

1 **Chelsea Land Use (CLU) and Clinton/Hell’s Kitchen Land Use (C/HKLU) Item #: 1**

2
3 April 3, 2013

4
5 Amanda M. Burden, Chair
6 City Planning Commission
7 22 Reade Street
8 New York, New York 10007

9
10 **Re: N130178ZRM Zoning Resolution Text Amendments to Article IX, Chapter 3**
11 **Culture Shed Proposal**

12
13 Dear Chair Burden:

14
15 At its regularly scheduled Full Board meeting on April 3, 2013, Manhattan Community Board 4
16 (“CB4”), based on the recommendation of its Chelsea Land Use Committee and Clinton/Hell’s
17 Kitchen Land Use Committee, voted_____ to recommend denial unless the City
18 provides 20,000 square feet of publicly accessible park space in another location to make up for
19 the loss of public access and openness to the sky on the 20,000-square foot proposed Culture
20 Facility Plaza, that there be no encroachment for Culture Shed uses on the ERY central public
21 square and streets to the north of the Culture Facility Plaza, that an Open Space Advisory Board
22 be formed, and other conditions discussed below.

23
24 CB4 is granted the opportunity to comment to the Department of City Planning on a proposed
25 text amendment under the City Charter, Chapter 8, §200(1). In addition, we anticipate that the
26 City will be contributing substantial funds to the Culture Shed, making the facility a public
27 project. This gives CB4 further legal “standing” under the City Charter, Chapter 70,
28 §2800(d)(14) which says CBs “assist in the planning of individual capital projects funded in the
29 capital budget to be located in the community district...”. We believe this strengthens our
30 position recommending publicly-accessible open space, mitigation for the loss of such space, and
31 the establishment of a community advisory board for event programming and open space
32 planning.

33
34 **Background**

35
36 On February 13, 2013 and March 18, 2013, CB4’s Chelsea Land Use Committee and
37 Clinton/Hell’s Kitchen Land Use Committee reviewed the application (“Application”)
38 N30178ZRM for text amendments to certain provisions of Article IX, Chapter 3 of the New
39 York City Zoning Resolution (ZR). The Application relates to a proposal by the New York City
40 Department of Cultural Affairs to facilitate the development of a cultural facility known as the
41 “Culture Shed.”

42
43 The Hudson Yards Zoning Provisions, adopted in 2005, provided for a large mixed use
44 development in the Eastern Rail Yards (“ERY”) between Tenth and Eleventh Avenues, West
45 30th to West 34th Streets and designated certain subareas. A cultural facility with 2 FAR was
46 identified for a site in the southern portion of Subarea A1. Based on responses to a 2007 request

47 for proposals, a developer – the New York City Department of Cultural Affairs -- was designated
48 by the MTA for this community facility, known as the Culture Shed. The building would have a
49 floor area of 100,000 square feet, and would be located on a site between West 30th and West
50 31st Streets, between Tenth and Eleventh Avenues.

51
52 Related Company, the designated developer for ERY, is proceeding with construction of the 47-
53 story South Office Tower at the corner of West 30th and Tenth Avenues to the east of the Culture
54 Shed site. Occupancy is expected in 2015. The 80-story North Tower (Tower A) at West 33rd
55 Street and Tenth Avenue is expected to be completed in 2018. The Culture Shed is to be adjacent
56 to, and would utilize space in, the 72-story residential Tower D at West 30th Street and Eleventh
57 Avenue. The ERY site also includes a 60-story residential building (Tower E) at West 33rd Street
58 and Eleventh Avenue, retail buildings and a centrally-located publicly accessible square and
59 streets.

60
61 The Culture Shed is to provide space for to accommodate a wide range of arts and cultural
62 activities such as theatre, music, dance, visual art and design. It includes:

- 63
- 64 • The “Culture Shed Building,” a fixed building located to the east of, and partially within,
65 Tower D
 - 66 • The “Shed Portion, ” a deployable extension normally covering the Culture Shed
67 Building; and
 - 68 • The “Culture Facility Plaza”, the approximately 20,000-square foot outdoor space
69 immediately to the east of the Culture Shed Building and covered by the Shed Portion
70 when it is deployed.

71
72 The programming of the Culture Shed currently is estimated to consist of approximately:

- 73
- 74 • 50%: performing arts events and exhibits, ticketed, at a moderate rate, and open to the
75 public
 - 76 • 33%: public and community as free or low cost events such as concerts, dance programs,
77 markets and films
 - 78 • 17%: special events like Fashion Week; 12 times a year closed for private events. The
79 revenues from these events are to support the other activities.

80
81 The Culture Facility Plaza would be counted as part of the required ERY public access areas.
82 Public access areas for Subarea A1 must occupy at least 55 percent of Subarea A1 lot area with
83 at least 40 percent of the lot area publicly accessible and open to the sky. A 2012 Eastern Rail
84 Yards Zoning text amendment did not affect these open space requirements.

85
86 **Requested Actions**

87
88 The following amendments to the Zoning Resolution are proposed to facilitate the Culture Shed:

- 89 1. Establish a definition for the Culture Shed that would permit the facilities activities and
90 allow them to be treated as community facility uses or uses in Use Groups 3 and 4.

- 91 2. Modify sign regulations to allow signs on three sides of the Culture Shed, with a
92 maximum total surface area of 2,700 square feet, with not more than 200 square feet
93 facing the outdoor plaza or the connection to the High Line.
94 3. Revise the existing text for the location of the building so it may abut, and include
95 support space within Tower D.
96 4. Allow certain portions of the Culture Shed to be excluded from the calculation of floor
97 area.
98 5. If Tower D includes floor area for the Culture Shed, remove the requirement that it have
99 retail continuity facing the outdoor plaza.
100 6. Consider the Culture Facility Plaza to be public open space and open to the sky, meeting
101 the Hudson Yards public open space requirements even though the plaza would at times
102 be covered by the deployed shed.
103 7. Reduce the width of the “connection to the High Line” from 80 feet to a minimum of 60
104 feet to accommodate the new plaza.
105 8. Permit portions of the central outdoor plaza to the north of the Culture Facility Plaza to
106 be used for Culture Shed events in the Culture Facility Plaza and to be subject to time-
107 ticketed access for such events, and to allow roadways within the central plaza to be
108 temporarily closed to vehicular traffic during such events.
109 9. Require that the Culture Facility Plaza be constructed prior to a TCO for the Culture Shed
110 Plaza, and clarify that the construction of the plaza is not a condition to a building permit
111 or C of O for any building other than the cultural facility.
112 10. Allow the Culture Facility Plaza and portions of the central plaza to be closed to the
113 public up to 12 days each year in connection with Culture Shed events.
114 11. Permit the use of space with Tower D to provide storage, restrooms, maintenance
115 facilities or other support space for the High Line by excluding the floor space of such
116 support facilities from the definition of floor area.
117

118 **CB4 Recommendations**

119
120 CB4 looks forward to the Culture Shed as a significant new cultural facility for the City of New
121 York. By providing a flexible, “brand-neutral” setting, the facility could provide space for a wide
122 range of creative organizations, both non-profit and profit-making. The Board supports much of
123 the proposed text amendment but has serious concerns about the loss of publicly-accessible open
124 space, event programming and use of public open space, and the definition of the Culture Shed.
125 In addition, a number of other issues need to be addressed. CB4 also takes the opportunity at this
126 point in time to repeat its recommendations for several Hudson Yards text corrections and
127 revisions not related to the Culture Shed application.
128

129 ***Loss of Publicly-accessible Open Space***

130
131 CD 4 has a dearth of publicly-accessible open spaces; it is ranked 57 out of 59 community
132 districts for such spaces. The new, very dense development in Hudson Yards could result in over
133 13 million square feet of commercial and residential development, increasing the demand for
134 publicly-accessible open space. For these reasons, the Hudson Yards zoning required a specific
135 amount of publicly-accessible open space.
136

137 *Culture Facility Plaza*

138 There are two problems with the proposed Culture Facility Plaza: it will not be open to the sky at
139 all times, and it will not be publicly accessible at all times. It therefore does not meet the
140 definition of Section ZR 93-71 which, regarding Public Access Areas in the Eastern Rail Yard
141 Subarea A1, states "At least 40 percent of the lot area of the zoning lot shall be publicly
142 accessible and open to the sky." However, the proposed text amendment would state that the
143 Culture Facility Plaza "shall be deemed publicly accessible and open to the sky at all times,
144 including any time when a moveable portion "extends over the Culture Facility Plaza." Thus
145 when the extension is deployed, the plaza covered and perhaps closed to the public, it will be
146 deemed to be both open to the sky and publicly accessible. The current proposal includes no
147 restriction for the number of days that the plaza could be covered.

148
149 According to the application, the Culture Facility Plaza is proposed be closed to the public up to
150 12 days each year in connection with Culture Shed events. Also there are to be ticketed events
151 which would also limit public access to the plaza. In addition, representatives for the applicant
152 stated at the March 18, 2013 CB4 joint committees meeting that it is anticipated that Fashion
153 Week activities would require the Culture Facility Plaza to be closed to the public for two 14-day
154 periods and would include one or two days for set-up and break-down for each period, resulting
155 in a possible closure to the public of at least 30 days per year. The anticipated private use of the
156 plaza does not meet the definition of publicly-accessible. This is unacceptable to CB4.

157
158 *Central Public Square and Streets*

159 The applicant proposes to have portions of the central outdoor plaza to the north of the Culture
160 Facility Plaza to be used for Culture Shed events that take place in the Culture Facility Plaza, to
161 be subject to time-ticketed access for such events, and to allow roadways within the central
162 public square to be temporarily closed to vehicular traffic during such events. CB4 strenuously
163 objects to the closing of the central public square and streets for private and/or time-ticketed
164 events. The square and streets are required in the 2005 Hudson Yards zoning text to be open all
165 times. Because the roadway is one way, its closure will result in all traffic being stopped in ERY.
166 CB4 does not accept the applicant's claim that the loss of public access to the Culture Facility
167 Plaza and to part of the central public square and streets is justified by the cultural benefits that
168 the Culture Shed will provide to the local community.

169
170 CB4 recommends denial of the Culture Shed proposal unless the City provides approximately
171 20,000 square feet of publicly accessible park space in another location in CD 4 to make up for
172 the loss of public access and openness to the sky on the 20,000-square foot proposed Culture
173 Facility Plaza, and that there be no encroachment for Culture Shed uses on the public square and
174 streets to the north of the Culture Facility Plaza.

175
176 *Other Open Space Recommendations*

- 177 • The deployment of the Culture Shed extension over the Culture Facility Plaza should
178 primarily take place during the winter months (November through March) because the
179 public use and enjoyment of the plaza is most likely during spring, summer and fall.
- 180 • The number of days that the Culture Facility Plaza could be closed to the public should
181 be limited to 6 days and should primarily be in the winter.

182

183 ***Event Programming and Open Space Planning***

184
185 CB4 has two concerns about the decision-making for the Culture Shed activities. First there is a
186 concern that the organization(s) that makes policy for the Culture Shed events have adequate
187 representation from the local community, including CB4 members, and that small, local non-
188 profit arts groups, particularly theaters, be given access to space for free or at a meaningful
189 discount. We recommend that a representative from CB4 be given a seat on any decision making
190 board for Culture Shed programming.

191
192 To ensure broad community access to Culture Shed activities and space, CB 4 recommends:

- 193 • That a minimum of 80% of events (regardless of their type) be open to the public
- 194 • That for those major events that occupy the Culture Shed for more than three months,
195 either the entire event or a meaningful portion of it be open to the public at no charge.
- 196 • That for private events that occupy the Culture Shed for longer than two weeks,
197 interested non-paying people should have some type of access. For example, Fashion
198 Week could accommodate backstage visits.
- 199 • That children’s programming be included in the Culture Shed’s activities. Such
200 programming would enliven the site during the day.

201
202 Secondly, CB4 is concerned about the overall use of *all* the public space in ERY: the central
203 outdoor public square, the Culture Facility Plaza to the south, and the Hudson Yards Park and
204 Boulevard to the north. To the average user in the future there will be no recognition that these
205 three areas are separately run by the Culture Shed, Inc., Related Cos., and the Hudson Yards
206 BID. There is a risk that these spaces could end up being run in contradictory and self-defeating
207 ways. In addition, given the grand scale of these areas, the community needs to be involved in
208 the decision making process on the use of them.

209
210 CB 4 recommends the creation of an “Open Space Advisory Board” modeled after the Open
211 Space Advisory Board in the Western Rail Yards which is to advise Related Co. with regard to
212 the programming of events in the open space. In this case, a board could be comprised of eleven
213 members; six appointed by Related and one each from the Culture Shed, Hudson Yards BID,
214 CB4, the local Councilmember, and the Department of Parks and Recreation Commissioner. The
215 Board would meet quarterly and at the written request of a majority of the Board asks in writing.
216 Use of the space for more than four hours a day or eight hours in any seven day period would
217 need approval from the majority of the Board. An Open Space Advisory Board could also deal
218 with noise issues arising from outdoor events. There should be an evaluation of the event
219 programming and open space use after six months to assess community concerns.

220
221 ***Definition of Culture Shed***

222
223 The proposed amendment states that: “An ‘ERY Culture, Festival and Exhibit Facility’ is a use
224 that comprises changing, non-permanent exhibits, events, expositions, presentations, festivals
225 and fairs related to any or all of the following: visual arts, performing arts, culinary arts,
226 literature, journalism, broadcasting, crafts, technology, fashion and design, or any similar
227 activity.” CB4 is concerned that this definition is so broad that it could include many activities
228 that the current applicant does not intend but that future decision-makers might promote. CB4

229 does not want to see the Culture Shed turned into an extension of the Javits Center, hosting trade
230 shows such as car and boat shows.

231
232 CB4 recommends that the catchall phrase at the end of the definition – “or any similar activity” –
233 be excised from the proposed amendment. CB4 also would like language in the text that states
234 that Use Groups 3 and 4 uses are not included in the proposed Culture Shed definition.
235 Ironically, although the proposed definition is very broad, some uses as depicted by the applicant
236 such as a farmers market are not included in the facility definition.

237
238 ***Public Access to Ground Floor Space in Tower D***
239

240 CB4 is concerned that the Culture Shed spaces, particularly the bathrooms, located in the ground
241 floor lobby in Tower D should be publicly accessible at all times when the building is open. It is
242 very important that the bathrooms remain open especially for people who use the High Line. The
243 only High Line bathrooms available to High Line users are at West 16th Street, one mile away
244 from West 30th Street. The applicant has said that the bathrooms in the ground floor lobby would
245 not be closed to the public. CB4 would like to confirm this and to clarify which spaces would be
246 closed to the public for special events such as Fashion Week.

247
248 ***High Line Support Space in Culture Shed/Tower D***
249

250 CB4 supports the Friends of the High Line request that the proposed zoning text be revised to
251 “require,” not just “support” space for the High Line in the Culture Shed portion of Tower D.
252 The High Line needs approximately 2,500 square feet for public bathrooms, equipment storage, a
253 trash room, and two small office rooms.

254
255 The Culture Shed proposal includes the reduction of the width of the defined connection to the
256 High Line from 80 feet to a minimum of 60 feet to accommodate the Culture Facility Plaza. We
257 understand that Friends of the High Line are comfortable with this proposed change.

258
259 ***Other CB4 Recommendations and Requested Clarifications***
260

261 • The proposed text change states: “Any sign that exceeds 300 square feet of surface area
262 shall be non-illuminated or a “sign with indirect illumination.” CB4 is concerned about
263 the time that illuminated signs would be permitted because there have been many
264 complaints from residents in CD 4 about intrusive sign illumination at night. CB4
265 recommends that the lights on signs go off at 1:00 a.m., the time the streets close as per
266 zoning regulations.

267
268 • CB4 requests a timeline with critical milestones in order to better understand the
269 relationship between the construction of the Culture Shed and the construction of other
270 key buildings and features in ERY. For example,
271 - Is the Culture Shed construction start dependent on an anchor tenant being secured
272 for the North Office Tower (Tower A) at Tenth Avenue and West 33rd Street?

- 273 - Is the Culture Shed construction start dependent on the construction start of Tower D?
274 Tower D and the Culture Shed are partly on terra firma and partly on a platform
275 which we've been told will take approximately two years to construct.
276
- 277 • To prevent the construction of half a building, CB4 recommends that:
 - 278 - At least 40% of the total expected cost of the construction of the Culture Shed should
 - 279 be raised and in the bank before construction may commence.
 - 280 - Once construction commences it shall be continuous until the Culture Shed is
 - 281 complete.
 - 282
 - 283 • CB4 recommends that the "Culture Shed Developer" be a non-profit organization, and
 - 284 has been informed that the "Culture Shed, Inc." is this entity.
 - 285

286 **CB4 Approval of Selected Proposed Amendments:**

- 287
- 288 • Revise the existing text for the location of the building so it may abut, and include
- 289 support space within Tower D.
- 290
- 291 • Allow certain portions of the Culture Shed to be excluded from the definition of floor
- 292 area.
- 293
- 294 • If Tower D includes floor area for the Culture Shed, it is not required to have retail
- 295 continuity facing the outdoor plaza.
- 296
- 297 • Reduce the width of the "connection to the High Line" from 80 feet to a minimum of 60
- 298 feet to accommodate the new plaza.
- 299
- 300 • Require that the Culture Shed Plaza be constructed prior to a TCO for the Culture Shed
- 301 Plaza. Clarify that the construction of the plaza is not a condition to a building permit or
- 302 C of O for any building other than the cultural facility.
- 303
- 304 • Facilitate the use of space with Tower D to provide storage, restrooms, maintenance
- 305 facilities or other support space for the High Line by excluding the floor space of such
- 306 support facilities from the definition of floor area.
- 307

308 **CB4's Recommended Follow-up Hudson Yard Amendments** (not related to the Culture Shed
309 application)

310 *[Further text to be supplied; list below is just a place-holder.]*

- 311
- 312 1. Hell's Kitchen Subarea D: change C1 to R8A – no hotels
- 313 2. W. 35th to W. 41st Streets: mid-block C2-5 overlay should be removed
- 314 3. Midblock commercial
- 315 4. Site on W. 40th and 41st Streets: last IH site – 155 units of affordable housing.
- 316

317 **Summary of CB4 Recommendations**

318

319 CB4 is enthusiastic about the Culture Shed promise to bring a diversity of cultural activities to
320 CD4. The Board supports much of the proposed text amendment but recommends denial of the
321 proposal unless:
322

- 323 1. The City provides 20,000 square feet of publicly accessible park space in another location
324 to make up for the loss of public access and openness to the sky on the 20,000-square
325 foot proposed Culture Facility Plaza.
- 326 2. There is no encroachment for Culture Shed uses on the ERY central public square and
327 streets to the north of the Culture Facility Plaza.
- 328 3. The number of days that the Culture Facility Plaza would be closed to the public be
329 limited to 6 days, primarily in the winter.
- 330 4. CB4 be given a seat on any decision-making board for Culture Shed programming.
- 331 5. An Open Space Advisory Board is formed.
- 332 6. A minimum of 80% of events (regardless of their type) be open to the public.
- 333 7. For those major events that occupy the Culture Shed for more than three months: either
334 the entire event or a meaningful portion of it be open to the public at no charge.
- 335 8. For private events that occupy the Culture Shed for longer than two weeks: interested
336 community residents should have some type of access.
- 337 9. Children’s programming is included in the Culture Shed’s activities.
- 338 10. The catchall phrase at the end of the definition – “or any similar activity” – be excised.
- 339 11. Confirm that the bathrooms in the ground floor lobby in Tower D would not be closed to
340 the public.
- 341 12. “Require,” not just “support” space for the High Line in the Culture Shed portion of
342 Tower D.
- 343 13. The lights on signs go off at 1:00 a.m.
- 344 14. A timeline with critical milestones for the construction of the Culture Shed and the
345 construction of other key buildings and features in ERY is prepared.
- 346 15. At least 40% of the total expected cost of the construction of the Culture Shed be raised
347 before construction starts. Once construction commences it shall be continuous until the
348 Culture Shed is complete.
- 349 16. Confirm that “Culture Shed, Inc.” is a non-profit developer.

350
351 Sincerely,

352
353
354 Corey Johnson, Chair
355 Manhattan Community Board 4

356
357 Jean-Daniel Noland, Chair
358 Clinton/Hell’s Kitchen Land Use and Zoning Committee

359
360 J. Lee Compton, Co-Chair Betty Mackintosh, Co-Chair
361 Chelsea Land Use Committee Chelsea Land Use Committee

362

1 **Chelsea Land Use Committee (CLU)**

Item #: 2

2
3 April XX, 2013

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. 74-13 BZ; Special Permit at 308/12 Eighth Avenue**

10
11 Dear Ms. Srinivasan:

12
13 On the recommendation of its Chelsea Land Use Committee, and after a duly noticed public
14 hearing at the regular Board meeting on April 3, 2013, Manhattan Community Board No. 4 voted
15 (____) to recommend the granting of a special permit to Blink Fitness for a Physical Culture
16 Establishment (PCE) at 308/12 Eighth Avenue.

17
18 According to plans submitted by the applicant, the facility will consist of a dedicated 400 sq. ft.
19 lobby on the first floor and approximately 14,635 square feet in the cellar. The plans are
20 appropriate for their stated cardio-vascular and strength training uses, and all floors have
21 provisions for ADA accessibility.

22
23 The Board prefers to visit PCEs before recommending approval for the required special permit,
24 but this application has come before the Board while the facility is still a construction site. Since
25 Blink Fitness is an established chain with multiple locations throughout New York City we have
26 little concern that the facility will host inappropriate activities.

27
28 We believe that the facility meets the required findings in ZR 73- 36 and will be an appropriate
29 and attractive addition to the community. We thus recommend the granting of the requested
30 special permit.

31
32 As on previous occasions, the Board wishes to state that it sees no reason why this elaborate
33 permit procedure, including a ULURP-like process, is required in a world where gymnasiums
34 and beauty parlors with extended services are common in commercial districts, especially on
35 local retail and service streets. It is an unnecessary burden on applicants and wastes the time of
36 applicants, Community Boards and the Board of Standards and Appeals alike. Everyone
37 involved has better things to do. Some simple process of authorization after a routine
38 investigation of the applicants would avoid the relatively rare case of abuse and encourage
39 legitimate businesses.

40
41 Sincerely,

42
43 CJ/JLC/MM

1 **Quality of Life Committee**

Item #: 3

2
3 April 3, 2013

4 Archdiocese of New York
5 1011 1st Avenue
6 New York, NY 10022
7

8 Dear :

9
10 Manhattan Community Board 4 has been asked to represents the interests of the parents and
11 students of Holy Cross School at 332 West 43rd Street in furthering the continuing conversation
12 regarding the future of Holy Cross School. Holy Cross is a vitally important asset to our
13 community, and we are writing to advocate for its continued use as a religious school in either its
14 current iteration; or to discuss its future as a renovated or rebuilt facility if new construction
15 becomes a viable option in its current or nearby location.
16

17 As you know, in late November, 2012, parents received written notification From the
18 Archdiocese of New York that Holy Cross School was “At Risk” and were given an opportunity
19 to present a viable alternative plan to prevent this school from being closed. Shortly thereafter,
20 at a meeting hosted by Manhattan Community Board 4 at the school to discuss this “AT Risk”
21 status, with over 100 parents in attendance. Additionally, the parents then met with the
22 Archdiocese in a separate meeting and were told that the school had a budgetary deficit and that
23 in order to avoid closure the parents would need to raise money to fill that deficit.
24

25
26 Thereafter, at a January 8, 2013 meeting with the Archdiocese, the parents presented pledges and
27 a realistic alternative plan with a detailed outline to increase enrollment, enlist fundraisers and
28 implement other income-producing school programs through a board of business professionals,
29 experienced marketing professionals and recruiting experts. In response to this presentation, the
30 parents were specifically advised by the reconfiguration committee that the sole determining
31 factor for closure would be based on filling the school budgetary deficit. Due to a successful
32 pledge drive, particularly in the light of Hurricane Sandy, the parents left this meeting believing
33 that their school would remain open.
34

35 Instead, on January 22, 2013, parents received written notification from Dr. Timothy McNiff, the
36 archdiocese superintendent of schools, that it was decreed that Holy Cross School would close
37 on June 2013. Thereafter, on January 28th, 2013, a petition of appeal was submitted to His
38 Eminence Cardinal Timothy Dolan and Dr. Timothy McNiff, seeking reversal of this decree.(E1)
39 Each signatory received a form letter denying the appeal on February 7, 2013.
40

41 The Parents have filed a formal appeal with the Vatican within the time constraints of the appeal
42 process. The Vatican has received the Appeal and the parents are now waiting for that decision.
43 .
44

45 Manhattan Community Board 4 believes strongly that the continued use of the Holy Cross
46 School as a religious education facility is appropriate and necessary for this community as the
47 need for grammar school space, religious or secular, on the west side is undeniable. In the event,
48 the Archdiocese deems it necessary to close the school and sell available air rights, it is the
49 strong conviction of this community board that the Archdiocese and the parents enter into serious
50 discussions with us, including the participation of our local elected officials, and relevant
51 development interests about maintaining a Holy Cross Educational presence on West 43rd Street,
52 hopefully for another 150 years to come.

53
54
55
56
57

Sincerely,

Corey Johnson
Chair
Manhattan Community
Board 4

David Pincus
Co-Chair
Quality of Life
Committee

Larry Roberts
Co-Chair
Quality of Life Committee

58
59

DRAFT

1 **Transportation Planning Committee**

Item #: 10

2
3 April 3, 2013

4
5 Beverly Gotay, Deputy Director
6 Special Applications Unit
7 NYC Department of Consumer Affairs
8 42 Broadway
9 New York, NY 10004-1716

10
11 **Re: Newsstand application – 502 West 42nd Street**

12
13 Dear Ms. Gotay:

14
15 Manhattan Community Board 4 (CB4) recommends denial of the Newsstand application
16 for an installation in front of 502 West 42nd Street, on the Tenth Avenue side of the
17 property. There are multiple grounds for our denial:

18
19 While the drawings shows sufficient space in between existing tree pits, the adjacent
20 property owner, CHDC indicated that they had permits in place to expand the size of the
21 existing tree pits to 14 feet each and to add a tree pit closer to the corner. According to
22 CHDC staff, while the permits had expired because of bad weather, CHDC has reapplied
23 for them and intends to proceed with the tree pits modifications.

24
25 Unfortunately, the applicant, although he was notified and confirmed he would attend our
26 meeting, did not appear in front of the committee. This is particularly relevant because, it
27 is our recollection that this applicant already operates one or two newsstands and we
28 wanted to verify who would be operating this specific installation. It is our Community
29 Board's practice to discuss the newsstand with the applicant to ensure that the applicant
30 and/or a family member will take real ownership over the operation of the newsstand. We
31 feel this is particularly important when the applicant already operates a newsstand at
32 another location

33
34 We recommend that this specific application be denied.

35
36 Sincerely,

37
38 CJ/CB/JM

39
40 cc: Applicant

1 **Transportation Planning Committee**

Item #: 11

2
3 April 3, 2013

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: Cross Town Bike Routes – 15/16th Streets**

12
13 Dear Commissioner Forgione:

14
15 Manhattan Community Board 4 (CB4) supports the installation of bike routes on 15th and
16 16th Streets between Union Square and the Hudson River Greenway.

17
18 Depending on the size and context of the streets in our district, the markings will alternate
19 between shared lanes markings (for 16th street, from the river to 10th Avenue, from 7th to
20 6th Avenue; for 15th Street, from 9th Avenue to the river) and dedicated lanes markings.
21 The lanes will be located on the north side of 16th Street and the south side of 15th Street
22 to improve safety and reduce risks of “dooring” by parked cars. This installation will not
23 cause the removal of parking spaces or the loss of travel lanes.

24
25 We are pleased to hear that the bike lane installation will not prevent the installation of
26 speed bumps on 15th Street, as requested by CB4 in January 2013, should such
27 installation be warranted by the study underway.

28
29 With the launch of BikeShare, it is expected that Union Square will have a large
30 concentration of bikes and will become a major cycling destination. The Hudson River
31 Park already is a major thoroughfare, with 6,000 cyclists using the facility over a 12-hour
32 period. However, currently there is no clear direct crosstown bicycle route between West
33 10th and West 29th Streets, as the nearby routes (19/20th Streets) are circuitous.

34
35 The installation will take place in the Spring/early Summer 2013. CB4 appreciates the
36 opportunity to weigh in on the decision and supports the installation.

37
38 Sincerely,

39
40 CJ/CB/JM

2
3 Mr. Steve Napolitano
4 Port Authority of New York & New Jersey
5 625 Eighth Avenue
6 New York, New York 10018
7

8 **Re: Bus idling on 33rd Street Parking Lot**

9
10 Dear Mr. Napolitano:

11
12 Manhattan Community Board 4 (CB4) requests your help in curbing the illegal bus idling that
13 takes place on the Port Authority of New York and New Jersey (PANYNJ) property, adjacent to
14 the west side of a Public School, the Clinton School for Writers and Artists, at 425 West 33rd
15 Street.
16

17 Last year, this property was turned in a parking lot for up to 10 Coach Commuter Buses. When
18 they arrive in the morning and leave in the evening, each of the buses idle for 10 to 15 minutes at
19 a time while in the parking lot, just under the windows of the school and of 430 and 440 West
20 34th Street's residents.
21

22 While having large buses maneuver on a narrow street shared by many small children is less than
23 ideal for the drivers or the children, there is no excuse for these drivers to idle for more than one
24 minute and violate daily Section 24-163 of the administrative code of the city of New York New
25 York City idling laws:
26

27 *“(f) No person shall cause or permit the engine of a motor vehicle, other than a legally*
28 *authorized emergency motor vehicle, to idle for longer than one minute if such motor vehicle is*
29 *adjacent, as determined by rule, to any public school under the jurisdiction of the New York city*
30 *department of education {...}while parking as defined in section one hundred twenty-nine of the*
31 *vehicle and traffic law, standing as defined in section one hundred forty-five of the vehicle and*
32 *traffic law, or stopping as defined in section one hundred forty-seven of the vehicle and traffic*
33 *law...”*
34

35 In response to the complaints of many neighbors, some of them who have asthma, CB4 will be
36 working with the Department of Environmental Protection to obtain compliance with the laws.
37

38 Although we assume that all of your leases currently have a termination clause that could be
39 invoked in case of illegal behavior, we are also asking you to incorporate a “no idling clause” in
40 your long term and short term leases to bus companies, as this occurrence is not isolated. We
41 have already complained of the parking lots on 37, 38 and 39th Streets between 9th and 10th
42 Avenues, where hundreds of New Jersey Transit buses idle every day for up to 30 minutes each
43 at departure times.
44

45 We can only imagine the difficulty of operating a large bus terminal in the midst of a residential
46 neighborhood. Ensuring that all your contractors and employees respect the laws will go a long

47 way to minimize the health hazards to our residents and children alike. We appreciate your help
48 on this important issue.

49

50

51 Cc: residents

52 DEP, DEC, School PTA , Dept of ED

DRAFT

1 **Transportation Planning Committee**

Item #: 13

2
3 April 3, 2013

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: Speed Bumps on West 26th Street**

12
13 Dear Commissioner Forgione:

14
15 Manhattan Community Board 4 (CB4) requests the installation of speed bumps and other
16 appropriate traffic calming measures on West 26th Street between 9th and 10th Avenues.

17
18 Since 1969, residents of Elliott Chelsea Houses have complained of the lack of safety for
19 pedestrians on W26th Street between 9th and 10th Avenues.

20
21 Elliott Chelsea is a residential complex managed by New York City Housing Authority. It
22 houses 2,400 residents in buildings spread on both sides of the street. On this same block, one
23 can find P.S. 33 School and Hudson Guild with a senior and support center and a children center.

24
25 This long block (800 ft.) with no pedestrian crossing in the middle, functions more like a center
26 alley for the residential complex since many of the shared services are located across the street
27 for half of the residents. As a result, everyone, including seniors and children, crosses outside of
28 the pedestrian crossings located at each end of the street.

29 This configuration is similar to the one at W. 17th Street between Ninth and Tenth Avenues,
30 where the New York City Department of Transportation (DOT) installed speed bumps after a
31 speeding automobile killed a young boy.

32
33 To make matters worse, approximately 300 ft. West of Ninth Avenue, there is a non-signalized
34 intersection with a walking path on a "NYCHA owned street " going from 26th to the equivalent of
35 W. 27th Street and Tenth Avenue

36
37 CB4 supports the residents 'request to install speed bumps on the block, similar to those on W.
38 17th Street. We also request that DOT survey the block with the community to identify and install
39 additional traffic calming measures like a crossing light, pedestrian crossings with stop signs or a
40 20 m.p.h. slow zone, if appropriate.

41
42 We appreciate DOT's concern with our residents 'safety and hope we can address these concerns
43 as soon as possible.

44
45 Sincerely,
46 cc: NYCHA

1 **New Business**

Item #: 14

2
3 March 28, 2013

4
5 Mr. Emil Lissauer
6 Director
7 Street Activity Permit Office
8 100 Gold Street – 2nd Floor
9 New York, NY 10038

10
11 **Re: Proof of Non-Profit Status/Eight Avenue Festivals**

12
13 Dear Mr. Lissauer,

14
15 It has been brought to the attention of Manhattan Community Board 4 that the Street Activity
16 Permit Office needs additional information about two street festival applications on upper Eighth
17 Avenue: the Eighth Avenue Festival sponsored by the Midtown North Precinct Community
18 Council; and the Eighth Avenue Fall Festival, sponsored by four Hell's Kitchen block
19 associations. Mardi Gras Festival Productions, Ltd produces both festivals.

20
21 CB4 knows of, and works with, both these event sponsors on community issues and hopes they
22 will be able to continue to have their applications favorably received, as they have been each
23 year they have applied. These organizations are non-profit, all volunteers, pays no salaries, no
24 rent, and no overhead. Any money they earn goes back to the community.

25
26 The four block associations have been a positive force in the Hell's Kitchen community for
27 decades. The Precinct Community Council has worked assiduously to promote better community
28 policing and cooperation between NYPD and the Hell's Kitchen community.

29
30 Below are a few of the programs the event sponsors finance with proceeds from the festivals.

31
32 **Eighth Avenue Festival**

- 33
34 • The West 47th/48th Streets Block Association (EIN 13-3521466): Gardening supplies and
35 plants for Hell's Kitchen Park; annual neighborhood children's Halloween party in the park,
36 including a hayride for the children; hosts Jazzmobile.
37
38 • West 46th Street Block Association (EIN 13-2904750): Currently raising funds to restore the
39 historic Arnold Belkin mural in Matthew Palmer Park.
40
41 • West 45th St Block Association (8/9) (EIN 13-4165062): Purchases tree pit guards and flowers
42 and maintains the block's tree pits.
43
44 • West 44th Street Better Block Association (EIN 13-3958120): maintain the garden on Pier 84
45 (44th Street and the Hudson River); hosts annual children's holiday party.
46

47 **Eighth Avenue Fall Festival**

48

49 Event Sponsor: The Midtown North Precinct Community Council. Hosts National Night Out
50 Against Crime in Hell's Kitchen Park; hosts an annual event honoring police officers for
51 exemplary service to the community during the year.

52

53 These local block associations and the Precinct Community Council are organizations that
54 contribute to the fabric of our community. These are grass-roots, non-profit associations made up
55 entirely of volunteers who contribute their time and talent. All events they sponsor are free. The
56 associations also make contributions to local non-profit organizations.

57

58 Both Manhattan Board 4 and Manhattan Board 5 have approved their applications for Street
59 Activity Permits every year they have applied in the past and we encourage SAPO to do the
60 same this year.

61

62 Thank you.

63

64 Sincerely,



65

66 Corey Johnson

67 Chair

68