

CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD No. 4

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March 5, 2004

Amanda M. Burden
Director

Vishaan Chakrabarti
Director, Manhattan Office

Department of City Planning
22 Reade Street
New York, New York 10007

Re: Hudson Yards Rezoning Proposal

Dear Directors Burden and Chakrabarti:

Thank you for your public presentation of The Department of City Planning's Zoning Presentation for Hell's Kitchen/Hudson Yards on February 25, 2004 at the Douglas Fairbanks Theater at the meeting organized by this Board and the Hell's Kitchen/Hudson Yards Alliance. We appreciate the respect you have shown our community, and the care you and your staff took to reflect in your presentation the issues that are of particular concern to this Board. We were also pleased to note that many of the major modifications to the plan since the 2001 Framework in fact originated in discussions with this community, and reflect recommendations that we have made to you over the last two years. There are some large elements of the Master Plan that still divide us, but we are grateful for the progress that has been made, and the spirit of open communication that has brought us to this point.

We recognize that the Public Actions described in your presentation will be subject to the City's Uniform Land Use Review Procedure, and that this Board will have a formal opportunity to comment at length on the Public Actions and the related environmental study in the course of that process. The purpose of this letter is to communicate to you a limited number of points that we wish to emphasize before the ULURP process begins.

We have previously commented on many aspects of the Public Actions, in our letters dated August 9, 2002, March 24, 2003 and June 13, 2003. Those letters continue to state the Board's positions.

Hell's Kitchen Park South

The City's plan calls for the creation of new parkland as a major feature throughout the proposed Special Hudson Yards District. The open space plan prominently features a mid-block park between Ninth and Tenth avenues. This park has been referred to in different presentations as the "Mid-block park", the "Infrastructure Park" and the "Neighborhood Park". This park has been discussed throughout a series of meetings between the Community Board and the Department of City Planning, EDC, and the Mayor's Office. Strategies to secure land for this park and to develop it over a period of time were presented by the Community Board and those agencies.

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

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

Now, in your description of the Public Actions, we find no concrete actions to create this park. Instead, zoning incentives are proposed which would include waivers on building height limits in exchange for green space. This would burden developers with additional costs and would burden the community with taller buildings. Instead of a plan that combines public and private resources, the development of open space would be entirely market driven. In the proposed scenario, the creation of open space is dependent on the development community and its ability to finance housing on sites that are encumbered by the expense and complexity of bridging Dyer Avenue and by the process of negotiating site acquisition with a bi-state public authority – The Port Authority of New York & New Jersey (PANYNJ).

Lastly, and most surprising, is the lack of public value given to the creation of neighborhood parks in comparison to those parks serving the proposed new Central Business District. In a plan with a proposed current cost of \$2.77 billion, this lack of resources directed to the existing residential area is unconscionable. We expect a neighborhood park to be mapped and acquired now and built over time with a combination of public and private funds. Such a public action is an appropriate and balanced approach that is within the context of, and consistent with, the proposed Public Actions.

To further the creation of a park between Ninth and Tenth avenues, which we will call Hell's Kitchen Park South, we propose the plan illustrated in Attachment 1 which is based on the following strategies:

1. Locate the park on land currently at grade wherever possible to enable immediate interim park improvements.
2. Locate the park away from Dyer Avenue itself wherever possible.
3. Locate parkland next to existing residential buildings to preserve light and air.
4. Locate parkland next to new development sites to create more frontages for new contextual residential buildings.

This plan should be implemented with the following steps:

1. Include this park in the mapping action currently under discussion.
2. Acquire certain private sites (sites 2, 3, 4 and 6 in the attached plan) with public funds through the proposed Hudson Yards infrastructure financing.
3. Transfer jurisdiction of certain parcels (sites 7, 8, 9 and 12) from the PANYNJ, over an agreed upon period of time, to the New York City Department of Parks and Recreation (DPR).
4. Require the private sector to develop open space where high density zoning economically permits, and transfer such land to DPR through a special permit process (sites 1 and 5).
5. Execute a Memo of Understanding with the PANYNJ to use DPR's Greenstreets program on Port Authority marginal land adjacent to Dyer Avenue and the Lincoln Tunnel approaches.
6. Transfer to the private sector the economic burden of decking over Dyer Avenue and the task of negotiating with the Port Authority to build residential buildings which can better absorb the construction costs. These are "Housing Sites" in the attached plan.
7. Provide public funds for interim open space improvements to allow immediate park use as soon as parcels become publicly owned.
8. Develop a permanent park over time as the city budget permits, with a commitment to develop at least 2 initial sites in the first 5 years after the Public Actions have been approved.
9. Plant street trees, both within the existing City budget and with a special allocation from the Hudson Yards infrastructure financing, on Ninth Avenue from 34th to 42nd streets and between Ninth and Tenth Avenues from 35th to 41st streets.

See also, the requests in our letter to you dated March 24, 2003.

Dyer Avenue Mapping

As a step related to the creation of Hell's Kitchen Park South, we request that Dyer Avenue be mapped as a city street between 34th and 36th streets, and between 40th and 42nd streets – all places where the roadway is at grade and now functioning as a city street (see Attachment 2).

Hudson Boulevard

In recent months we have identified the properties that would be likely affected by the creation of the proposed Hudson Boulevard, and have begun to fully understand the economic and social impacts that condemnation and demolition would have. Some of these properties house uses that are historically characteristic and other uses that are relatively new to the area. They represent a mix of jobs, activities and residences. Many owners have made major improvements and investments in recent years. The uses include an emergency family shelter operated by the American Red Cross, video and photography studios, Internet companies, film equipment rental companies, recording studios, catering preparation facilities and a package distribution facility – namely FedEx's central midtown hub.

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

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

Mapping this boulevard now to serve development that is not expected to occur for 12 to 20 years or more will result in planner's blight – a swath of vacant property from 36th to 42nd Streets left to the City to maintain and manage. Furthermore, condemnation years in advance of development imposes an unjustifiable burden on current businesses and will lead to the loss of hundreds of jobs. The jobs to be displaced represent both entry level and creative positions which now drive the City's economy, as opposed to future office jobs which belong to a sector of the economy that the Federal Reserve Bank expects will experience minimal growth during the next 20 years.

In Hell's Kitchen/Clinton, we are still unraveling the Clinton Urban Renewal Area that was established in 1969. The final sites have been only recently slated for development. Urban renewal areas all over the city, which resulted in massive demolition, have been viewed as planning failures. For example, please consider the host of buildings which were left in limbo in the West Village on King and Vandam streets after they were condemned to make way for an

on-ramp to the Lower Manhattan Expressway that never got built. We ask why repeat a failed strategy yet again?

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

In light of the alternatives we have previously proposed for the area, we have reconsidered the mapping and creation of the proposed Hudson Boulevard and have realized that it is by no means essential to the redevelopment of the area. We believe that a better plan would be to eliminate the boulevard and move the western boundary of the Tenth Avenue Corridor Subdistrict west to meet the eastern boundary of the Commercial Core Subdistrict. Eliminating the boulevard would allow development, driven by the market under the new zoning, to occur over time. It would also allow property owners to stay or sell as a matter of choice, and reduce the heights of the proposed buildings by creating more lot area available for development.

Sidewalk Widening

The proposed sidewalk widenings raise a number of concerns for us, which we will address during the ULURP's public review process and in light of the assessment of their environmental impact.

Sustainability

We are dismayed that the plan's urban design features omit any mention of sustainable building practices for development and infrastructure. The requirements in place in Battery Park City should serve as a model for responsible development in the Hudson Yards area.

Required Parking

The proposed zoning would require parking in all new commercial and residential buildings, and would permit parking to be above grade in Hell's Kitchen and where site conditions prevent below grade parking.

For more than 30 years parking has generally not been required in new developments south of 96th Street in Manhattan "because public transit is easily available," according to DCP's Zoning Handbook. "Experience has shown that if such parking were available, it would increase traffic congestion by attracting cars into the heart of the city." (Zoning Handbook p. 102) We are not aware of any study that supports a change in this long-standing policy.

Required parking contradicts transit-oriented development. One of the main elements of the Hudson Yards plan is to extend mass transit to 33rd Street and Eleventh Avenue. If a goal of the plan is to promote the use of mass transit in the area, the plan should involve the construction of as little parking as possible. We therefore oppose required parking in new commercial developments.

We recognize, however, that parking is a necessary convenience for some of the area's residents. We would therefore support parking only in the case of accessory parking in residential developments. The amount of accessory parking allowed in the Hudson Yards area should be no greater than the amount allowed by the Zoning Resolution for developments south of 60th Street. Accessory parking in the Hell's Kitchen Subdistrict should require a special permit with a provision modeled on Section 96-111 of the Special Clinton District provisions of the Zoning Resolution.

Above-grade parking facilities in new developments are anathema to the dynamic pedestrian experience that the plan intends to create, and should not be permitted. We particularly oppose the proposed regulations to permit above-grade parking facilities in the Hell's Kitchen Subdistrict, the area's residential core.

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

Parking regulations should be just part of a comprehensive traffic management plan to address the area's crushing traffic problems. We hope that such a plan will emerge with the assessment of the development plan's environmental impacts.

Consolidated Bus Parking Facility

A new consolidated bus parking facility is crucial to alleviating existing congestion and pollution problems and to improve safety in the area. The facility should have direct access to the ramp system of the Port Authority Bus Terminal and the Lincoln Tunnel so that hundreds of commuter buses would be taken off city streets.

The facility would serve not only Port Authority busing needs, but also other commuter and charter buses, customer vans and jitney services. Currently these commuter vans and charter buses layover on neighborhood streets, fouling the air and creating traffic havoc. Parking lots now used for layover bus parking will be prime sites for housing development or as parcels for the Hell's Kitchen Park South. A new bus facility, which was originally highlighted in your public presentations, has been reduced to a study and an outline on the map over the Lincoln Tunnel entrance on Tenth Avenue between 38th and 39th streets.

We recommend the City take the lead in developing the facility with Port Authority and make a major contribution of funding from the infrastructure financing. The elimination of Hudson Boulevard would free available funding for such a facility, and could allow for alternate siting west of Tenth Avenue between 39th and 40th streets.

Sanitation Garage and Tow Pound

Removing the sanitation trucks from Gansevoort and under the High Line and removing the tow pound from Pier 76 remain priorities for this Board. Efforts should be made to find new homes for these facilities in the Hudson Yards area.

Housing

We appreciate that the Public Actions will extend the Inclusionary Housing Bonus to all of the area's new high density residential districts, rather than limiting it to the 42nd Street Corridor as originally proposed. We also appreciate that the area will only provide real estate tax benefits to developments which are 80/20 housing. But as we have argued in our previous letters and elsewhere, these programs will be insufficient to meet the housing needs of many of our residents who will not be able to afford market rate housing as this area develops, but whose incomes exceed the limits for these programs, and do not address the community's need for long-term affordable housing.

This Board's overall goal is to have 30% of the new housing units in Community District No. 4 be non-market-rate. The Public Actions are estimated to generate approximately 12,600 new housing units. This Board's goal therefore is to have 3,780 of those new housing units be non-market-rate.

The Zoning Presentation states that the Inclusionary Housing Bonus has the potential to generate over 300 units and the 80/20 program has the potential to generate over 1,200 units, for a combined total of 1,500 units. We therefore request that the City, in conjunction with the Public Action, make a commitment to use additional programs and resources to generate an additional 2,280 units of permanently affordable non-market-rate housing, so that our goal of a total of 3,780 units can be realized. These additional units should be mixed income housing that is available to people with the range of incomes detailed below:

- 20% of the units should be available to people with incomes up to a maximum of 80% of the Area Median Income (AMI);
- 50% of the units should be available to people with incomes up to a maximum of 125% of AMI; and
- 30% of the units should be available to people with incomes up to a maximum of 165% of AMI.

We have the following additional recommendations for the development of non-market rate housing:

- A land acquisition program for affordable housing should be created specifically for the proposed Special Hudson Yards District, and supported by public funds.
- Limit the location of the affordable units generated by the Inclusionary Housing Bonus to the proposed Special Hudson Yards District, the Special Clinton District and the Special Garment Center District between Eighth and Ninth avenues.

- Require the Inclusionary Housing units to be available to persons with maximum incomes of 80% of AMI, not 60%.
- Allow the affordable units for which the Inclusionary Housing Bonus is earned in the Special Clinton Special District pursuant to Zoning Resolution Section 96-21 to be constructed in the proposed Hell's Kitchen subdistrict of the Special Hudson Yards District (as well as in the Special Clinton District).
- To encourage the development of a stable, non-transient residential community, in all new residential developments in the proposed Hell's Kitchen Subdistrict of the Special Hudson Yards District:
 - the number of two bedroom units should not be less than 20%.
 - a minimum lot area per room or per dwelling unit should be required to encourage larger apartments. (See the dwelling unit regulations applicable in the Special Clinton District, Zoning Resolution Section 96-105, as a model.)

Housing Preservation and Anti-Harassment

We are pleased that you are giving careful consideration to our request that the Special Clinton District regulations concerning alteration or demolition of residential buildings be incorporated in the proposed special district text. This continues to be a priority for the Board. However, we need to move from consideration to commitment:

- Provisions modeled on the Special Clinton District provisions of the Zoning Resolution, Sections 96-107 (Special regulations for community facility uses), 96-108 (Demolition of buildings), 96-109 (Alteration of buildings) and 96-110 (Harassment and cure) should apply in the proposed Hell's Kitchen Subdistrict.
- A provision modeled on Zoning Resolution Section 96-23 (Relocation and Demolition of Buildings in the Perimeter Area, including anti-harassment protections) should apply throughout the proposed Special Hudson Yards District and in the Special Garment Center District between 8th and 9th Avenues.

In addition we believe that the midblock areas of 29th and 30th streets between Eighth and Ninth avenues should be included in the Special Hudson Yards District and should receive the same protections as the Hell's Kitchen subdistrict.

Zoning for Appropriate Uses and Densities

We continue to be concerned that the densities and orientation of development reflected in the Public Actions are based on unrealistic expectations and will destroy existing communities already burdened by excessive traffic and development pressure, and is in opposition to the creation of healthy and viable future communities. Our proposals concerning uses and densities have been stated in our previous letters and will not be restated here. We mention only those points that require attention prior to certification of the land use application:

Hell's Kitchen Subdistrict – Since this area is intended for residential use, it should have a residential, rather than mixed-use, zoning designation. Specifically, the Ninth Avenue area

should have a contextual R designation, with a commercial overlay to allow only ground floor retail. The midblocks should have a contextual R designation with no commercial overlay.

Tenth Avenue Corridor, West side – This area, which is intended primarily for residential use, should extend south one more block, to include the block frontage between 35th and 36th streets.

34th Street Corridor – The midblock area between Ninth and Tenth Avenues should be restricted to residential uses, with an R10 zoning designation to preserve and reinforce its residential character.

42nd Street Corridor – This portion of the Special Clinton District should retain its current zoning, with a maximum 12 FAR. The key development sites at the two southern corners at Ninth Avenue and the southeast corner at Tenth Avenue should be redeveloped for residential use so that 42nd Street remains a primarily residential mixed-use corridor. We would accept the rezoning of the northwest corner at 42nd Street and Eighth Avenue to a maximum of 18 FAR.

“Additional Commercial Areas” – As we have previously stated, the portion of the block between 40th and 41st Streets, from the east side of Dyer Avenue to 200 feet east of Ninth Avenue is occupied by 8-stories-high bus ramps serving the Port Authority Bus Terminal and is unsuitable for major commercial development. It should be rezoned both in underlying zoning and district to be included in the Hell’s Kitchen subdistrict. The density of the remainder of this block west of Dyer Avenue should not exceed 12 FAR.

Thank you for your consideration of these comments. We look forward to continued discussions as the process continues.

Sincerely,



Walter Mankoff
Chair
Manhattan Community Board No. 4



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

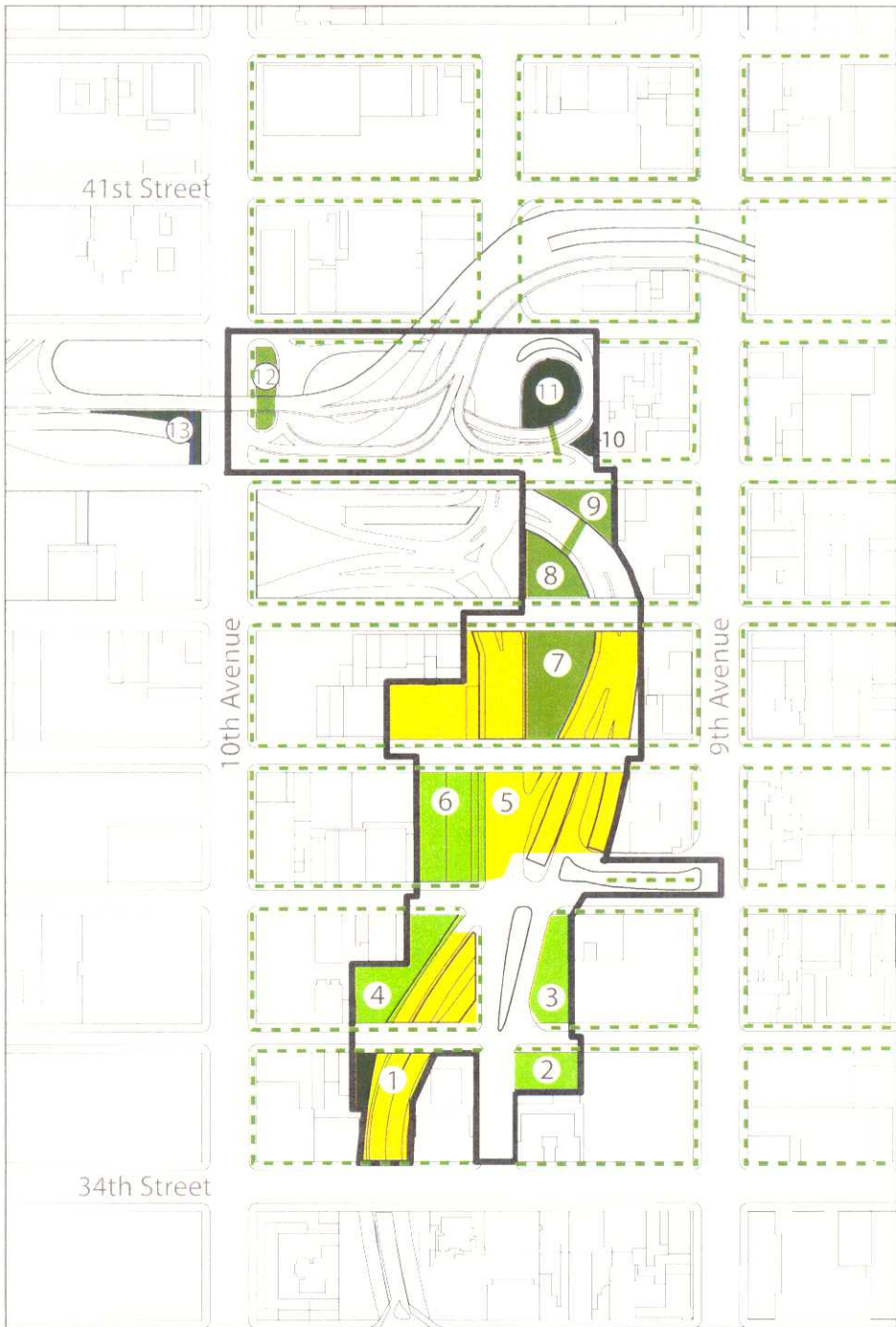


Simone Sindin
Co-Chair
Clinton/Hell’s Kitchen Land Use Committee

Encl.: Attachments 1 and 2.









This letter was approved by Manhattan Community Board No. 4 at its full board meeting on March 4, 2004.

cc: Hon. Michael Bloomberg, Mayor
Hon. C. Virginia Fields, Manhattan Borough President
Local elected officials
City agencies



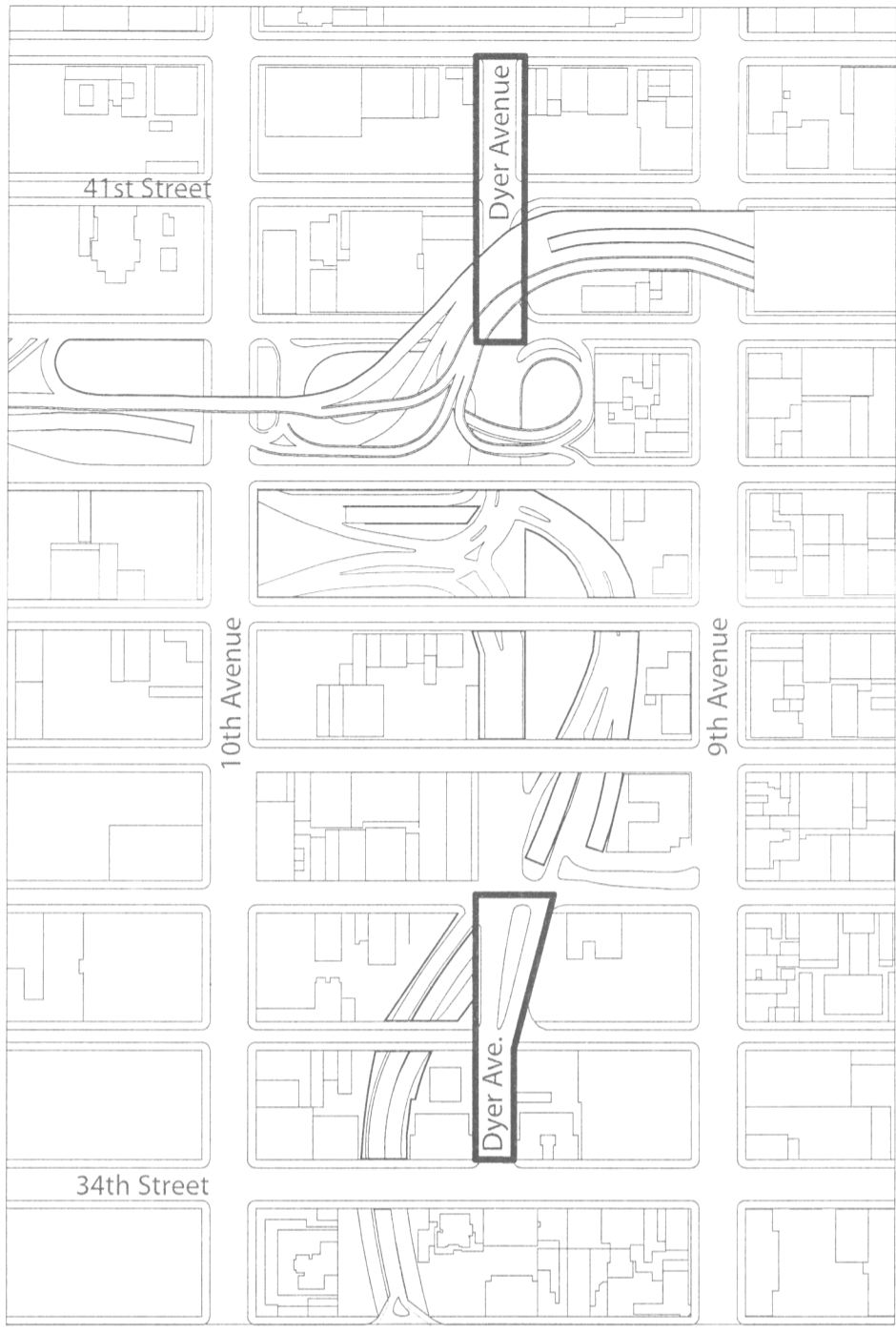
(CORRECTED)

LEGEND  Scale: NTS

-  Phase 1 Street Trees
-  Existing Green Space
-  Traffic Island Greening via "Greenstreets" Program
-  Privately Owned, Publicly Acquired, Publicly Financed, At-Grade Public Parks
-  Publicly Owned, Publicly Financed, At-Grade Public Parks
-  Privately Developed, Privately Financed, Public Parks on Deck
-  Housing Site
-  Hell's Kitchen Park South Development Area

HELL'S KITCHEN PARK SOUTH
ATTACHMENT 1 03/11/04

CORRECTED



LEGEND  Scale: NTS

 Dyer Avenue Mapped as Street

HELL'S KITCHEN PARK SOUTH
ATTACHMENT 2 03/04/04