

APPENDIX F
COMMENTS RECEIVED ON THE
DRAFT ENVIRONMENTAL IMPACT STATEMENT



OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN
THE CITY OF NEW YORK

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Gale A. Brewer, Borough President

March 7, 2018

Recommendation on

**ULURP Application Nos. C 180127 ZMM, N 180128 ZRM, and C 180129 ZSM;
N 180128A ZRM, C 180129A ZSM – 601 West 29th Street
By DD West 29th LLC**

PROPOSED ACTIONS

DD West 29th LLC (the “applicant”) is seeking a zoning text amendment, a zoning map amendment, and a special permit pursuant to the Zoning Resolution of the City of New York (“ZR”) Section 89-21 in order to facilitate the development of the property located at 601-613 West 29th Street, 391-315 Eleventh Avenue, and 600-602 West 30th Street in Manhattan (Block 675, Lots 12, 29, and 36) (the “Development Site”) with a mix of residential and commercial uses, including a potential lease of space for the New York City Fire Department Emergency Medical Services (the “Proposed Project”). The Proposed Project would have approximately 740,615 zoning square feet of floor area, including affordable and market-rate housing, retail, and up to 198 permitted accessory parking spaces.

Zoning Text Amendment (N 180128 ZRM)

The applicant is seeking a zoning text amendment to create a Map in the Appendix to the Special Hudson River Park District Regulations (ZR Section 89-00) to define Piers 59, 60, and 61 and their associated headhouses, which are located in a portion of Hudson River Park, as a “granting site” and the Development Site (Block 675, Lots 12, 29, and 36) as a “receiving site” and to modify the bulk regulations applicable in a C6-4X district when the City Planning Commission (“CPC”) grants a Special Permit pursuant to ZR Section 89-21. The zoning text amendment would also map a Mandatory Inclusionary Housing (“MIH”) designated area on the Development Site, per Appendix F of the Zoning Resolution.

In evaluating the text amendment, this office must consider whether the modifications and new special permit are appropriate and beneficial to the community in which the eligible sites and proposed project are situated.

Zoning Map Amendment (C 180127 ZMM)

The applicant is seeking a zoning map amendment to rezone the Development Site from an M2-3 manufacturing district to a C6-4X commercial district, which would permit residential and commercial uses at a Floor Area Ratio (“FAR”) of 10.0. It would also map the Special Hudson

River Park District over the Development Site and Piers 59, 60, and 61 and their associated headhouses.

Any changes to the zoning map should be evaluated for consistency and accuracy, and given the land use implications, appropriateness for the growth, improvement and development of the neighborhood and borough.

Special Permit Pursuant to ZR Section 89-21 (C 180129 ZSM)

The applicant is seeking a special permit to allow the transfer of 123,437.5 square feet of floor area from Piers 59, 60, and 61 and their associated headhouses to the Development Site, and to permit height and setback, tower lot coverage and street wall location waivers.

The CPC may grant the transfer of floor area from the granting site, Hudson River Park, to the receiving site, and any associated bulk modifications, provided that:

1. such transfer of floor area will facilitate the repair, rehabilitation, maintenance and development of Hudson River Park, including its piers, bulkheads and infrastructure; and
2. the transfer of floor area will support the completion of improvements to Hudson River Park as identified in the statement submitted to the Commission by the Hudson River Park Trust ("HRPT") as part of this application; and
3. for the receiving site:
 - a. the proposed configuration and design of buildings , including any associated structures and open areas, will result in a superior site plan, and such buildings and open areas will relate harmoniously with one another and with adjacent buildings and open areas;
 - b. the location and quantity of the proposed mix of uses will complement the site plan;
 - c. the proposed transfer of floor area and any modification to bulk regulations will not unduly increase the bulk of any building on the receiving site or unduly obstruct access of adequate light and air to the detriment of the occupants of users of buildings on the block or nearby blocks, or of people using the public streets and other public spaces;
 - d. such transferred floor area and any proposed modifications to bulk are appropriate in relation to the identified improvements of Hudson River Park; and
 - e. any affordable housing, as defined in Section 23-90 (Inclusionary Housing), that is provided as part of the project will support the objectives of the Inclusionary Housing Program.

The City Planning Commission shall receive a copy of a transfer instrument legally sufficient in both form and content to affect such a transfer of floor area. Notices of the restriction upon further development, enlargement or conversion of the granting site and the receiving site shall be filed by the owners of the respective zoning lots in the Office of the Register of the City of New York (County of New York). Proof of recordation of the notices shall be submitted to the Chairperson of the City Planning Commission, in a form acceptable to the Chairperson.

Both the transfer instrument and the notices of restriction shall specify the total amount of floor area transferred and shall specify, by lot and block numbers, the granting site and receiving site that are a party to such transfer.

On a receiving site, for any development or an enlargement that is subject of a special permit granted by the CPC pursuant to ZR Section 89-21, the Department of Buildings shall not:

1. issue a building permit until the Chairperson of the Commission has certified that the owner of the receiving site and the HRPT have jointly executed documents sufficient to facilitate a payment schedule associated with the transfer of floor area; or
2. issue a temporary certificate of occupancy until the Chairperson of the Commission has certified that the HRPT has submitted a letter to the Chairperson confirming that payment of all required funds has been made by the owner of such receiving site to the HRPT, and that all required funding tools and/or payments are in satisfactory compliance with the executed payment schedule.

The Commission may prescribe additional appropriate conditions and safeguards to improve the quality of the development or enlargement and minimize adverse effects on the character of the surrounding area.

Chairperson Certification

The applicant is also seeking, pursuant to a separate application, a certification by the chairperson of the CPC pursuant to ZR Section 89-21 to allow the issuance of a building permit for the Proposed Development on the basis that the Applicant and the HRPT have jointly executed a purchase and sale agreement for the amount of the required funds associated with the transfer of floor area and that the required funds have either been irrevocably paid to HRPT or will be paid in accordance with a payment schedule and secured by a cash equivalent, such as a letter of credit, in accordance with such purchase and sale agreement.

PROJECT DESCRIPTION

The Development Site is located on the west side of Eleventh Avenue between West 29th Street and West 30th Street, and between the neighborhoods of Hudson Yards to the north and West Chelsea to the east. The Development Site consists of Lots 12, 29, and 36 of Block 675, which will constitute a single zoning lot. It is currently improved with five buildings and contains a gas station, an artist studio, a New York City Department of Sanitation facility, and a surface parking lot over which the Port Authority of New York and New Jersey (“PANYNJ”) has a temporary surface easement.

The applicant is seeking a zoning text amendment, a zoning map amendment, and a special permit pursuant to ZR Section 89-21 to allow for transfer of floor area from Hudson River Park in order to facilitate the development of a 62-story mixed use building.

Background of Hudson River Park

Hudson River Park (“Park”) spans four miles in and along the Hudson River waterfront just north of Chambers Street to West 59th Street. The Park serves as a regional public space and a neighborhood park serving the Tribeca, Greenwich Village, Hudson Square, Chelsea, Hell’s Kitchen and Clinton neighborhoods which border the park.

The Park is the result of City and State long-term efforts to transform the formerly industrial Hudson River waterfront into publicly accessible open spaces connected to a pedestrian esplanade and bike path. From that process, the Hudson River Park Act was created in 1998 which identified the park’s boundaries, permitted uses of each pier, the Park’s operating framework and established the HRPT as a public benefit corporation 501(c)(3) with the mandate to design, construct, operate and maintain the Park. As required by the Act, a Multi-Purpose General Project Plan was adopted which together, set forth the regulations that govern the Park’s use and development.

Uses not permitted in the park include residential, manufacturing, hotel, casino, riverboat gambling and office uses (with the exception of Pier 57). Some of the permitted uses include water-dependent transportation, entertainment, retail, restaurant, media studios, commercial recreational uses and amusements, performing arts, and educational facilities. Commercial development is limited to Piers 40, 57, 59, 60, 61, 81, 83, and 98. Pursuant to the Act, passive and active public open space uses are not subject to zoning and land use laws and regulations of the City.

The State and City own the underlying Park property. Through the Department of Parks and Recreation, the City owns the piers and upland areas from West 35th Street to the northern boundary of West 59th Street. Through the Office of Parks, Recreation and Historic Preservation, the State owns the piers and upland areas south of West 35th Street to the northernmost border of the Battery Park City seawall as extended to Route 9A. The Department of Environmental Conservation owns the land under water throughout the Park. Within these boundaries are piers that are excluded from the Park: Pier 76 is currently excluded and is operated by the City Police Department as a tow pound; Pier 78 is privately owned; Piers 88, 90, 92 and 94, are owned and operated by the City.

Transfer of Development Rights of Pier 40

In 2013, New York State adopted an amendment to the Hudson River Park Act allowing the transfer, by sale, of unused development rights generated by the Park to properties one block east of the Park as permitted under local zoning law. The amendment further stipulates that any revenue generated from the sale of unused development rights must first be used to rehabilitate Pier 40’s infrastructure, including pier piles and roof (Chapter 517 of the Laws of New York, 2013).

In 2016, the CPC approved a text amendment that created a mechanism for the transfer of development rights by special permit from “generating sites” within the Hudson River Park to “receiving sites” within a newly created Special Hudson River Park District (ZR Section 89-00). An April 2016 appraisal report valued the transfer of 200,000 square feet of development rights from Pier 40 at \$114.9 million dollars, but discounted the value for the provision of affordable housing and the scarcity of receiving sites, a final appraised value of \$74.7 million, or \$373 per

square foot. The developer of 550 Washington Street agreed to pay the Trust \$100 million for the development rights, or \$500 per square foot (C 160310 ZSM).

Area Context

The Development Site is located between the high-rise Hudson Yards neighborhood to the north and the significantly lower-slung West Chelsea neighborhood to the east. The blocks immediately adjacent to the Development Site are zoned M2-3 to the south, C6-4 within the Special Hudson Yards District to the north, C6-4 within the Special West Chelsea District along the avenues and along West 30th Street, and C6-3 on the midblocks south of 30th Street.

The Development Site is mapped within the M2-3 district. M2-3 districts are typical of historically industrial areas located on the waterfront, and Piers 59, 60, and 61 and their associated headhouses are also mapped in M2-3 districts. M2-3 districts allow for moderately heavy industrial uses and limited commercial uses and do not permit residential uses, and have a maximum FAR of 2.0.

The Special Hudson Yards District to the north was designed to encourage high-density, transit-oriented business and residential development over the West Side Yard and the surrounding industrial neighborhood, with maximum FARs up to 33.0. The No. 7 subway line was extended westward to provide public transit, and more than 17 million square feet of mixed-use development is planned. The High Line also runs along the block directly north of the Development Site.

The Special West Chelsea District was established in 2005 to encourage mixed uses in the West Chelsea neighborhood, including residential and arts-related uses. It was also intended to create and provide a transition to the Hudson Yards neighborhood to the north. It is located in an M1-5 zoning district and a C6-3 zoning district. The maximum FAR in the M1-5 zoning district is 5.0, and the maximum FAR in the C6-3 zoning district is 7.5.

In terms of transportation infrastructure, the Development Site is served by Twelfth Avenue (Route 9A), a major north-south arterial highway, and Eleventh Avenue, a major southbound arterial road. The closest subway station is the 34th Street/Hudson Yards station on the No. 7 line. The M12 bus runs southbound on Eleventh Avenue, and northbound on Twelfth Avenue. The M34 crosstown bus runs eastbound and westbound on West 34th Street. The area is also served by multiple CitiBike stations, including at West 27th Street and Eleventh Avenue and at West 28th Street and Tenth Avenue.

Open space resources in the area include the High Line, and Hudson River Park, which offer a bikeway, walkways, lawns, landscaped areas, a skate park, a carousel, a rock garden, restrooms, café, and dining tables in the vicinity of the Development Site. Chelsea Park is located on Tenth Avenue between West 27th Street and West 28th Street, and Chelsea Waterside Park is located east of Twelfth Avenue between West 22nd and West 24th Streets. Hudson Park is located along Hudson Boulevard East between West 33rd and West 36th Streets.

Community facility uses in the area include P.S. 33 Chelsea Prep on the west side of Ninth Avenue at 26th Street, the Church of the Holy Apostles on the east side of Ninth Avenue at 28th

Street, the Church in New York City on West 34th Street between Ninth Avenue and Tenth Avenue, and the Church of Saint Michael next door to it. The Jacob K. Javits Convention Center is located between West 34th and West 40th Streets and Eleventh and Twelfth Avenues. A new school is proposed for the Western Rail Yards site to the north of the Development Site.

The Landmarks Preservation Commission designated the West Chelsea Historic District in 2008, which borders the Development Site to the south. This District serves as “a rare surviving example of New York City’s rapidly disappearing industrial neighborhoods,” and contains examples of simple brick facades, horizontal banding, and corbelled brick cornices typical of industrial architecture from the turn of the twentieth century. It also demonstrates later building techniques that characterized industrial architecture such as steel building frames, terra-cotta tile floors, and reinforced concrete.

Proposed Development

The Proposed Development would include a total of 740,615 zoning square feet of floor area, for a total of 12 FAR, in a 62-story building. The building would measure 655 feet in height excluding the bulkhead, and would contain up to approximately 990 dwelling units. The building would also include the maximum number of accessory parking spaces permitted as-of-right based on the number of dwelling units, which would be 20 percent of 990, or 198 spaces.

There are three options for how the ground floor along West 29th Street would be used. The space could be used for (1) retail, (2) a reconfigured and expanded parking area for the accessory parking spaces, and (3) an EMS facility.

Under option (1), the building would include up to 14,550 zoning square feet of commercial floor area (approximately 9,000 square feet of retail floor area at West 30th Street and Eleventh Avenue and approximately 5,000 square feet of retail floor area along West 29th Street). Under option (2), the building would include up to 8,927 zoning square feet of commercial floor area, all located at West 30th Street and Eleventh Avenue. Under option (3), the building would include approximately 9,000 square feet of retail floor area at West 30th Street and Eleventh Avenue and approximately 12,000 square feet of floor area in the EMS facility.

Pursuant to MIH, approximately 25 percent of the residential floor area (or between approximately 179,797 and approximately 182,917 zoning square feet) would be provided as permanently affordable housing, resulting in approximately 247 affordable housing units. In accordance with Option 1 of MIH, the affordability breakdown will be 10 percent of the units at 40 percent of Area Median Income (AMI), 10 percent at 60 percent of AMI, and 5 percent at 100 percent of AMI. The residential space for all units would be accessed from a lobby at the corner of Eleventh Avenue and West 29th Street.

The massing of the building is comprised of three sections. The base section maintains the streetwall condition along Eleventh Avenue, West 30th Street, and the eastern portion of West 29th Street, with a terrace at the western portion of West 30th Street that approximates the height of the High Line across the street. The approximately 400 foot middle section of the massing is located on the southeast part of the Development Site and is intended to measure up to the new buildings along Tenth Avenue, Eleventh Avenue, and West 30th Street under the Special West

Chelsea District zoning. The 660 foot tower section along Eleventh Avenue is intended to interact with the high-rise towers of Hudson Yards to the north.

In order to guide the determination of the value of the transfer of development rights from Hudson River Park, HRPT commissioned Appraisers and Planners, Inc. (API) as an independent appraiser. Based on their conclusions, the applicant has entered into a contract with HRPT to pay \$300 per square foot, or \$37 million, for the development rights.

Proposed Actions

The applicant is proposing the following land use actions:

Zoning Text Amendment (N 180128 ZRM)

The applicant proposes to create a Map in the Appendix to the Special Hudson River Park District Regulations (ZR Section 89-00) to define Piers 59, 60, and 61 and their associated headhouses as a “granting site” and the Development Site (Block 675, Lots 12, 29, and 36) as a “receiving site.” The text amendment would also apply the M2-3 use and bulk regulations but permit an overall maximum FAR of 12.0 in a C6-4X district when the CPC grants a Special Permit pursuant to ZR Section 89-21. Defining the granting site and receiving site allows for a floor area transfer that would further the goals of the Special Hudson River Park District by providing funds to the Park to support much-needed infrastructure improvements.

Zoning Map Amendment (C 180127 ZMM)

The applicant is seeking to rezone the Development Site from an M2-3 manufacturing district to a C6-4X commercial district. The proposed map amendment would also map the Special Hudson River Park District over the granting site and receiving site to allow the transfer of floor area from Hudson River Park.

The proposed C6-4X district is intended to provide a transition between the density permitted by the M2-3 district to the south and the nearby blocks at the southern edge of the Special Hudson Yards District. The C6-4X district permits a wider range of commercial uses than the M2-3 district, as well as residential and community facility uses. It allows a base height of 60 to 85 feet, and building height and setback above the base is governed by a sky exposure plane and the tower regulations.

Special Permit Pursuant to ZR Section 89-21 (C 180129 ZSM)

The applicant is requesting a special permit to allow a transfer of 123,437.5 square feet of floor area to the Development Site, and to modify bulk regulations to allow for the following waivers:

1. Street walls – Pursuant to ZR Section 35-651(b)(1), the street wall fronting on Eleventh Avenue must be located along the street line and must extend to at least the minimum base height specified in ZR Section 23-622(a). Approximately 30 linear feet of the westernmost portion of the West 30th Street streetwall will have a height of 23 feet, or 37 feet below the minimum base height, for which a waiver is requested. ZR Section 35-

651(b)(1) also requires a street wall on a wide street or on a narrow street within 50 feet of a wide street to be located on the street line. The Proposed Project includes an articulated residential lobby that is recessed 16 feet within 80 feet of the corner along Eleventh Avenue and within 70 feet of the corner along West 29th Street. A waiver is requested for the Eleventh Avenue frontage and the easternmost 50 feet of the West 29th Street frontage.

2. Height and setback – ZR Sections 35-653 and 23-663(a) require developments to be set back 15 feet from a narrow street and 10 feet from a wide street above the initial setback. The Proposed Project is set back five feet from both Eleventh Avenue, a wide street, and West 29th Street, a narrow street. A waiver of the setback requirement is necessary to allow sufficient floorplate depth for an efficient residential unit organization. ZR 35-653 and 23-663(b) requires towers to provide at least 33 percent lot coverage between the height of 85 feet and 40 feet from the top of the tower. At a height of 85 feet, the Proposed Project provides 26.4 percent lot coverage, and above a height of approximately 400 feet, the Proposed Project provides 14.3 percent lot coverage.

The transfer of 123,437.5 square feet of floor area from Piers 59, 60, and 61 and their associated headhouses will increase the maximum permitted floor area on the Development Site from approximately 617,187.5 zoning square feet to approximately 740,615 zoning square feet, or to a total of approximately 12.0 FAR. Piers 59, 60, and 61 and their associated headhouses are zoned to allow for a maximum floor area of approximately 1,118,792 zoning square feet, of which approximately 374,888.5 zoning square feet would remain unused. Taking into account the concurrent application for 606 West 30th Street, which seeks to transfer 29,625 square feet from the Park, there would remain approximately 345,263.5 zoning square feet unused.

In order to effect this transfer, a Transfer Instrument and Notice of Restrictions will be recorded against Piers 59, 60, and 61 and their associated headhouses and the Development Site, permanently reducing the floor area available on Piers 59, 60, and 61 and their associated headhouses and increasing it on the Development Site. The amount of floor area transferred would equal 20 percent of the maximum floor area otherwise permitted on the receiving site, which is the maximum percentage permitted by Section 89-21(b).

(A) Applications (N 180128A ZRM, C 180129A ZSM)

On February 14, 2018, the applicant filed (A) applications for the Proposed Project. This version of the applications reflects amended zoning text in order to permit:

1. the exemption from floor area on the receiving site of the proposed EMS facility, which will replace the existing FDNY EMS Station 7 at 512 West 23rd Street; and
2. an increase in the maximum number of accessory parking spaces for EMS employees.

All other waivers requested under ZR Section 89-21 remain unchanged, as does the amount of floor area proposed for transfer from the granting site.

ANTICIPATED IMPACTS

Pursuant to City Environmental Quality Review (CEQR) and to the rules of the State Environmental Quality Review Act (SEQRA), amongst others, a Draft Environmental Impact Statement (DEIS) was prepared for the Proposed Project, together with another project on the same block, 606 West 30th Street.

On April 14, 2017 a Positive Declaration and Draft Scope of Work (DSOW) were issued. The DSOW identified a number of analysis tasks for the DEIS to consider for further analysis and established an analytical framework for the following analysis categories:

- land use, zoning and public policy,
- socioeconomic conditions,
- community facilities and services,
- open space,
- shadows,
- historic and cultural resources,
- urban design and visual resources,
- natural resources,
- hazardous materials,
- water and sewer infrastructure,
- energy,
- transportation,
- air quality,
- greenhouse gas emissions and climate change,
- noise,
- neighborhood character, and
- construction impacts.

The DSOW was further refined following a public scoping meeting held on May 17, 2017, with written comments accepted until May 30, 2017. The Final Scope of Work (FSOW) was issued on November 20, 2017.

The Draft EIS (DEIS) and Notice of Completion, issued on November 20, 2017, found that significant adverse impacts were identified in the areas of publicly-funded child care, open space, shadows, transportation, and construction.

Existing child care facilities in the 2-mile study area have a total capacity of 213 slots and an enrollment of 178 children (83.6 percent utilization). The Proposed Project, together with 601 West 29th Street, are anticipated to increase the demand for child care facilities by 29 children to 395 children. Compared to a capacity of 213 slots, this would create a deficit of 182 slots. Assuming this demand is accommodated at existing child care facilities, the facilities would operate at 185.4 percent, which represents an increase in the utilization rate of 13.6 percent over the No Action condition.

For open space, it was determined that there would be a significant adverse impact due to the increased user population. Potential mitigation measures are currently being explored by the applicants in consultation with the New York City Department of City Planning and the New

York City Department of Parks and Recreation. Potential mitigation measures for open space impacts may include, but are not limited to, creating new open space within the study area; funding for improvements, renovation, or maintenance at existing local parks and/or playgrounds; or improving open spaces to increase their utility or capacity to meet identified open space needs in the area.

For transportation, it was determined that there would be potential significant adverse impacts to traffic and pedestrians. No significant adverse impacts were identified for parking, transit, and vehicular and pedestrian safety.

For construction, it was determined that there would be temporary significant adverse impacts in the areas of transportation and noise. The potential transportation-related impacts during construction would be similar to or less than the significant adverse impacts identified for the future with the full build-out of the projects considered in the DEIS. The construction of the projects also has the potential to result in construction noise levels that exceed the CEQR Technical Manual noise impact criteria for an extended period of time at 534 West 30th Street, residences near Eleventh Avenue and West 29th Street, and portions of the High Line directly across West 30th Street from the construction area.

COMMUNITY BOARD RECOMMENDATION

At its Full Board meeting on February 7, 2018, Manhattan Community Board 4 (“CB4”) approved a resolution by a vote of 40 in favor, 0 opposed, and 1 abstaining that recommended **denial** of the applications regarding 601 West 29th Street unless certain conditions are met:

Maximum Building Height – CB4 recommended that the maximum height of the proposed project be limited to 550 feet, which would represent a 20 percent increase in height from the maximum of 450 feet in the adjacent Subarea A of the Special West Chelsea District immediately to the east, and a reasonable step down from the 642 feet heights of Hudson Yards Sites 6A and 6B to the north.

Mandatory Inclusionary Housing – CB4 recommended that affordable units be distributed throughout at least 80 percent of the proposed project’s floors, and that there would be identical finishes and fittings between the affordable and market-rate units, and that fee-based amenities be discounted for tenants in affordable units.

Building Services and Other Issues – CB4 recommended that loading docks, trash compactors and dumpsters be located inside buildings except during trash and recycling pickup, that the parking garage accommodate environmentally-friendly vehicles, that full size trees and complete landscaping be planted in sidewalk tree pits and tree planters, that workers be paid living wages with benefits, that the applicant support a Community Jobs Project and if possible rent retail spaces to local businesses, and that the applicant agree to coordinate logistical issues such as construction deliveries and temporary street closings with the adjacent development site.

Mitigation of Adverse Environmental Impacts – CB4 recommended that adverse environmental impacts identified in the Draft Environmental Impact Statement be mitigated through the provision of space for publicly-funded child care, the reconstruction and renovation of a Chelsea recreation park, and standard measures such as signal timing changes, widened crosswalks, window-wall attenuation, quieter equipment and noise barriers for traffic impacts at two intersections, and ways to address pedestrian flow issues at two crosswalks and the effects of construction congestion and noise on nearby residential buildings.

EMS Facility – CB4 recommended that the city relocate the West 23rd Street EMS facility to an enclosed space in the Proposed Project.

Hudson River Park Development Rights Price – CB4 recommended that the \$300 per square foot appraisal of the value of the development rights transfers be reviewed by a party with sufficient expertise in the matter.

Hudson River Park Priorities – CB4 recommended that the capital funds from the sale of development rights be allocated to projects in the following order: Pier 97 Recreation Pier, Chelsea Waterside Park, Pier 97 Upland Area, Gateway/Hudson River Tunnel Project Area, Pier 66a Float Bridge, Pier 98 to 99 Upland Area, Area South of Pier 76, and Piers 79-84 Upland Area.

Inclusion of the Development Site in the Special West Chelsea District – CB4 recommended that the development site be included in the Special West Chelsea District in order to implement the floor area exemption enabling the relocation of the EMS facility.

Despite recommending denial unless these conditions are met, CB4 expressed appreciation for the applicant's willingness to engage with the community over a long period of time to try to resolve the numerous issues associated with this very complex project.

BOROUGH PRESIDENT'S COMMENTS

Block 675 is one of the most complex blocks on the island of Manhattan. It is located directly south of Hudson Yards, where there will be a new mini-city with 18 million square feet of residential and commercial space and towers reaching upwards of 1,200 feet in height. But it is also a part of West Chelsea, and must serve as a transition zone to a deeply-rooted low and mid-rise neighborhood of residences, art galleries, and local shops. Meanwhile, it is one of the few blocks eligible for the transfer of development rights from Hudson River Park to provide much-needed capital and expense funding for the Park. With the Hudson Tunnel Project calling for tunneling beneath the block, it must also accommodate infrastructural facilities and construction staging in the near future.

All of this, together with the usual challenges associated with high-rise luxury housing development in an increasingly unaffordable city, makes 601 West 29th Street an especially difficult project. Alongside the concurrent development next door at 606 West 30th Street, it must

fulfill various requirements from a multitude of stakeholders while playing a role in shaping the character of the area for years to come.

We want to express great appreciation for the applicant's willingness to engage with the community and elected officials over a long period of time to work out all the relevant issues. There has been good progress, but there is still much to be done to ensure that the project becomes the best that it can be given all the factors involved.

Maximum Building Height

It is the nature of Manhattan that distinct, even radically-different neighborhoods must coexist next to one another. There is consensus that Block 675 should serve as a transition zone between Hudson Yards and the rest of the much lower-slung West Chelsea. It is true that if one drew a line between the proposed heights of the tallest tower of Hudson Yards and the existing buildings in West Chelsea to the south, the 660 foot height of the Proposed Project would fall somewhere in the middle. However, the buildings on Block 675 will not only stand by themselves but also set a precedent for future development in the area.

Besides the concurrent application for the development of 606 West 30th Street, there is one more project anticipated for Block 675, on the westernmost part of the block that is currently owned by the Georgetown Company. Meanwhile, the block directly south between West 28th Street and West 29th Street contains property owned by Consolidated Edison, and while there are no current plans to develop the site, it will always be a possibility in the future.

Thus, the height of the Proposed Project will play a role in determining the context and character of surrounding developments, and a difference of more than 100 feet in height needs to be addressed with care. CB4 recommended that the Proposed Project should be guided by the 450 foot height of the Special West Chelsea District Subarea A. However, given the addition of 2 FAR from the Park to the 10 FAR allowed in the C6-4X district, a 20 percent increase, CB4 revised their recommendation to allow for a corresponding 20 percent increase in maximum height, from 450 feet to about 550 feet. This would also represent a step down from the 642 foot heights of the proposed residential buildings on the north side of West 30th Street at Hudson Yards Sites 6A and 6B.

We believe that CB4's recommendation of 550 feet is reasonable, and that the proposed height of 660 feet is excessive. We appreciate the design of the Proposed Project, with its tri-part division of gallery level, mid-rise, and tower. However, we believe the bulk should be distributed across the site to lower the height, especially considering that the applicant is asking for additional height, setback, and tower coverage waivers.

EMS Facility

Fire Department of New York (FDNY) Emergency Medical Services (EMS) Station 7 is currently located temporarily at 512 West 23rd Street. It has long been a priority for the community to move the EMS facility from this current location, which is small, unenclosed, and unsuitable given its residential surroundings.

CB4 identified the Development Site as an ideal location for the replacement EMS facility, as it is one block from the West Side Highway and would provide quick north and south access and more space for vehicles. The applicant has been working diligently with CB4, elected officials, and FDNY to include the EMS facility as part of the Proposed Project. The Port Authority of New York and New Jersey (PANYNJ) has identified Lot 1 and part of Lot 12 of Block 675 as temporary construction staging area for the Hudson Tunnel Project; since the applicant has proposed the EMS site on part of Lot 12 designated for tunnel construction staging, they have also been engaging with PANYNJ to resolve these needs.

On February 14, 2018, the applicant filed (A) applications for the Proposed Project in order to permit the exemption from floor area of the proposed EMS facility, and an increase in the maximum number of accessory parking spaces for EMS employees.

We fully support the efforts of all involved to include the EMS facility in the Proposed Project. Given the high profile of this area, with Hudson Yards, the Hudson Tunnel, and numerous other major developments nearby, we hope that the public safety need will be properly met.

Affordable Housing

Pursuant to MIH, approximately 25 percent of the residential floor area would be provided as permanently affordable housing, making approximately 247 affordable housing units. In accordance with Option 1 of MIH, the affordability breakdown will be 10 percent at 40 percent of AMI, 10 percent at 60 percent of AMI, and 5 percent at 100 percent of AMI.

CB4 recommended that affordable units be distributed throughout at least 80 percent of the proposed project's floors, and that there be identical finishes and fittings between the affordable and market-rate units, and that fee-based amenities be discounted for tenants in affordable units. The applicant has committed to provide identical finishes and appliances for the market rate and affordable units. They plan to offer certain amenities, such as a children's play room, without fee, and have committed to discounting access fees for other amenities for the residents of the affordable units.

In addition to MIH, the Proposed Development will also use the Affordable New York tax abatement program, formerly known as 421-a. Units built to satisfy the requirements of MIH are also being used to count towards the affordable housing requirements of the Affordable New York program.

The Borough President has consistently opposed this practice of overlapping subsidies, or "double dipping." The original 421-a tax benefit was created to incentivize new construction. The program started in 1971 during a time when many people felt New York City needed to spur real estate development activities to reduce blight. But times have changed, and New York City no longer faces a lack of development. Units built to satisfy the affordable housing requirements of MIH should not be available to be counted toward satisfying the requirements to obtain a tax subsidy under another program.

The Borough President supports CB4's recommendation that affordable units be distributed throughout at least 80 percent of the Proposed Project's floors, above and beyond MIH's

requirement of 65 percent. Similarly, as the Proposed Development counts the same affordable units for both MIH and the Affordable New York tax abatement program, we urge the applicant to explore all feasible options to provide affordable units beyond the 25 percent requirement of MIH.

Hudson River Park Transfer

In order to guide the transfer of development rights from Hudson River Park, HRPT commissioned API to appraise the value of the development rights to be transferred. Based on their conclusions, the applicant has entered into a contract with HRPT to pay \$300 per square foot, or \$37 million, for the development rights.

The proper valuation of development rights has been a problem for our office again and again.

The Greater East Midtown Rezoning included complicated and protracted negotiations over the minimum valuation of development rights and the public contribution rate. Two reputable, experienced firms came up with significantly different appraisals based on the market. It was abundantly clear to all involved that a change in the price per square foot valuation could represent the difference of millions of dollars in private transactions and for the public benefit.

More recently, the West Chelsea Affordable Housing Fund Rule proposed a \$500 per square foot price for sales. Our office, alongside many in the community, felt that this valuation was inadequate, and did not account for recent trends. Thanks to the continuing work of DCP and CPC, the proposed price has since been adjusted to \$625 per square foot.

Even in the case of Pier 40, there was ultimately a disconnection between the appraised value of the transfer of development rights and the actual price paid for them. While the appraisal ended with a valuation of \$74.7 million or \$373 per square foot, the developer of 550 Washington Street agreed to pay HRPT \$100 million for the 200,000 square feet of development rights or \$500 per square foot. That price had been set before the appraisal was even undertaken.

The sales from the transfer of development rights fulfill a vital function and provide HRPT with much-needed capital and maintenance funding. An inadequate valuation would mean the loss of millions of dollars for the Trust and in very tangible open space benefits for the public. We greatly respect the work of API in determining the valuation; however, given our history with development rights appraisals, it is difficult for us to treat that valuation number as authoritative. Instead, it might be better to think of the appraisal as a general guide, and given the long list of community priorities related to the Park that have been enumerated by CB4, we can come back to the proper price for the development rights after first clarifying the outstanding needs of HRPT.

BOROUGH PRESIDENT'S RECOMMENDATION

Therefore, the Manhattan Borough President recommends **denial** of ULURP Application Nos. C 180127 ZMM, 180128 ZRM, and 180129 ZSM unless the following conditions are met:

- That the overall building height is adjusted downward to reflect the transitional and precedent setting nature of the site;
- That the distribution of affordable units exceeds the 65 percent required by the Zoning Resolution and meets Community Board 4's recommendation;
- That the applicant consider the provision of additional affordable units to ameliorate the issue of double-dipping with state tax abatement and permanent floor area bonus;
- That the applicant continue working with all relevant parties to include the EMS facility, with the A-Text modifications as proposed, in the Development Site;
- That the City diligently work to identify and begin the process of procuring child care space and to identify capital improvements for open space mitigation before the close of the ULURP process;
- That DCP reexamine the value of the development rights; and
- That the City follow through on its prior commitment to the Borough President from March 2015 to study the inclusionary housing program and the issue of double-dipping, especially in the context of individual special permits where the Commission may exercise further discretion.

A handwritten signature in black ink that reads "Gale A. Brewer". The signature is written in a cursive, flowing style.

Gale A. Brewer
Manhattan Borough President



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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BURT LAZARIN
Chair

JESSE R. BODINE
District Manager

February 5th, 2018

Marisa Lago, Chair
New York City Planning Commission
120 Broadway
31st Floor
New York, NY 10271

re: 180127 ZMM; N 180128 ZRM; 180129 ZSM – 601-613 West 29th Street, 391-315 Eleventh Avenue and 600-602 West 30th Street – Block 675 Lots 12, 29 and 36

Dear Chair Lago:

On the recommendation of its Chelsea Land Use Committee, the Executive Committee of Manhattan Community Board 4 (CB4) voted to recommend denial of the cited applications for a proposed development at 601-613 West 29th Street, 391-315 Eleventh Avenue and 600-602 West 30th Street – Block 675, Lots 12, 29 and 36 - unless the conditions and recommendations in Section XII below are met. This letter is subject to ratification by the full board at its February 7, 2018 meeting.

I. Background

Block 675 lies in the northwest corner of Chelsea, bounded by West 29th and 30th Streets and by Eleventh and Twelfth Avenues. Over the years, proposals for Block 675 have evolved from a park with an underground Department of Sanitation facility to being a gateway for an Olympic/Jets stadium to a coveted development site adjacent to the Hudson River, the High Line and the Western Rail Yards.

In 2013 CB4 prepared a study of Block 675 and the five blocks to the south, recommending to the Department of City Planning (DCP) that these blocks be studied for inclusion in an expanded Special West Chelsea District (SWCD). We specifically recommended that Block 675 be rezoned from M1-6 and M2-3 to C6-4 with building height and bulk regulations similar to those in SWCD Subarea A.

Later in 2013 DCP released “Study for the Potential Expansion of the Special West Chelsea District.” The study recommended that a planning framework to guide zoning decisions should be prepared for Block 675 when future uses were clearer. In 2017 the City Planning Commission (CPC) approved a Planning Framework for Block 675 that recommended C-6 districts with an “appropriate massing response to a transitioning context.” The Framework also recommended “active uses on frontages facing the High Line and transparency at and above the High Line level.”

II. Description of Project

The applicant proposes to build a 740,615 square foot mixed use building at 601-613 West 29th Street, 391-315 Eleventh Avenue and 600-602 West 30th Street, Block 675 Lots 12, 29 and 36. The proposed development is L-shaped with 525' of frontage on West 29th Street, 197.5' on Eleventh Avenue and 100' on West 30th Street. It consists of a 660' tall, 62 story tower on Eleventh Avenue with its north side facing the High Line, and an attached 399' tall, 36 story tower extending west along West 29th Street. The two towers sit on a common 85' tall base that extends 110' westward from the smaller tower. A 43' tall building extends another 183.75' westward from the base. A 23' tall building extends from the Eleventh Avenue base along the north side of the site, creating a 30' deep elevated rear yard.

The building would be a mix of commercial/retail and residential space with up to 990 residential units, of which 230 would be affordable pursuant to the Mandatory Inclusionary Housing Option 1, and up to 198 accessory parking spaces. The applicant details three scenarios for ground floor space along West 29th Street with different allocations of residential and commercial floor area: retail; reconfigured and expanded parking for 198 accessory parking spaces; and a potential lease of space for an Emergency Medical Services (EMS) station on the western end of the site. The site would be rezoned from the current M2-3 to C4-6X, increasing the FAR from two to ten, and the applicant would purchase an additional 2 FAR, 123,438 sf of floor area, from the Hudson River Park Trust pursuant to ZR 89-00 *et seq.*

The western end of Block 675 is the site of the proposed Gateway Tunnel project. Preliminary plans call for part of the western portion of the applicant's proposed development site to be used for staging during tunnel construction. Both the timing and the extent of the tunnel project's staging needs are currently unknown.

III. Proposed Actions

The application includes the following proposed actions:

- A Text Amendment to ZR 89-00, *et seq.* to modify the provisions of the Special Hudson River Park District (SHRPD), designating Piers 59, 60 and 61, and the Headhouse, Block 662 Lots 11, 16 and 19, as the granting site and the development site as the receiving site for the transfer of development rights; and to modify bulk regulations applicable in a C6-4X district to accommodate the project's design;
- A Text Amendment to ZR Appendix F to map a Mandatory Inclusionary Housing (MIH) area on the Development Site;
- A Map Amendment to Zoning Map 8b to rezone the development site from M2-3 to C6-4X and to map the SHRPD over the granting site and the receiving site; and
- A Special Permit pursuant to ZR 89-21, as amended by the SHRPD Text Amendment, to permit the transfer of 123,437.5 sf of floor area from the granting site to the receiving site, and to permit height, setback, tower lot coverage and street wall location waivers.

IV. Building Height

The proposed height of 660' for the Eleventh Avenue building is excessive. The proposed project should be constrained by, and step down from, the 450' height of Special West Chelsea District Subarea A immediately to the east and the 642' heights of Hudson Yards Sites 6A and 6B (residential buildings

flanking a school on the north side of West 30th Street on the eastern end of the block between Eleventh and Twelfth Avenues) of the Western Rail Yards immediately to the north.

The context for the development of Block 675 has been set by the two major westside rezonings approved in 2005. The West Chelsea rezoning creating the SWCD established a broad U-shaped profile, with a relatively low central area stepping up to greater building heights in the north and in the south. The Hudson Yards rezoning creating the Special Hudson Yards District established a building height profile that decreases from Tenth Avenue west to the Hudson River, as well as from West 33rd Street south to West 30th Street. Each of these rezonings was designed in part specifically to protect the Hudson Riverfront from overdevelopment, recognizing it as a valuable feature to be preserved for the enjoyment of all rather than only for those fortunate enough to live next to it.

In our 2013 study, we recommended that building bulk regulations for Block 675 should be similar to those of the adjacent SWCD Subarea A, and CPC’s 2017 Planning Framework for Block 675 recommended C-6 districts with an “appropriate massing response to a transitioning context.” However, the inclusion of the development site within the area designated to receive development rights from the Hudson River Park (HRP) has led us to revisit our analysis. The addition of 2 FAR from the park to the 10 FAR in the proposed C6-4X district is a 20 percent increase. We therefore have concluded that a corresponding 20 percent increase in permitted building height, from 450’ to 550’, is appropriate for the Eleventh Avenue building. Our long-standing preference for lower heights in the mid-blocks, as well as our agreement with the decrease in height moving westward towards the Hudson River, means that this should be the tallest building on the block.

V. Affordable Housing

The proposed project will be mapped within a Mandatory Inclusionary Housing (MIH) designated area and is subject to the requirements of the MIH program which has two options. The applicant has chosen Option #1 which requires 25 percent of the total residential floor area be devoted to affordable housing. The income eligibility bands for Option #1 are as follows:

Percent of residential floor area	Percent of AMI* residents must have	Example of income for two-person family	Example of income for four-person family
10%	40%	\$30,560	\$38,160
10%	60%	\$45,840	\$57,240
5%	100%	\$76,400	\$95,400

*AMI: Area Median Income. The AMI for the greater New York area for 2017 is \$85,900 for a three-person family; \$95,400 for a four-person family. Each development may have specific income requirements.

The proposed project would have 230 to 247 units of permanently affordable housing.

CB4 believes that socioeconomic diversity and integration are essential to keeping our neighborhoods vital and thriving, and has a long-standing policy for mixed income buildings designed to ensure equality between affordable and market rate apartments:

- CB4 recommends that the affordable apartments should be distributed throughout the entire building. We have found that developers have successfully located affordable apartments on 80 percent of the floors, exceeding the 65 percent requirement of MIH program.

- All apartment finishes, flooring, tile, plumbing and light fixtures, kitchen cabinets, countertops and appliances should be the same for affordable and market-rate apartments.
- Building amenities such as courtyards should be equally available to all building residents regardless of income. Amenities with fees for residents' use such as fitness facilities should be available to Inclusionary Housing tenants at a reduced fee. We prefer a sliding scale amenity fee such as a reduction of 25 percent for middle-income tenants and 50 percent for low-income tenants.

VI. Building Design, Services and Other Concerns

CB4 requests that the proposed project include building design elements that ensure a high quality of life for new residents, those who live and work nearby, and for people who frequent the neighborhood.

Building Design and Services

- Sidewalks adjacent to the proposed project should be kept clean and free of garbage. Building garbage compactors and dumpsters should be kept inside until time for curbside pickup. Commercial tenants in both developments should use the same carting company. Loading docks should also be inside buildings. Interior space for unloading of the many residential deliveries (such as Amazon, USPS packages) should be provided.
- Parking garages should accommodate environmentally-friendly cars such as Zip cars and electric vehicles which help to decrease traffic and emissions.
- Exterior lighting should be modest and not intrusive.
- CD4 is fortunate to have a whole host of artists in Chelsea and Hell's Kitchen. CB4 encourages both applicants to display local art in building lobbies.

Other Concerns

- Street trees should be planted on sidewalks around new buildings wherever possible, with full size trees planted in tree pits with complete landscaping. If Con Ed vaults prevent in-ground planting, the applicants should obtain revocable consents for the use of tree planters.
- The applicant should coordinate construction schedules with the developer of 606 West 30th Street and maintain regular communication with them and with CB4 about construction progress and schedule changes.
- CB4 urges the applicant to rent retail spaces to local businesses.
- CB4 requests that the applicant support a Community Jobs Project that would include holding periodic job fairs, posting all job openings on the CB4 jobs website, reaching out to community-based organizations, and working with the Board to hire employees who are CD4 residents.
- CB4 also requests that the applicant pay its workers family-sustaining wages with affordable health care and retirement benefits to help create a strong community and a robust local economy. Training should be provided so workers have an opportunity to advance in their careers. The

applicant should prioritize the safety of construction workers, particularly in light of recent deaths and injuries at construction sites.

- CB4 is seriously concerned about the safety of pedestrians and bicyclists crossing to and from Hudson River Park at intersections with vehicles. In the last seven years, there have been twelve fatalities in the park and its access streets. As the population increases near Hudson River Park with the construction of new developments such as the proposed Block 675 project, we fear that more pedestrian and bike accidents may occur unless additional safety measures are provided at intersections. We urge that the New York State Department of Transportation (which has jurisdiction over these locations) work with city agencies and CB4 to implement critical safety measures. These enhancements certainly should be installed at the sections of Hudson River Park that are improved or constructed.

VII. Mitigation of Environmental Impacts

The applicants for the proposed project and for an adjacent one at 606 West 30th Street cooperated on a joint Draft Environmental Impact Statement (DEIS). We appreciate that the DEIS considered the cumulative impacts of these projects rather than separately as has been the norm. The DEIS identified potentially significant adverse impacts for several topics and recommended possible mitigations. Potential mitigation measures are being explored by CB4, the applicants, lead agencies and DCP, and will be refined between the DEIS and the Final Environmental Impact Statement (FEIS).

Publicly Funded Child Care

The DEIS found that both projects together would result in low income families with approximately 29 children under the age of six who would be eligible for publicly funded child care programs. This increased demand cannot be accommodated by facilities in the two-mile study area. The required mitigation would be for 19 childcare seats, the number generated by the project that exceeds the five percent utilization rate.

The DEIS recommends as a mitigation suitable child care space affordable to ACS (Administration for Children's Services) providers on-site or within a reasonable distance or funding for program or physical improvements to support additional capacity at existing facilities.

Hudson Guild, located at West 26th Street between Ninth and Tenth Avenues, is a highly valued member of our community serving a low/moderate income population. They are seeking to expand their Early Childhood Education Program and are looking for suitable space. The demand for services for under-three-year-old children is particularly high and has resulted in a long waiting list. CB4 is exploring with Hudson Guild opportunities in buildings in Chelsea that could provide space for this program. Potential options include:

1. The building at 429 West 18th Street/Fulton Houses, located between Ninth and Tenth Avenues, is currently under construction, scheduled to be completed in 2019. It will have 157 affordable units and approximately 4,000 square feet for a community facility use. Since a childcare center would not need all of this space another community facility could be accommodated as well. A working group comprised of representatives from the developer, CB4, the Fulton Tenants Association and local elected officials will develop recommended uses.

2. There may be churches in Chelsea that have underutilized space such as St. Columba Church on 343 West 25th Street (between Eighth and Ninth Avenues) or Manor Church on 350 West 26th Street (between Eighth and Ninth Avenues).

Open Space

The DEIS analysis showed that the proposed actions would result in a small adverse open space impact due to the increased user population. Although the decrease in the open space ratio due to the proposed development is small, open space in the residential study area already is below the City's guideline ratios of 2.5 acres (total) and 2.0 acres (active) per 1,000 residents.

The DEIS lists potential mitigation measures for open space impacts, which include, but are not limited to, creating new open space with the study area; funding for improvements, renovation, or maintenance at existing local parks and/or playgrounds; or improving open spaces to increase their utility or capacity to meet open spaces needs in the area.

The New York City Department of Parks and Recreation (DPR) has identified two parks in Chelsea that need renovation:

1. Penn South Park, located on West 26th Street between Eighth and Ninth Avenues, opened in 1961. This heavily used 0.60 acre neighborhood park was reconstructed in 1996. The elementary school age play equipment and basketball courts have deteriorated. DPR recommends reconstruction of the playground, including replacement of the play equipment, new paving, fencing, landscaping, lighting, seating and safety surfacing; and reconstruction of the basketball courts, including new fencing, back stops, paving and surface sealing.
2. Chelsea Park, located on West 28th Street between 9th and 10th Avenues, a large, widely used park, includes basketball courts, baseball diamonds, handball courts, a playground, and a fitness area. The western portion of the park has been reconstructed. DPR recommends the renovation of the eastern portion which includes the basketball courts, the fitness area and the asphalt multi-purpose play area.

Shadows – Portion of High Line in spring and fall

The area on the High Line opposite the Project Area would be impacted with new shadows in the spring and fall. The recommended mitigation would be to monitor and replace sunlight sensitive vegetation with shade tolerant vegetation.

Traffic, Pedestrians and Noise

The DEIS recommends standard measures to mitigate traffic impacts at two intersections; pedestrian flow issues at two crosswalks; temporary noise due to Hudson River Tunnel construction; construction traffic at one intersection; two crosswalks for pedestrians during construction; construction noise on nearby residential buildings and the High Line. Four measures would require New York City Department of Traffic (DOT) approval.

The standard mitigation measures such as signal timing changes, widened crosswalks, window-wall attenuation, quieter equipment and noise barriers are reasonable potential mitigation measures. CB4 also recommends that pedestrian safety enhancements be added at West 29th and West 30th Streets where vehicles enter the Hudson River Park. Locations where mitigations are needed such as West 33rd Street

and Eleventh Avenue, neck downs should be installed to provide more space for pedestrians. If any of these mitigation measures are not successful, then the applicants will need to work with CB4 to find other solutions. Excellent communication between the developers and CB4 is essential.

VIII. EMS Station

The DEIS analyses three possible scenarios for ground floor uses along West 29th Street including a 12,000 square foot Emergency Medical Services (EMS) facility, which was studied solely for the purposes of the environmental analysis as the EMS facility is intended to replace the existing EMS facility on West 23rd Street, which occupies an approximately 5,000 square foot site.

Fire Department of New York (FDNY) Emergency Medical Service (EMS) Station 7 has been temporarily located at 512 West 23rd Street, under the High Line Park since 2011 when St. Vincent's Hospital closed. The current unenclosed facility is unsuitable for a residential block with noise from sirens and exhaust from idling vehicles disturbing nearby residents. The FDNY cannot make substantial improvements such as enclosing the facility to address neighborhood impacts or enlarging it to provide additional services for the growing neighborhoods in Chelsea, Hell's Kitchen and Hudson Yards. CB4 identified the applicant's site as a potential location for the relocation of Station 7 and has strongly advocated for FDNY and the applicant to begin negotiations since 2015.

FDNY has said they need approximately 21,000 square feet for the replacement for Station 7. Although the 12,000 sf (analyzed in the DEIS for impact purposes) is inadequate for FDNY's needs, we believe the development site on West 29th Street would be ideal. It is one block from the Westside Highway, which would provide quick north and south access to the west side, would provide more space for vehicles and would allow for expansion of services.

The catchment area for EMS Station 7 extends far past the boundaries of Community District 4 and therefore is a significant borough wide public safety need. FDNY, the New York City Department of Citywide Services (DCAS) and other city agencies should work with the applicant toward an enclosed state-of-the art EMS facility that would also be flood resilient. CB4 is encouraged that the Department of City Planning is currently exploring zoning approaches to facilitate the siting of Station 7 on the development site.

The Port Authority of New York and New Jersey (PANYNJ) has identified Block 675 Lot 1 and part of Lot 12 for the temporary construction staging area for the Hudson Tunnel Project. Since the applicant has proposed the EMS site on the part of Lot 12 designated for tunnel construction staging, discussions with PANYNJ will be required to resolve this conflict.

IX. Price of Special Hudson River Park District Development Rights

The proposed project includes the purchase of 123,438 sq. ft. of development rights from the Hudson River Park Trust. The Trust commissioned an independent entity, Appraisers and Planners, Inc. (API), to determine the value of the rights on the development site. Based on API's conclusion, the applicant has entered into a contract with the Trust to pay \$300/sq. ft., \$37 million, for the development rights. While the Trust accepted API's appraisal, CB4 and others have questioned whether \$300/sq. ft. is adequate compensation to the Trust.

API followed the following process in determining their valuation of the rights:

Comparable Sales. API examined the sales of seven comparable properties. Sale prices ranged from \$459-540/sq. ft. with an average of \$489/sq. ft. API weighted two sales in nearby West Chelsea

more heavily to conclude that \$490/sq. ft. was the proper number and thus valued the proposed project at \$361 million.

Discounted Cash Flow. API examined 15 comparables in order to determine the expected cash flows from the proposed project as programmed and concluded that it would be valued at \$295.4 million.

Blended Valuation. API weighted the sales comparison value more heavily, stating that it is the most reliable when there is an active market. They concluded that the appropriate valuation was \$342 million, or \$462/sq. ft.

Development Rights Ratio. API examined seven comparable sales of air rights. The ratio of the value of the air rights to the value of the underlying land ranged from 50-87%. They assigned the greatest weight to the two most similar sales and concluded that the appropriate ratio was 65%.

Final Valuation. API concluded that the appropriate value of the 123,438 sq. ft. to be purchased from the Trust was 65% of \$462/sq. ft., or \$300/sq. ft., a total of \$37 million.

API states that the highest and best use for the development site is for condo sales. However, since the state law precludes condos on leased land, they have used market rate rentals as an alternative. API values the difference between the two uses at \$75/sq. ft. by stipulating that the applicant would pay the Trust that amount should the rental units ever be sold as condos. This amounts to a public subsidy to the applicant and the land owner of \$9.25 million. We recommend that API should reevaluate their appraisal to reflect a valuation based on a highest and best use closer to condo sales than to market rate rentals.

The applicant is positioning the proposed development as benefiting from being across the street from the High Line and the vibrant Western Rail Yards. To the extent this is true the development rights from the park are more valuable than rights for other developments that do not benefit from this favorable location. We recommend that API should reevaluate their appraisal to reflect this by considering increasing the 65% development rights ratio.

The applicant has entered into a good faith contract with the Trust to buy development rights at a price determined by API, the Trust's independent appraiser. We recommend that DCP seek a review of API's report by someone with more relevant experience than we have. We specifically recommend the review of two fundamental assumptions, that regarding the value of the highest and best use being market rate rentals rather being than closer to condo sales, and the setting of the development rights ratio at 65% when the ratio for comparable sales ranges up to 87%.

We also request that this review take into consideration the price paid to the Trust for the development rights from Pier 40, as well as the price CPC is considering for development rights to complete the build-out of the SWCD.

X. CB4 Priorities for Hudson River Park Site Improvements

CB4 looks forward to improvements to a number of HRP sites within CD4 which will be funded by monies from the sale of development rights from the Chelsea Piers area (Piers 59, 60 and 61 and the headhouse) to the development site. Currently, the sale is expected to provide \$37 million, 80 percent of which will be allocated to capital improvements and 20 percent to capital maintenance for the HRP within CD4.

CB4 conducted a robust public discussion to select priorities for HRP sites, aided by the Hudson River Park Trust which provided information, preliminary design ideas, and cost estimates for eight sites in CD4 that need varying levels of improvement. The Board’s Waterfront, Parks and Environment Committee led these deliberations and developed a priority list reflecting the committee’s unanimous vote. The Board’s Chelsea Land Use Committee and the full Board support these priorities. If State funding is committed to one or more sites on the list, then other sites will “rise” in priority.

1. **Pier 97 Recreation Pier.** Located at West 57th Street. Design and construction of pier landscape, playground, open space, utilities and finishes to create a public recreation pier.
2. **Chelsea Waterside Park.** Located at West 23rd Street. Redesign and reconstruction of south side of park, including addition of permanent picnic area, rest room facilities and expansion of dog run with separate areas for big and small dogs.
3. **Pier 97 Upland Area.** Located at West 57th Street. Construction of esplanade and bike path, bulkhead repairs, landscaping and utilities, and a small utility building/bathroom.
4. **Gateway/Hudson River Tunnel Project Area.** This site is closest to Block 675. The Hudson River Tunnel Project path runs across HRP between West 29th and West 30th Streets. Design funding for that area plus the section from West 30th Street to West 34th Street: new esplanade, bike path and landscaping. Short term and long term proposals.
5. **Pier 66a Float Bridge.** Located at West 26th Street. Restoration of historic Baltimore & Ohio Railroad transfer float bridge.
6. **Piers 98 to 99 Upland Area.** Located at between West 58th and West 59th Streets. Construction of over-water pedestrian platform, associated utilities, pavement and railings; and construction of bikeway and walkway connection to Riverside Park South to improve circulation and safety.
7. **Area South of Pier 76.** Located from West 34th Street to the southern edge of Pier 76. Construction of new esplanade, landscaping, and beach providing public access to the Hudson River.
8. **Piers 79 – 84 Upland Area.** Located between West 39th and West 43rd Streets. Redesign and construction of walkway, bikeway and driveway to improve pedestrian and cyclists’ safety and traffic flow.

XI. Inclusion in the Special West Chelsea District

Beginning in 2003, with the original planning for West Chelsea, CB4 has requested multiple times that Block 675 be included in the SWCD. Since the creation of the SWCD in 2005, it has been expanded twice to include the Chelsea Market Block (between Ninth and Tenth Avenues, West 15th and 16th Streets – 2012) and the south side of West 15th Street between Ninth and Tenth Avenues (2015), but DCP has consistently declined to recommend the inclusion of Block 675 in the district.

One significant advantage to inclusion in the SWCD is the flexibility to address unique conditions and situations to improve the community. We propose the inclusion of the development site in the SWCD.

We recommend that the City commit to the preparation of a zoning text amendment that would include the development site in the SWCD and would exempt the floor space necessary for the EMS facility from the calculation of the site's floor area.

XII. Recommendations/Conditions

At the January 16, 2018 meeting of the Board's Chelsea Land Use Committee, and in a subsequent letter, the applicant agreed to some of the recommendations made by the committee; these points are noted in the appropriate sections below. The applicant will submit a final commitment letter to all stakeholders before the application is voted on by the City Council Land Use Committee.

CB4 appreciates the applicant's willing engagement to attempt to resolve numerous issues over an extended period. The application itself reflects several changes made by the applicant in response to our concerns, and the subsequent commitment letter reflects further discussions. CB4 nonetheless recommends denial of the application unless the following recommendations and conditions are met in the final approved application.

- **Maximum Building Height.** We recommend that the maximum height of the proposed project be limited to 550 feet. This limit incorporates a 20% increase in height from the maximum of 450 feet in the adjacent Subarea A of the SWCD immediately to the east and is a reasonable step down from the 642' heights of Hudson Yards Sites 6A and 6B in the Western Railyards to the north. **(Section IV)**
- **Mandatory Inclusionary Housing.**
 - We strongly recommend that affordable units be distributed throughout at least 80% of the proposed project's floors, that all finishes and fittings be the same in affordable and market-rate units, and that fee-based amenities be discounted for tenants in affordable units. **(Section V)**
 - The applicant has agreed that market rate and affordable units will be built with identical finishes and provided with identical appliances, including washers and dryers. They plan to offer certain amenities, such as a children's play room, without fee, and commit to discounting access fees for residents of the affordable units for other amenities.
- **Building Services and Other Issues.**
 - We recommend that loading docks, trash compactors and dumpsters be located inside buildings except during trash and recycling pickup. The applicant states that garbage will be compacted internally and stored in refrigerated receptacles until scheduled pick-up by the Department of Sanitation
 - We recommend that the parking garage accommodate environmentally-friendly vehicles such as Zip cars or similar and electric vehicles. The applicant states that they will provide space in the garage to ZipCars or other car-sharing companies if there is interest, and electric charging stations for electric vehicles.
 - We recommend that to the extent possible full size trees and complete landscaping be planted in sidewalk tree pits, and in tree planters where precluded by ConEd vaults. The applicant states that they will endeavor to maximize the number of street trees around the project subject to feasibility and site constraints, and will apply for revocable consents to use planters in locations where street trees are precluded because ConEd vaults or other infrastructure.

- We recommend that the applicant pay workers living wages with benefits, support a Community Jobs Project and rent retail spaces to local businesses. The applicant agrees to provide job postings to the Board and if possible rent ground floor retail space to locally-owned businesses as they have in the Ohm across Eleventh Avenue.
- The applicant also agrees to coordinating logistical issues such as construction deliveries and temporary street closings with the adjacent development site.
- **Mitigation of Adverse Environmental Impacts.** We recommend the following as mitigations for the adverse environmental impacts identified in the DEIS:
 - The provision of space for publicly-funded child care;
 - Reconstruction and renovation of a Chelsea recreation park;
 - And standard measures such as signal timing changes, widened crosswalks, window-wall attenuation, quieter equipment and noise barriers for traffic impacts at two intersections, pedestrian flow issues at two crosswalks and construction congestion and noise on nearby residential buildings. **(Section VII)**
- **EMS Facility.** We recommend that the city relocate the West 23rd Street EMS facility to enclosed space in the proposed project. The applicant is participating in active discussions to attempt to accommodate the Board’s request for the relocation of the EMS facility to the development site. **(Section VIII)**
- **Hudson River Park Development Rights Price.** We recommend that someone with more experience than we have review the conclusions of the HRPT’s appraisers, and in particular the highest and best use and the development rights ratio. **(Section IX)**
- **HRP Project Priorities.** We recommend that capital funds provided to HRP through the sale of development rights be allocated to the following projects listed in their ranked order.
 1. **Pier 97 Recreation Pier.** Located at West 57th Street. Design and construction of pier landscape, playground, open space, utilities and finishes to create a public recreation pier.
 2. **Chelsea Waterside Park.** Located at West 23rd Street. Redesign and reconstruction of south side of park, including addition of permanent picnic area, rest room facilities and expansion of dog run with separate areas for big and small dogs.
 3. **Pier 97 Upland Area.** Located at West 57th Street. Construction of esplanade and bike path, bulkhead repairs, landscaping and utilities, and a small utility building/bathroom.
 4. **Gateway/Hudson River Tunnel Project Area.** This site is closest to Block 675. The Hudson River Tunnel Project path runs across HRP between West 29th and West 30th Streets. Design funding for that area plus the section from West 30th Street to West 34th Street: new esplanade, bike path and landscaping. Short term and long term proposals.
 5. **Pier 66a Float Bridge.** Located at West 26th Street. Restoration of historic Baltimore & Ohio Railroad transfer float bridge.

6. **Piers 98 to 99 Upland Area.** Located at between West 58th and West 59th Streets. Construction of over-water pedestrian platform, associated utilities, pavement and railings; and construction of bikeway and walkway connection to Riverside Park South to improve circulation and safety.
 7. **Area South of Pier 76.** Located from West 34th Street to the southern edge of Pier 76. Construction of new esplanade, landscaping, and beach providing public access to the Hudson River.
 8. **Piers 79 – 84 Upland Area.** Located between West 39th and West 43rd Streets. Redesign and construction of walkway, bikeway and driveway to improve pedestrian and cyclists' safety and traffic flow.
- **Inclusion of the Development Site in the SWCD.** We recommend that the development site be included in the SWCD in order to implement the floor area exemption enabling the relocation of the EMS facility. The applicant agrees not to oppose the inclusion of the development site in the SWCD as long as doing so does not impact their ability to develop the site according to their plans and does not restrict their ability to rebuild or repair the building in the future. **(Section XI)**

We wish to conclude by reiterating our appreciation for the applicant's willingness to work with the Board towards a project that benefits both the applicant and the community, and that will be an important addition to West Chelsea. We look forward to further favorable revisions as the application proceeds through the approval process.

Sincerely,



Burt Lazarin
Chair
Manhattan Community Board 4



John Lee Compton, Co-Chair
Chelsea Land Use Committee



Betty Mackintosh, Co-Chair
Chelsea Land Use Committee

cc: Hon. Corey Johnson, City Council
 Hon. Helen Rosenthal, City Council
 Hon. Jerry Nadler, U.S. Congress
 Hon. Brad Hoylman, New York State Senate
 Hon. Richard Gottfried, New York State Assembly
 Maria Torres-Springer, Commissioner, NYC HPD
 Daniel A. Nigro, Commissioner, NYC FDNY
 Lisette Camilo, Commissioner, NYC DCAS



CITY OF NEW YORK

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BURT LAZARIN
Chair

JESSE R. BODINE
District Manager

February 5th, 2018

Marisa Lago, Chair
New York City Planning Commission
120 Broadway
31st Floor
New York, NY 10271

re: 180150 ZMM; N 180151 ZRM; 180152 ZSM – 606 West 30th Street – Block 675 Lot 39

Dear Chair Lago:

On the recommendation of its Chelsea Land Use Committee, the Executive Committee of Manhattan Community Board 4 (CB4) voted to recommend denial of the cited applications for a proposed development at 606 West 30th Street – Block 675 Lot 39 - unless the conditions and recommendations in Section XI below are met. This letter is subject to ratification by the full board at its February 7, 2018 meeting.

I. Background

Block 675 lies in the northwest corner of Chelsea, bounded by West 29th and 30th Streets and by Eleventh and Twelfth Avenues. Over the years, proposals for Block 675 have evolved from a park with an underground Department of Sanitation facility to being a gateway for an Olympic/Jets stadium to a coveted development site adjacent to the Hudson River, the High Line and the Western Rail Yards.

In 2013 CB4 prepared a study of Block 675 and the five blocks to the south, recommending to the Department of City Planning (DCP) that these blocks be studied for inclusion in an expanded Special West Chelsea District (SWCD). We specifically recommended that Block 675 be rezoned from M1-6 and M2-3 to C6-4 with building height and bulk regulations similar to those in SWCD Subarea A.

Later in 2013 DCP released “Study for the Potential Expansion of the Special West Chelsea District.” The study recommended that a planning framework to guide zoning decisions should be prepared for Block 675 when future uses were clearer. In 2017 the City Planning Commission (CPC) approved a Planning Framework for Block 675 that recommended C-6 districts with an “appropriate massing response to a transitioning context.” The Framework also recommended “active uses on frontages facing the High Line and transparency at and above the High Line level.”

II. Description of Project

The applicant proposes to build a 520 foot tall, 36 story, 177,750 square foot mixed use building at 606 West 30th Street, Block 675 Lot 39. The development site is on the south side of the street between Eleventh and Twelfth Avenues and faces the High Line. The building would have three commercial/retail stories and 33 residential stories with approximately 218 dwelling units, an undetermined number of which would be affordable pursuant to one of the Mandatory Inclusionary Housing options, and 47 as-of-right accessory parking spaces. The site would be rezoned from the current M2-3 to C4-6X, increasing the Floor Area Ratio (FAR) from two to ten. The applicant will purchase an additional two FAR, 29,625 sf of floor area, at \$323.04/sf from the Hudson River Park Trust pursuant to ZR 89-00 *et seq.*

III. Proposed Actions

The application includes the following proposed actions:

- A Text Amendment to ZR 89-00, *et seq.* to modify the provisions of Special Hudson River Park District (SHRPD), designating Piers 59, 60 and 61, and the Headhouse, Block 662 Lots 11, 16 and 19 as the granting site and the development site as the receiving site for the transfer of development rights;
- A Text Amendment to ZR Appendix F to designate the development site as a Mandatory Inclusionary Housing (MIH) area;
- A Map Amendment to Zoning Map 8b to rezone the development site from M2-3 to C6-4X and to establish the SHRPD at the project area; and
- A Special Permit pursuant to ZR 89-21, as amended by the SHRPD Text Amendment, to permit the transfer of 29,625 sf of floor area from the granting site to the development site; to grant a base height waiver to permit a base height of 45 feet rather than the required minimum of 60 feet; to grant a front setback waiver to permit a balcony/structure to project ten feet into an area where a 15-foot setback would be required; and grant a rear yard waiver to permit the second floor to occupy an area where a 20-foot rear yard would be required and to permit a balcony/structure to project ten feet into an area where a 30-foot rear yard would be required; and grant a tower lot coverage waiver to permit a maximum proposed envelope to exceed 45% of the lot area.

IV. Building Height

The proposed height of 520' for the building is excessive. The proposed project should be constrained by, and step down from, the 450' height of Special West Chelsea District Subarea A to the east and the 642' heights of Hudson Yards Sites 6A and 6B (residential buildings flanking a school on the north side of West 30th Street on the eastern end of the block between Eleventh and Twelfth Avenues) of the Western Rail Yards immediately to the north.

The context for the development of Block 675 has been set by the two major westside rezonings approved in 2005. The West Chelsea rezoning creating the SWCD established a broad U-shaped profile, with a relatively low central area stepping up to greater building heights in the north and in the south. The Hudson Yards rezoning creating the Special Hudson Yards District established a building height profile that decreases from Tenth Avenue west to the Hudson River, as well as from West 33rd Street south to West 30th Street. Each of these rezonings was designed in part specifically to protect

the Hudson Riverfront from overdevelopment, recognizing it as a valuable feature to be preserved for the enjoyment of all rather than only for those fortunate enough to live next to it.

In our 2013 study, we recommended that building bulk regulations for Block 675 should be similar to those of the adjacent SWCD Subarea A, and CPC’s 2017 Planning Framework for Block 675 recommended C-6 districts with an “appropriate massing response to a transitioning context.” However, the inclusion of the development site within the area designated to receive development rights from the Hudson River Park (HRP) has led us to revisit our analysis. The addition of 2 FAR from the park to the 10 FAR in the proposed C6-4X district is a 20 percent increase. Our long-standing preference for lower heights in the mid-blocks, as well as our agreement with the decrease in height moving westward towards the Hudson River, means that this building should step down from the 550’ height we are recommending for an adjacent development on Eleventh Avenue. We have concluded that a height of 450’ is appropriate for a mid-block building.

V. Affordable Housing

The proposed project will be mapped within a Mandatory Inclusionary Housing (MIH) designated area and is subject to the requirements of the MIH program which has two options. The applicant has chosen Option #1 which requires 25 percent of the total residential floor area be devoted to affordable housing. The income eligibility bands for Option #1 are as follows:

Percent of residential floor area	Percent of AMI* residents must have	Example of income for two-person family	Example of income for four-person family
10%	40%	\$30,560	\$38,160
10%	60%	\$45,840	\$57,240
5%	100%	\$76,400	\$95,400

*AMI: Area Median Income. The AMI for the greater New York area for 2017 is \$85,900 for a three-person family; \$95,400 for a four-person family. Each development may have specific income requirements.

The proposed project would have 55 units of permanently affordable housing.

CB4 believes that socioeconomic diversity and integration are essential to keeping our neighborhoods vital and thriving, and has a long-standing policy for mixed income buildings designed to ensure equality between affordable and market rate apartments:

- CB4 recommends that the affordable apartments should be distributed throughout the entire building. We have found that developers have successfully located affordable apartments on 80 percent of the floors, exceeding the 65 percent requirement of MIH program.
- All apartment finishes, flooring, tile, plumbing and light fixtures, kitchen cabinets, countertops and appliances should be the same for affordable and market-rate apartments.
- Building amenities such as courtyards should be equally available to all building residents regardless of income. Amenities with fees for residents’ use such as fitness facilities should be available to Inclusionary Housing tenants at a reduced fee. We prefer a sliding scale amenity fee such as a reduction of 25 percent for middle-income tenants and 50 percent for low-income tenants.

VI. Building Design, Services and Other Concerns

CB4 requests that the proposed project include building design elements that ensure a high quality of life for new residents, those who live and work nearby, and for people who frequent the neighborhood.

Building Design and Services

- Sidewalks adjacent to the proposed project should be kept clean and free of garbage. Building garbage compactors and dumpsters should be kept inside until time for curbside pickup. Commercial tenants in both developments should use the same carting company. Loading docks should also be inside buildings. Interior space for unloading of the many residential deliveries (such as Amazon, USPS packages) should be provided.
- Parking garages should accommodate environmentally-friendly cars such as Zip cars and electric vehicles which help to decrease traffic and emissions.
- Exterior lighting should be modest and not intrusive.
- CD4 is fortunate to have a whole host of artists in Chelsea and Hell's Kitchen. CB4 encourages both applicants to display local art in building lobbies.

Other Concerns

- Street trees should be planted on sidewalks around new buildings wherever possible, with full size trees planted in tree pits with complete landscaping. If Con Ed vaults prevent in-ground planting, the applicants should obtain revocable consents for the use of tree planters.
- The applicant should coordinate construction schedules with the developer of 601-613 West 29th Street and maintain regular communication with them and with CB4 about construction progress and schedule changes.
- CB4 urges the applicant to rent retail spaces to local businesses.
- CB4 requests that the applicant support a Community Jobs Project that would include holding periodic job fairs, posting all job openings on the CB4 jobs website, reaching out to community-based organizations, and working with the Board to hire employees who are CD4 residents.
- CB4 also requests that the applicant pay its workers family-sustaining wages with affordable health care and retirement benefits to help create a strong community and a robust local economy. Training should be provided so workers have an opportunity to advance in their careers. The applicant should prioritize the safety of construction workers, particularly in light of recent deaths and injuries at construction sites.
- CB4 is seriously concerned about the safety of pedestrians and bicyclists crossing to and from Hudson River Park at intersections with vehicles. In the last seven years, there have been twelve fatalities in the park and its access streets. As the population increases near Hudson River Park with the construction of new developments such as the proposed Block 675 project, we fear that more pedestrian and bike accidents may occur unless additional safety

measures are provided at intersections. We urge that the New York State Department of Transportation (which has jurisdiction over these locations) work with city agencies and CB4 to implement critical safety measures. These enhancements certainly should be installed at the sections of Hudson River Park that are improved or constructed.

VII. Mitigation of Environmental Impacts

The applicants for the proposed project and for an adjacent one at 601-613 West 29th Street cooperated on a joint Draft Environmental Impact Statement (DEIS). We appreciate that the DEIS considered the cumulative impacts of these projects rather than separately as has been the norm. The DEIS identified potentially significant adverse impacts for several topics and recommended possible mitigations. Potential mitigation measures are being explored by CB4, the applicants, lead agencies and DCP, and will be refined between the DEIS and the Final Environmental Impact Statement (FEIS).

Publicly Funded Child Care

The DEIS found that both projects together would result in low income families with approximately 29 children under the age of six who would be eligible for publicly funded child care programs. This increased demand cannot be accommodated by facilities in the two-mile study area. The required mitigation would be for 19 childcare seats, the number generated by the project that exceeds the five percent utilization rate.

The DEIS recommends as a mitigation suitable child care space affordable to ACS (Administration for Children's Services) providers on-site or within a reasonable distance or funding for program or physical improvements to support additional capacity at existing facilities.

Hudson Guild, located at West 26th Street between Ninth and Tenth Avenues, is a highly valued member of our community serving a low/moderate income population. They are seeking to expand their Early Childhood Education Program and are looking for suitable space. The demand for services for under-three-year-old children is particularly high and has resulted in a long waiting list. CB4 is exploring with Hudson Guild opportunities in buildings in Chelsea that could provide space for this program. Potential options include:

1. The building at 429 West 18th Street/Fulton Houses, located between Ninth and Tenth Avenues, is currently under construction, scheduled to be completed in 2019. It will have 157 affordable units and approximately 4,000 square feet for a community facility use. Since a childcare center would not need all of this space another community facility could be accommodated as well. A working group comprised of representatives from the developer, CB4, the Fulton Tenants Association and local elected officials will develop recommended uses.
2. There may be churches in Chelsea that have underutilized space such as St. Columba Church on 343 West 25th Street (between Eighth and Ninth Avenues) or Manor Church on 350 West 26th Street (between Eighth and Ninth Avenues).

Open Space

The DEIS analysis showed that the proposed actions would result in a small adverse open space impact due to the increased user population. Although the decrease in the open space ratio due to the

proposed development is small, open space in the residential study area already is below the City's guideline ratios of 2.5 acres (total) and 2.0 acres (active) per 1,000 residents.

The DEIS lists potential mitigation measures for open space impacts, which include, but are not limited to, creating new open space with the study area; funding for improvements, renovation, or maintenance at existing local parks and/or playgrounds; or improving open spaces to increase their utility or capacity to meet open spaces needs in the area.

The New York City Department of Parks and Recreation (DPR) has identified two parks in Chelsea that need renovation:

1. Penn South Park, located on West 26th Street between Eighth and Ninth Avenues, opened in 1961. This heavily used 0.60 acre neighborhood park was reconstructed in 1996. The elementary school age play equipment and basketball courts have deteriorated. DPR recommends reconstruction of the playground, including replacement of the play equipment, new paving, fencing, landscaping, lighting, seating and safety surfacing; and reconstruction of the basketball courts, including new fencing, back stops, paving and surface sealing.
2. Chelsea Park, located on West 28th Street between 9th and 10th Avenues, a large, widely used park, includes basketball courts, baseball diamonds, handball courts, a playground, and a fitness area. The western portion of the park has been reconstructed. DPR recommends the renovation of the eastern portion which includes the basketball courts, the fitness area and the asphalt multi-purpose play area.

Shadows – Portion of High Line in spring and fall

The area on the High Line opposite the Project Area would be impacted with new shadows in the spring and fall. The recommended mitigation would be to monitor and replace sunlight sensitive vegetation with shade tolerant vegetation.

Traffic, Pedestrians and Noise

The DEIS recommends standard measures to mitigate traffic impacts at two intersections; pedestrian flow issues at two crosswalks; temporary noise due to Hudson River Tunnel construction; construction traffic at one intersection; two crosswalks for pedestrians during construction; construction noise on nearby residential buildings and the High Line. Four measures would require New York City Department of Traffic (DOT) approval.

The standard mitigation measures such as signal timing changes, widened crosswalks, window-wall attenuation, quieter equipment and noise barriers are reasonable potential mitigation measures. CB4 also recommends that pedestrian safety enhancements be added at West 29th and West 30th Streets where vehicles enter the Hudson River Park. Locations where mitigations are needed such as West 33rd Street and Eleventh Avenue, neck downs should be installed to provide more space for pedestrians. If any of these mitigation measures are not successful, then the applicants will need to work with CB4 to find other solutions. Excellent communication between the developers and CB4 is essential.

VIII. Price of Special Hudson River Park District Development Rights

The proposed project includes the purchase of 123,438 sq. ft. of development rights from the Hudson River Park Trust. The Trust commissioned an independent entity, Appraisers and Planners, Inc. (API), to determine the value of the rights on the development site. Based on API's conclusion, the applicant has entered into a contract with the Trust to pay \$300/sq. ft., \$37 million, for the development rights. While the Trust accepted API's appraisal, CB4 and others have questioned whether \$300/sq. ft. is adequate compensation to the Trust.

API followed the following process in determining their valuation of the rights:

The proposed project includes the purchase of 29,625 sq. ft. of development rights from the Hudson River Park Trust. The Trust commissioned an independent entity, Appraisers and Planners, Inc. (API), to determine the value of the rights on the development site. Based on API's conclusion, the applicant has entered into a contract with the Trust to pay \$325/sq. ft., \$9.57 million, for the development rights. While the Trust accepted API's appraisal, others have questioned whether \$325/sq. ft. is adequate compensation to the Trust.

API followed the following process in determining their valuation of the rights:

Comparable Sales. API examined the sales of seven comparable properties. Sale prices ranged from \$408-549/sq. ft. with an average of \$491/sq. ft. API concluded that \$500/sq. ft. was the proper number and thus valued the proposed project at \$88.4 million.

Development Rights Ratio. API examined seven comparable sales of air rights. The ratio of the value of the air rights to the value of the underlying land ranged from 50-87%. They assigned the greatest weight to the two most similar sales and concluded that the appropriate ratio was 65%.

Final Valuation. API concluded that the appropriate value of the 29,625 sq. ft. to be purchased from the Trust was 65% of \$500/sq. ft., or \$323/sq. ft., a total of \$9.57 million.

The applicant is positioning the proposed development as benefiting from being across the street from the High Line and the vibrant Western Rail Yards. To the extent this is true the development rights from the park are more valuable than rights for other developments that do not benefit from this favorable location. We recommend that API should reevaluate their appraisal to reflect this by considering increasing the 65% development rights ratio.

The applicant has entered into a good faith contract with the Trust to buy development rights at a price determined by API, the Trust's independent appraiser. We recommend that DCP seek a review of API's report by someone with more relevant experience than we have. We specifically recommend the review of two fundamental assumptions, that regarding the value of the highest and best use being market rate rentals rather being than closer to condo sales, and the setting of the development rights ratio at 65% when the ratio for comparable sales ranges up to 87%.

We also request that this review take into consideration the price paid to the Trust for the development rights from Pier 40, as well as the price CPC is considering for development rights to complete the build-out of the SWCD.

IX. CB4 Priorities for Hudson River Park Site Improvements

CB4 looks forward to improvements to a number of HRP sites within CD4 which will be funded by monies from the sale of development rights from the Chelsea Piers area (Piers 59, 60 and 61 and the headhouse) to the development site. Currently, the sale is expected to provide \$37 million, 80 percent of which will be allocated to capital improvements and 20 percent to capital maintenance for the HRP within CD4.

CB4 conducted a robust public discussion to select priorities for HRP sites, aided by the Hudson River Park Trust which provided information, preliminary design ideas, and cost estimates for eight sites in CD4 that need varying levels of improvement. The Board's Waterfront, Parks and Environment Committee led these deliberations and developed a priority list reflecting the committee's unanimous vote. The Board's Chelsea Land Use Committee and the full Board support these priorities. If State funding is committed to one or more sites on the list, then other sites will "rise" in priority.

- 1. Pier 97 Recreation Pier.** Located at West 57th Street. Design and construction of pier landscape, playground, open space, utilities and finishes to create a public recreation pier.
- 2. Chelsea Waterside Park.** Located at West 23rd Street. Redesign and reconstruction of south side of park, including addition of permanent picnic area, rest room facilities and expansion of dog run with separate areas for big and small dogs.
- 3. Pier 97 Upland Area.** Located at West 57th Street. Construction of esplanade and bike path, bulkhead repairs, landscaping and utilities, and a small utility building/bathroom.
- 4. Gateway/Hudson River Tunnel Project Area.** This site is closest to Block 675. The Hudson River Tunnel Project path runs across HRP between West 29th and West 30th Streets. Design funding for that area plus the section from West 30th Street to West 34th Street: new esplanade, bike path and landscaping. Short term and long term proposals.
- 5. Pier 66a Float Bridge.** Located at West 26th Street. Restoration of historic Baltimore & Ohio Railroad transfer float bridge.
- 6. Piers 98 to 99 Upland Area.** Located at between West 58th and West 59th Streets. Construction of over-water pedestrian platform, associated utilities, pavement and railings; and construction of bikeway and walkway connection to Riverside Park South to improve circulation and safety.
- 7. Area South of Pier 76.** Located from West 34th Street to the southern edge of Pier 76. Construction of new esplanade, landscaping, and beach providing public access to the Hudson River.
- 8. Piers 79 – 84 Upland Area.** Located between West 39th and West 43rd Streets. Redesign and construction of walkway, bikeway and driveway to improve pedestrian and cyclists' safety and traffic flow.

X. Inclusion in the Special West Chelsea District

Beginning in 2003, with the original planning for West Chelsea, CB4 has requested multiple times that Block 675 be included in the SWCD. Since the creation of the SWCD in 2005, it has been expanded

twice to include the Chelsea Market Block (between Ninth and Tenth Avenues, West 15th and 16th Streets – 2012) and the south side of West 15th Street between Ninth and Tenth Avenues (2015), but DCP has consistently declined to recommend the inclusion of Block 675 in the district.

One significant advantage to inclusion in the SWCD is the flexibility to address unique conditions and situations to improve the community. We propose the inclusion of the development site in the SWCD.

XI. Recommendations/Conditions

At the January 16, 2018 meeting of the Board's Chelsea Land Use Committee, and in a subsequent letter, the applicant agreed to some of the recommendations made by the committee; these points are noted in the appropriate sections below. The applicant will submit a final commitment letter to all stakeholders before the application is voted on by the City Council Land Use Committee.

CB4 appreciates the applicant's willing engagement to attempt to resolve numerous issues over an extended period. The application itself reflects several changes made by the applicant in response to our concerns, and the subsequent commitment letter reflects further discussions. CB4 nonetheless recommends denial of the application unless the following recommendations and conditions are met in the final approved application.

- **Maximum Building Height.** We recommend that the maximum height of the proposed project be limited to 450 feet. This limit incorporates an increase in height, related to development rights purchased from the HRP, from the step down we would normally recommend from the 450 feet in the adjacent Subarea A of the SWCD to the east, a step down from the 550' we recommend for the adjacent project on Eleventh Avenue and is a reasonable step down from the 642' heights of Sites 6A and 6B in the Western Railyards to the north. **(Section IV)**

- **Mandatory Inclusionary Housing.**
 - We strongly recommend that affordable units be distributed throughout at least 80% of the proposed project's floors, that all finishes and fittings be the same in affordable and market-rate units, and that fee-based amenities be discounted for tenants in affordable units. **(Section V)**

 - The applicant has agreed that market rate and affordable units will be built with identical finishes and provided with identical appliances, including washers and dryers. They plan to offer certain amenities, such as a children's play room, without fee, and commit to discounting access fees for residents of the affordable units for other amenities by 33%.

- **Building Services and Other Issues. (Section VI)**
 - We recommend that loading docks, trash compactors and dumpsters be located inside buildings except during trash and recycling pickup. The applicant states that garbage will be compacted and stored internally until scheduled pick-up by the Department of Sanitation, and that they will explore the use of the garage for deliveries.

 - We recommend that the parking garage accommodate environmentally-friendly vehicles such as Zip cars or similar and electric vehicles. The applicant states that they will provide a car sharing service the opportunity to locate vehicles in the garage and will include an electric charging stations for electric vehicles.

- We recommend that to the extent possible full size trees and complete landscaping be planted in sidewalk tree pits, and in tree planters where precluded by ConEd vaults. The applicant states that they will plant street trees consistent with zoning and will apply for revocable consents to use planters in locations where street trees are precluded because ConEd vaults or other infrastructure.
- We recommend that the applicant pay workers living wages with benefits, support a Community Jobs Project and rent retail spaces to local businesses. The applicant states they will work with Building Skills NY and other local organizations to ensure that local residents are given opportunities for employment within the Proposed Development.
- **Mitigation of Adverse Environmental Impacts.** We recommend the following as mitigations for the adverse environmental impacts identified in the DEIS:
 - The provision of space for publicly-funded child care;
 - Reconstruction and renovation of a Chelsea recreation park;
 - And standard measures such as signal timing changes, widened crosswalks, window-wall attenuation, quieter equipment and noise barriers for traffic impacts at two intersections, pedestrian flow issues at two crosswalks and construction congestion and noise on nearby residential buildings. **(Section VII)**
- **Hudson River Park Development Rights Price.** We recommend that someone with more experience than we have review the conclusions of the HRPT’s appraisers, and in particular the highest and best use, the development rights ratio . **(Section VIII)**
- **HRP Project Priorities.** We recommend that capital funds provided to HRP through the sale of development rights be allocated to the following projects listed in their ranked order.
 1. **Pier 97 Recreation Pier.** Located at West 57th Street. Design and construction of pier landscape, playground, open space, utilities and finishes to create a public recreation pier.
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- **Inclusion of the Development Site in the SWCD.** We recommend that the development site be included in the SWCD. (Section X)

We wish to conclude by reiterating our appreciation for the applicant's willingness to work with the Board towards a project that benefits both the applicant and the community, and that will be an important addition to West Chelsea. We look forward to further favorable revisions as the application proceeds through the approval process.

Sincerely,



Burt Lazarin
Chair
Manhattan Community Board 4



John Lee Compton, Co-Chair
Chelsea Land Use Committee



Betty Mackintosh, Co-Chair
Chelsea Land Use Committee

cc: Hon. Corey Johnson, City Council
Hon. Gale A. Brewer, Manhattan Borough President
Hon. Brad Hoylman, New York State Senate
Hon. Richard Gottfried, New York State Assembly
Maria Torres-Springer, Commissioner, HPD
Douglaston Development

Testimony by Betty Mackintosh at March 14, 2018 CPC Public Hearing on
601 West 29th Street – Douglaston No. 18 and
606 West 30th Street – Lalezarian No. 23

afternoon
Good morning Chair Lago and Commissioners. I am Betty Mackintosh, Co-Chair of the Manhattan Community Board 4 Chelsea Land Use Committee. I will be speaking about the Douglaston and Lalezarian proposals.

Affordable Housing

CB4 a long-standing policy for mixed income buildings to ensure equality between affordable and market rate apartments:

- We strongly recommend that affordable units be distributed throughout at least 80 percent of a project's floors.
 - Neither Douglaston nor Lalezarian have committed to an apartment distribution for affordable apartments beyond MIH requirement of 65%.
- All finishes and fittings should be the same in affordable and market-rate units.
 - Fortunately both applicants have agreed that market rate and affordable units will be built with identical finishes and provided with identical appliances, including washers and dryers.
- Fee-based amenities should be discounted for tenants in affordable units. We recommend a sliding scale amenity fee: a reduction of 25 percent for middle-income tenants and 50 percent for low-income tenants.
 - Douglaston has committed to discounting access fees for residents of affordable units but has not yet specified the discount.
 - Lalezarian has committed to discounting access fees by 33 percent.

CB4 appreciates both applicants' willingness to resolve many issues. We request that the pending affordable housing concerns, specifically the apartment distribution for both projects and Douglaston's amenity fees, be resolved as soon as possible.

A-Text for Lalezarian proposal

CB4 is pleased that the proposed text amendment (A-Text) for 606 West 30th Street would incorporate Lot 38 as part of the development site. The lot, if developed, would extend the four-story base of the project building along West 30th Street without affecting the footprint of the tower portion of the building. The height of the building would not exceed the previously stated maximum of 520 feet because the original

proposal included six double height residential floors which would be replaced by eight standard height floors.

The community would benefit from this A-text if approved. We would get an additional eight units of affordable housing and an additional \$1.6 million for the Hudson River Park.

Thank you.

Statement Prepared for March 14, 2018 City Planning Commission Public Hearing
on Proposals that Would Allow "Air Rights" Transfers by Sale from the Chelsea Piers Area of
the Hudson River to Upland Block 675 Sites on W. 29th and W. 30th Streets
By Marcy Benstock, Executive Director

I'm Marcy Benstock, Director of Clean Air Campaign. We urge the City Planning Commission to **disapprove** any applications involving the transfer by sale of purported air rights from the Chelsea Piers area of the Hudson River to upland sites.

Any use of the funds from such a sale to build in or over the River could have catastrophic consequences. Furthermore, we doubt that public waterways like the Hudson River have **any** development rights that are **legally** available to sell.

Building or rebuilding sites like "Pier" 97 in the River for non-water-dependent uses violates federal Clean Water Act and navigation law principles. Furthermore, funding that sort of misuse of a public waterway doesn't just cause immense environmental damage. It also increases the risks of injury and death in life-threatening storms and hurricanes.

The lower Hudson River's nearshore waters are in a #1--highest risk--hurricane evacuation zone. Putting more people out in the River offshore is extraordinarily reckless at a time of increasingly frequent and devastating storms. Protecting public safety is public officials' prime responsibility. That means **not** approving deals likely to result in more building in the River.

Siting decisions are all-important for minimizing damage to people, property, and the natural world. Building and rebuilding at the worst possible location—in the lower Hudson River, with its powerful winds, tides and currents, and corrosive saltwater—is a recipe for disaster.

There's a night-and-day difference between land and water. Yet City Planning and the Borough President's community board appointees have been treating the priceless marine habitat in the lower Hudson River as if it were a vacant upland lot. Mother Nature proved the folly of this approach in Houston and Puerto Rico this fall. We urge City Planning to do better.

None of the in-water construction that the Hudson River Park Trust (HRPT) public authority is proposing needs to go forward in the River. All of the non-water-dependent uses HRPT is promoting belong on dry land, not in the water.

The Block 675 package was advanced with backroom deals and misleading documents, sometimes issued at the last minute. This is the opposite of the open, democratic process City officials say they support. The term of art "Hudson River park" or "the park" is defined in State law to refer solely to a set of project area boundaries that surround 490 acres of the waters of the Hudson River itself--the equivalent of 133+ City blocks--and the massive misunderstanding this has caused is reflected in the "Special Hudson River Park District" language.

The Natural Resources Protective Association (based in Staten Island)
NYPIRG, the Sierra Club, Friends of the Earth and Clean Air Campaign all oppose any more building or rebuilding in the irreplaceable marine habitat in the Hudson River between Battery Park City and W. 59th Street extended out to the U.S. Pierhead Line offshore. We urge you to disapprove proposals for Block 675 until all references to the transfer by sale of allegedly unused development rights in the air above the River are removed.

I'd be happy to answer questions you may have. Thank you.



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What's New

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 - Trash
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- spamBlocker [Edit]
- Suspect Email [10]
- Known Spam
- Virus Blocker

Message

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From: cleanaircmpgn02@aol.com [Edit Address Book]

To: irene.vanslyke@verizon.net, allisontupper@verizon.net, golawco@yahoo.com, bergerwarren@yahoo.com, ehagaman@pipeline.com, bunnygabel@gmail.com, fightaids@earthlink.net, rhaven@nypirg.org, grussian@nypirg.org, connor.macdurkan@yahoo.com, jmylod@aol.com, nrpa2@aol.com, cleanaircmpgn02@aol.com

Subject: urgent alert--"air rts transfer" from Hudson R--Thurs. 3/14/18 CPC and HRPT hearing

Date: Mar 8, 2018 6:07 PM

[3/8/18 draft alert re 3/14/18 "air rights transfers"-from-Hudson-River hearing]:

The NYC City Planning Commission (CPC) and HRPT (a river development authority that's trying to build real estate in a vast, environmentally critical, disaster-prone stretch of the Hudson River) are holding a joint public hearing THIS COMING THURS. 3/14/18 on the sale of alleged "air rights" (supposedly unused development rights) from the River to help HRPT pay for ever-more destructive, dangerous building in the River.

The Hudson River Park Trust (HRPT, a public authority) would "transfer by sale" supposedly "unused development rights" from the air above the Chelsea Piers area of the River to developers (Limited Liability Corporations--LLCs) so those developers can build too-tall buildings in "Block 675" on W. 29th and W. 30th Streets. Worst of all, those developers would pay HRPT around \$47 million for purported air rights that probably do not legally exist over public waterways--and HRPT would use the money for ill-advised assaults on the River.

All the waterways that surround NYC--and upland sites near the water--will be at risk unless there is a storm of public protest against these reckless schemes.

IT'S URGENT THAT CITIZENS SPEAK OUT AGAINST THESE RUINOUS DEALS!

PLACE: City Planning Dept., 120 Broadway, Concourse Level.

TIME: CPC meeting starts at 10am, public hearing around 11 am.

Sign up to speak (for 3 minutes) outside the hearing chamber as early as you can on 3/14/18--before 10am if possible.

KEY TALKING POINTS: It's outrageous to claim that public waterways like the Hudson River have "air rights" (unused development rights) that belong to development authorities like HRPT to "transfer by sale" to developers. It's reckless to allow HRPT (or other authorities) to use the proceeds from such sales to build and rebuild development sites for non-water-dependent uses in the River--i.e. to put people in harm's way unnecessarily in a high-risk offshore hurricane evacuation zone, and at the same time to help destroy the environmentally critical habitat in the lower Hudson River.

STATED SUBJECT(S): "Special Hudson River Park District" zoning text amendments and special permits to allow LLC developers of sites on W. 29th and W. 30th St. in "Block 675" to buy the right to build supertall buildings--by paying HRPT around \$47 million. HRPT could then spend that money building in and over the Hudson River (to create sites for misplaced, non-water-dependent, storm-and-hurricane-damage-prone development in the River).

Also, comments are invited on City Planning's misleading environmental impact statement for the deals. (Probably a waste of times.)

OFFICIAL INFO: CPC Calendar for CPC's 3/14/18 meeting (dozens of pages), and HRPT's website (hudsonriverpark.org, then "Notice of Significant Action Process," then "click here for

more details," then all the links).

WARNING: Many long and complex documents are the source of the official info above, along with newyorknimby.com.

TRUSTWORTHY UNOFFICIAL INFORMATION: Send an email to cleanaircmpgn02@aol.com if you have questions. Also please send cleanaircmpgn02@aol.com a copy of your statement--even though aol has become quite unreliable.

Marcy and FoE's Bunny Gabel will be at the 3/14/18 "public hearing" and will speak out.

[END]

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FRIENDS OF THE EARTH 72 JANE ST. NEW YORK, NY 10014
212/243-1022 bunnygabel@gmail.com

March 14, 2018 Public Hearing for Proposed Sale of Unused Development Rights from Piers 59, 60, and 61. Held concurrently with NYC CPC and HRPT.

My name is Bunny Gabel. I am speaking for Friends of the Earth, an international environmental organization with a 45 year history of work to protect the part of the Hudson River from Battery Park City to 59th street that is now controlled by the Hudson River Park Trust (HRPT).

We object to the proposal to allow HRPT to sell purported air rights they claim exist over the Hudson River. We ask the NY City Planning Commission (CPC) to reject this questionable proposal.

HRPT does not own the property from which it seeks to sell air rights. The area under HRPT authority control—490 acres of Hudson River that is called a “park” although it is water—belongs to New York. Hasty and secretive rewriting of legislation governing the HRPT authority allowed air rights within the HRPT to be transferred by sale, but such a transfer seems legally questionable. Since when does a non-owner have the right to sell someone else’s property? We ask that CPC clarify the air transfer rules in plain language and make the meanings entirely clear to New York’s citizens whose property is being taken. The importance and meaning of this hearing were not adequately defined or advertised, and New Yorkers deserve more clarity and up front, honest information about such a huge and far reaching decision that will set precedents for use of waters and coasts around NYC. Does CPC want its duty to define NY’s land use to be taken over by HRPT?

HRPT alleges need for the air rights funds “to complete the Park.” The on-land genuine green space IS complete on 60 land acres. Only modest maintenance funds are needed. Additional needs claimed by HRPT are earmarked to develop sites in the river, contrary to the Clean Water Act

The waters in question are recognized as extremely valuable marine habitat. The proposed intrusive developments would damage this priceless natural asset and reduce the fisheries protein for a hungry world.

Building in and over the water and on the coast is the last place we should be investing scarce resources. The area under discussion is in the number one storm evacuation zone and will be a huge and dangerous liability when the next Sandy storm batters New York.

3/14/2018

TESTIMONY BY MELVYN T. STEVENS
AT THE H.R.P.T./CPC HEARING RE.
AIR RIGHTS TRANSFERS FROM THE CHELSEA
PIER TO LIMITED LIABILITY CORPORATIONS.

A LITTLE HISTORY. H.R.P.T. WAS
SUCCESSFUL IN TRANSFERRING AIR
RIGHTS FROM PIER 40 TO A MEGADEVELOPMENT
IN CB #2 IT WAS AN ILLEGAL
PRECEDENT SETTING EVENT SUPPORTED BY
THE DEMOCRATIC ESTABLISHMENT.
EVERYBODY FROM SCHUMER ALL THE WAY
DOWN TO COREY JOHNSON WAS IN ON IT...

EVEN ANDREW BERMAN FROM THE
G.V.S.H.P. TACTICALLY SUPPORTED THE
TRANSFER. THEIR SMOKE-SCREEN WAS
THAT "WE" HAD TO SAVE THE ROTTING
PIER 40 SO A COUPLE OF PRIVILEGED
KIDS WOULD HAVE A BALL-FIELD.
THE REAL IMPETUS BEHIND THE SCHEME
WAS LOADS OF REAL-ESTATE MINTES
EAR-MARKED TO SUPPORT POLITICAL
CANDIDATES WHO FAVORED THE PROJECT

COREY JOHNSON PROMISED THIS WAS
A ONE-TIME DEAL AND WOULD NOT HAPPEN
AGAIN IN CB#2. SOUNDED GOOD - A SELLING
POINT. BUT THE REALITY WAS THERE WERE
NO MORE PIERS IN CB#2. BUT WHAT
(CONT.)

ABOUT ALL THE OTHER PIECES OUTSIDE
 OF CB#2 FROM THE BATTERY TO 59TH ST. ?
 THAT PRECEDENT HAS UNFORTUNATELY
 BECOME THE NORM. AND MANLYN WELLS
 AND HER CO-CONSPIRATORS ARE NOW
 TRYING TO PUSH AER RIGHTS TRANSFERS
 BY USING CHELSEA PSEB AER RIGHTS.

H.R.P.T. IS NO LONGER A CUSTODIAN
 OF OUR SACRED RIVER, THE HUDSON BUT
 IT HAS BECOME A DEVELOPMENT
 COMPANY WITH THE BLESSINGS OF
 THE DEMOCRATIC ESTABLISHMENT.

I AM ASKING THAT ANY AND ALL
 PERMITS ALLOWING THIS LATEST
 TRANSFER BE DENIED

LET THE RIVER BE A RIVER
 NO DEVELOPMENT IN, ON OR OVER
 THE RIVER. NO MORE PSEB 40'S

MELVYN T. STEVENS
 <FIGHTBACKS@EARTHLINK.NET>
 212-989-0089

March 14, 2018

Chelsea Piers Significant Action Public Hearing @ DCP Statement

Good morning. My name is Madelyn Wils and I am the President and CEO of Hudson River Park Trust. Also with me this morning from the Trust's Board is Pam Frederick, along with senior staff.

On behalf of the Trust, I wish to thank City Planning for agreeing to host this joint hearing especially for advancing proposals that enable the transfer of floor area pursuant to the Special Hudson River Park District. Should these actions be approved, the public will at long last, be able to enjoy significantly more open space within the boundaries of Community Board 4.

The Trust proposes to transfer unused development rights from the granting site to two locations. The first, 601 29th Street, is known as the "Douglaston Receiving Site," and the second, 606 30th Street, is known as the "Lalezarian Receiving Site," or in the alternate, 604-606 30th Street, is known as the "Lalezarian Alternate Receiving Site."

Prior to ULURP certification, the Trust retained an independent appraiser who determined that the value of 123,437.5 sq. ft. of development rights for transfer to the Douglaston Receiving Site is \$37 million. The appraised value of the 29,625 sq. ft. of development rights for transfer to the Lalezarian Receiving Site was set at \$9,570,000, and we expect that the 34,562.5 sq. ft. of development rights for transfer to the Lalezarian Alternate Receiving Site will be valued at \$11,164,812.50. The appraiser employed a standard methodology for the valuation of the air rights, taking into account information such as highest

and best uses, land sales, comparable air rights transactions, requirements for MJH and site specific constraints and attributes.

The Trust has negotiated agreements binding on the developers of the receiving sites to pay these appraised values to purchase the development rights subject to ULURP approval and completion of the Trust's Significant Action process.

After working closely with Community Board 4, the Trust has identified the following projects to be undertaken with eighty percent (80%) of the proceeds from the development rights sales: upgrades to Chelsea Waterside Park including construction of a new comfort station, expanded dog run and permanent picnic area; construction of a pedestrian platform and new esplanade from Pier 98 to Pier 99; construction of a "beach" with ecological enhancements south of Pier 76; design of the upland area between 29th and 34th Streets; with remaining proceeds, if any, dedicated to construction of a portion of the upland park between 32nd-34th Streets. In addition, twenty percent (20%) of the development rights sale proceeds will be set aside for future capital maintenance within Community Board 4's boundaries.

In their recommendation, Community Board 4 listed eight projects they would like to be completed, in priority order. Should the Governor's current request for \$50 million of Park funding be approved by the State legislature and the air rights transaction now before the Commission be completed, six of the eight priorities will be able to be fulfilled.

After conclusion of the Trust's significant action period next month and evaluation of public comments by the Trust staff and the Board, and subject further to the successful conclusion of the ULURP process, the Trust's Board will vote on the proposed agreements with Douglaston and Lalezarian for the development rights transfers.

Thank you again on behalf of the Trust.

ND Additional Speaker Sign Up Placeholder Statement:

I am Noreen Doyle, Executive Vice President of the Hudson River Park Trust. We deeply appreciate all of you coming today, and want to remind you that you may continue to offer your written comments to the Trust until April 16, 2018, either by regular mail or by email.

Thank you.

2 THE CITY OF NEW YORK
3 DEPARTMENT OF CITY PLANNING

4 -----X

5 RE: Calendar Nos. 18-22
6 601 West 29th Street - Douglaston
7 &
8 Calendar Nos. 23-27
9 606 West 30th - Lalezarian
10 Public Hearing

11 -----X

12 120 Broadway
13 Lower Concourse
14 New York, New York
15
16 March 14, 2018
17 11:11 a.m.

18
19
20 B E F O R E:

21 MARISA LAGO, The Chair
22
23
24
25

2 A P P E A R A N C E S :

3 Commissioners Present:

4 Marisa Lago, Chair

5 Kenneth J. Knuckles, Vice Chair

6 Richard W. Eaddy

7 Cheryl Cohen Efron

8 Hope Knight

9 Anna Levin

10 Alfred C. Cerullo, III

11 Orlando Marin

12 Rayann Besser

13 Larisa Ortiz

14

15 Pamela Frederick, Director - HRPT, Joint Hearing Officer

16 (Appearances continued on the following page.)

17

18

19

20

21

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25

2 For the Applicant Team - Douglaston:

3 Michael Sillerman, Land Use Counsel - Kramer Levin

4 Marcie Kesner, Planner - Kramer Levin

5 Steve Charno, President - Douglaston Development

6 Dan Kaplan, Senior Partner - FX Collaborative

7 Architects

8 Anne Locke - AKRF

9 Charles Fields - AKRF

10

11 For the Applicant Team - Lalezarian:

12 David Karnovsky - West 30th Street LLC

13 Justin Sherman, Senior Project Manager - Ismael

14 Leyva Architects

15

16 Also Present:

17 Yvette Gruel, Calendar Clerk

18 Public

19

20

21 Nicole Ellis, Stenographer

22

23

24

25

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1 3-14-18 - Douglaston and Lalezarian Public Hearings

2 P R O C E E D I N G S

3 SECRETARY GRUEL: Borough of

4 Manhattan, Calendar Nos. 18 through 27:

5 Calendar No. 18: CD4 C180127ZMM;

6 Calendar No. 19: N180128ZRM;

7 Calendar No. 20: N180128(A)ZRM;

8 Calendar No. 21: C180129ZSM;

9 Calendar No. 22: N180129(A)ZSM;

10 Calendar No. 23: C180150ZMM;

11 Calendar No. 24: N180151ZRM;

12 Calendar No. 25: N180151(A)ZRM;

13 Calendar No. 26: C180152ZSM;

14 Calendar No. 27: N180152(A)ZSM.

15 A public hearing in the matter of
16 application for the zoning map and zoning text
17 amendments and for the grant of special
18 permits concerning 601 West 29th Street
19 Douglaston and 606 West 30th Street
20 Lalezarian.

21 Notice: A public hearing is being
22 held by the City Planning Commission in
23 conjunction with the above ULURP hearings to
24 receive comments related to a Draft
25 Environmental Impact Statement.

1 3-14-18 - Douglaston and Lalezarian Public Hearings

2 This hearing is being held
3 pursuant to the State Environmental Quality
4 Review Act and the City Environmental Quality
5 Review.

6 MR. SINGER: In addition to the
7 concerned ULURP application before you,
8 today's hearing also functions as a
9 Significant Action Public Hearing by the
10 Hudson River Park Trust regarding the proposed
11 transfer by sale of air rights from Hudson
12 River Park, as permitted by the Hudson River
13 Park Act, subject to local zoning.

14 The Trust's governing legislation,
15 the Hudson River Park Act, established the
16 Significant Action process to allow the public
17 an opportunity to review and comment on
18 proposed significant action within the Park.

19 While concurrently held, the
20 Trust's Significant Action hearing is
21 distinguished from today's hearing on the
22 ULURP applications because the Trust has no
23 jurisdiction related to either the expansion
24 of the Special Hudson River Park District or
25 the proposed private development at 601 29th

1 3-14-18 - Douglaston and Lalezarian Public Hearings
2 Street and 606 30th Street or in the
3 alternative 604 through 606 30th Street.

4 Instead, the Significant Action by
5 the Trust under public review relates to the
6 proposed transfer of the unused development
7 rights from Piers 59, 60, and 61 and their
8 associated head house within the Park if the
9 prerequisite land use actions are ultimately
10 approved by the City.

11 For the record, on February 13th,
12 2018, the Trust published a notice of hearing
13 and public comment period concerning the
14 potential transfer of 120,437.5 square feet of
15 unused development rights to 601 29th Street.

16 At the same time, the Trust also
17 published notice of another contemplated
18 transfer of 29,625 square feet of unused
19 development rights to 606 30th Street or in
20 the alternative, 34,562.5 square feet of
21 unused development rights to 604 to 606 30th
22 Street.

23 In all instances, the unused
24 development rights would be transferred from
25 Piers 59, 60 and 61 and their associated head

1 3-14-18 - Douglaston and Lalezarian Public Hearings
2 house. After retaining an independent
3 appraiser to conduct appraisals of the subject
4 development rights, the Trust has negotiated a
5 draft purchase and sale agreement with the
6 developer of the 601 29th Street property for
7 the transfer, pursuant to which the developer
8 would pay the Trust \$37 million.

9 The Trust has also negotiated a
10 draft purchase and sale agreement with the
11 developer of the 606 30th property for the
12 transfer, pursuant to which the developer
13 would pay the Trust \$9,575,000.

14 In the alternative, if the
15 developer of the 606 30th property is able to
16 acquire the 604 to 606 30th Street property
17 and obtain the required approvals for that
18 transfer, the Trust will negotiate a revised
19 purchase and sale agreement by which the
20 developer would pay the Trust \$11,164,812.50.

21 The full text of such materials,
22 including the independent appraisals, is
23 available for review on the Trust's website
24 and at their offices at Pier 40 on West
25 Street.

1 3-14-18 - Douglaston and Lalezarian Public Hearings

2 In addition, in compliance with
3 special permit requirements, the Trust has
4 also identified the Park construction projects
5 in Community Board 4 that would be implemented
6 with the proceeds of the development right
7 sales in compliance with the special permit
8 requirements.

9 The notice and links to the
10 proposed purchase and sale agreements and
11 appraisals were published in the following
12 places:

13 The Trust's website, the City
14 Record, the New York City Contract Reporter,
15 the New York Post, and Chelsea Now. The
16 notice was circulated to Community Boards 1, 2
17 and 4, to the City Planning Commission, to the
18 Hudson River Park Advisory Council, to the
19 local elected officials representing
20 communities neighboring the Park, and to other
21 interested community leaders, neighbors,
22 partners and organizations.

23 If the ULURP actions are approved
24 by the City, the Trust's Board of Directors
25 would vote to consider the sale after also

1 3-14-18 - Douglaston and Lalezarian Public Hearings
2 considering the public comments received
3 during the Significant Action process.

4 Copies of the Trust's public
5 notices are available at the sign-in desk if
6 anyone needs a copy.

7 Please be advised that the public
8 comment period for the proposed development
9 rights transfer by the Trust will remain open
10 until April 16th, 2018, and that comments
11 received today are being transcribed by a
12 stenographer. These oral comments will
13 receive the same consideration as which has
14 been open since February 13th, 2018.

15 Pamela Frederick, a member of the
16 Trust's Board of Directors, seated near the
17 Commissioners, is serving as the Trust's
18 hearing officer for today's joint hearing.

19 She is joined by the Trust's
20 president and CEO, Madelyn Wils, and by the
21 deputy general counsel, chief financial
22 officer and executive vice president.

23 CHAIR LAGO: Well, I want to start
24 by welcoming Ms. Frederick to join us in this
25 joint hearing. Also, let me explain how we

1 3-14-18 - Douglaston and Lalezarian Public Hearings
2 will conduct this hearing.

3 We will have two, 10-minute
4 presentations -- team presentations. The
5 first will be by the 601 West 29th Street
6 team. The Commissioners can then ask
7 questions of this team.

8 It will be followed by a team
9 presentation by the 606 West 30th Street team.
10 Again, an opportunity for the Commissioners to
11 ask questions.

12 Then, because we will have had
13 20 minutes of presentation in support, we will
14 begin with speakers in opposition at that
15 point and then turn to speakers in support;
16 our usual pattern of varying between the two.

17 So if I could call forward the
18 team for 601 West 29th Street, which is
19 comprised of Michael Sillerman, Steve Charno,
20 Marcie Kesner, Dan Kaplan, Anne Locke and
21 Charles Fields. Emphasizing that all of these
22 speakers, within ten minutes is your
23 challenge.

24 MR. SILLERMAN: Madame Chair, we
25 had organized this to do it the old-fashioned

1 3-14-18 - Douglaston and Lalezarian Public Hearings
2 way, three minutes a piece, but --

3 CHAIR LAGO: I would ask our
4 secretary who indicated that this was a
5 10-minute team presentation. Ryan.

6 MR. SINGER: You were asked at the
7 front and indicated a team presentation,
8 whoever signed you in.

9 CHAIR LAGO: So it would be a
10 10-minute presentation and then the
11 Commissioners will ask questions.

12 MR. SILLERMAN: All right, we will
13 talk fast.

14 CHAIR LAGO: And Ms. Secretary, if
15 you could reset the clock to ten minutes.

16 MR. SILLERMAN: All right.
17 Michael T. Sillerman of Kramer Levin, land use
18 counsel to the applicant, DD West 29th Street
19 LLC, an affiliate of Douglaston Development.

20 The proposed project today would
21 be the second use of the development rights
22 transfer mechanism that was created to provide
23 critically needed funding for the Hudson River
24 Park.

25 It would redevelop the site shown

1 3-14-18 - Douglaston and Lalezarian Public Hearings
2 in the slide, an underutilized 61,000 site at
3 601 West 29th Street with 740,615 square feet
4 of floor area, including 731,000 square feet
5 of residential use, containing both affordable
6 and market-rate housing; between
7 914,000 square feet of retail use; and up to
8 18,500 square feet for an EMS station.
9 Permitted accessory parking would be provided.

10 The project site will be mapped as
11 a Mandatory Inclusionary Housing area pursuant
12 to Option 1 of the MIH program; 25 percent of
13 the residential floor area will be provided as
14 permanently affordable.

15 The 62-story building was designed
16 by FX Collaborative, and the firm's principal,
17 Dan Kaplan, is here to speak about the
18 building's design, which was intended to serve
19 as a transition between Hudson Yards to the
20 north; and the lower rise manufacturing and
21 commercial use to the south; and West Chelsea
22 to the east.

23 The project will provide
24 \$37 million to the Hudson River Park Trust in
25 exchange for transfer of 123,431.5 square feet

1 3-14-18 - Douglaston and Lalezarian Public Hearings
2 of unused floor area from Chelsea Piers.

3 Hudson River Park Trust, in a
4 consultation with Community Board 4, has
5 determined that 80 percent of these funds will
6 be used for specific Park improvements and
7 20 percent will be dedicated to future capital
8 maintenance of Park improvements, all within
9 Community Board 4.

10 The development site will be
11 rezoned from an M2-3 District with a maximum
12 FAR of 2 to a C6-4X District with a maximum
13 floor area ratio of 10, which will be
14 increased to 12 with transfer floor area by
15 special permit from the Park unless the
16 special permit is utilized, thus providing
17 funds to the Park and over 200 affordable
18 units. The zoning is limited to M2-3 with an
19 FAR of 2.

20 The application provides three
21 ground floor options because the building may
22 include an FDNY EMS support facility for
23 ambulance parking, restocking and shift
24 change, which will be subject to a future land
25 use action for site selection. Without EMS,

1 3-14-18 - Douglaston and Lalezarian Public Hearings
2 that ground floor space will be used either
3 for additional retail uses or a larger
4 permitted parking garage.

5 The A text, if the EMS facility is
6 located in the building, exempts up to
7 18,000 square feet from floor area and
8 increases the permitted accessory parking
9 spaces for EMS employees up from 14 to -- up
10 from 4 to 18 spaces. But the total floor area
11 of the project would remain at 12 under three
12 ground floor options.

13 The purpose of the exemption is to
14 allow for a 18,500 square feet EMS facility
15 without reducing the amount of residential and
16 commercial use in the project.

17 The zoning actions are shown here,
18 I won't go through them at length. I want to
19 turn now to Steve Charno, the president of
20 Douglaston Development, who will introduce the
21 project and its benefits.

22 At the conclusion of our
23 presentation, the project team is available to
24 answer any questions.

25 MR. CHARNO: Thank you. I'm going

1 3-14-18 - Douglaston and Lalezarian Public Hearings
2 to figure out how well I did grammatically to
3 shorten what I was going to say.

4 I do want to make sure I take a
5 moment to thank you for having us here today
6 and also thank City Planning staff Edith,
7 Sylvia, Eric and Bob who have been an absolute
8 pleasure to work with through this process.

9 So very quickly, there are
10 benefits associated with the zoning that we're
11 very proud of. This activates an
12 underutilized lot that really had been left
13 out of both the all West Chelsea rezoning and
14 the Hudson Yards rezoning.

15 From the very beginning, very
16 early on in the process, even before we
17 started, Community Board 4 had said that they
18 wanted to see this site rezoned as a 12 FAR.
19 Michael mentioned providing much needed
20 revenue to the Hudson River Park. There will
21 be a \$37 million contribution to the Park as
22 part of the rezoning that will also negate the
23 need for development within the Park.

24 We are creating permanently
25 affordable housing under MIH Option 1. Marcie

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2 Kesner can get into more detail about that.

3 If you have specific questions, we can answer
4 those, as well.

5 And there are contributions to the
6 neighborhood, including, of course, a project
7 like this, construction jobs and permanent
8 jobs.

9 And then I know there's been a lot
10 of discussion about this EMS facility, which
11 is something that Corey Johnson's office and
12 Community Board 4 came to us very early on and
13 said was very important for us to try to
14 accommodate at the site and move it from
15 23rd Street, where it's under the High Line.

16 So while the program has changed
17 and the size of it has grown by more than
18 double, we still remain committed with that.
19 And we're working on a daily basis with Corey
20 Johnson's office and the Community Board and
21 FDNY and EMS to try to make that happen.

22 The other thing I want to touch
23 upon briefly, there was a very robust process
24 with Community Board 4 -- we actually wound up
25 going back twice because of the A text

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2 amendment -- where we have agreed to some
3 modifications to the project. Joe is here and
4 would probably call them improvements, and I
5 would agree, including equal finishes for all
6 units, including affordable units; discounted
7 amenities, there will be a free children play
8 area for all residents of the building,
9 children residents, that is; commitment to
10 neighborhood retail; an agreement to
11 accommodate Zipcars; working with the
12 Community Board 4 and Con Edison to agree to
13 revokable consents to maximize street trees;
14 and also coordinating our construction
15 schedule with our friends Kevin Lalezarian
16 next door to make sure we minimize disruption
17 to the neighborhood.

18 So with that said, I'm going to
19 turn it over to Marcie.

20 MS. KESNER: Hello, I'm Marcie
21 Kesner. Thank you, Commissioners. I'm a
22 planner with Kramer Levin. I was going to
23 speak about the affordable housing program in
24 this project and also describe the details of
25 the waivers and the special permit in more

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2 detail.

3 Because of the shortage of time,
4 I'd really like to answer any questions that
5 you may have. If not, I'd like to allow the
6 architect to speak about the design.

7 So if there are any particular
8 questions, I'd be happy to answer them.

9 CHAIR LAGO: The advantage of
10 having an applicant team is that there will be
11 a comprehensive round of questioning of all
12 the members of the applicant team at the end.
13 So there will be an opportunity to address
14 questions about both of your topics.

15 MR. KAPLAN: Good morning. Dan
16 Kaplan, senior partner at FX Collaborative
17 Architects.

18 I wanted to quickly go through
19 some of the rationale behind the zoning and
20 the massing and answer some of the questions
21 that came up in the review session.

22 It's an L-shaped site, 100 feet of
23 depth on 30th and 520 feet of depth on
24 29th Street. Significantly, the entire
25 29th Street frontage is in 100-year flood

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2 zone.

3 In addition, to the west of the
4 site on 29th Street is the future staging for
5 the Hudson River Tunnel, and not only staging,
6 but the fan plants. So it really pushed the
7 mass further to the east. In addition, close
8 to the 7 line extension stop and the center of
9 Hudson Yards also drove us to do that.

10 Finally, rotating the tower north/south to
11 permit as much light onto the High Line as
12 possible.

13 In terms of the height, which it
14 came up in the review session, we have
15 always -- and I believe City Planning and
16 others have always -- seen this as a
17 transitional site from the Hudson Yards to the
18 neighborhood to the south.

19 The height of the buildings
20 immediately to the north/northeast is 914 feet
21 tall, that's 15 Hudson Yards.

22 CHAIR LAGO: I suspect that
23 questions will be coming out.

24 I will also let the Commission
25 know that in addition, there are two other

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2 folks who are members of the applicant team,
3 Anne Locke from AKRF and Charles Fields.

4 And I would open it up to the
5 Commission to pose questions to any of the
6 members of the applicant team.

7 COMMR. LEVIN: I guess I'd ask
8 Mr. Kaplan if there are any further aspects of
9 the building design that you'd like to
10 highlight for us before we get into the,
11 perhaps, more detailed conversation.

12 MR. KAPLAN: Thank you,
13 Commissioner. I just wanted to address the
14 height.

15 So the site immediately to the
16 northeast is 15 Hudson Yards, topped out
17 914 feet. Immediately to the north in the
18 approved documents, it's 810 feet that -- I
19 will use the pointer -- is immediately to the
20 north.

21 The tall portion of the proposed
22 envelope here is 660 feet to the top of the
23 envelope, plus the bulkhead that's shown in
24 yellow. And then the building, in addition,
25 steps down, the wing is 399 feet in orange and

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2 85 feet in red.

3 So we think not only does the
4 height, in general, make the transition, but
5 also the blocks of the building makes the
6 transition down to the adjacent neighborhood.

7 CHAIR LAGO: Continuing with
8 questions from the Commission.

9 COMMR. EFFRON: I wonder if
10 somebody on the team could address the
11 question about the EMS, and I'm just
12 wondering, will they be paying rent?

13 MR. CHARNO: We are in the process
14 now of working out the terms, but it is
15 contemplated that they would be paying rent.

16 COMMR. EFFRON: And perhaps
17 somebody on the team could explain why, in
18 fact -- what the land use rationale is for
19 exempting it from the FAR?

20 MR. SILLERMAN: Yes, well, the EMS
21 facility grew substantially. At 27th Street,
22 it's 5,000 feet. The desire here was to have
23 it be 18,500 feet, and we wanted to preserve a
24 way to not reduce the residential and the
25 affordable housing project, and that was done

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2 with an exemption.

3 And I think there are multiple
4 examples in the zoning resolution of this
5 being done in 12 -- 10 floor space, use for
6 accessory parking located not more than
7 23 feet above curb level is exempt. Buildings
8 of 4,220 square feet in height or higher which
9 have to provide an additional stairwell, that
10 stairwell is exempt.

11 In Hudson Yards, the culture shed
12 is exempt from floor area. There's a --
13 there's a public school in Subdistrict F which
14 is an SCA project which is exempt. In the
15 Fresh Foods' space mechanism, up to 20,000
16 square feet can be exempted; and it's not
17 exempted, it's bonused. So it increases the
18 floor area because that's a use by the
19 applicant.

20 Here, the desire was to not reduce
21 the program of the project. And the
22 comparable amount is comparable to the Fresh
23 Foods; there it's 20,000, here it's 18,500.
24 So I think there are many mechanisms in the
25 zoning resolution which provide a precedent

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2 for this.

3 COMMR. EFFRON: I guess I'm
4 hard-pressed to see how a desirable
5 rent-paying tenant on the ground floor is --
6 should be exempt.

7 And I understand the Fresh Foods
8 analogy, but that was a citywide plan that
9 went through, as I understand it, at hearings
10 and other discussion in a broader sense about
11 how to bring a social good into neighborhoods
12 that were considered food deserts, so...

13 MR. SILLERMAN: I would ask
14 Mr. Charno to address the rent question.

15 But the point is that you're
16 reducing the residential program of the
17 project, it isn't offset by having a
18 rent-paying public service facility on the
19 ground floor.

20 COMMR. EFFRON: And why is it a
21 reduction of the residential when it's part of
22 the retail space?

23 MR. SILLERMAN: So the point is,
24 we have three layouts on the ground floor.
25 But whether there is EMS or not, the project

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2 remains at a 12 FAR project. There is no
3 increase in our residential program because
4 EMS is exempted.

5 The point is that you're holding
6 the floor area of the project constant by
7 exempting the 18,500 square feet.

8 COMMR. EFFRON: I'm thoroughly
9 confused by this, but I suppose you'd have to
10 submit something that clarifies why it's not
11 just a reduction of the retail square footage
12 and what the bearing is on the residential.

13 But if I'm alone on this, maybe I
14 can be referred to it by staff.

15 MR. SILLERMAN: It's clear in our
16 zoning drawings that whatever scenario there
17 is, the project floor area remains at 12 FAR
18 whether EMS is there or not.

19 CHAIR LAGO: Again, if I might,
20 perhaps try to elaborate on the Commissioners
21 questions.

22 It's a rent paying use and so I
23 think that is the question that either
24 Mr. Charno or others who would want to address
25 it now or if not in a follow-up submission to

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2 the Commission.

3 MR. CHARNO: Just to clarify. So
4 the rent, wherever we end up on the rent, it
5 will be below market rent.

6 There's a cost involved to create
7 -- there's a cost involved to create the
8 space. In addition, parking was going to be
9 -- even though we didn't ask for more than the
10 minimum amount of accessory parking, we didn't
11 ask for a special permit for the parking -- we
12 will lose parking because that space will be
13 going to EMS.

14 And then finally, just touching
15 upon one thing you said, we have -- our
16 dealings with FDNY and DCAS and EMS have been,
17 over the past three years, have been
18 excellent. It has been a lot of work and we
19 have spent a significant amount of time and
20 money on our end trying to make it work.

21 I don't want to say they are not a
22 good use, but it is somewhat scary to have
23 this use in a building where in order for the
24 project to work, we would need to have a real
25 quality of life for folks. So there is a real

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2 risk involved, one that we're absolutely
3 willing to take, but it will be -- they are --
4 the folks are saying that the ambulances --
5 the sirens won't go off, there won't be a real
6 disruption to the quality of life of the
7 building.

8 But it is something that's keeping
9 us up at night a little bit, but we're,
10 nevertheless, willing to do.

11 COMMR. LEVIN: Staying with the
12 EMS for a second. I guess I'd like to ask
13 where you are in your negotiations with FDNY
14 and DCAS?

15 I appreciate your effort to
16 accommodate this essential municipal facility.
17 This is a public facility and you're being
18 asked to take on a tenant who may not be the
19 best tenant that you would think of for a
20 residential building; nonetheless, the
21 neighborhood depends on having this service
22 and they are kind of homeless, parked
23 underneath the High Line and they need a new
24 home, and to your credit, you're working with
25 the City trying to figure out how to make it

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2 work.

3 MR. CHARNO: And what would be
4 better about this than where they are at 23rd
5 Street where it's under the High Line? This
6 will be an enclosed facility where we will
7 build out the space for them.

8 As far as where we are, we've
9 spent -- their program, and it really wasn't
10 their fault, but their program has changed
11 many times. There was a time where they
12 thought they were going to do the entire
13 borough command.

14 So we went from them asking for
15 5,500 feet to at one point close to 100,000
16 feet. And now we've gotten to a point where
17 12,500 feet at-grade can work. We figured out
18 a way, working with our architects and theirs,
19 to give them between 4-, and 6,000 feet in a
20 mezzanine level. Our design teams are going
21 back and forth on a daily basis to make sure
22 that the number of ambulances and other
23 vehicles that are in the space will -- can
24 work in terms of turning radiuses. And I
25 think we've turned a corner on that.

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2 We have proposed business terms.

3 We're working with Todd Hamilton at DCAS and
4 he asked us to take a first run at proposing
5 business terms and we did, and it included a
6 rent that was a below-market rent.

7 The other pieces of it are really
8 not rocket science. Things like term. As far
9 as term, there was a question that came up
10 Monday. We're happy for them to stay
11 indefinitely, we're not looking for this to be
12 a retail lease. It might be a 10-year lease.

13 In addition, if they were to
14 leave, there could not be another use. We
15 could not pull the rug out and go and have a
16 use that would not be a City use. So it will
17 be up to the City to either leave if they want
18 or stay as long as they want or replace it
19 with another use that would, you know, be
20 entitled to -- where an exemption would be
21 appropriate.

22 The other piece that I think we're
23 all glossing over, if you look at the EIS
24 documents, the Hudson Tunnel has some plans to
25 also stage in this tail, and this tail has

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2 become more complicated than the rest of the
3 building. But one of the things that's been
4 incredible about Community Board 4 is they
5 have asked us to make this commitment, and
6 they are going directly to Congressman
7 Nadler's office and the Port Authority to say,
8 Look, you're planning to stage on a portion of
9 a site, let's make sure we can accommodate
10 EMS, as well.

11 So everyone is really working as
12 hard as they can. I don't know where those
13 discussions are, but it is quite possible
14 that, initially, the tail might wind up being
15 used for construction staging for the Hudson
16 Tunnel that is coming -- that's supposed to be
17 coming now, as well.

18 So part -- my point is part of the
19 problem is that if this exemption isn't there
20 and the tunnel winds up coming, then there's
21 no way to have any certainty and build the
22 maximum affordable housing. There's no way to
23 do both. Does that make sense?

24 CHAIR LAGO: Vice Chair Knuckles.

25 VICE CHAIR KNUCKLES: Well, I had

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2 a different question.

3 On 30th Street, between your site
4 and the Lalezarian site, isn't there a small,
5 narrow, privately-owned site there?

6 MR. SILLERMAN: I think
7 Mr. Karnovsky can address that.

8 VICE CHAIR KNUCKLES: Okay. It
9 must be complicated then.

10 (Laughter.)

11 CHAIR LAGO: That's an
12 understatement.

13 Other Commissioners?

14 COMMR. EFFRON: I'm sorry. Thank
15 you for sharing what you did about the EMS. I
16 have two other questions, and you don't need
17 to address them right now.

18 But if you could just give us some
19 sense in the floor plan of where it is, 'cause
20 you've now mentioned mezzanine space and
21 whether it's mezzanine or ground floor retail?

22 MR. CHARNO: We have it and that's
23 fairly easy to do.

24 COMMR. EFFRON: And the second
25 question is whether there's been any

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2 contemplation of condo-ing the City's space?

3 MR. CHARNO: There was a time
4 where it was discussed. We have the site on a
5 ground lease.

6 When we first got a proposal from
7 the City, this was well before -- when we
8 started the process, probably three years ago,
9 we were working with DCAS to try to get this
10 done and their first proposal was as a lease.

11 I think a lease is just easier,
12 it's much less complicated to do it that way.
13 It's something, at least, we are more
14 accustomed to. And it allows us to, very
15 simply, have a tenant work letter where we
16 build out the shell.

17 And I think -- I just -- I don't
18 think there's an objection on either side to
19 having it be a lease. I think that's a much
20 less complicated way to do it.

21 COMMR. MARIN: So you're just
22 building out a shell? They are taking care of
23 the tenant fit-out at the end of the day?

24 MR. CHARNO: It's complicated with
25 the City. We've provided them with three

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2 options based on how they want to do it.

3 We can either build out the shell,
4 they can build out the shell or there's a
5 bidding process where, I guess, we would go
6 out for bid and then a contractor would build
7 it out.

8 I don't know enough right now in
9 terms of how that piece is going to work out,
10 but I can tell you that we'd be willing to
11 work -- it's not a terribly complicated fit
12 out, it shouldn't be.

13 So what we tried to do in this
14 term sheet that I mentioned, is let the City
15 know that we'd be willing to work with them on
16 the fit-out piece in any way they want.

17 COMMR. MARIN: I asked the
18 question because it plays back into the public
19 benefit. So, now, not only are they paying
20 rent, but they are also paying for their
21 fit-out. So that's something to consider.

22 MR. CHARNO: And the fit-out, it
23 doesn't -- the fit-out is not the base
24 building, the bringing utilities to the space
25 -- all the major items. I don't think the

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2 fit-out is a big piece of it, but I don't know
3 enough about it at the moment.

4 COMMR. LEVIN: My question is
5 actually not about the EMS facility, but I
6 just like to observe this is -- we can't let
7 this opportunity slip away. And I hope that
8 this agency can push the other City agencies
9 to get a deal done so we've got some certainty
10 about a new home for EMS.

11 We've had previous experience in
12 this neighborhood of developers providing
13 space under the Hudson Yards rezoning for a
14 police station that was needed as a result of
15 the Hudson Yard zoning. City wasn't able to
16 act fast enough, we now have no place to put
17 the police station that was required for
18 Hudson Yards.

19 We had a near miss with the
20 stables for the police horses. Further north,
21 in Clinton, fortunately, that developer hung
22 in despite being, honestly, jerked around by
23 the City. And we can't let that happen again
24 here.

25 We're dependent on private

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2 developers for providing these municipal
3 facilities that are essential if we're going
4 to allow these neighborhoods to grow to this
5 scale. So that's the end of my speech.

6 My question is: I don't know at
7 what point in the proceedings we're going to
8 talk about the TDR price. It looks to me like
9 you've got a bargain sale from the Trust, so I
10 don't know that you're the right ones to ask
11 this question.

12 But \$300 a foot for the
13 development rights that you're purchasing from
14 the Trust seems like an extremely good price,
15 given everything else we know going on in the
16 neighborhood.

17 MR. CHARNO: Right. So I imagine
18 that the Trust folks will speak to that side.

19 CHAIR LAGO: Yes, we have a number
20 of Trust folks signed up to speak.

21 MR. CHARNO: From our perspective,
22 from the beginning of the statutory process is
23 that there was a third-party appraisal that's
24 done by the seller. And that is the process
25 that was followed.

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2 We ordinarily would not be in the
3 business of buying any property where the
4 seller, pursuant to an appraisal, can set the
5 price. But we knew going in that was what the
6 deal was, it's laid out in the statute.

7 The appraisal came in, that's the
8 price that we're willing to pay, that we're
9 able to pay, that is in the appraisal. And I
10 can tell you that all the work that we've done
11 in terms of committing to the deal, and hiring
12 architects, and committing to the site, and
13 planning to move forward was based on that
14 process laid out in the -- that process laid
15 out in the statute, that there would be an
16 appraisal.

17 So we spent the time and money to
18 negotiate a contract, which we have fully
19 negotiated and signed based on that appraisal
20 price. And so from our perspective, we
21 followed the process that was set up for us to
22 follow.

23 COMMR. LEVIN: One more. The
24 environmental review revealed adverse impacts
25 for publicly-funded daycare sites, childcare

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2 spots and open space.

3 So I wonder what you can tell us
4 about the mitigations that we might
5 anticipate.

6 MS. LOCKE: The mitigation for
7 childcare is a bit complicated, because as you
8 probably -- I think City Planning is already
9 -- the market has already explained there's a
10 transfer now between ACS and DOE.

11 So what is happening in most EIS's
12 recently is -- I'm sorry to say the mitigation
13 has been kicked down the field to when the
14 projects are completed to determine what it
15 is. But there are, obviously, two
16 alternatives, either providing the space or
17 making a payment to ACS or the Board of
18 Education, whoever it is in charge at the
19 time, so --

20 COMMR. LEVIN: Is there any space
21 in this building for a daycare center?

22 MR. CHARNO: Will EMS be
23 happening?

24 MS. LOCKE: We'll have the
25 children in with the EMS.

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2 MR. CHARNO: They can play in the
3 fire trucks.

4 COMMR. LEVIN: It would make us
5 the most popular daycare center in the City.

6 MS. LOCKE: It would indeed. And
7 the fireman are always the nicest to the kids.

8 But the other thing about the open
9 space impact, it's very minimal open space
10 impact. We considered -- I think it's Clement
11 Clarke Moore in the EIS, but the Community
12 Board raised strong objections to that part
13 because they believed there was too much
14 already there and there are other spaces they
15 would prefer.

16 So as part of the FEIS, we'll be
17 working with the Department of City Planning
18 and considering the Community Board and Parks
19 and Recreation, of course, to decide where
20 that mitigation --

21 COMMR. LEVIN: But there will be
22 some mitigation and some good options there
23 and they'll get it worked out?

24 MS. LOCKE: Yes, but it's a really
25 minimal impact. There's, really, just barely

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2 over the threshold.

3 COMMR. LEVIN: We welcome the
4 chance to even think about it. Thank you.

5 CHAIR LAGO: Other questions?

6 (No response.)

7 CHAIR LAGO: Okay. Then I will
8 thank the applicant team.

9 And given the interrelatedness of
10 the two projects, we'll now call forward the
11 applicant team for 606 West 30th Street for a
12 combined ten minutes.

13 The applicant team is comprised of
14 David Karnovsky and Justin Sherman.

15 MR. KARNOVSKY: David Karnovsky
16 for the applicant West 30th Street LLC, an
17 affiliate of Lalezarian Properties.

18 This is an application to
19 facilitate a development at 606 West 30th
20 Street. I'll give an overview and you'll hear
21 from Justin Sherman, the architect, about the
22 architecture of the building.

23 The EIS that you just heard about
24 was an EIS conducted for both projects and
25 analyzed the impacts cumulatively, so we won't

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2 be addressing that, I think it's already been
3 done.

4 There are a lot of similarities in
5 the actions being requested by Lalezarian and
6 Douglaston, so we'll try not to be repetitive.
7 Like Douglaston, we also have two applications
8 to discuss. So I'll first provide a
9 description of the original application and
10 then I'll provide the difference between the
11 original application and the A application
12 which was recently calendared for hearing.

13 The site is Lot 39, West 30th
14 Street, 125 feet west of Eleventh Avenue
15 across from the High Line on the Western Rail
16 Yard. It has 14,812 feet of lot area, it's
17 currently zoned M2-3.

18 To the east is Lot 38, which was
19 mentioned previously. I'll discuss that more
20 in a minute. It's currently used as an auto
21 body shop.

22 And to the west is Lot 1, which is
23 zoned M1-6. The site is currently built with
24 a one-story structured license to the
25 Department of Sanitation as vehicle storage.

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2 Sanitation will vacate the site later this
3 year.

4 The basics of the development are
5 as follows:

6 It's a mixed-use development of 12
7 FAR; residential at 11.1 FAR, commercial 9;

8 36 stories with a maximum proposed
9 building height of 520 feet;

10 218 units with affordable housing
11 provided under MIH Option 1, which works out
12 to 55 affordable units;

13 Parking, 47 spaces permitted
14 as-of-right, no special permit requests.

15 This just shows you the building
16 and the context of its surroundings, and at
17 520 feet, we believe the height is appropriate
18 as a transition stepping down from the Western
19 Rail Yard, the taller buildings there; to the
20 north, the tall towers of the ERY, the Eastern
21 Rail Yard, to the northeast; as well as
22 stepping down from the taller Douglaston
23 building itself immediately to the east with
24 that intervening Lot 38.

25 The actions are, essentially, the

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2 same as Douglaston, in the sense that we're
3 asking for rezoning to C6-4X designation as
4 part of the Special Hudson River Park
5 District, mapping Mandatory Inclusionary
6 Housing. The differences lie, of course, in
7 the special permit, which would provide for a
8 2 FAR transfer from the Park which totals
9 29,625 square feet, as well as in the bulk
10 waivers. That's the list.

11 I won't go into the bulk waivers
12 in detail, other than to say that I think the
13 key bulk waiver is the reduction in the
14 minimum base height from 60 feet to 45 feet.
15 And as the architect will explain more, the
16 second floor is at the level of the High Line.
17 And the base height waiver facilitates the
18 construction of an outdoor terrace on the
19 third floor, overall, enabling the base of the
20 building to relate well to the High Line. So
21 we'll see that more when he presents.

22 The A application. Since the time
23 of certification, the applicant has been able
24 to enter into negotiations with the owner of
25 the adjacent Lot 38, is now in contract for

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2 the acquisition of that site.

3 Accordingly, we filed an A
4 application for a set of actions that would
5 facilitate a larger project including Lot 38
6 as part of the building footprint and thereby
7 providing for a larger transfer of floor area
8 from HRPT. We think this is a good result,
9 not just for the project, but also for the
10 street scape and the activation of West 30th,
11 a good result for HRPT, of course, and a good
12 result in terms of the provision of additional
13 affordable units.

14 This chart may be a little hard to
15 read, but it highlights the key differences.
16 The total floor area increases by 29,000. The
17 transfer from HRPT increases by 4,937.
18 Obviously, there's a corresponding increase in
19 the price paid for that. There are 34
20 additional units with eight affordable units
21 added. There are seven additional parking
22 spaces. Everything increases proportionally
23 in relationship to the lot area of Lot 38.
24 This is all within the same maximum building
25 height of 520 feet, that does not increase.

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2 The waivers are essentially the
3 same, although they extend over a larger
4 footprint. There's one waiver which is not
5 required, because with the increase in the lot
6 size, the power lot coverage waiver is not
7 needed.

8 This is a rendering of the
9 building under the lot -- excuse me, under the
10 A application, showing you how the podium
11 moves towards and abuts the Douglaston
12 building in this scenario. And the tower
13 location is essentially the same, it shifts
14 westward by just eight feet.

15 I just want to, before my time is
16 up or before passing it on to Justin, to say
17 that we had a very productive dialogue with
18 Community Board 4 and the Manhattan Borough
19 President. We thank them for their very
20 thoughtful consideration of the issues. We
21 made similar commitments to Douglaston. I
22 don't want to say this is just me, too, I want
23 to say this is because of the thorough work of
24 Betty Mackintosh, Joe Restuccia and Lee
25 Compton.

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2 And we are also prepared to
3 provide for equal finishes to deal with issues
4 like Zipcars, street trees and so forth and so
5 on. And that's all laid out in detail --
6 accurate detail in the Community Board 4
7 report, as well as in the report of the
8 Borough President.

9 So with that, I'm going to turn it
10 over to Justin.

11 MR. SHERMAN: Thank you, David.
12 Good morning, ladies and gentlemen, almost
13 good afternoon.

14 My name is Justin Sherman, I'm the
15 senior project manager at Ismael Leyva
16 Architects. I'm here to speak about the
17 architectural aspects of the proposed
18 development on the western portion of
19 Block 675.

20 The design takes inspiration from
21 the High Line and its industrial heritage.
22 The configuration of the podium is a
23 contemporary interpretation of the shipping
24 container, which is intimately associated to
25 the history of the High Line. The base will

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2 also use the color and materiality of cast
3 iron in the details on the ground floor
4 storefront and the podium floors. As you can
5 see, in between the darker areas are shipping
6 container boxes.

7 The project will have primarily
8 commercial uses on the podium floors and
9 residential use from floors four and up. The
10 project aims to activate the street and the
11 frontage facing the High Line at the lower
12 levels by proposing commercial use of the
13 first, second and third floors along with the
14 residential lobby and parking entrance at
15 grade.

16 The primary commercial use at the
17 second floor and third floors will be a
18 restaurant, the outdoor terrace space at the
19 third floor facing the High Line to further
20 activate the street frontage. This is the
21 third floor.

22 Back to the second floor, this
23 also helps to screen the parking use behind
24 the commercial space and fronts on the High
25 Line.

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2 The typical floor of floors four
3 to 36 will have residential units, with the
4 exception of the 21st floor, which will house
5 the residential amenities and mechanical uses
6 on a portion of the 20th and 22nd floors.

7 The mid-section of the building
8 has an interior green wall, or vertical
9 garden, feature, if you will, which is the
10 reflection on the green area of the High Line
11 on the vertical plain, and extends from the
12 terrace level at the amenity floor to the top
13 of the 26th floor. The feature can be enjoyed
14 by the residents of the building and the
15 visitors of the High Line simultaneously.
16 This feature will be lit at night.

17 The following slides of the
18 building section directly compares the
19 original application and the A application
20 side-by-side. As you can see, the general
21 massing of the building, as well as the
22 overall height, is largely unchanged. And
23 both applications are within the maximum
24 permitted height of 520 feet.

25 I'll conclude with a perspective

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2 rendering of the current A application.

3 Thank you very much for your time.

4 CHAIR LAGO: Questions from the
5 Commission for either Mr. Sherman or
6 Mr. Karnovsky?

7 COMMR. LEVIN: Yes. Our briefing
8 materials indicate that you may be pursuing
9 either Option 1 or Option 2 for the affordable
10 housing, but the Community Board's
11 recommendation refers to Option 1.

12 Have you settled on what you're
13 doing here?

14 MR. KARNOVSKY: Option 1 and we
15 advised the Community Board of that.

16 COMMR. LEVIN: So they properly
17 reflect what you committed to. We're just
18 slow to catch up here.

19 And I notice that you -- in
20 acknowledging that you agree with the
21 Community Board on the same finishes, you
22 carefully didn't say anything about the
23 request that the affordable units be
24 distributed throughout 80 percent of the
25 building.

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2 MR. KARNOVSKY: They made that
3 request. We told them that at this point,
4 we're at about 67 percent, which is more than
5 the MIH regulation.

6 We also said that as we proceed
7 with design, particularly with the building
8 under the A application, that we would hope to
9 get higher. We will not achieve 80 percent.

10 CHAIR LAGO: Other questions?

11 COMMR. LEVIN: Could I just follow
12 up on that? Why would you not achieve -- why
13 is 80 percent beyond reach?

14 MR. KARNOVSKY: Why don't we give
15 you more details on that, and the layout of
16 the units and we can explain that.

17 COMMR. LEVIN: And I suspect we'll
18 hear testimony from the Community Board that
19 will shed some light on that, as well, so your
20 follow-up after that will be helpful.

21 CHAIR LAGO: Other questions?

22 (No response.)

23 CHAIR LAGO: Okay. Thank you to
24 the applicant teams. And we will now turn to
25 speakers in opposition.

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2 And again, speakers are free to
3 speak with respect to both projects at once.
4 Some speakers have indicated that they will be
5 speaking separately to the two applications.

6 The first speaker in opposition is
7 Melvyn Stevens.

8 MR. STEVENS: Hi. I noticed there
9 was an easel. Can I use it for a moment?

10 CHAIR LAGO: Madame Secretary, if
11 you could stop the clock while the easel is
12 set up.

13 MR. STEVENS: Thank you. My name
14 is Melvyn Stevens. I've been a 50-year
15 resident of the West Village and a neighbor of
16 the Hudson.

17 A little history. HRPT was
18 successful in transferring air rights from
19 Pier 40 to a mega development in CB2. It was
20 an illegal precedent-setting event supported
21 by the democratic establishment. Everybody
22 from Schumer, all the way down to Corey
23 Johnson was in on it.

24 Even Andrew Berman from the
25 Greenwich Village Society for Historic

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2 Preservation supported the transfer. Their
3 smokescreen was that we had to save the
4 rotting Pier 40 so a couple of privileged kids
5 would have a ball field.

6 The real impetus, behind this
7 scheme was loads of real estate monies
8 earmarked to support political candidates who
9 favored the project.

10 Corey Johnson promised this was a
11 one-time deal and would not happen again in
12 CB2. Sounds good. A selling point. But
13 ironically, the reality was there were no more
14 piers in CB2.

15 But what about all the other piers
16 outside of the CB2, from the Battery to
17 59th Street? That precedent has,
18 unfortunately, become the norm.

19 And Madelyn Wils -- is she here,
20 yeah -- Madelyn Wils and her co-conspirators
21 are now trying to push air right transfers by
22 using Chelsea Pier air rights.

23 HRPT is no longer a custodian of
24 our sacred river, the Hudson, but it may
25 become a developing company with the blessings

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2 of the democratic establishment.

3 I am asking that any and all
4 permits allowing this latest travesty be
5 denied. Let the river be a river. No
6 development in, on or over the river. No more
7 Pier 40s. Thank you.

8 CHAIR LAGO: Questions for
9 Mr. Stevens?

10 (No response.)

11 CHAIR LAGO: Thank you.

12 Our next speaker in opposition
13 with conditions will be Betty Mackintosh.

14 MS. MACKINTOSH: Good afternoon,
15 Chair Lago and Commissioners. I'm Betty
16 Mackintosh, co-chair of the Manhattan
17 Community Board 4 Chelsea Land Use Committee
18 and I'll be speaking about both proposals.

19 Community Board 4 has a
20 longstanding policy for mixed income buildings
21 to ensure quality between affordable and
22 market-rate apartments.

23 We strongly, as Anna mentioned, we
24 strongly recommend that affordable units be
25 distributed throughout at least 80 percent of

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2 a project's floors. Neither Douglaston nor
3 Lalezarian have committed to an apartment
4 distribution for affordable apartments beyond
5 MIH requirement of 65 percent.

6 All finishes and fittings should
7 be the same in affordable and market-rate
8 units. Fortunately, both applicants have
9 agreed that market-rate and affordable units
10 will be built with identical finishes and
11 provided with identical appliances, including
12 washers and dryers.

13 Fee-based amenities should be
14 discounted for tenants in affordable units.
15 We recommend a sliding scale. For example, a
16 reduction of 25 percent for middle-income
17 tenants and 50 percent for low-income tenants.

18 Douglaston has committed to
19 discounting access fees for residents of
20 affordable units, but has not specified the
21 discount. Lalezarian has committed to
22 discounting access fees by 33 percent.

23 Community Board 4 appreciates very
24 strongly both applicants willingness to
25 resolve many, many issues. We request that

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2 the pending affordable housing concerns,
3 specifically the apartment distribution for
4 both projects, and Douglaston amenities fees,
5 be resolved as soon as possible.

6 Now the A text for the Lalezarian
7 proposal. Community Board 4 is pleased that
8 the proposed text amendment, the A text, for
9 606 West 30th would incorporate Lot 38 as part
10 of the development site. The lot, if
11 developed, as explained just a few minutes
12 ago, would extend the four-story base of the
13 project along West 30th Street without
14 affecting the footprint of the tower portion
15 of the building.

16 The height of the building would
17 not exceed the previously stated maximum of
18 520 feet because the original proposed -- the
19 original project included six double-height
20 residential floors which would be replaced by
21 eight standard-height floors.

22 The community would benefit from
23 this A text approval. We would get an
24 additional eight units of affordable housing
25 and an additional \$1.6 million for the Hudson

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2 River Park. Thank you.

3 CHAIR LAGO: And remarkable
4 timing. Thank you so much.

5 VICE CHAIR KNUCKLES:
6 Ms. Mackintosh, thank you for your testimony.
7 And I fully appreciate and embrace the idea of
8 the integration of affordable units with
9 market rates, so it's without any attitude
10 that I ask the following questions.

11 80 percent versus 67 or
12 70 percent, if the applicant does more, just
13 enlighten me as to the qualitative difference
14 or why you think there is a -- what is the
15 deleterious impact between 70 percent and
16 80 percent?

17 MS. MACKINTOSH: Well, what's
18 interesting is that in a number of projects in
19 Community District 4, with Community Board 4's
20 persuasion, developers have gone as much to
21 80 percent. So it's not infeasible to do that
22 or at least get close to that, 75 percent to
23 72 percent.

24 And it means that some people who
25 are moderate-income or low-income can get a

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2 view, as well as people who have the highest
3 incomes. And it's our philosophy that that's
4 fair.

5 VICE CHAIR KNUCKLES: So there's
6 some -- there's a link between the increase in
7 percentage and, I guess, the higher floors?

8 MS. MACKINTOSH: Yes, absolutely.
9 Picture the building is here, 65 percent up to
10 here, and then there's a section high above,
11 of course, most desirable apartments with the
12 best views and everything on the higher
13 floors.

14 VICE CHAIR KNUCKLES: Thank you.

15 CHAIR LAGO: Other questions?

16 COMMR. LEVIN: Ms. Mackintosh, are
17 you the one to ask about building height or
18 are there other community board members?

19 MS. MACKINTOSH: Joe is going to
20 talk about that. We have four speakers and
21 each of us has a different topic.

22 COMMR. LEVIN: Okay. That's not
23 your topic. Lucky you.

24 (Laughter.)

25 CHAIR LAGO: Other questions?

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2 (No response.)

3 CHAIR LAGO: Thank you.

4 Our next speaker in opposition
5 with conditions is Paul Devlin.

6 MR. DEVLIN: Commissioner Levin, I
7 think I'm here for your topic.

8 I'm Paul Devlin, member of the
9 Chelsea Land Use Committee for Community
10 Board 4. Thank you for your time this
11 morning.

12 The Community Board has
13 recommended denial of these applications
14 unless the conditions outlined in our letters
15 of February 5th are met. To begin, I want to
16 thank the developers for their willing and
17 active engagement with our board to attempt to
18 resolve numerous issues. The current
19 application reflects several changes made by
20 the applicants in response to our concerns.

21 We, as a board, recognize the
22 importance of working in partnership with
23 development teams, especially when it comes to
24 highly desirable parcels of land such as this
25 one found in West Chelsea. It is their

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2 willingness to invest in our community, as
3 much as our investment of time and local
4 perspective that ends with better results for
5 all of us.

6 The development of Block 675,
7 going back, has a dramatic impact on our
8 community. Combined, these two developers
9 will be bringing over 1200 apartments to our
10 neighborhood.

11 We, as neighbors, wish to
12 integrate that these new people into our
13 community, that these new people receive
14 community benefits, and that additional
15 burdens aren't placed on the existing
16 residents, but rather are shared.

17 We applaud the hard work resulting
18 in the text amendment that has been put in
19 place bringing an EMS facility to this block.
20 This is a much needed facility to provide
21 access to the West Side of Manhattan.

22 We hope the Commission will also
23 ensure that the committed space from the
24 Douglaston team is delineated as a permanent
25 City/community facility, not retail or

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2 parking.

3 But for me, the most important
4 issue is the amount of money the community
5 should receive for the transfer of development
6 rights from Hudson River Park. As you know,
7 the price of transfer rights is a critically
8 important issue for those of us in West
9 Chelsea. And I'd like to stop to thank you
10 for the recent evaluation that resulted in the
11 price of those transfer rights in West Chelsea
12 being set at \$625.

13 That's what made me stop and
14 wonder how the appraiser in this case landed
15 at \$300 for rights from what's another
16 treasured gem in our city, the Hudson River
17 Park, and other transfers from the Park when
18 it sold rights to St. John's Terminal in West
19 Village for \$500. So now, I really wonder why
20 and how West Chelsea is getting shorted.

21 In this case, the Hudson River
22 Park Trust and the two development teams
23 arrived at a price that is surprisingly below
24 what would be expected.

25 We urge the Commission to utilize

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2 the expertise you have at your disposal to
3 critically evaluate the methods used to come
4 to the price of \$300 per square foot. We
5 strongly believe that the assumptions in the
6 appraisals are flawed, and that you should
7 rely on people more experienced than us to
8 determine that the development rights ratio
9 should be closer to an 87 percent threshold,
10 and the highest and best use of the property
11 should be condos, not rentals. Even though
12 condos may not be built on the particular
13 parcel, it should not be incumbent upon us as
14 local residents to subsidize funding for land
15 owners and developers.

16 Based on their appraisal
17 techniques, we think the numbers are skewed
18 and should be increased to closer to market
19 conditions, which would result in greater
20 contributions to the Park, that all of us will
21 use, including these new residents. And once
22 the work in the Park is completed, this will
23 make the neighborhood even more desirable,
24 which you know the development teams will use
25 in their market materials to gain increases in

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2 their own per square foot rental prices,
3 bringing their own numbers up.

4 Thanks for your consideration.

5 CHAIR LAGO: Thank you.

6 Questions?

7 COMMR. EFFRON: Thank you. And
8 thank you, it is nice to hear you're in
9 support of the EMS facility, I'm not
10 surprised. It seems like it's a really
11 important part of your Community Board, and
12 having a permanent home that's not outside
13 seems really critical.

14 Does the Land Use Committee have
15 an opinion about whether or not it should be
16 exempted from the FAR?

17 MR. DEVLIN: I'm also going to
18 refer to Joe on that one.

19 My point on the EMS facility is to
20 make sure that we delineate it as a permanent
21 community facility.

22 COMMR. EFFRON: Thank you.

23 CHAIR LAGO: Other questions?

24 (No response.)

25 CHAIR LAGO: Thank you.

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2 Our next speaker in opposition
3 with conditions is Lornell Kern.

4 MR. KERN: Good afternoon. My
5 name is Lornell Kern. I'm the first vice
6 chair of Community Board 4, but I'm here in my
7 capacity as chair of the Waterfront Parks and
8 Environment Committee.

9 As Paul just told you, we need
10 more money and I'm going to tell you why.
11 Historically, Community District 4 has the
12 least amount of public open space in
13 Manhattan, if not the City. Our district lags
14 far behind all of the other districts in
15 Manhattan in terms of park space.

16 With regard to just the Hudson
17 River Park, the Park is basically finished in
18 Soho and in the West Village, but we lag far
19 behind in Chelsea and Clinton.

20 Right now, in connection with this
21 project, we have been presented by the Trust
22 with eight different projects to try and
23 finish the spaces of Hudson River Park in our
24 district. Eight development sites that need
25 park space. And we need the money for that.

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2 When our committee met to try and
3 put together a list of what the development
4 sites were, when we attached the money to it,
5 we couldn't do it. There wasn't enough money
6 coming in from these projects to build all
7 eight projects.

8 So we had to go back and forth.
9 The people in Clinton wanted Pier 97 built,
10 the people in Chelsea need renovations to
11 Chelsea Waterside Park. There's the whole
12 area by Hudson Yards that has no park at all
13 that needs park space. There are going to be
14 people moving in there, they need the park
15 space.

16 What we ended up doing is putting
17 together a list, which I think you have in
18 your materials, that is independent of price.
19 That is our priorities of what the community
20 needs in terms of park space. How we fund it,
21 we're going to -- we need help from you as
22 Paul addressed it, that's what we need. We
23 need more funding from this project so we can
24 finish all eight projects. Thank you.

25 If there are any questions, I'm

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2 happy to answer them.

3 CHAIR LAGO: Questions from the
4 Commission?

5 COMMR. LEVIN: Yes. We've been --
6 we do have your letter of recommendation,
7 which lists all eight of the projects. We
8 also have materials from the Hudson River Park
9 Trust, as they are required to do as part of
10 this special permit process, identifying five
11 of those projects as ones they work on.

12 What process do you anticipate
13 working through -- and it's not for this
14 commission to identify which of those projects
15 and in what order -- but you, the Community
16 Board, will be closely involved in that
17 process.

18 What discussions have you had with
19 the Trust about how you're going to figure out
20 what projects get undertaken and what
21 timetable? And how confident are you that
22 you'll be able to work in parallel with them?

23 MR. KERN: I'm very confident
24 we'll be able to do this. We have a very good
25 working relationship with the Trust, and they

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2 were part of our discussions. Madelyn Wils
3 was present, Noreen Doyle was present at all
4 of our meetings where we were discussing
5 these. They were providing us information in
6 terms of what they saw that we needed.

7 I'm very confident we'll be able
8 to do it if we have the money to do it.

9 COMMR. LEVIN: And a little bit
10 more for those that aren't on the list?

11 MR. KERN: The more we can get,
12 the better. Thank you very much.

13 CHAIR LAGO: Thank you.

14 Our next speaker in opposition
15 with conditions is Joe Restuccia.

16 MR. RESTUCCIA: Good morning,
17 Chair Lago and Commissioners. Happy to be in
18 a new space, it's very interesting. I want to
19 speak about both the housing, the mitigation
20 and the EMS.

21 On housing, we have to make great
22 progress with this developer. And
23 specifically to Ken Knuckles, the issue is
24 integration, really. It's not about just
25 views for us, but the fact that there are poor

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2 floors versus floors that are fully
3 integrated. We've found no problem working
4 with developers to reach 80 percent in many
5 cases. And that means that a building is more
6 of a community and not people are segregated
7 within it.

8 Very important. And in this case,
9 I believe we will get as close to 80 percent
10 as we can with both these developers.
11 Douglaston is a little more reluctant, but
12 they have been reluctant on many things and we
13 worked through with them, so we feel very
14 confident with them.

15 VICE CHAIR KNUCKLES: Joe, you're
16 not saying that there are floors with
17 entirely -- exclusively affordable, are you?

18 MR. RESTUCCIA: There are floors
19 with more affordable units than less. So the
20 idea is you spread them throughout more
21 floors, you have more integration, that's the
22 general idea.

23 The second thing is height for
24 Commissioner Levin. We have been told over
25 and over this is a transition site from Hudson

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2 Yards to West Chelsea. We say, again, this is
3 in West Chelsea. The 660 feet height is too
4 high. We're going to work with them to shave
5 it down a little bit, not much. They don't
6 want to do it. We believe it's part of the
7 process with the council that we'll achieve
8 slight reduction on this.

9 The mitigation part. You
10 identified the public playground at Penn South
11 for that mitigation. And daycare, there
12 should be a payment made for that. It's very
13 clear it's very obvious.

14 I think I'd like to speak to you
15 about EMS 'cause that is where you spent the
16 most time. And so the Commissioners raised
17 this question. First and foremost, the
18 Community Board is the one who came up
19 specifically with the request that the EMS's
20 FAR be exempted, but that's with the condition
21 that there would be no payment for this.

22 So the deal we are looking at
23 working through City Council and we've met
24 with FDNY, EMS, Fire, City Council and the
25 Mayor's Office on this matter in a series of

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2 meetings. And the ground lease, we ask for a
3 zero payment for sublease on the ground lease.
4 That is our condition, so we can deliver a
5 site to the City at no ongoing cost. That is
6 our big issue here.

7 Further, the developer will build
8 the core and shell, and then the City would
9 fund the fit-out, 'cause it's appropriate that
10 the fit-out be done through the speck required
11 for EMS. DCAS has said to us, specifically,
12 they want the developer to do the fit-out,
13 'cause it would be a much faster delivery
14 process. DCAS designing this alone would take
15 48 months, the developer will take 24.

16 I think -- very important on the
17 project, and I have for the Commission, this
18 presentation was put together for a meeting
19 that Community Board 4 had with the
20 Congressman, the Port Authority, Amtrak and
21 New Jersey Transit regarding the impact of how
22 to get the station built while it's in the
23 construction staging area for the Gateway
24 Tunnel.

25 We've made great progress on that

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2 and we're waiting to hear back from them. And
3 the specific idea is that with the exempt --

4 VICE CHAIR KNUCKLES: Since I
5 interrupted you, Joe, tell me what it was you
6 were going to say.

7 MR. RESTUCCIA: The basic idea is
8 that the construction staging would be
9 reallocated. So this facility could be built
10 as a standalone facility concurrent with the
11 building, which is a 40-month build, but it's
12 only a 24-month build for the EMS, and the
13 City would be able to take it and do it much
14 sooner.

15 What I want to put on the record
16 is that, specifically, the service area for
17 this Battalion No. 7 is 12th Street to
18 62nd Street, Fifth Avenue to the river. And
19 we currently have 3,500 feet, square feet,
20 under the High Line in two trailers,
21 everything else outdoors, as opposed to the
22 18,000 square foot facility inside.

23 Going back to 2005 when we did
24 Hudson Yards, our Community Board asked for
25 locations for every public facility to be

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2 cited and it was not done. So we have had to
3 claw our way, one by one, when we find an
4 opportunity to get a public facility site.
5 Thank you.

6 CHAIR LAGO: Questions for
7 Mr. Restuccia?

8 (No response.)

9 CHAIR LAGO: I guess that's the
10 advantage of going last. Thank you.

11 MR. RESTUCCIA: I also have for
12 the Commission the exemptions that are done in
13 Hudson Yards for FAR.

14 CHAIR LAGO: That would be
15 helpful, and the secretary will distribute it
16 to the Commissioners afterwards.

17 We will now turn to speakers in
18 support, starting with Madelyn Wils.

19 MS. WILS: Good afternoon. I'm
20 Madelyn Wils, president and CEO of Hudson
21 River Park Trust. So nice to see you again.
22 I'm joined here by Pamela Frederick, director,
23 and our senior staff.

24 On behalf of the Trust, I wish to
25 thank City Planning for agreeing to host this

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2 joint hearing, especially for advancing
3 proposals that enable the transfer of floor
4 area pursuant to the Special Hudson River Park
5 District.

6 Should these actions be approved,
7 the public will at long last be able to enjoy
8 significantly more open space within the
9 boundaries of Community Board 4.

10 The Trust proposes to transfer
11 unused development rights from granting site
12 to two locations, as you heard. The first,
13 601 29th Street, the Douglaston receiving
14 site; and the second is 606 30th Street, the
15 Lalezarian receiving site or their alternative
16 site 604 to 606 30th Street.

17 Prior to ULURP certification, the
18 Trust retained an independent appraiser who
19 determined that the value of development
20 rights transferred to the Douglaston receiving
21 site is 37 million. The appraised value of
22 the development rights for the transfer to
23 Lalezarian receiving site was 9.57 million.
24 And we expect that development rights
25 transferred for the alternative site will be

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2 valued at \$11,164,812.50.

3 The appraisers employed a standard
4 methodology for the valuation of air rights,
5 taking into account information such as
6 highest and best uses. In the case of
7 Douglaston, they have a long-term ground lease
8 for rental only land sales, not just
9 comparable air rights transactions;
10 requirements for MIH; and site specific
11 constraints such as the Gateway Tunnel and
12 some attributes.

13 The Trust has negotiated the
14 agreements binding on the developers of the
15 receiving sites to pay these appraised values
16 to purchase the development rights subject to
17 ULURP approval and completion of the Trust
18 Significant Action Process, at which time the
19 sales agreements will be signed. They are not
20 signed yet and MOU is currently signed.

21 After working closely with
22 Community Board 4, the Trust has identified
23 the following projects to be undertaken with
24 80 percent of the proceeds from the
25 development rights sales;

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2 Upgrades to Chelsea Waterside
3 Park, including construction of the new
4 comfort station, expanded dog run and
5 permanent picnic area;

6 Construction of a pedestrian
7 platform and new esplanade between Piers 98
8 and 99;

9 Construction of a beach with
10 ecological enhancements and access south of
11 Pier 76;

12 Design of the Uplands between 29th
13 and 34th Streets with remaining proceeds, if
14 any, dedicated to construction of a portion of
15 the Upland Park between 32nd and 34th Streets.

16 In addition, 20 percent of the
17 development rights sale proceeds will be set
18 aside for important future capital maintenance
19 within Community Board 4 boundaries.

20 In the recommendations, Community
21 Board 4 listed eight projects. Should the
22 governor's current request for \$50 million of
23 park funding be approved by the State
24 legislature -- which we expect -- and the air
25 rights transactions now before the Commission

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2 be completed, six of the eight priorities will
3 be able to be fulfilled.

4 After the conclusion of the
5 Trust's Significant Action period next month
6 and evaluation of public comments by the Trust
7 staff and board, and subject further to the
8 successful conclusion of the ULURP process,
9 the Trust board will vote on the proposed
10 agreements with Douglaston and Lalezarian for
11 the development rights transfers.

12 I expect you have some questions.
13 Thank you very much on behalf of the Trust.

14 CHAIR LAGO: Questions for
15 Ms. Wils?

16 COMMR. EFFRON: Thank you. Thank
17 you for coming before us. I'm sure there was
18 a mechanism in place so that you can start the
19 improvements and receive the proceeds before
20 anyone occupies the building.

21 MS. WILS: There will be some
22 proceeds given to us at the point that we sign
23 and approve the Significant Action Process and
24 the purchase and sale agreement, that we'll be
25 able to start the design of many of these

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2 projects.

3 COMMR. EFFRON: And approximate
4 percentage, if you know it?

5 MS. WILS: I think Mr. Kurtz will
6 be able to tell you that exact number.

7 COMMR. EFFRON: And then I just
8 had a broader question, since it was raised by
9 at least one person in opposition.

10 How many additional air rights are
11 available to transfer on the whole park?

12 MS. WILS: There's, likely, well
13 over a million square feet that could be
14 transferable, but we're only allowed to
15 transfer one block east. And there are very
16 few sites available to be receiving sites in
17 the future. There may be three or four that
18 we could identify at this point.

19 COMMR. EFFRON: And do you have an
20 idea of how many air rights those would
21 transfer?

22 MS. WILS: Given the fact that
23 there are no concrete proposals, given the
24 fact that one is a Con Edison site, it's very
25 hard to judge. But it likely won't be more

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2 than a couple hundred thousand square feet, at
3 most.

4 COMMR. EFFRON: Okay. And the
5 reason I'm asking is two-fold. One, because
6 it was brought up to some degree. But also
7 because in evaluating the price, and I respect
8 that these are appraisals, the question is if
9 that has an influence on future air rights?
10 And with every effort to get as much money as
11 possible for the Park, it does seem
12 significant to know what we have to look
13 forward to, if possible, to be transferred and
14 how this will have an influence on those.

15 MS. WILS: This will be one of the
16 transactions that gets analyzed in an
17 independent appraisal. It's not the only
18 piece of future appraisals.

19 So at the point of whenever a
20 transaction, then, is put forth, we'll do
21 another independent appraisal.

22 COMMR. LEVIN: I'd like to stick
23 with the appraisal and the air rights
24 valuation question for a second.

25 Just in the big picture, person on

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2 the street, common sense terms. It's hard to
3 get my head around a deal that you negotiated
4 for Pier 40 at \$500 a foot and a deal,
5 essentially in the same neighborhood, a
6 related neighborhood, at \$300 a foot for
7 Douglaston and \$322 a foot for Lalezarian.

8 Can you help me understand that
9 big of a difference?

10 MS. WILS: Yes.

11 COMMR. LEVIN: And was Pier 40
12 comparable for the Block 675 appraisal?

13 MS. WILS: Well, first of all, the
14 valuation for Pier 40 was \$337 a square foot.

15 We made a business deal -- so
16 we'll go back to when this amendment to the
17 act was passed. It was passed generally,
18 because there was such support to fix Pier 40
19 before it was closed.

20 At that time, the entry price for
21 fixing Pier 40 was based on an estimate to fix
22 the pier, and that was \$104 million. So the
23 entry price for any business transaction was
24 \$100 million. That was before we did an
25 appraisal. The appraisal actually came in at

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2 about \$76 million. But the appraisal was done
3 after we had done that transaction, so to
4 speak, or proposed transaction. There was no
5 deal for Pier 40 unless we had \$100 million.

6 COMMR. LEVIN: Well, as long as
7 you're here raising Pier 40, how is that
8 project going?

9 MS. WILS: We have one more permit
10 we're waiting for. We have our first two
11 contractors for our first two phases. And we
12 will begin momentarily, we just need that one
13 permit and they are ready to go.

14 COMMR. LEVIN: So you have the
15 money?

16 MS. WILS: We have the money in
17 the bank.

18 COMMR. BESSER: Thank you.

19 And can you just remind us when
20 the dates were that these appraisals took
21 place?

22 MS. WILS: They took place within
23 one year of the end of -- before the end of
24 ULURP. So exactly the date, Mr. Kurtz can
25 give you.

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2 COMMR. BESSER: What year?

3 MS. WILS: 2017, this past year.

4 COMMR. BESSER: Thank you.

5 COMMR. EFFRON: Since you

6 mentioned that the business deal was before
7 the appraisal, was there any consideration of
8 doing the same thing here? This part of the
9 Park, at least we've heard from members of the
10 Community Board, hasn't been finished to the
11 same degree as other parts of the Park.

12 Do you have enough money to
13 actually do the work or is there some
14 possibility that you could set the price for
15 the improvements needed for this area?

16 MS. WILS: Well, once the special
17 district was created, there was a process that
18 moved forward. First, the developers would
19 make a proposal to City Planning, and based on
20 that proposal, we would do an appraisal.

21 We could not do an appraisal
22 beforehand. We did not actually have -- the
23 developers did not come to us before they went
24 to City Planning and proposed certain
25 projects. So that's just how that went.

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2 There was no actual proposal for
3 Pier 40, it was just if there's a deal, we
4 need \$100 million. And then whatever proposal
5 they made to City Planning at that point, it
6 just had to generate \$100 million.

7 COMMR. EFFRON: So it sounded as
8 if there was a need identified and then there
9 was a mash up?

10 MS. WILS: Correct.

11 COMMR. EFFRON: What was the
12 identified need for these parks or for these
13 areas within this portion of the Park?

14 MS. WILS: Well, it is completely
15 accurate that there were many areas in
16 Community Board 4 that we and the community
17 are aligned that we want to get done, and
18 should have been done already, had funding
19 been provided.

20 But we did go to the community as
21 part of this process. We did have recent
22 estimates done for these particular pieces in
23 Community Board 4. So where as we had loosely
24 based estimates before this process began, we
25 did go back, hire an estimator and now have

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2 more accurate estimates.

3 So we know -- based on the letter
4 that I sent you, we know now about what these
5 will cost. Of course, they are estimates.
6 And once bids go out, they'll be relatively,
7 hopefully, within 5 or 10 percent of that.

8 And look, there will be more money
9 needed to complete all of Community Board 4,
10 just as there will be more money needed to
11 complete the rest of the Park, not the entire
12 rest of the southern portion of the Park is
13 completed, as well. And we have to rely not
14 just on air right sales, but on the City and
15 State to do what they said they were going to
16 do at the beginning of time, 20 years ago,
17 which was provide funding to build out Hudson
18 River Park.

19 So this is one of the ways that we
20 are getting this done, but it shouldn't be the
21 only way.

22 COMM. EFFRON: And what do you
23 think the gap is on the Community Board 4
24 section?

25 MS. WILS: I think it's going to

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2 be about \$40-ish million, not on these
3 projects. There's also another project
4 between 39th and 44th Street, the esplanade
5 there is functioning as an esplanade, but it
6 was never finished. These other areas are
7 just not finished.

8 But we also have an issue with the
9 Gateway Tunnel. Until we exactly know they
10 are coming through the Park, they are coming
11 in between 29th, maybe up to 32nd Street for
12 staging, it's not clear.

13 As you all know, it's an
14 eight-year project. May not start for
15 two years, three years, four years, hard to
16 judge. It's having a negative impact -- by
17 the way, it did have a negative impact of --
18 not a great amount -- of two and a half
19 million dollars on these appraisals. And it
20 also -- it's having an impact in terms of how
21 we can get this piece of the Park also
22 finished, and the delay that that will cause.

23 And we are talking to the Gateway
24 project people about this in terms of their
25 mitigation in terms of coming through the

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2 Park. So we're not going to let them off the
3 hook so easily either.

4 COMM. ORTIZ: Good afternoon. I
5 am by no means an expert in appraisals, but
6 what I do know is that there's, you know, art
7 and science, you know.

8 As I look at that part from the
9 Community Board's letter, you know, the art of
10 determining the ratio that was used to arrive
11 at the final evaluation, that there were
12 decisions made with respect to weighing two
13 similar sales more greatly to arrive at the
14 valuation of 323 per square foot.

15 What were those two sales? And,
16 you know, is there, as we look -- and they
17 have made the point that the proximity to the
18 High Line and the western rail yards should
19 have, perhaps, resulted in a different
20 calculation there. What were those sales that
21 were weighed more heavily? And what's your
22 position on the degree to which art was
23 applied here?

24 MS. WILS: Well, first of all, I
25 will ask Dan Kurtz, our CFO, to address the

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2 numbers specifically, because he's the one who
3 has been most engaged with analyzing
4 everything.

5 But, you know, this is a business
6 transaction and it went precisely as the
7 process was supposed to go. So it's a
8 business transaction between two parties and
9 has to make sense to both parties. There were
10 deductions taken based on what we believe the
11 appraiser thought were real -- should be taken
12 into account in appraisals.

13 I think that there is some
14 discussion that's been going on about the West
15 Chelsea housing fund, and I believe this was
16 based on air rights transactions, not land
17 sale transactions. And I think it's a much
18 easier -- it's much easier for a developer to
19 write a check and put it in a fund than it is
20 for them to build affordable housing, go
21 through an EIS, ULURP, take all that risk and
22 not build affordable housing. And I think
23 that has a definite impact on the price.

24 So we valued air rights
25 transactions and land sales and took those

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2 appropriate deductions that other appraisals
3 have. And as I said, Mr. Kurtz will be able
4 to get more involved in the details of those
5 numbers. I'm sure he's perhaps looking up
6 those numbers that you just asked about.

7 COMMR. ORTIZ: Thank you.

8 CHAIR LAGO: Other questions for
9 Ms. Wils?

10 (No response.)

11 CHAIR LAGO: Thank you.

12 And as pre-staged, our next
13 speaker in support is Daniel Kurtz.

14 MR. KURTZ: Thank you very much,
15 Commissioners.

16 I guess in response to some of the
17 questions, I won't present appraisals to you,
18 the appraisals are on the website. There are
19 many details, but I'll try to address some of
20 the pertinent issues that were raised.

21 The date of the appraisal was
22 November 2017, very recent.

23 With regard to the mechanism or
24 methodology of the appraisal, I'll just say in
25 general terms, without getting into so many

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2 specifics now, the appraisal followed a
3 two-step process.

4 Initially, the appraiser
5 established what were the comparable sales in
6 terms of establishing the value of the fee
7 going in for the two receiving sites.

8 The appraiser then performed, what
9 you probably have all seen many times, the
10 standard adjustments to the fee value.
11 Included among them for this particular
12 project was, of course, most significantly,
13 the affordable for the Lalezarian condo site.

14 In the case of Douglaston, there
15 was an additional adjustment made for rental
16 because Douglaston is constructing on a ground
17 lease -- I mean, Douglaston cannot construct a
18 condominium project.

19 However, the Trust was concerned
20 that in the future, there may be a conversion
21 of the rental project to a condominium
22 project. So you may see in the transactional
23 documents, which are also entirely on our
24 website, that there's additional -- there's a
25 deed restriction. And a provision of the deed

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2 restriction that should there ever be a
3 conversion from rental ownerships -- rental
4 tenure to ownership for the residential units,
5 that an appraisal would be performed at that
6 time and that the then fee owner of the
7 property would be obligated to pay the Trust
8 whatever the difference is between home
9 ownership and rental. So that's a perpetual
10 provision within the deed.

11 The numbers: I can go through
12 them with you, I'm not going to go through
13 them right now. But let me say the
14 adjustments, obviously, were considerable,
15 because of these rather large considerations
16 that the appraiser made. I'll just speak
17 briefly to the Douglaston numbers, just to
18 give you the idea of magnitude.

19 So the average price per square
20 foot of the comparables in the Douglaston
21 transaction after an adjustment for market
22 conditions was \$863 a square foot.

23 She then performed, as I said,
24 various adjustments with regard to the
25 physical characteristics of the attributes and

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2 negatives of the site, reduced that to \$712 a
3 square foot.

4 She then applied an -- in the
5 case, the Douglaston, a 25 percent reduction
6 for rental to 496. Then she applied a ratio
7 of 65 percent -- which I can respond to
8 questions as to how that's arrived -- to
9 arrive at \$300 a square foot.

10 Lalezarian is a little different
11 'cause it's a condo.

12 CHAIR LAGO: Thank you.

13 Questions?

14 COMMR. ORTIZ: Since you mentioned
15 it, and since I asked previously, could you
16 speak to, you know, the -- how you arrived at
17 the ratio of 65 percent and which were the two
18 sales that were concluded to be the most
19 similar?

20 MR. KURTZ: Let me speak to the
21 methodology on the 65 percent.

22 The method that the appraiser
23 utilized to do that -- and I'm not an
24 appraiser and if there are technical
25 questions, I can have answers given to the

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2 Commission later -- but the appraiser analyzed
3 seven pair transactions. And when I say "pair
4 transactions," I mean a pair of transactions
5 where there was a conveyance of an air right
6 transaction, and it was in advance of a fee
7 transaction within a relatively short period
8 of time. And that was done in order to
9 establish the relationship between the air
10 right value and the fee value.

11 She found seven of them that were
12 comparable to this particular project, and she
13 took the average. The average of those was
14 approximately 65 percent.

15 So the weighting that you're
16 referring to was with respect to the valuation
17 of the fee. And the two projects that she
18 determined were most heavily weighted were the
19 related project at 170 Eleventh Avenue between
20 22nd and 23rd, and I believe that is in the
21 Edison between -- on 76 Eleventh Avenue
22 between 17th and 18th. Those were most
23 heavily weighted.

24 COMMR. ORTIZ: I'm not familiar
25 with those specific buildings, but could you

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2 speak to -- the issues were raised in
3 proximity to the High Line and the western
4 rail yards, were those similarly proximate?

5 MR. KURTZ: No, they are much more
6 favorably located.

7 So there was a locational
8 adjustment for those two comparables; one of
9 10 percent, one of 15 percent, an average --
10 10 percent and 20 percent, an average of
11 15 percent were applied to those sales.

12 COMMR. ORTIZ: Thank you.

13 COMMR. BESSER: Thank you. When
14 you say a "short period of time," could you be
15 a little more specific as to the time frame in
16 which they were referring?

17 MR. KURTZ: I would like to, but I
18 don't recall off the top of my head. So we'll
19 get back to you with those. The dates are in
20 the appraisal report, but I'll respond to you
21 specifically.

22 CHAIR LAGO: Other questions?

23 (No response.)

24 CHAIR LAGO: Thank you, Mr. Kurtz.

25 Our next speaker will be speaking

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2 in favor of the Lalezarian and in opposition
3 to the Douglaston, Jefferson Mao.

4 MR. MAO: Thank you, Chair Lago
5 and Commissioners for the opportunity to
6 testify. I will be speaking on behalf of the
7 Manhattan Borough President's office, and I'll
8 first be speaking about the Douglaston project
9 and then about the Lalezarian project.

10 So Block 675 is a very complicated
11 block, and any project here must fulfill
12 various requirements from a multitude of
13 stakeholders.

14 601 West 29th Street is located
15 directly south of Hudson Yards, with its
16 18 million square feet of residential and
17 commercial space, and towers reaching upwards
18 of 1,200 feet in height. But it is also a
19 part of West Chelsea, and must serve as a
20 transition zone to a deeply rooted low- and
21 mid-rise neighborhood of residences, art
22 galleries and local shops.

23 Meanwhile, it is one of the few
24 sites eligible for the transfer of development
25 rights from Hudson River Park to provide much

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2 needed capital and expense funding for the
3 Park.

4 With the Hudson Tunnel project
5 calling for tunneling beneath the block, it
6 must also accommodate infrastructural
7 facilities and construction staging in the
8 near future.

9 Given all these factors, we want
10 to thank the applicant for their steadfast
11 engagement with the community. We especially
12 appreciate their effort for CB4, the Speaker,
13 other elected officials, the Port Authority,
14 and FDNY on the replacement plan for EMS
15 Station 7 on their site.

16 However, we believe there are
17 still issues to address as the project moves
18 through the public review process.

19 The maximum height of the proposed
20 building is 660 feet. We believe this to be
21 excessive. Taking into account the 20 percent
22 increase in allowed FAR from the Hudson River
23 Park transfer, we can consider a corresponding
24 20 percent increase in maximum height from the
25 450-foot height of the adjacent Subarea A of

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2 Specialized Chelsea District, to approximately
3 550 feet. This is still a difference of more
4 than 100 feet.

5 Block 675 serves as a
6 transportation zone between Hudson Yards and
7 the rest of the much lower West Chelsea.
8 Given the precedent the project sets for
9 future developments in the area, we believe
10 that the bulk of the building should be
11 distributed across the site to lower the
12 height.

13 In addition to MIH, the project
14 will also use the Affordable New York Tax
15 Abatement Program, formerly known as 421(a).
16 Units built to satisfy the requirements of MIH
17 are also counted toward the affordable housing
18 requirements of the Affordable New York
19 Program.

20 The Borough President has
21 consistently opposed the practice of
22 overlapping subsidies, or double-dipping, most
23 prominently in regard to the City's
24 Voluntarily Inclusionary Housing programs.

25 As the project counts the same

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2 affordable units for both MIH and the
3 Affordable New York Tax Abatement Program, we
4 urge the applicant to explore all feasible
5 options to provide additional affordable units
6 beyond the 25 percent requirement.

7 Finally, there is the familiar
8 problem of how to properly value the transfer
9 of development rights. Based on an appraisal,
10 the applicant has entered into a contract with
11 the Hudson River Park Trust to pay \$300 per
12 square foot, or 37 million in total.

13 However --

14 (Timer.)

15 CHAIR LAGO: Mr. Mao, do you have
16 written testimony that you would be able to
17 submit? We would find that helpful.

18 And also, questions from the
19 Commission?

20 MR. MAO: I do, sure.

21 (No response.)

22 CHAIR LAGO: If you could submit
23 that, the secretary will make sure that we
24 read it.

25 MR. MAO: Can I speak on the

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2 Lalezarian site?

3 CHAIR LAGO: I'm afraid not.
4 We're doing a joint hearing. I assume it's
5 addressed in your new materials? That would
6 be a good adjunct to the materials we've
7 already received in the Borough president's
8 recommendation.

9 MR. MAO: Okay. Thank you.

10 CHAIR LAGO: Okay. Thank you.
11 We will now turn to speakers in
12 support. Tony Simone.

13 MR. SIMONE: Thank you for giving
14 me the chance to testify today.

15 My name is Tony Simone, I am the
16 director of External Affairs for Hudson River
17 Park Friends. As many of you know, we're the
18 advocacy and mainly fundraising arm of the
19 Park. Friends' mission is to raise vital
20 private funds to advocate to ensure the Park
21 is maintained, enhanced and completed.

22 In addition to that, my family and
23 I are longtime residents of Community Board 4
24 and the West Side, and we frequently use the
25 Park. Our dog loves the Park and loves the

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2 dog run.

3 We look forward to the chance of
4 these air rights, funding and resources to
5 completing the Park in our neighborhood and
6 Community Board 4. I know how vital these
7 funds are, that's why this opportunity to sell
8 some of the Park's unused development rights
9 and properties at Block 675 is so important to
10 us at Friends and our board, coupled with the
11 funding that is anticipated from New York
12 State, which we have also been working on to
13 advocate for from the Governor's budget and
14 the New York City Council.

15 In addition, the Trust would be
16 able to set aside 20 percent of the proceeds
17 to help support future Park maintenance needs.

18 And last of all, this could be
19 achieved within a relatively short period of
20 time. As many of my friends in Community
21 Board 4 and my neighbors, we've been waiting a
22 long time for our park in Hudson River Park.

23 Hudson River Park believes that
24 the Park cannot lose this chance to take a
25 quantum leap forward in terms of its

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2 completion. I look forward to continuing to
3 work with the Trust, leaders of Community
4 Board 4, City Planning and elected officials
5 in ensuring that Block 675 developments
6 benefit Hudson River Park and our entire
7 community.

8 Thank you for the chance to
9 testify.

10 CHAIR LAGO: Questions for
11 Mr. Simone?

12 (No response.)

13 CHAIR LAGO: Thank you.

14 Our next speaker in support will
15 be Phil O'Brien.

16 MR. O'BRIEN: Hi, good afternoon.
17 My name is Phil O'Brien, I'm the publisher of
18 West 42nd Street Magazine, deeply involved in
19 the Hell's Kitchen West Side. But I'm
20 releasing a monthly print publication, which
21 looks like this. Copies are available and
22 I'll circulate them, and I engage with the
23 community on social media on a daily basis.

24 I've lived in the neighborhood for
25 more than five years, and my apartment

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2 overlooks the Hudson River and Hudson River
3 Park, so I'm regularly in the Park, especially
4 at Pier 84.

5 I can't wait until it's properly
6 connected to the whole park and that the
7 drought concrete areas in the West 30s are
8 landscaped and we get some greenery.

9 I support the Park taking the
10 opportunity to sell the unused development
11 rights, the properties -- and the properties
12 at Block 675, and this will add to, I believe,
13 other State funding and would enable the Trust
14 to complete nearly all the unfinished park in
15 my area and be allowed to set aside money for
16 maintenance.

17 I'm excited this could all happen
18 quickly and we all benefit so much from having
19 park space in New York City. Thank you.

20 CHAIR LAGO: Thank you.

21 Questions for Mr. O'Brien?

22 (No response.)

23 CHAIR LAGO: Thank you. We will
24 now continue with speakers in opposition,
25 starting with Panos Kourtis.

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2 MR. KOURTIS: Good afternoon.

3 My name is Panos Kourtis. I'm
4 here today on behalf of the residents and
5 members of SEIU 32BJ, over 30,000 people who
6 clean, maintain and provide concierge services
7 at apartment buildings throughout New York
8 City.

9 We urge the City Planning
10 Commission to vote no on the project submitted
11 by West 30th Street LLC, an affiliate of
12 Lalezarian, unless the developer commits to
13 good building service jobs at 606 West 30th
14 Street.

15 New York's cost of living is one
16 of the highest in the country and working
17 people in New York too often struggle to make
18 ends meet. That's why we call on this
19 affiliate of Lalezarian to provide
20 high-quality jobs at the City's prevailing
21 wage for porters, concierges and handy
22 persons.

23 Prevailing wage allows working
24 people to provide for their families, provide
25 their children with quality healthcare and

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2 decent education and live with dignity in
3 retirement.

4 For these reasons, we ask the
5 Commission to support building service workers
6 by voting no on this project unless the
7 developer agrees to good jobs at 606 West 30th
8 Street.

9 Thank you very much for your time.

10 CHAIR LAGO: Questions for
11 Mr. Kourtis?

12 (No response.)

13 CHAIR LAGO: Thank you.

14 Our next speaker in opposition
15 will be Bunny Gabel.

16 MS. GABEL: Good morning and thank
17 you.

18 My name is Bunny Gabel and I'm
19 speaking for Friends of New York, an
20 international environmental group. We've
21 worked for 45 years to protect part of the
22 Hudson River now controlled by the Hudson
23 River Park Trust.

24 We object to the proposal to allow
25 HRPT to sell purported air rights they claim

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2 exist over the Hudson River. We ask CPC to
3 reject this questionable proposal. HRPT does
4 not own the property from which it seeks to
5 sell air rights. The area under HRPT's
6 authority controls 490 acres of Hudson River
7 that is called the Park, although it is water,
8 belongs to New York.

9 Hasty legislation governing HRPT
10 authority says air rights within the HRPT can
11 be transferred by sale, but such transfer
12 seems legally questionable. Since when does a
13 nonowner have the right to sell someone else's
14 property?

15 CPC must clarify these air right
16 transfer rules in plain language and make
17 their meanings entirely clear to New York
18 citizens whose property is being taken. The
19 importance of this hearing was not adequately
20 defined or advertised and New Yorkers deserve
21 clarity upfront, honest information about such
22 a far-reaching decision that will set
23 precedents for use of waters and coasts around
24 New York City.

25 Does CPC want its duty to define

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2 New York's land use to be taken over by HRPT?

3 HRPT alleges need for the air rights fund,

4 quote, "to complete the Park," genuine green

5 space is complete on 60 acres of land. Only

6 modest maintenance funds are needed.

7 Needs claimed by HRPT are

8 earmarked to develop sites in the River

9 contrary to the Clean Water Act. The waters

10 in question are recognized as extremely

11 valuable marine habitat. The proposed

12 in-water developments would damage this

13 precious natural asset and reduce protein for

14 our hungry world.

15 Building in and over the water is

16 the last place we should be investing scarce

17 resources. The area is in the number one

18 storm evacuation zone and will be a dangerous

19 liability when the next storm batters New

20 York.

21 Thank you for your attention.

22 CHAIR LAGO: Questions for

23 Ms. Gabel?

24 COMMR. LEVIN: Yes. What

25 construction in the waters are you concerned

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2 about? I wasn't aware that we're talking
3 about anything that involves the waters.

4 MS. GABEL: We're talking about
5 transferring air rights and getting money for
6 those air rights so the HRPT can, as it calls
7 it, complete the Park.

8 Well, the Park is 490 acres of
9 water. Building over the --

10 COMMR. LEVIN: They're proposing
11 to spend that money on the land portions of
12 the projects that have been identified --

13 MS. GABEL: That's 60 acres, it's
14 virtually complete. And I could go out there
15 and plant a few daffodils and make a lot of
16 difference.

17 CHAIR LAGO: Other questions?

18 (No response.)

19 CHAIR LAGO: Thank you, Ms. Gabel.

20 Our next speaker in opposition
21 will be Marcy Benstock.

22 MS. BENSTOCK: Thank you. I'm
23 Marcy Benstock, director of Clean Air
24 Campaign. We urge the Commissioners to deny
25 these applications and any others that involve

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2 the transfer by sale of purported air rights
3 from the Hudson River.

4 Any use of the funds from such a
5 sale to build in or over the River -- and I'll
6 say what the uses are -- could have
7 catastrophic results.

8 Furthermore, we doubt that public
9 waterways, like the Hudson River, have any
10 development rights that are legally available
11 to transfer or sell. The terms of our Hudson
12 River Park or the Park are defined in State
13 law to refer solely to a set of project area
14 boundaries that surround 490 acres of the
15 waters of the Hudson River itself. Those
16 boundaries are the US Pier headline, 1,500
17 feet offshore; Battery Park City's northern
18 boundary; Pier -- West 59th Street extended
19 out into the River to the pier headline; and
20 the US bulk headline.

21 The massive misunderstanding this
22 misleading language has caused is reflected
23 and echoed in the misleading Special Hudson
24 River Park District language. Building or
25 rebuilding sites like Pier 97, one of the

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2 proposed priorities in the River, with the
3 transfer proceeds for non-water-dependent uses
4 floods the federal Clean Water Act and
5 Navigation law.

6 Furthermore, funding that sort of
7 misuse of a public waterway causes immense
8 environmental damage and increases,
9 drastically increases, the risks of injury and
10 death in life-threatening storms and
11 hurricanes that hit the River.

12 The lower Hudson River's near
13 shore waters in the HRPT project area have
14 been designated a number one highest risk
15 hurricane evacuation zone. Putting more
16 people out in the river offshore is reckless
17 at a time of increasingly frequent and
18 devastating storms.

19 Protecting public safety is public
20 officials' prime responsibility, that means
21 not approving deals like this that result in
22 more building in the River. Citing decisions
23 are all important for minimizing damage to
24 people, property and the environment.
25 Building and rebuilding at the worst possible

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2 location in the lower Hudson River with its
3 powerful winds, tides and currents and
4 corrosive saltwater is a recipe for disaster.

5 (Timer.)

6 CHAIR LAGO: Thank you, your time
7 is up.

8 MS. BENSTOCK: Just two more
9 sentences then.

10 The night and day difference
11 between land and water is presumably part of
12 the reason the TDR price is lower.

13 CHAIR LAGO: Ms. Benstock, we've
14 exceeded the time and we've been strict with
15 this because of the number of folks
16 testifying.

17 Are there questions from the
18 Commission for Ms. Benstock?

19 COMMR. ORTIZ: As with other
20 speakers, if you have written testimony, you
21 can submit it for us.

22 MS. BENSTOCK: I will answer
23 questions any time, including after this
24 hearing.

25 CHAIR LAGO: Thank you. And we

1 3-14-18 - Douglaston and Lalezarian Public Hearings
2 would welcome if you could submit a copy of
3 testimony -- thank you for reminding me,
4 Commissioner -- to the secretary who will get
5 it to the Commissioners.

6 Any questions for Ms. Benstock?

7 (No response.)

8 CHAIR LAGO: Thank you.

9 MS. BENSTOCK: Commissioner
10 Cerullo, no questions about the aquatic
11 habitat off of Staten Island, which will be
12 harmed by this as Natural Resources Protective
13 Association says?

14 (Laughter.)

15 CHAIR LAGO: We will now turn to
16 speakers in favor, Noreen Doyle.

17 MS. DOYLE: Good afternoon. My
18 name is Noreen Doyle, I'm one of the executive
19 vice presidents here at the Hudson River Park
20 Trust.

21 I have two jobs today. One is to
22 remind anyone who came in late that this is
23 also the Hudson River Park Trust Significant
24 Action Process hearing; we have a board member
25 here, we have a court reporter here. If you

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2 are unsure of how to submit comments to us
3 besides today, we have written information on
4 how you may submit comments until April 16th.

5 I also was reviewing my transcript
6 from the St. John's transfer and know that
7 some of the Commissioners had some questions
8 about some of the types of comments that you
9 just heard. I wanted to offer myself in the
10 event that you have questions about
11 construction or anything else like that, as well.

12 CHAIR LAGO: Questions?

13 COMMR. EFFRON: Thank you.

14 Does Chelsea Piers have any
15 leftover air rights on which or with which to
16 build?

17 MS. DOYLE: I believe that the
18 amount after this is actually none to very
19 small. We can confirm that for you in
20 writing.

21 If this transfer is approved, most
22 of the unused development rights from Chelsea
23 Piers will be extinguished. We'll clarify
24 that.

25 COMMR. EFFRON: Would they have to

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2 purchase them from the Trust? They are a
3 tenant.

4 MS. DOYLE: They are a tenant.
5 They are subject to a lease, the lease was
6 done before Hudson River Park existed, and the
7 underlying zoning is M2-3.

8 You may be familiar with the
9 Pier 57 process, where we had to go through a
10 full ULURP on commercial properties. If there
11 were ever to be a change at Chelsea Piers, we
12 would have to look at it with respect to
13 traditional zoning and ULURP applications and
14 that would include what FAR is there.

15 The way the special district is
16 written, it really is for sites beyond the
17 boundaries of the Park, not within the Park.
18 So, you know, they don't have any rights to
19 purchase as-of-right, though, I can say that.

20 COMMR. EFFRON: So I guess my
21 misunderstanding, it's not really Chelsea
22 Piers that is conveying the rights, it's the
23 Hudson River Park on the Chelsea Piers' site
24 and none are retained by them and they would
25 have to go through a formal ULURP if they were

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2 to build?

3 MS. DOYLE: Correct, they don't
4 own any rights.

5 CHAIR LAGO: Any other questions
6 for Ms. Doyle?

7 (No response.)

8 CHAIR LAGO: Thank you.

9 So those are the speakers who have
10 signed up to speak, both before the City
11 Planning Commission and before the Hudson
12 River Park Trust; however, if there are any
13 other folks in the audience who would like to
14 speak, now would be the time to come forward.

15 (No response.)

16 CHAIR LAGO: Okay. Then I will
17 note that with respect to the Hudson River
18 Park Trust Significant Action Process hearing,
19 the hearing will remain open for additional
20 written submissions through April 16th.

21 And then with respect to the City
22 Planning -- the matters before the City
23 Planning Commission, the record will remain
24 open for ten days to receive comments on the
25 Draft Environmental Impact Statement, and that

1 3-14-18 - Douglaston and Lalezarian Public Hearings
2 is through Monday, March 26th.

3 And with that, the public hearing
4 on these two matters is closed.

5 (Time noted: 1:06 p.m.)
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<p>West (42) 6:18,19;9:24;12:5, 9,18;13:18;14:3,21; 17:13;21:3;40:11,16, 19;41:13,14,22; 44:10;51:15;55:9,13; 58:25;59:21;60:8,11, 18,20;63:18;68:2,3; 85:14;92:14,19;94:7; 96:24;98:18,19;99:7; 100:11,13;101:7; 105:18</p> <p>Western (5) 41:15;42:18;46:18; 84:18;91:3</p> <p>westward (1) 45:14</p> <p>what's (3) 56:17;60:15;84:21</p> <p>whenever (1) 77:19</p> <p>wherever (1) 27:4</p> <p>whole (3) 64:11;76:11;99:6</p> <p>whose (1) 102:18</p> <p>willing (6) 28:3,10;34:10,15; 37:8;58:16</p> <p>willingness (2) 54:24;59:2</p> <p>Wils (25) 11:20;52:19,20; 66:2;71:18,19,20; 75:15,21;76:5,12,22; 77:15;78:10,13;79:9, 16,22;80:3,16;81:10, 14;82:25;84:24;86:9</p> <p>wind (1) 31:14</p> <p>winds (2) 31:20;107:3</p> <p>wing (1) 22:25</p> <p>wish (2) 59:11;71:24</p> <p>within (18) 7:18;8:8;12:22; 15:8;17:23;44:24; 48:23;67:7;72:8; 74:19;79:22;81:13; 82:7;88:10;90:7; 97:19;102:10;110:17</p> <p>Without (5) 15:25;16:15;55:13; 56:9;86:25</p> <p>wonder (4) 23:9;38:3;60:14,19</p> <p>wondering (1) 23:12</p> <p>work (20) 17:8;27:18,20,24;</p>	<p>29:2,17,24;33:15; 34:9,11,15;37:10; 45:23;59:17;61:22; 65:11,22;68:4;80:13; 98:3</p> <p>worked (3) 39:23;67:13;101:21</p> <p>workers (1) 101:5</p> <p>working (18) 18:19;19:11;23:14; 28:24;29:18;30:3; 31:11;33:9;39:17; 58:22;65:13,25;67:3; 68:23;73:21;97:12; 100:16,23</p> <p>works (1) 42:11</p> <p>world (1) 103:14</p> <p>worst (1) 106:25</p> <p>wound (1) 18:24</p> <p>write (1) 85:19</p> <p>writing (1) 109:20</p> <p>written (5) 95:16;107:20; 109:3;110:16;111:20</p> <p style="text-align: center;">Y</p> <p>Yard (4) 35:15;41:16;42:19, 21</p> <p>Yards (17) 14:19;17:14;21:9, 17,21;22:16;24:11; 35:13,18;64:12;68:2; 70:24;71:13;84:18; 91:4;92:15;94:6</p> <p>year (4) 42:3;79:23;80:2,3</p> <p>years (8) 27:17;33:8;82:16; 83:15,15,15;98:25; 101:21</p> <p>yellow (1) 22:24</p> <p>York (15) 10:14,15;94:14,18; 95:3;97:11,14;99:19; 100:7,17;101:19; 102:8,17,24;103:20</p> <p>Yorkers (1) 102:20</p> <p>York's (2) 100:15;103:2</p> <p style="text-align: center;">Z</p>	<p>zero (1) 69:3</p> <p>Zipcars (2) 19:11;46:4</p> <p>zone (5) 21:2;92:20;94:6; 103:18;106:15</p> <p>zoned (2) 41:17,23</p> <p>zoning (13) 6:16,16;7:13;15:18; 16:17;17:10;20:19; 24:4,25;26:16;35:15; 110:7,13</p> <p style="text-align: center;">1</p> <p>1 (8) 10:16;14:12;17:25; 41:22;42:11;49:9,11, 14</p> <p>1,200 (1) 92:18</p> <p>1,500 (1) 105:16</p> <p>1:06 (1) 112:5</p> <p>10 (5) 15:13;24:5;82:7; 91:9,10</p> <p>100 (2) 20:22;94:4</p> <p>100,000 (1) 29:15</p> <p>100-year (1) 20:25</p> <p>10-minute (3) 12:3;13:5,10</p> <p>10-year (1) 30:12</p> <p>11.1 (1) 42:7</p> <p>12 (7) 15:14;16:11;17:18; 24:5;26:2,17;42:6</p> <p>12,500 (1) 29:17</p> <p>120,437.5 (1) 8:14</p> <p>1200 (1) 59:9</p> <p>123,431.5 (1) 14:25</p> <p>125 (1) 41:14</p> <p>12th (1) 70:17</p> <p>13th (2) 8:11;11:14</p> <p>14 (1) 16:9</p> <p>14,812 (1) 41:16</p>	<p>15 (4) 21:21;22:16;91:9, 11</p> <p>16th (3) 11:10;109:4;111:20</p> <p>170 (1) 90:19</p> <p>17th (1) 90:22</p> <p>18 (4) 6:4,5;16:10;92:16</p> <p>18,000 (2) 16:7;70:22</p> <p>18,500 (5) 14:8;16:14;23:23; 24:23;26:7</p> <p>18th (1) 90:22</p> <p>19 (1) 6:6</p> <p style="text-align: center;">2</p> <p>2 (5) 10:16;15:12,19; 43:8;49:9</p> <p>20 (9) 6:7;12:13;15:7; 74:16;82:16;91:10; 93:21,24;97:16</p> <p>20,000 (2) 24:15,23</p> <p>200 (1) 15:17</p> <p>2005 (1) 70:23</p> <p>2017 (2) 80:3;86:22</p> <p>2018 (3) 8:12;11:10,14</p> <p>20th (1) 48:6</p> <p>21 (1) 6:8</p> <p>218 (1) 42:10</p> <p>21st (1) 48:4</p> <p>22 (1) 6:9</p> <p>22nd (2) 48:6;90:20</p> <p>23 (2) 6:10;24:7</p> <p>23rd (3) 18:15;29:4;90:20</p> <p>24 (2) 6:11;69:15</p> <p>24-month (1) 70:12</p> <p>25 (5) 6:12;14:12;54:16; 89:5;95:6</p>	<p>26 (1) 6:13</p> <p>26th (2) 48:13;112:2</p> <p>27 (2) 6:4,14</p> <p>27th (1) 23:21</p> <p>29,000 (1) 44:16</p> <p>29,625 (2) 8:18;43:9</p> <p>29th (15) 6:18;7:25;8:15;9:6; 12:5,18;13:18;14:3; 20:24,25;21:4;72:13; 74:12;83:11;92:14</p> <p style="text-align: center;">3</p> <p>3,500 (1) 70:19</p> <p>30,000 (1) 100:5</p> <p>30s (1) 99:7</p> <p>30th (23) 6:19;8:2,3,19,21; 9:11,15,16;12:9; 20:23;32:3;40:11,16, 19;41:13;44:10;55:9, 13;72:14,16;100:11, 13;101:7</p> <p>3-14-18 (107) 6:1;7:1,8;1:9;1; 10:1;11:1;12:1;13:1; 14:1;15:1;16:1;17:1; 18:1;19:1;20:1;21:1; 22:1;23:1;24:1;25:1; 26:1;27:1;28:1;29:1; 30:1;31:1;32:1;33:1; 34:1;35:1;36:1;37:1; 38:1;39:1;40:1;41:1; 42:1;43:1;44:1;45:1; 46:1;47:1;48:1;49:1; 50:1;51:1;52:1;53:1; 54:1;55:1;56:1;57:1; 58:1;59:1;60:1;61:1; 62:1;63:1;64:1;65:1; 66:1;67:1;68:1;69:1; 70:1;71:1;72:1;73:1; 74:1;75:1;76:1;77:1; 78:1;79:1;80:1;81:1; 82:1;83:1;84:1;85:1; 86:1;87:1;88:1;89:1; 90:1;91:1;92:1;93:1; 94:1;95:1;96:1;97:1; 98:1;99:1;100:1; 101:1;102:1;103:1; 104:1;105:1;106:1; 107:1;108:1;109:1; 110:1;111:1;112:1</p> <p>323 (1)</p>
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<p>84:14 32BJ (1) 100:5 32nd (2) 74:15;83:11 33 (1) 54:22 34 (1) 44:19 34,562.5 (1) 8:20 34th (2) 74:13,15 36 (2) 42:8;48:3 37 (2) 72:21;95:12 38 (6) 41:18;42:24;43:25; 44:5,23;55:9 39 (1) 41:13 399 (1) 22:25 39th (1) 83:4</p>	<p>47 (1) 42:13 48 (1) 69:15 490 (3) 102:6;104:8;105:14 496 (1) 89:6 4's (1) 56:19</p>	<p>62-story (1) 14:15 65 (6) 54:5;57:9;89:7,17, 21;90:14 660 (3) 22:22;68:3;93:20 67 (2) 50:4;56:11 675 (8) 46:19;59:6;78:12; 92:10;94:5;97:9;98:5; 99:12</p>		
	5			
	<p>5 (1) 82:7 5,000 (1) 23:22 5,500 (1) 29:15 50 (1) 54:17 50-year (1) 51:14 520 (6) 20:23;42:9,17; 44:25;48:24;55:18</p>		7	
		<p>7 (3) 21:8;70:17;93:15 70 (2) 56:12,15 72 (1) 56:23 731,000 (1) 14:4 740,615 (1) 14:3 75 (1) 56:22 76 (2) 74:11;90:21</p>		
4				
<p>4 (33) 10:5,17;15:4,9; 16:10;17:17;18:12, 24;19:12;31:4;45:18; 46:6;53:17,19;54:23; 55:7;56:19;58:10; 63:6,11;69:19;72:9; 73:22;74:19,21; 81:16,23;82:9,23; 96:23;97:6,21;98:4</p>	<p>55 (1) 42:12 550 (1) 94:3 57 (1) 110:9 59 (2) 8:7,25 59th (2) 52:17;105:18 5th (1) 58:15</p>		8	
<p>4- (1) 29:19 4,220 (1) 24:8 4,937 (1) 44:17 40 (11) 9:24;51:19;52:4; 78:4,11,14,18,21; 79:5,7;81:3 40-month (1) 70:11 40s (1) 53:7 421a (1) 94:15 42nd (1) 98:18 44th (1) 83:4 45 (2) 43:14;101:21 450-foot (1) 93:25</p>	<p>6</p> <p>6,000 (1) 29:19 60 (5) 8:7,25;43:14;103:5; 104:13 601 (9) 6:18;7:25;8:15;9:6; 12:5,18;14:3;72:13; 92:14 604 (4) 8:3,21;9:16;72:16 606 (16) 6:19;8:2,3,19,21; 9:11,15,16;12:9; 40:11,19;55:9;72:14, 16;100:13;101:7 61 (2) 8:7,25 61,000 (1) 14:2 62nd (1) 70:18</p>	<p>80 (11) 15:5;49:24;50:9,13; 53:25;56:11,16,21; 67:4,9;73:24 810 (1) 22:18 84 (1) 99:4 85 (1) 23:2 87 (1) 61:9</p>		
			9	
		<p>9 (1) 42:7 9.57 (1) 72:23 914 (2) 21:20;22:17 914,000 (1) 14:7 97 (2) 64:9;105:25 98 (1) 74:7 99 (1) 74:8</p>		

EXHIBITS

A & B

An aerial photograph of a city block, likely in Manhattan, showing a grid of streets and buildings. A large, rectangular building in the center is highlighted with a blue semi-transparent overlay. The surrounding area includes other buildings, streets, and a body of water on the left side.

FDNY EMS

Battalion #7

Permanent Relocation & Block 675 Rezoning

**Manhattan Community Board 4
Meeting with Port Authority, Amtrak, and NJ Transit
March 8, 2018**

History and Background

May 2010

- With St. Vincent's Hospital closing, there is no longer an EMS station on the west side

November 2011

- FDNY begins operating temporary station at 512 West 23rd Street; site is unenclosed, with offices in a trailer
 - Problems immediately develop due to station's location under the High Line and between two residential buildings; idling ambulances create major quality of life problems

April 2012

- MCB4 votes to deny FDNY application to permanently locate EMS station at West 23rd Street given its poor site and provisional facilities

November 2014

- FDNY representatives express interest in a permanent EMS station located in Block 675 in Chelsea

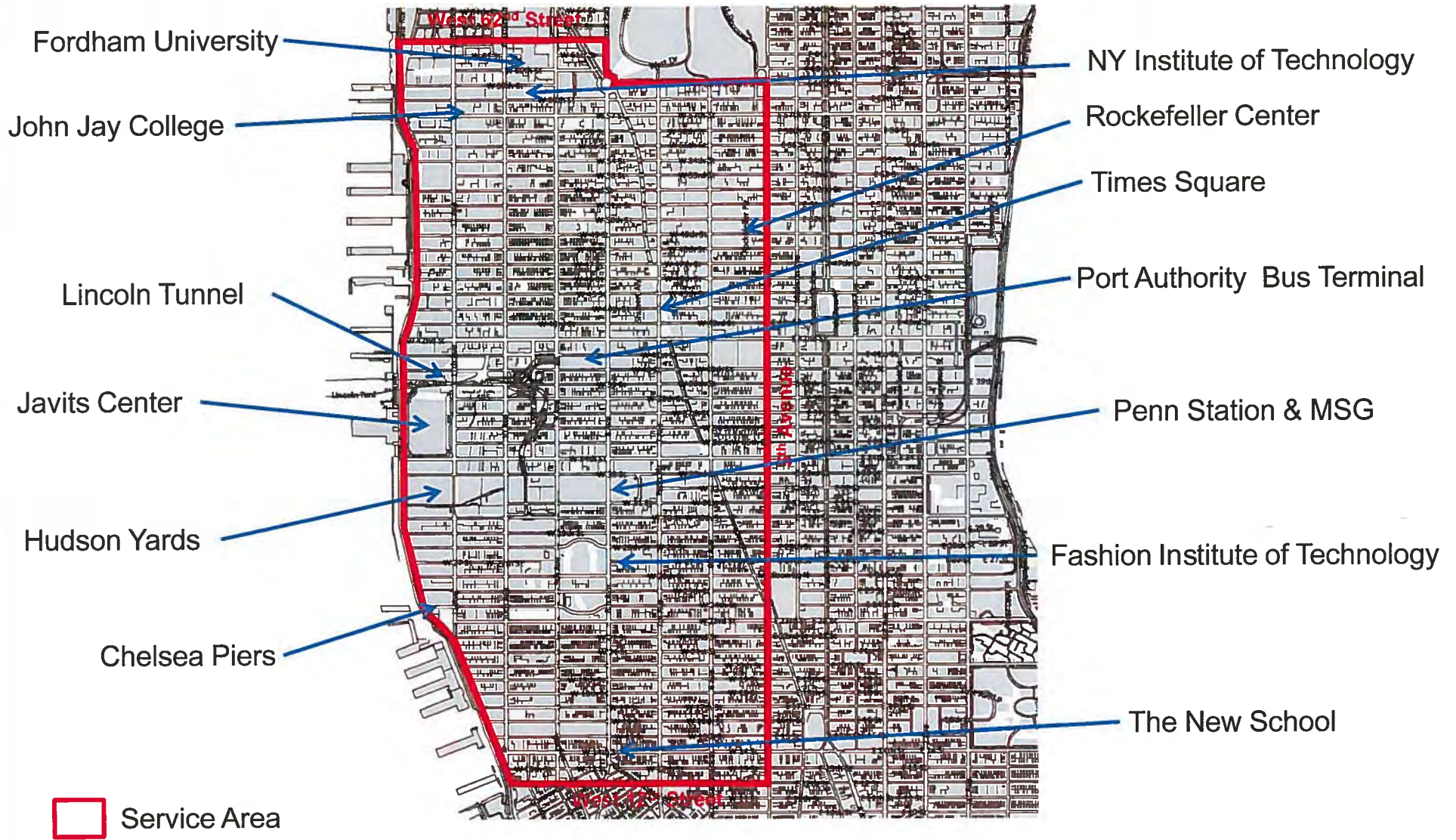
December 2014

- MCB4 requests permanent EMS Station relocation from NYC Dept. of Citywide Administrative Services (DCAS)

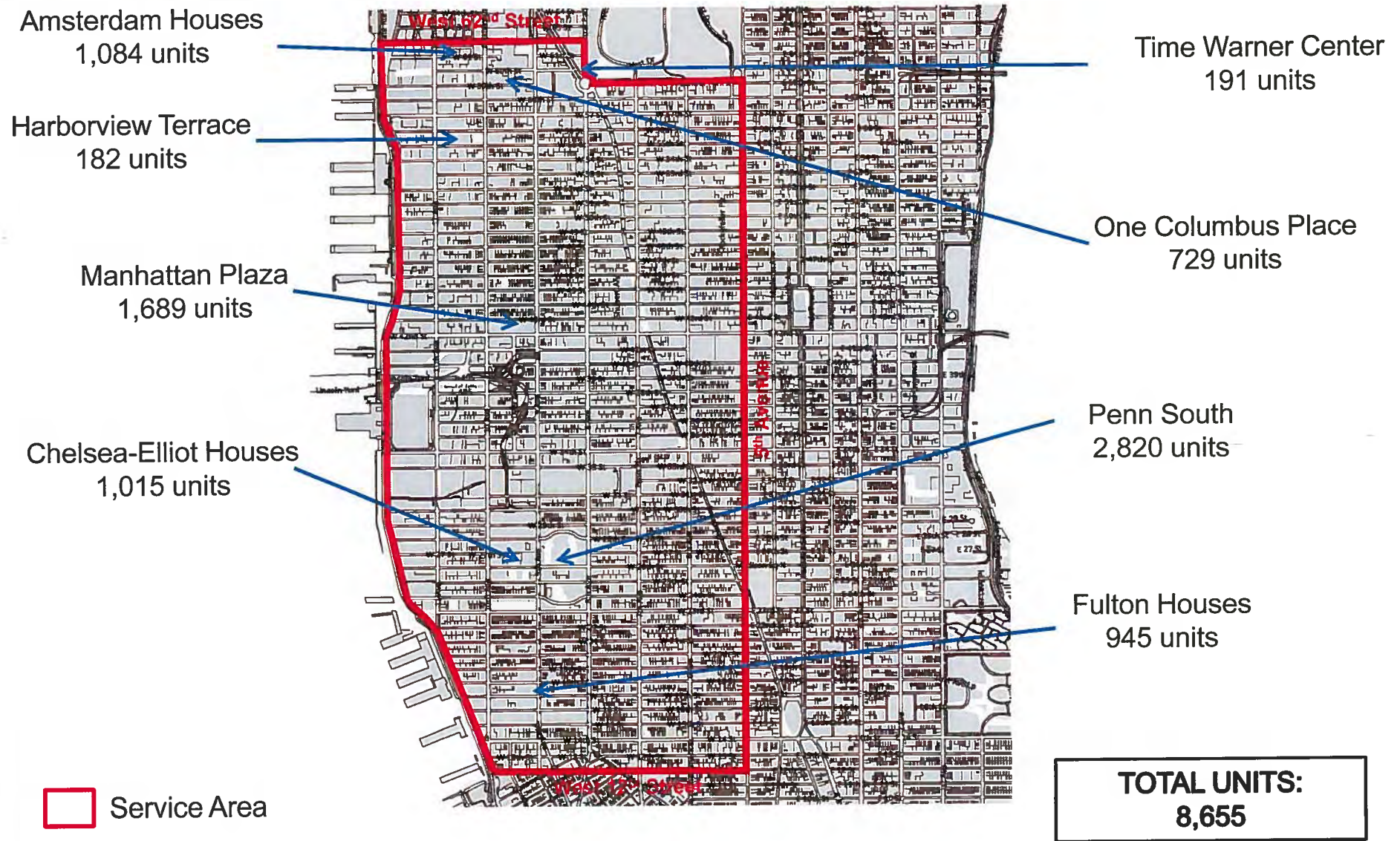
January - February 2018

- Meetings with MCB4, FDNY, Douglaston, Mayor's Office, DCAS, and Speaker Johnson to discuss development of Block 675

Battalion 7 Service Area Commercial and Regional Facilities



Battalion 7 Service Area Major Residential Developments



New Residential Construction in MCD4 Since 2005 Rezoning

Project	Address	Total
Douglaston Development	316 11 th Avenue	369
Rockrose Development	455 West 37 th Street	394
Glenwood Management	310-328 West 38 th Street	569
River Place II	600 West 42 nd Street	1,169
Caledonia	450 West 17 th Street	288
Atlantic Development	303 10 th Avenue	89
Tower 37 LLC	350 West 37 th Street	207
Crystal Green	330 West 39 th Street	200
Rockrose Development	505 West 37 th Street	835
Mercedes House	770 11 th Avenue	900
Clinton Housing	505 West 51 st Street	10
Avalon Bay	525 West 28 th Street	691
Related Companies	500 West 30 th Street	385
Lalezarian	515 West 28 th Street	375
Moinian	605 West 42 nd Street	1,191
Extell Development	555 10 th Avenue	598
Arker Companies Development	424 West 55 th Street	17
TF Cornerstone Development	606 West 57 th Street	1,028
Manhattan West	401 West 31 st Street	844
DHA Capital	546 West 44 th Street	280

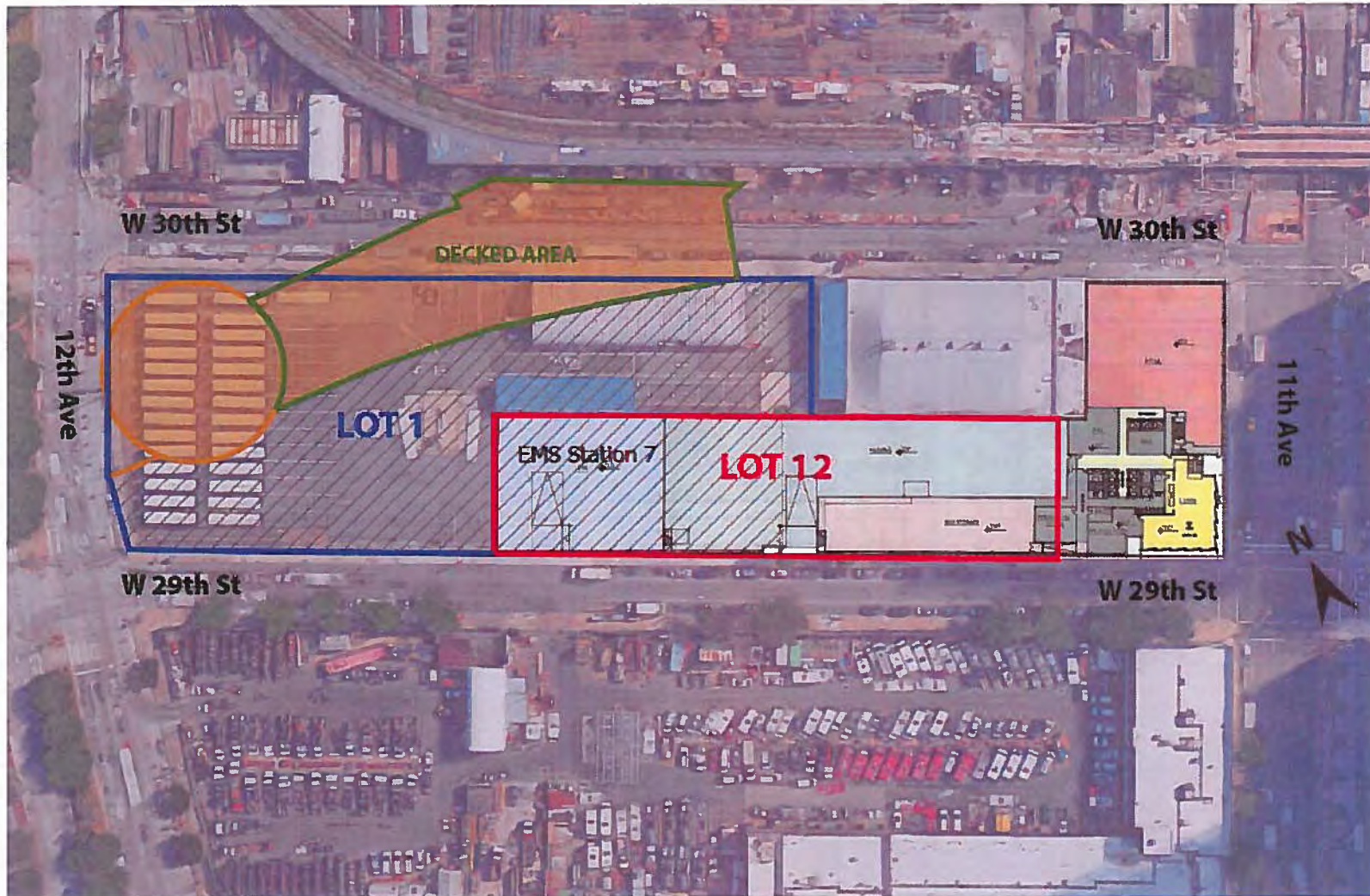
Project	Address	Total
Taconic/Ritterman	525 West 52 nd Street	392
Site 7	540 West 53 rd Street	103
Birnbaum	509 West 38 th Street	224
Lalezarian	515 West 36 th Street	251
Elad	505 West 43 rd Street	106
The Tate	525 W 23 rd Street	313
Chelsea Arms	225 8 th Avenue	98
Chelsea Place	363 West 30 th Street	77
The Westminster	180 West 20 th Street	256
	360 West 43 rd Street	256
Ivy Tower	350 West 43 rd Street	320
Theater Row	424 West 42 nd Street	264
The Victory	501 West 41 st Street	418
	521 West 42 nd Street	72
The Helena	613 West 57 th Street	597
Archstone Clinton	515 West 52 nd Street	633
Related	509 West 38 th Street	225
Durst Pyramid	625 West 57 th Street	709
Gotham West	550 West 45 th Street	1,210

TOTAL UNITS 16,963

Total Number of Residents in Service Area (2010 Census): 143,000 *

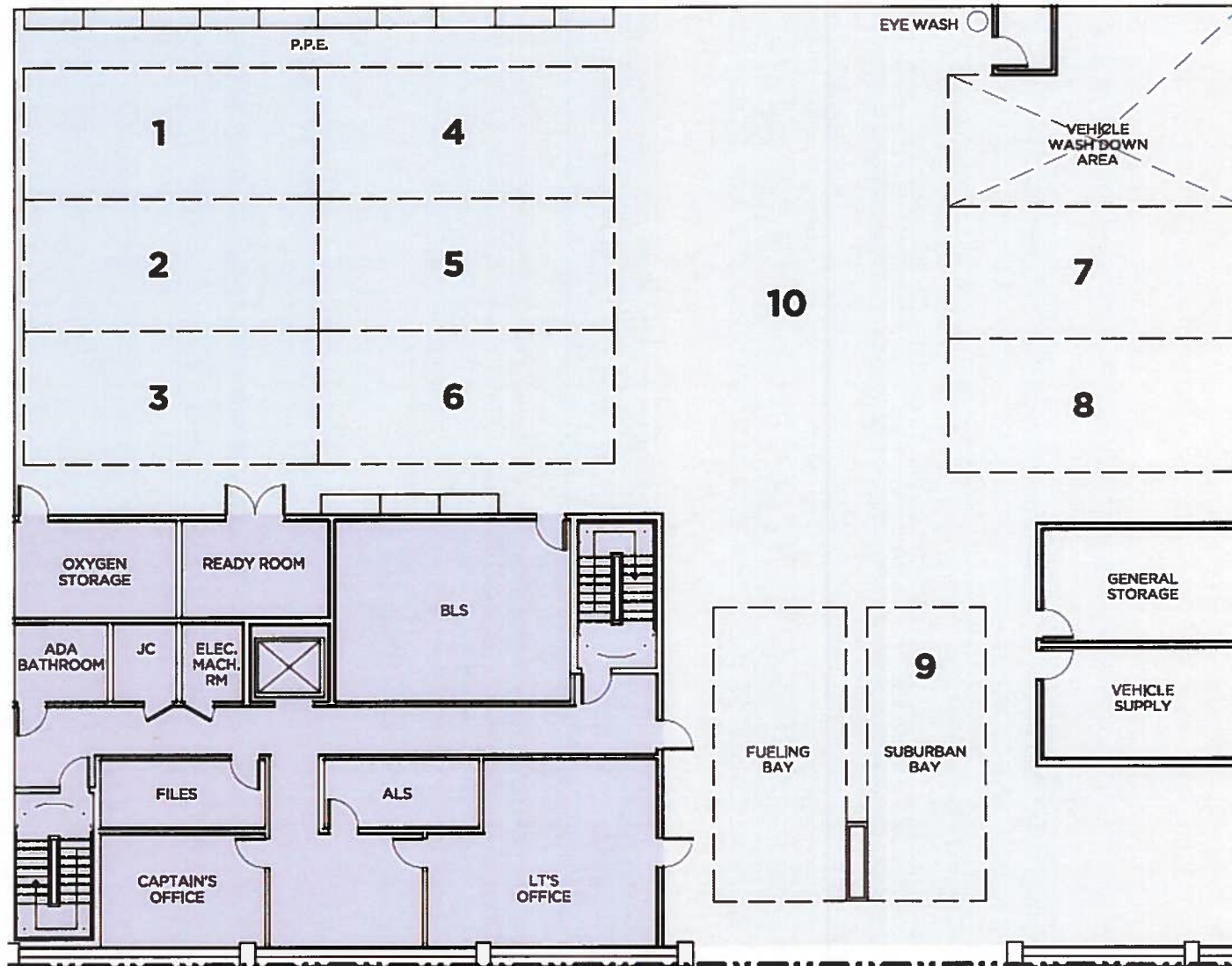
* This number does not include Hudson Yards developments which will collectively produce 20,000 new residential units

Block 675 Rezoning Douglaston Development, EMS & Gateway Project



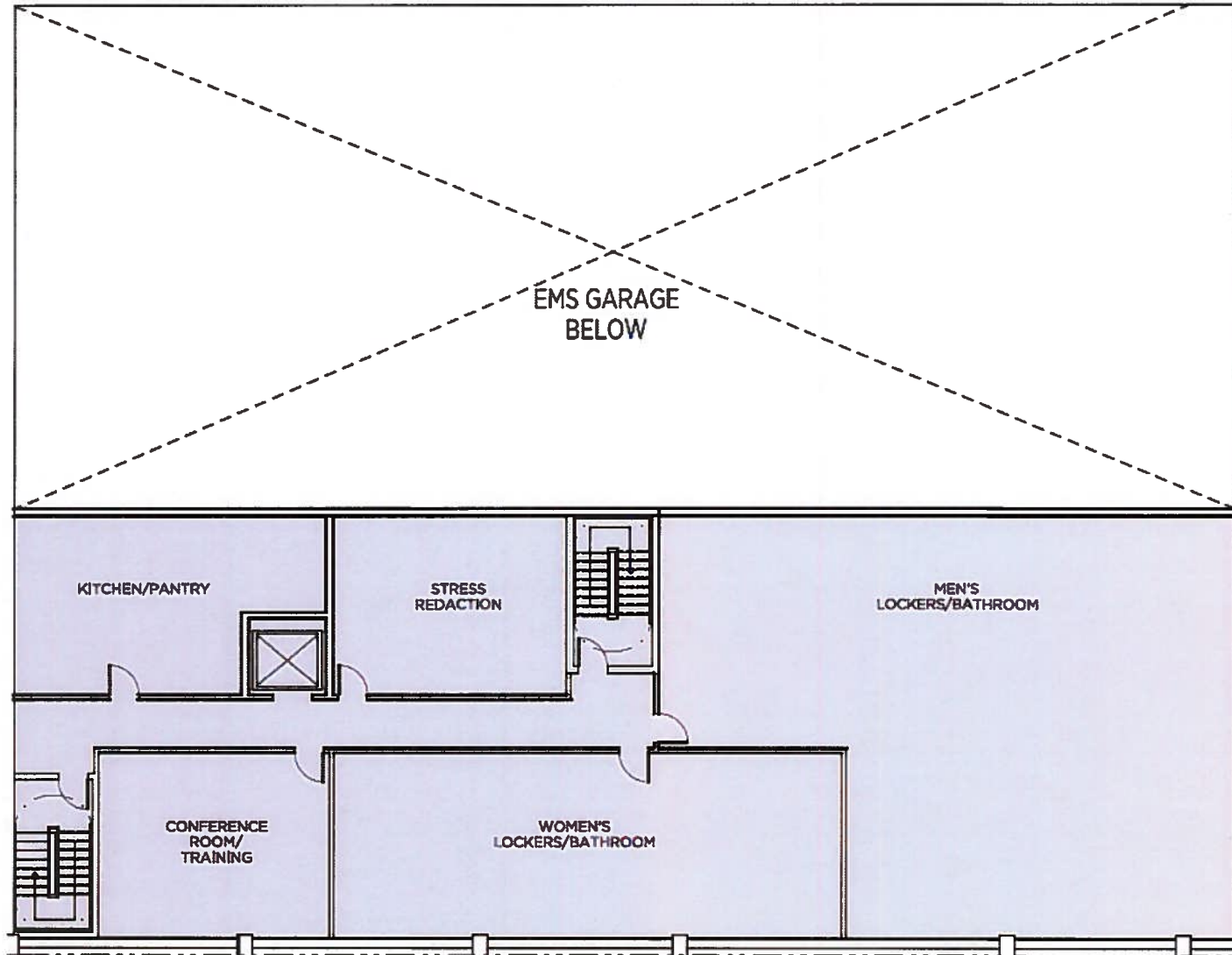
 Construction Staging

Proposed EMT Station Layout Ground Floor



West 29th Street

Proposed EMT Station Layout Mezzanine



West 29th Street

FAR Exemptions for Culture Shed & Highline support services, maintenance & bathrooms

93-21

Floor Area Regulations in the Large-Scale Plan Subdistrict A

In the Large-Scale Plan Subdistrict A, the #floor area# provisions of this Section shall apply.

Section b

(b) Eastern Rail Yard Subarea A1

The Eastern Rail Yard Subarea A1 shall generate a maximum #floor area ratio# of 19.0. The maximum #floor area ratio# for #commercial use# shall be 19.0, the maximum floor area ratio# for #residential use# shall be 3.0, and the maximum #floor area ratio# for #community facility use# shall be 2.0. In order to promote a superior site plan, the amount of #floor area# permitted in the subarea shall be limited, and unused #floor area# may be distributed as follows:

- (1) The maximum #floor area ratio# for any #zoning lot# in the subarea shall be 11.0. The maximum #floor area ratio# for #commercial use# shall be 9.0, the maximum #floor area ratio# for #community facility use# shall be 2.0, and the maximum #floor area ratio# for #residential use# shall be 3.0. #Residential use# shall only be permitted on a #zoning lot# with a non-#residential floor area ratio# of 8.0 or more, or as provided for phased developments pursuant to Section 93-122 (Certification for residential use in Subdistricts A, B and E). Any floor space occupied by an #ERY Culture, Festival and Exhibit Facility#, including any floor space #accessory# thereto, that is located below the elevation of the Culture Shed Plaza described in Section 93-71, paragraph (j), within the moveable portion that may be extended and retracted to cover and enclose all or any portion of the Culture Facility Plaza, or within a portion of a #building# that contains #residential use# and is not designed to house such moveable portion, shall be exempt from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #community facility uses# and the total maximum #floor area ratio# of the #zoning lot#. In addition, in a #building# containing both #residential use# and an #ERY Culture, Festival and Exhibit Facility#, any floor space occupied by elevator shafts, structural systems or stairwells serving the #residential use# that is either located on any #story# occupied entirely by the #ERY Culture, Festival and Exhibit Facility#, except for such elevator shafts, structural systems, and stairwells, or is located on a #story# occupied in part by the #ERY Culture, Festival and Exhibit Facility# where such elevator shaft or stairwell is not accessible for #residential use# on such #story# except for emergency egress, shall be exempt from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #residential uses# and the total maximum #floor area ratio# of the #zoning lot#.

For a #building#, or portion of a #building#, containing #residential use# that is located adjacent to the #ERY High Line#, any floor space used for storage, restrooms, maintenance facilities or other support space for the #ERY High Line# shall be exempt from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #residential# or #community facility uses# and the total maximum #floor area ratio# of the #zoning lot#.

FAR Exemption for Public School on Western Railyards (120,000 sq ft)

(2/2/11)

93-225

Floor area regulations in Subdistrict F

In Subdistrict F, the maximum #floor area ratio# for #residential#, #community facility# and #commercial uses# on a #zoning lot# shall be as follows:

(a) the maximum #floor area ratio# for #residential uses# shall be 8.0; (b) the maximum #floor area ratio# for #community facility uses# shall be 2.0. However, any floor space occupied by a public #school#, constructed in whole or in part pursuant to agreement with the New York City School Construction Authority and subject to the jurisdiction of the New York City Department of Education, shall be exempted from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #community facility uses# and the total maximum #floor area ratio# of the #zoning lot#; (c) the maximum #floor area ratio# for #commercial uses# shall be 8.0; and (d) the total maximum #floor area ratio# in the subdistrict shall be 10.0, except as modified pursuant to Section 93-23 (Modifications of Inclusionary Housing Program).

FAR Exemption on Western Open Space for food, information or restroom kiosk

(4/29/14)

93-751

General requirements for the Western Open Space

A publicly accessible open space, (henceforth referred to as the "Western Open Space"), shall be provided in Subdistrict F. Such a space shall be open to the sky, except that amenities that are provided in accordance with this Section and Section 93-77 (Design Criteria for Public Access Areas in Subdistrict F) shall be permitted to cover a portion of the Western Open Space.

(a) General purpose

The Western Open Space is intended to serve the following purposes:

- (1) to provide a major open space that joins the northern portion of the #High Line# open space network on its west to the open space networks leading to the Hudson Park and Boulevard on its east;
- (2) to provide a large open lawn area overlooking the Hudson River for public use and enjoyment; and

(3) to provide transition areas that offer shade, supplemental space between the open lawn and surrounding #building# and connections between surrounding publicly accessible open spaces.

(b) Location and minimum dimensions

The Western Open Space shall be located east of the #High Line#, and encompass the area between Sites 1 and 5 as shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B. The Western Open Space shall have a minimum easterly boundary of 225 feet, as measured from the easterly #street line# of Twelfth Avenue.

(c) Core elements

The Western Open Space shall provide the following core elements:

(1) Lawn area

An accessible lawn area shall be provided with a minimum area of one acre. Any lawn area located within 40 feet of a #building# wall on Sites 1 or 5 shall not contribute towards this one acre requirement. The required lawn area shall be comprised of the following amenities:

(i) a continuous lawn area shall be provided over a minimum of 75 percent of the required one acre. Such area shall have a maximum slope of three degrees and unobstructed visual access toward the Hudson River;
and

(ii) a transitional lawn area may be provided for a maximum of 25 percent of the required one acre of lawn area. Such area need not be continuous, and shall have a maximum slope of 15 degrees. Trees and other plantings shall be permitted in such area.

(2) #High Line# connection

Access to the #High Line# shall be provided along a minimum of 75 feet and a maximum of 150 feet of #High Line# frontage length. Such frontage need not be continuous, however, in order to qualify as unobstructed access that contributes to the minimum 75 foot requirement set forth in this paragraph (c)(2), a minimum frontage width of five feet is required. Such access need not be opened to the public until the #High Line# is reconstructed as public open space in accordance with the provisions of Section 93- 756 (General requirements for the High Line).

(3) Supplemental area

Any space provided in the Western Open Space which does not meet the criteria for lawn area set forth in paragraph (c)(1) of this Section or the criteria for the #High Line# connection set forth in paragraph (c)(2) shall be designated as supplemental area and shall comply with the requirements set forth in this paragraph (c)(3). A minimum of 50 percent of the supplemental area shall be landscaped with soft ground cover, and the remaining 50 percent may be paved. At least one tree shall be provided for every 2,000 square feet of supplemental area. Such trees may be distributed anywhere within the supplemental area. A minimum of two

unimpeded paved pedestrian accesses, each with a minimum width of 12 feet, shall be provided in the supplemental area. One such pedestrian access shall link the Allee of the West 32nd Street Extension, as defined in paragraph (c)(2) of Section 93-761 and shown on Map 3 in Appendix B, to the #High Line#, and the second such pedestrian access shall link the West 31st Street Extension to the #High Line#. A minimum of one linear foot of seating shall be provided for every 75 square feet of supplemental area. At least 50 percent of such required seating shall provide seatbacks. Such seating may be distributed anywhere within the supplemental area. Permanent structures such as food or information kiosks, pavilions or public restrooms may be placed within the supplemental area, provided the height of such structures does not exceed 20 feet. The maximum #lot coverage# that all such permanent structures may occupy shall be 400 square feet, and such structures shall be exempt from the definition of #floor area#.

FAR Exemption on Central Open Space for food, information or restroom kiosk (400 sq ft)

93-752

General requirements for the Central Open Space

A publicly accessible open space, (henceforth referred to as the "Central Open Space"), shall be provided in Subdistrict F. Such a space shall be open to the sky, except that portions of a #building# on Site 3 and amenities that are provided in accordance with Sections 93-75 and 93-77 (Design Criteria for Public Access Areas in Subdistrict F) shall be permitted to cover a portion of the Central Open Space.

Section (d)

(d) Permanent structures

Permanent structures, such as food or information kiosks, pavilions or public restrooms may be placed within the Central Open Space, provided the height of such structures does not exceed 20 feet. The maximum #lot coverage# that all such permanent structures may occupy shall be 400 square feet and such structures shall be exempt from the definition of #floor area#.

FAR Exemption on Southwest Open Space for food, information or restroom kiosk (1000 sq ft)

93-753

General requirements for the Southwest Open Space

A publicly accessible open space, (henceforth referred to as the "Southwest Open Space"), shall be provided in Subdistrict F. Such accessible open space shall be open to the sky, except that portions of a #building or other structure# on Site 5, the #High Line# and amenities that are provided in accordance with Sections 93-75 and 93-77

(Design Criteria for Public Access Areas in Subdistrict F) shall be permitted to cover a portion of the Southwest Open Space.

Section C

(c) Core elements

The Southwest Open Space shall have the following core elements. For the purpose of determining the amount of an amenity to provide in relation to the area of the Southwest Open Space, the area of the Southwest Open Space shall exclude the area occupied by a #building or other structure# on Site 5 and the #High Line#. A minimum of 50 percent of the area of the Southwest Open Space shall be landscaped with soft ground cover, and the remaining 50 percent of the Southwest Open Space may be paved. At least one tree shall be provided for every 1,500 square feet of Southwest Open Space. An unimpeded paved pedestrian access with a minimum width of 12 feet shall link either Twelfth Avenue or West 30th Street and the West 31st Street Extension. If such pedestrian access contains 'switchbacks,' comprised of a series of ascending pedestrian ways, the minimum distance between midpoints of each way, as measured, in plan, from the northerly edge of one way to the southerly edge of the next ascending way shall be 15 feet. A second unimpeded paved pedestrian access with a minimum width of 12 feet shall link either Twelfth Avenue or West 30th Street and the #High Line bed# or with an elevator located adjacent to the #High Line# that provides public access to the #High Line bed#. Such access need not be opened to the public until the #High Line# is reconstructed as public open space in accordance with the provisions of Section 93-756. A minimum of one linear foot of seating shall be provided for every 75 square feet of soft ground cover provided within the Southwest Open Space. At least 50 percent of such required seating shall provide seatbacks. Permanent structures, such as food or information kiosks, pavilions or public restrooms shall be permitted within the Southwest Open Space, provided the height of such structures does not exceed 20 feet. The maximum area #lot coverage# that all such permanent structures may occupy shall be 1,000 square feet, provided that such structures are located entirely west of the #High Line#. Such permanent structures shall be exempt from the definition of #floor area#.