway extension are quite large, as is the development potential for those sites. Most of those sites serve the Hudson Yards plan for development purposes rather than mass transit needs. The need for new subway stations, access points or mechanical systems should not be convoluted to bring revenue to the Hudson Yards Infrastructure Corporation. Site acquisition should be limited to the minimum needed for transit infrastructure and related improvements.

In addition, as discussed in Item 5 above, the No. 7 Subway Extension is not yet a fully-approved element of the MTA's capital plan. Condemnations associated with the No. 7 Subway Extension should not proceed until it is certain that the No. 7 Subway Extension will proceed.

Thank you for this opportunity to provide comments and to submit recommendations on this very important project. We look forward to continued participation with the various City agencies to shape development in the Hell's Kitchen/Hudson Yards area in a way that serves the needs of the City without destroying what is vital about the Hell's Kitchen community.

Sincerely,



J. Lee Compton  
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

cc: P. Kalikow, Metropolitan Transit Authority  
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A. Burden, Dept. of City Planning