



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

330 West 42nd Street, 26th floor New York, NY 10036
tel: 212-736-4536 fax: 212-947-9512
www.ManhattanCB4.org

John Weis
Chair

ROBERT J. BENFATTO, JR., ESQ.
District Manager

July 27, 2009

Director Amanda M. Burden
Department of City Planning
22 Reade Street
New York, New York 10007

**Re: ULURP No. 090433 ZMM WRY Zoning Map Change
ULURP No. N090434 ZMM WRY Zoning Text Amendment
ULURP No. 090408 MMM Establish Legal Grades on 33rd Street
ULURP Nos. 090435 ZSM Special Permit For Accessory Parking (North)
and 090436 ZSM Special Permit For Accessory Parking (South)
and
ULURP Nos. 090422HAM, N090429ZRM, 090423HAM and 090430ZMM
West 48th and 49th Streets, west of 10th Avenue and 806 Ninth Avenue
Off-site Affordable Housing sites a/k/a DEP site and MTA site, respectively**

Dear Director Burden:

At the recommendation of its Clinton/Hell's Kitchen Land Use Committee, Manhattan Community Board 4 (CB4), having held a duly noticed public hearing on ULURP application numbers 090433 ZMM WRY, N090434 ZMM WRY, 090408 MMM, 090435 ZSM and 090436 ZSM adopted the following resolution by roll call vote at its meeting on July 22, 2009 with 34 in favor, 0 opposed, 0 abstaining and 1 present but not eligible to vote. The resolution recommends **approval** of the proposed rezoning from M2-3 to C6-4 **with conditions** (ULURP No. 090433 ZMM WRY); **denial** of the proposed zoning text amendment **unless certain conditions are met** (ULURP No. N090434 ZMM WRY); **approval** of the grade change on 33rd Street **with conditions** (ULURP No. 090408 MMM); and **denial** of the special permits for accessory parking (ULURP Nos. 090435 ZSM and 090436 ZSM.)

Additionally, at the recommendation of its Clinton/Hell's Kitchen Land Use Committee, Manhattan Community Board 4 (CB4), having held a duly noticed public hearing on ULURP application numbers 090422HAM, N090429ZRM, 090423HAM and 090430ZMM adopted the following resolution by roll call vote at its meeting on July 22, 2009 with 23 in favor, 10 opposed, 0 abstaining and 1 present but not eligible to vote. The resolution recommends **denial** of each Application **unless certain conditions are met**.

The enclosed resolution specifies Manhattan Community Board 4's overall response regarding the Western Rail Yard Plan as well as the Community Board's recommendations concerning the related land use applications (ULURPs) as listed.

Sincerely,



John Weis, Chair
Manhattan Community Board 4



Elisa Gerontianos, Chair
Clinton/Hell's Kitchen Land Use Committee

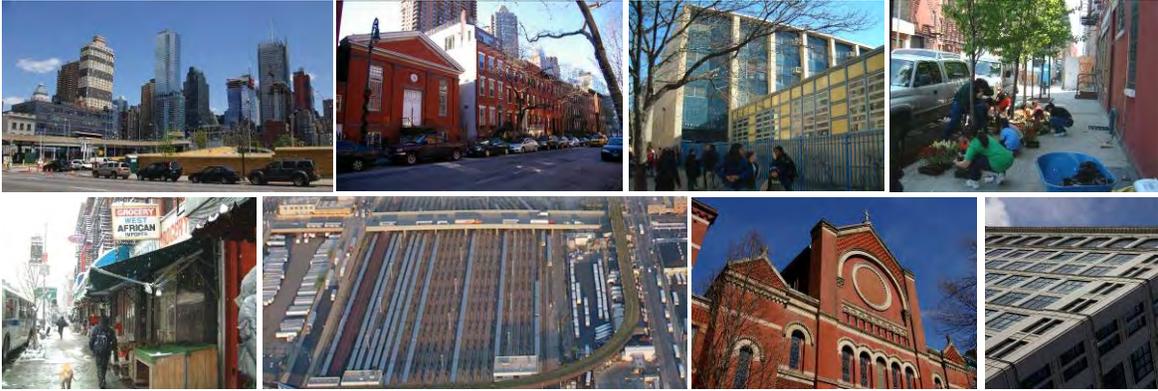


Joe Restuccia, Co-Chair
Housing Health and Human
Services Committee



Sarah Desmond
Housing Health and Human
Services Committee

cc: Assembly Member Deborah Glick
Assembly Member Richard N. Gottfried
Assembly Member Linda Rosenthal
State Senator Thomas Duane
State Senator Liz Krueger
Congressman Jerold Nadler
Manhattan Borough President Scott M. Stinger
Council Speaker Christine Quinn
Council Member Gale A. Brewer
Agency Commissioners
Ann Weisbrod
Aron Kirsch
Edith Hsu-Chen
Frank Ruchala
Dominic Answini
Holly Leicht
RuthAnne Visnauskas
Shampa Chanda



**WESTERN RAIL YARD
and related
LAND USE (ULURP) APPLICATIONS**

COMMENTS and RECOMMENDATIONS



**Manhattan Community Board 4
July 2009**

**WESTERN RAIL YARD
and related
LAND USE (ULURP) APPLICATIONS
COMMENTS and RECOMMENDATIONS**

**Manhattan Community Board 4
July 2009**

Officers

John Weis, Chair
Corey Johnson, 1st Vice Chair
Christine Berthet, 2nd Vice Chair
Anthony Juliano, Secretary
Burt Lazarin, Secretary

Clinton/Hell's Kitchen Land Use Committee

Megan Bushco	Gretchen Minneman
Lee Compton	David Pincus
Sarah Desmond	Joe Restuccia
Elisa Gerontianos, Chair	Larry Roberts
Jay Marcus	Chuck Spence
Michael Mazier	Dana Turner
Morgan McLean	Joseph Walsh

General Membership

Miguel Acevedo	David Hanzel	John Owens
Mary Bambury	Martha Hauze	David M. Pincus
Christine Berthet	Amy Johannes	Joe Restuccia
Gwen Billig	Corey Johnson	Larry Roberts
Megan Buscho	Anthony Juliano	Maria Roldos
Jesse Campoamor	Ed Kirkland	Paul Seres
Lee Compton	John Lamb	Howard Smith
Lisa Daglian	Burt Lazarin	Chuck Spence
Barbara Davis	Walter Mankoff	Martin Treat
Sarah Desmond	Jay Marcus	Robert Trentlyon
Pete Diaz	Carmen Matias	Dana Turner
John Doswell	Michael Mazier	Wilma Velazquez
Frank Eadie	Morgan McLean	Joseph Walsh
Brett Firfer	Gretchen Minneman	Hugh Weinberg
Elisa P. Gerontianos	Gregory Motylenski	John Weis
Millie Glaberman	Eric Muise	Christos Yatrakis
	Jean-Daniel Noland	

Staff

Robert J. Benfatto, District Manager
Jenna Chrisphonte, Assistant District Manager
Nelly Gonzalez, Community Associate

Contents

EXECUTIVE SUMMARY	i-vi
OVERALL COMMUNITY CONCERNS	
Zoning/Urban Design	1-2
Affordable Housing	3-5
Parks and Open Space	6-11
Public Infrastructure and Community Facilities	12-17
Historic Resources	18-23
Traffic and Transit	24-25
Commitment to Sustainability	26
Environmental Concerns	26-28
Need for Restrictive Declaration	29
THE ULURP APPLICATIONS – CB4’S RECOMMENDATIONS	
ON-SITE APPLICATIONS	
Proposed Map Amendment	30
Proposed Text Amendments	30-31
Legal Grade Change	31
Special Permits for Accessory Parking	32-37
OFF-SITE APPLICATIONS	
Affordable Housing sites a/k/a DEP site and MTA site	38-48
ATTACHMENTS	
A. New York Times, “Finally, A Vision for the West Side”, March 28, 2008	
B. Map of Publicly Owned Land in CB4: Potential Affordable Housing Sites North of 35 th Street	
C. Map of Publicly Owned Land in CB4: Potential Affordable Housing Sites South of 35 th Street	
D. Map of CB4 Section 8 Preservation – Expiring Subsidy	
E. Table of Single Room Occupancy (SRO) Units in Development Site Study Area	
F. Port Authority and DOT Land for Open Space and Greening	
G. City Planning Commission Report regarding ULURP C 080008 ZMM, pg. 10, dated March 18, 2008	
H. Proposed Individual Landmarks Map	
I. Proposed Individual Landmarks Table	
J. Photos of Proposed Individual Landmarks	
K. Proposed Hell’s Kitchen South Historic District Map	
L. Photos of notable buildings in Proposed Hell’s Kitchen South Historic District	
M. National Register Garment Center Historic District Map	
N. Comparison Map of Proposed Hell’s Kitchen South Historic District and National Register Garment District Historic District	
O. Proposed West Chelsea North Historic District Map	
P. Photos of notable buildings in Proposed West Chelsea North Historic District	
Q. MTA Memorandum of Understanding, dated July 11, 2007	
R. July 11th, 2007 letter from Councilmember Quinn to the Deputy Mayor Dan Doctoroff	
S. Area Median Income Chart	
T. October 14, 2008 letter from CB4 to the New York City Planning Commission	
U. CB4 recommended massing of DEP Site	
V. May 25, 1993 DEP Negative Declaration	
W. February 28, 2005 letter New York City Department of Parks to CB4	
X. September 7, 2006 letter from DEP to Manhattan Borough President Scott Stringer	
Y. CB4 recommended massing of MTA Site	
Z. Proposed Individual Landmarks Map	
AA. Proposed Individual Landmarks Table	
BB. Proposed Individual Landmarks Photos	

**WESTERN RAIL YARD and related LAND USE APPLICATIONS
COMMENTS and RECOMMENDATIONS
EXECUTIVE SUMMARY**

Manhattan Community Board 4
July 2009

On July 27, 2009, Manhattan Community Board No. 4 submitted its recommendations on the City's Western Rail Yard plan to the City Planning Commission. The submission marked the completion of the first step of the public review process (ULURP) for the City's controversial plan to redevelop Manhattan's far West Side.

The City's plan includes new commercial and residential development, an extension of the No. 7 subway line, and offsite affordable housing. The Community Board has the responsibility under the City Charter to examine the City's proposals, to evaluate impacts on the community – on those who live and work there – and to recommend action in the best interest of all constituents concerned. Between the Midtown Central Business District and the area targeted for development lie the existing historic residential and business communities of Hell's Kitchen. Local businesses serve area residents and are popular destinations for visitors; many also serve the Midtown office district, or the nearby garment or entertainment industries. Most importantly, the neighborhood is home to approximately 21,000 residents living in a variety of housing types.

After careful study of the plan and hearing from the public through a series of public meetings and forums, the Board issues the following:

The Community's Concerns

1. Excessive Density: The degree of proposed density on the WRY presents many severe difficulties in creating a successful urban environment.

To our knowledge this density is unprecedented over such a large area anywhere in the City, and far exceeds what can be considered good planning for the future of the City or the local community. To develop successfully, this must be a place where people will want to live, work and visit. That is unlikely to happen in an environment dominated by monumental and intimidating buildings, no matter how much open space there is or how carefully it is designed.

In addition to being of an appropriate scale, *the design of spaces should convey that the WRY is accessible to all and functions like surrounding city streets.* The street-level and open spaces should be inviting and offer opportunities for interaction.

CB4's requests for density, urban design and site layout mitigation are noted in detail in the Zoning/Urban Design section below, pages 1-2.

2. The Need for a Commitment to a Comprehensive Affordable Housing Plan.

CB4 has strongly articulated a policy for future housing growth affordable to a full range of incomes. *We cannot and will not support any WRY development plan that does not provide the amount and type of permanent affordable housing the community needs to retain its diversity.* This new neighborhood will not be a healthy neighborhood unless it includes the broadly diverse population that is this City's hallmark. *The Proposed Actions present an opportunity to promote inclusiveness for all New Yorkers, not to rationalize creating a high income exclusive community on the Westside.* The construction of a great number of market-rate housing units balanced only by the small number of low-income housing that may be created under existing programs, e.g., 80/20 and inclusionary bonuses, does not achieve the community's goal and is unacceptable.

CB4 has consistently advocated that 30% of the residential development on this public site known as the WRY must be allocated to permanent affordable housing for low-, moderate- and middle-income families. *This goal needs to be achieved by the production and preservation of additional on and offsite permanent affordable housing.*

CB4's requests for affordable housing mitigation are noted in detail in the Affordable Housing section below, pages 3-5.

3. Include sufficient, defined and well-managed open space both on and off site.

The DEIS indicates the following deficiencies in the open space plan, most of which are difficult to correct due to inherent density of the WRY proposed development. The cluster of dense residential and office towers presents serious challenges to complying with standard open space requirements. *The DEIS further notes that mitigation for these deficiencies will be addressed "within the development site and study area." (WRY DEIS, 24-3) These measures must be identified now, and made a required part of the development plan.*

In addition, the proposed zoning action is not accompanied by the necessary parallel actions of High Line Site Selection and Acquisition that would enable the development of the High Line on this site. *Concrete land use action must be taken now to preserve the Highline structure in its entirety and continue its development as a New York City park.*

CB4's requests for mitigation regarding the new on-site and off-site park space as well as High Line are noted in detail in the Parks and Open Space section below, pages 6-11.

4. Commitments both in siting and funding must be made to Public Infrastructure

The area's infrastructure is already strained and simply cannot support such overwhelming new development without additional investment in public facilities. The 2004 Hudson Yards Environmental Impact Statement ("HYEIS") called for two additional power substations, a power transmission facility, a fire station, public schools and day care facilities. ***However, 5 years later, neither the planning nor the siting, let alone construction, of any of this essential infrastructure have commenced.*** When the additional impacts of adding a substantial residential population on the WRY are

considered, the infrastructure needs will be even greater than what was called for in the HYEIS.

The WRY, as the largest undeveloped tract of publicly owned land in Manhattan, presents the only significant opportunity to build infrastructure to meet our growing population. Our neighborhoods are densely built; there is no other undeveloped site in the community that could be used to meet current and future growth. If we do not plan carefully now, that opportunity will be lost. Having learned from past rezonings, *these basic infrastructure facilities must be identified and sited as part of the overall ULURP actions.*

CB4's requests for mitigation regarding public schools, fire protection, child care, health care, bus parking as well as other community facilities and infrastructure are noted in detail in the Public Infrastructure and Community Facilities section below, pages 12-17.

5. Historic Resources

Landmark designations should be pursued to encourage preservation and development of the irreplaceable architectural resources of the City's commercial, industrial and immigrant past. The physical fabric of the Clinton/Hell's Kitchen and Chelsea community represents a unique opportunity to preserve elements of the neighborhood's immigrant history. This history is embodied in the rich mixture of buildings that have served immigrants as places to live, work and worship in the late 19th and early 20th centuries. The lack of major development on some of the blocks has frozen in time significant examples of tenements (pre- and post-Civil War), immigrant churches, garment and printing trade architecture, and other examples of early 20th century commerce and industry.

Future development offers an opportunity for major improvement and restoration of these structures, the context of which will be improved by new construction to come. The area has a unique juxtaposition of buildings that retains their historic integrity while being adjacent to development sites. *Preservation of such historic buildings while adjacent parking lots or garages are developed will enable balanced development to proceed. Development rights from landmarks and historic areas will easily transfer to new development sites, thereby allowing the preservation of neighborhood fabric and architectural integrity.*

We therefore urge consideration of the landmark designation of the following list of architectural resources taken from the Hudson Yards EIS and Western Rail Yard DEIS. Further, the Board has identified two clusters of buildings worthy of designation as historic districts: Hell's Kitchen South Historic District and West Chelsea North Historic District.

CB4's request for the designation of individual landmarks and study of two proposed historic districts is noted in detail in the Historic Resources section below, pages 18-23.

6. Traffic and Transit

CB4 strongly supports the city's policy to encourage Transit-Oriented Development in the Western Rail Yard. The DEIS, however, demonstrates that the anticipated vehicle trips

generated by this development will result in a substantial deterioration in traffic operations, that the expected levels of intersection congestion will have a significant negative impact on traffic, and that sidewalks and pedestrian crossings will be severely overcrowded. *CB4 recommends parking be limited to as-of-right, accessory off-street parking, public transit and alternative modes of travel are incorporated into the development and measures are taken to ensure pedestrian safety.*

CB4's request for traffic mitigation is noted in detail in the Traffic and Transit section below, pages 24-25.

7. Commitment to Sustainability

The developer has committed that the proposed mixed-use buildings at the Development Site would achieve LEED Silver certification, and that energy efficient buildings on the Development Site that would result in 14% less energy use than the current building code. CB4 advises that *these commitments be formalized to enable ongoing assessment of their fulfillment.*

CB4's request for sustainability mitigation is noted in detail in the Commitment to Sustainability section below, page 26.

8. Environmental Concerns

Protecting the environment and public health during the build-out depends on the development and implementation of a series of health and safety plans, reduction programs and mitigation plans. *Because of the number and complexity of the issues, there should be a single individual or entity responsible for ensuring that the plans and programs in each category are prepared and implemented. This individual or entity must be qualified to prepare, evaluate and monitor the appropriate plans and programs, and must be an active participant in the Construction Taskforce with sufficient authority to ensure that all necessary steps are taken to protect the environment and public health properly.*

CB4's request for environmental mitigation is noted in detail in the Commitment to Sustainability section below, pages 26-28.

9. Restrictive Declaration

A restrictive declaration embodying specific provisions of the development plan will be prepared for the WRY during these ULURP actions and be executed in conjunction with approval by the City Council. CB4's request for a Restrictive Declaration is noted in detail in the Need for Restrictive Declaration section below, pages 29.

THE ULURP APPLICATIONS

ULURP No. C090433 ZMM WRY Zoning Map Change

CB4 recommends approval of the proposed rezoning from M2-3 to C6-4 with conditions. Conditions of the recommended approval can be found in the ULURP NO. C090433 ZMM WRY Zoning Map Change section below, page 30.

ULURP No. N090434 ZMM WRY Zoning Text Amendment

CB4 recommends denial of the proposed zoning text amendment unless conditions are met. Conditions of the recommended denial can be found in the ULURP NO. N090434 ZMM WRY Zoning Text Amendment section below, pages 30-31.

ULURP No. C090408 MMM Establish Legal Grades on 33rd Street

CB4 recommends approval of the grade change on 33rd Street with conditions. Conditions of the recommended approval can be found in the ULURP NO. C090408 MMM WRY Establish Legal Grades on 33rd Street section below, page 31.

ULURP Nos. C090435 ZSM Special Permit For Accessory Parking (North) and C090436 ZSM Special Permit For Accessory Parking (South)

CB4 recommends denial of the proposed special permits for accessory parking. The Board believes that the number of as-of-right accessory off-street parking spaces is appropriate for the Western Rail Yard development. The explanation for denial of approval is presented in the ULURP Nos. C090435 ZSM Special Permit For Accessory Parking (North) and C090436 ZSM Special Permit For Accessory Parking (South) section below, pages 32-37.

- CB4 believes that the number of as-of-right accessory off-street parking spaces is appropriate for the Western Rail Yard development and makes the following recommendations:
- The application for special permits for accessory off-street parking spaces in excess of that allowed as-of-right should be denied.
- The capacity of the south garage should be limited to a maximum of one-fourth of the total number of parking spaces provided by the two garages, and access to the south garage should be restricted to one entrance on the Southern Road.
- If the special permits are granted, the total number of parking spaces should be limited to 1,330, which would fulfill both residential and commercial demand.
- During build-out of the proposed development, the number of parking spaces available should be proportionate to the degree of completion of the development. For example, if the two garages were allowed a total of 1,330 parking spaces, when 50% of the residential units and commercial space had been completed, one-half of the total number of parking spaces, 665 spaces, would be allowed to operate.

- The garages should not be allowed to operate as public parking garages at any time; all parking spaces should be accessory off-street parking.
- Both garages should include sufficient bicycle parking to accommodate both residential and commercial demand, including people working in building maintenance and in the ground floor commercial operations.
- Both garages should be built with the necessary infrastructure to accommodate currently envisioned electrical vehicles, and with sufficient flexibility to enable the reasonable installation of entirely new, unanticipated infrastructure.

ULURP No. 090422HAM--Disposition of City Owned Property and UDAAP designation for Manhattan Block 1077, Lot 29 for development as affordable housing (DEP Site)

CB4 recommends denial of the City Owned Property and UDAAP designation for Manhattan Block 1077, Lot 29 for development as affordable housing (DEP Site) unless the conditions of an affordable housing component and open space component are met. These conditions are presented in the ULURP No. 090422HAM--Disposition of City Owned Property and UDAAP designation for Manhattan Block 1077, Lot 29 for development as affordable housing (DEP Site) section below, pages 44-46.

ULURP No. N090429ZRM--Text Amendment to the Special Clinton District Map to map Other Area on Block 1077, Lot 29 to facilitate the development of the site as affordable housing

CB4 recommends denial of the Zoning Text Amendment for Manhattan Block 1077, Lot 29 (DEP Site) for development as affordable housing) unless conditions are met. These conditions are presented in the ULURP No. N090429ZRM--Text Amendment to the Special Clinton District Map to map Other Area on Block 1077, Lot 29 to facilitate the development of the site as affordable housing section below, page 46.

ULURP No. 090423HAM, Disposition of City Owned Property and UDAAP designation for Manhattan Block 1044, Lot 3 for development as affordable housing (MTA Site)

CB4 recommends denial of the City Owned Property and UDAAP designation for Manhattan Block 1044, Lot 3 for development as affordable housing (MTA Site) unless conditions are met. These conditions are presented in the ULURP No. 090423HAM, Disposition of City Owned Property and UDAAP designation for Manhattan Block 1044, Lot 3 for development as affordable housing (MTA Site) section below, pages 46-48.

ULURP No. 090430ZMM—Zoning Map Amendment to Block 1044, Lot 3, to include a C1-5 overlay to facilitate the development of the site as affordable housing

CB4 recommends denial of Zoning Map Amendment to Block 1044, Lot 3 unless conditions are met. These conditions are presented in the ULURP No. 090430ZMM—Zoning Map Amendment to Block 1044, Lot 3, to include a C1-5 overlay to facilitate the development of the site as affordable housing section below, page 48.

OVERALL COMMUNITY CONCERNS

ZONING/URBAN DESIGN

The degree of proposed density on the WRY presents many severe difficulties in creating a successful urban environment.

It must be acknowledged that the Western Rail Yard (“WRY”) development, as presented in the WRY Draft Environmental Impact Statement (“DEIS”), reflects Manhattan Community Board 4’s (“CB4”) comments and is greatly improved from previous presentations. The WRY plan is no longer isolated from the city context – the current proposal has effectively integrated the plan into its physical surroundings by:

- Reintroducing the street grid and breaking down superblocks;
- Creating individual development parcels with street frontages;
- Providing multiple access points and connection to the central open spaces.

However, the base floor area ratios (FARs) of 11 on the Eastern Rail Yard (“ERY”) and 10 on the Western Rail Yard (“WRY”) seem reasonable until you realize that they are calculated across the entire sites, including open space and streets. Excluding open space and streets (as parks and streets are excluded elsewhere in the City), the effective density of these proposals is in the neighborhood of 25 FAR. That is, to our knowledge, an unprecedented density over such a large area anywhere in the City, and far exceeds what can be considered good planning for the future of the City or the local community. To develop successfully, this must be a place where people will want to live, work and visit. That is unlikely to happen in an environment dominated by monumental and intimidating buildings, no matter how much open space there is or how carefully it is designed. To build at an appropriate density, open space and streets must be subtracted the calculation of floor area for the site.

In addition to being of an appropriate scale, the design of spaces should convey that the WRY is accessible to all and functions like surrounding city streets. The street-level and open spaces should be inviting and offer opportunities for interaction.

- *Streets and open spaces must be clearly accessible to the public.*
- *Streets and open spaces must be designed to be inviting to users, offering the right balance of street activity.*

REQUESTS FOR DENSITY, URBAN DESIGN AND SITE LAYOUT MITIGATION

Integration into the public realm:

- The streets must be planned and operated as real city streets, with full public access, parking regulations, sidewalks and street-level retail uses.
 - Regulations regarding signage, traffic enforcement or on-street parking should be concretely defined.

- The extensions of the street grid should be aptly named to reflect the continuation of the streets. The Northern Street should be called West 32nd Street and the Southern Street should be called West 31st Street.
- The extensions of West 31st and 32nd Streets should be permanently protected via easements granted to the City.

Street activity:

- Activate the wall that will be created along 12th Avenue between street level and the level of the WRY platform above.
- Zoning text should be included to prohibit enclosed sidewalk cafes and prevent sidewalk cafes from being located directly beneath residential windows.
- West 33rd Street must be pedestrian friendly and integrated into the site: The current street elevations change drastically in the project site. Street elevations at Eleventh Avenue and 33rd Street are nearly 30 feet higher than elevations throughout the project site. The pedestrian at street level must not feel disconnected or overwhelmed by the scale of the project area.

Building and street design:

- Street wall setbacks should be required on Site 1 all the way to Twelfth Avenue and be at the same height and depth as the ones facing the northern street or open space. (Proposed zoning text section 93-563(a).)
- Recognizing the need for ventilation for the LIRR Cammerer Yards, ventilation louvers must be fully integrated into the open space design, the buildings design and the overall site design.
- The incline of the West 33rd Street grade should be consistent with a maximum sidewalk incline for compliance with the Americans with Disabilities Act.
- The street interface to the rail yards and sub-platform activities along West 33rd Street and 12th Avenue should be fully planted or provide shallow booths for portable businesses like a farmers market or similar vendors.
- Should the LIRR passenger platform bed be extended to West 33rd Street, train platforms should be accessible from the street.
- The Winter Garden and Glass Street Wall required on Site 3 must be clearly explained in the zoning text. (Proposed zoning text section 93-565(a).)

AFFORDABLE HOUSING

The Need for a Commitment to a Comprehensive Affordable Housing Plan.

CB4 has strongly articulated a policy for future housing growth affordable to a full range of incomes. We cannot and will not support any WRY development plan that does not provide the amount and type of permanent affordable housing the community needs to retain its diversity. We disagree with the DEIS conclusion that “*the Proposed Actions would not significantly alter or substantially accelerate the study area’s long-term trend toward increasing residential development, affluence and residential desirability.*” The City should be mitigating the market trend through public policy initiatives and commitment of resources to ensure affordability for all New Yorkers, not just those with the highest incomes. This new neighborhood will not be a healthy neighborhood unless it includes the broadly diverse population that is this City’s hallmark. The Proposed Actions present an opportunity to promote inclusiveness for all New Yorkers, not to rationalize creating a high income exclusive community on the Westside. The construction of a great number of market-rate housing units balanced only by the small number of low-income housing that may be created under existing programs, e.g., 80/20 and inclusionary bonuses, does not achieve the community’s goal and is unacceptable.

CB4 has consistently advocated that 30% of the residential development on this public site known as the WRY must be allocated to permanent affordable housing for low-, moderate- and middle-income families. This message was strongly reinforced by the community’s comments in reviewing each of the proposals by the respondents to the Request for Proposal’s (“RFP”). The New York Times concurs with this position and ran an editorial in March 2008 identifying the need for more affordable housing on the Far West Side (Attachment A). Yet the RFPs required only that any rental housing be built using New York State Housing Finance Agency’s (“HFA”) 80/20 program. Condominium or cooperative units are exempt from any affordable housing requirement, and none of the rental units are required to be permanently affordable.

Public land is one of the few places where government can require that development address the housing needs of a broad range of New Yorkers. ***The WRY is the largest publicly owned development site left in Manhattan.*** While the MTA has a corporate responsibility to maximize the value it gets for the property, it is also a public entity; it is appropriate that the MTA’s drive for financial gain be tempered by standards of public responsibility that would not apply to either a privately held corporation or a private land owner.

It is astounding that between 6,000,000 to 7,000,000 square feet will be developed for market-rate and commercial interest in the WRY, yet a just and adequate plan has not yet been fully developed to provide permanent affordable housing for New Yorkers of all incomes, particularly at a time when the need for affordable housing is so critical. CB4 cannot support the Proposed Actions in the absence of a permanent and realistic affordable housing program.

The DEIS states that only 379-390 units out of a total of 4,624 to 5,762 residential units will be affordable. How can this number be considered inclusive? It is simply unacceptable. Furthermore, the temporarily affordable units will only be for those households earning <60% AMI, with no provisions for moderate and middle income families. Such a mix will create a polarized household income range on the WRY and exclude moderate and middle income households, the backbone of our city.

After many productive discussions during the 2005 Hudson Yards rezoning process, the City and CB4 were able to achieve 28% permanent affordability that included provisions for production of moderate income housing through both a modified Inclusionary Housing Bonus and development of off-site publicly-owned land. Although the WRY proposal includes a special on-site Inclusionary Bonus, given the inherent difficult site conditions - with the extreme density proposed on such a limited lot area, CB4 is doubtful the development team will be able to access that housing bonus. CB4 appreciates and welcomes the proposed off-site moderate and middle income developments with a projected 312 affordable apartments. ***However, the plan for the WRY, even including those moderate and middle income off-site affordable developments, falls far short of the commitment achieved in the Hudson Yards rezoning with less than 4.5% of the square feet dedicated for the development of permanently affordable apartments.***

CB4's response and comments to the proposed off-site housing at the DEP site, 505 West 48th and the MTA site, 806 Ninth Avenue are in our related letter.

REQUESTS FOR AFFORDABLE HOUSING MITIGATION

- *Not less than 20% of all residential units constructed on-site in the WRY must be permanently affordable.¹*
- *Identify additional publicly owned off-site affordable housing sites in CB4 for either construction or preservation of permanently affordable housing to achieve an overall goal of 30% affordability in the WRY development. Commit the use of this existing publicly owned land to develop and construct affordable housing (Attachments B and C). In particular, CB4 recommends the sites below for consideration:*
 - 136 West 20th Street (DSNY)
 - 415 West 40th Street (PANY/NJ)
- *Preserve existing affordable housing within CB4 subject to subsidy expiration (Attachment D). Specifically, those properties currently owned by other affiliates of The Related Companies:*

¹ Permanently affordable shall mean that apartments are so designated by deed restriction, regulatory agreement or other legal instrument and may not be converted to market rate units after a given expiration date of a mortgage, tax incentive or any other government program. These specific units shall remain affordable in perpetuity.

- 425 West 48th Street
 - 525 West 47th Street
- *Establish a dedicated fund within existing resources to preserve Single Room Occupancy units in CB4 as mitigation of the anticipated loss of SRO units as a result of the Proposed Actions.* There are over 1000 SRO units noted in the DEIS to be at risk in the WRY study area (Attachment E). CB4 requests preservation of existing SRO housing with at least a 60% community resident requirement.
 - *Implement the 2005 commitments to apply the Demolition Restrictions of the SCD in both the Hudson Yards Special District and West Chelsea Special District to preserve existing housing.*
 - *Conversion over time of on-site low income units to moderate and middle income units.* At the expiration of affordability restrictions for the on-site affordable units built on the WRY under the 80/20 financing program and upon the vacancy of the tenant and legal successor(s), make those units permanently affordable to tenants with a range of moderate and middle incomes as follows:
 - 20% of the affordable units shall be available to people with incomes up to 80% of the Area Median Income (AMI);
 - 50% of the affordable units shall be available to people with incomes up to 125% of AMI; and
 - 30% of affordable units shall be available to people with incomes up to 165% of AMI.

Accomplish this conversion over time through deed restriction and regulatory agreement to supplement the bond covenants, similar to the extended use restrictions on Low Income Housing Tax Credit developments.

- *Affordable housing distribution within mixed income developments.* Eighty percent of the floors of any mixed income building should have at least one affordable unit and there should be no more than 33% affordable units on any floor.
- *Affordable housing must become available to the real estate market at a similar rate to the market rate housing.* The Restrictive Declaration should model such language from the existing Restrictive Declaration used in the Riverside South development in the West 60's.
- *Developments of affordable housing on- or off-site units should require of at least 50% two-bedroom or greater units.*
- *The administering agent should be an independent non-profit organization.*

PARKS AND OPEN SPACE

Include sufficient, defined and well-managed open space both on- and off-site.

The DEIS indicates the following deficiencies in the open space plan, most of which are difficult to correct due to inherent density of the WRY proposed development. The cluster of dense residential and office towers presents serious challenges to complying with standard open space requirements. The deficiencies noted in the DEIS are as follows:

- The amount of open space does not meet CEQR guidelines.
- Planned towers will cast shadows and compromise the light and air of the proposed open space.
- Planned towers will cast shadows and compromise the light and air on the adjacent portion of Hudson River Park.
- The wind speeds in the planned open space will achieve levels that are potentially hazardous to users; further reducing open space utility.
- The only connection to the adjacent Hudson River Park currently planned is a cross walk at West 30th Street and 12th Avenue corner. Hudson River Park will face a predominantly blank wall on the western section of the site facing 12th Avenue.

The DEIS further notes that mitigation for these deficiencies will be addressed by “creating additional open space programming; funding improvements, renovation, or maintenance at existing parks; adding amenities to existing parks to increase park usage year-round or at night; and opening schoolyards to public outside school hours” both “within the development site and study area.” These measures must be identified now, and made a required part of the development plan.

THE NEW ON-SITE PARKS

Hudson Lawn & Overlook Park

Hudson Hill Park

Hudson Woods

Hudson Yards Square

CB4 is pleased that the concept plan for all the open space in the DEIS now shows this element broken into several discreet spaces as opposed to the single large open space shown previously. With a distinct variety of features—a central open lawn and overlook, an allee of trees, a neighborhood oriented park and playground, a wooded slope, the High Line and connections from the High Line to all other open spaces – the open space plan is significantly improved from the Design Guidelines. We believe this approach will provide more opportunities for variety and diversity in design and use planning. This space will have to be programmed and maintained to be successful, operating like a public park. To give identity and sense of place for these planned open spaces, CB4 recommend the following nomenclature:

- *Hudson Lawn & Overlook Park—the Western Open Space*
- *Hudson Hill Park—the Central Open Space*
- *Hudson Woods—the Southwest Open Space*
- *Hudson Yards Square—the Eastern Rail Yards main plaza*

REQUESTS FOR NEW ON-SITE PARKS MITIGATION

Park Design

- Proposed open spaces must be user-friendly and accessible to the public to serve the larger neighborhood as well as immediately adjacent buildings. All of the design elements of the open spaces must reflect inclusiveness.
- Provide a connection to Hudson River Park by a pedestrian bridge.
 - The location of the Hudson River Park pedestrian bridge should be closely coordinated with the Hudson River Park Trust to maximize its accessibility and minimize its incursion into the park.
 - Easements for the pedestrian bridge landing must be granted to the Hudson River Park Trust or the City of New York.
 - The design of the bridge should be dimensionally inspired by the adjacent High Line.
 - The bridge should function as an extension of the Hudson River Park and Hudson Lawn & Overlook Park rather than a passageway between the two.
 - The location of the bridge should be informed by the following goals:
 - Minimize intrusion on the Hudson River Park
 - Minimize disruption of the High Line
 - Provide a flow of access between Hudson River Park, the High Line and Hudson Lawn & Overlook Park
- Park amenities such as public restrooms, and maintenance facilities should not subtract from the limited footprint of available open space and should be incorporated into the buildings that surround the open space. Amenities must be designed to a high quality and be well maintained.
- CB4 and community stakeholders must have ongoing input into the design of all of the open spaces.
- Signage should reflect accessibility to the public.
- Landscaping should include shade-tolerant vegetation to mitigate for shadows.

Park Operations

- Implement and maintain a governance and management agreement to ensure that the private open space functions as a public park. Include the active participation and ongoing roles for the developers, future owners and operators, CB4, the Manhattan Borough President and the City Council in such a management plan. The ConEd/Solow agreement, for that East Side site, presents a functional model for management which can be adapted to the WRY. In that model, an independent organization with all stakeholders represented will govern the use and

management of the open spaces. The requirement for such a governance agreement must be included within the restrictive declaration.

OFF SITE PARK IMPROVEMENTS IN THE IMPACT AREA AND THE COMMUNITY DISTRICT

The DEIS states that the development needs “to mitigate indirect significant adverse impacts on the total open space and active open space in the Development Site residential study area.” CB4 therefore makes the following requests for off site open space mitigation.

REQUESTS FOR NEW OFF-SITE PARKS MITIGATION

Street Planting & Open Space Greening

- Provide open space and greening on Port Authority- and DOT-controlled marginal land surrounding the Lincoln Tunnel Dyer Avenue approaches between West 34th and West 36th Streets between 9th and 10th Avenues. Fund such improvements through DOT’s through its existing Greenstreets Program (Attachment F).
- Plant trees and install tree guards on all streets and avenues from West 30th to West 41st Streets, 8th to 11th Avenues at all locations where no sidewalk vaults exist (List to be provided by CB4).
- Remove unused curb cuts West 30th to West 41st Streets, 8th to 11th Avenues to permit street tree plantings.
- Choose standard planter for street planting for planting of street trees on all streets and avenues from West 30th to West 41st Streets, 8th to 11th Avenues at locations where sidewalks are on viaducts over Dyer Avenue below grade approaches, the Amtrak right of way and the rail yard viaducts, to permit street tree planting.

Park Development and Renovation

- Design and build Hell’s Kitchen Park West at the DEP site, 10th Avenue between West 48th and 49th Streets.
- Repair the steps at the western end of DeWitt Clinton Park.
- Renovate Ramon Aponte Park on West 47th Street between 8th and 9th Avenues.
- Redesign Hudson Boulevard solely as park and pedestrian thoroughfare with limited automobile use.

THE HIGH LINE

CB4 welcomes the intention of the developer and the co-lead agencies to develop the High Line as a passive open space, consistent with, and as a continuation of, its development as a New York City park south of 30th Street.

However, the proposed zoning action is not accompanied by the necessary parallel actions of High Line Site Selection and Acquisition that would enable the development of the High Line on this site. Concrete action must be taken now to preserve the structure in its entirety and continue its development as a New York City park.

REQUESTS FOR OPEN SPACE MITIGATION—HIGH LINE PARK

Ownership and Development of the High Line

- *The High Line should be developed by the City of New York on a separate track from the rest of the open spaces on the site. A strict timetable for Site Selection and Acquisition by the City should be specified.*
- *The proposed ownership and development structure for the High Line should be part of the restrictive declaration between the City and the developer identified in the DEIS.*

Preservation of the Eastern Rail Yard Spur

- *The entire High Line on the Eastern Rail Yard, including the 10th Avenue Spur, at the corner of 10th Avenue and 30th Street, should be preserved and developed as public open space.*

33/34th Street Block

- *The proposed actions should anticipate the continuation of the High Line to the north, on the 33/34 block, all the way to the point where the High Line meets grade at 34th Street, mid way between 11th and 12th Avenues. Zoning language should be modified to refer to the 34th Street block as the terminus of the High Line.*

Design process

- *The High Line should be provided with a design process that is separate from the design of the other open spaces on the site, and this separate design process should be clearly articulated in the zoning. As it has been developed south of 30th Street, the High Line has a unique design vocabulary that must be continued on this site.*

Relationship to Adjacent Development

- *CB4 supports the proposed 5' separation from adjacent buildings throughout the site. This separation is important in order to insure that the physical and historic integrity of the High Line is retained and is clearly visible.*
- *In locations where street access points may be required, connections should be treated as discrete bridges, rather than a merging of the High Line with the adjacent building.*
- *CB4 supports the connection between the High Line and the Hudson Lawn and Overlook Park/Western Open Space. It is important, however, that the High Line structure be distinct on the site. The boundary/edge of the High Line should be recognized and articulated in some manner. Critically, in locations where the*

typical High Line decorative railing exists in this area, it should be preserved in its entirety.

Access Points

- *Access points need to be more precisely defined and required in the zoning text*
 - Access points are required at least once every (3) standard City blocks, or approximately every 800'. The current zoning text does not make provision for access points with this frequency.
- Access points, or access easement volumes should be provided in the following locations:
 - **30th Street and 12th Avenue:** the current zoning text requires access directly from Hudson Woods/the Southwestern Open Space to the High Line, but does not specify an exact location. This location deserves a substantial access point similar to those provided at Gansevoort Street and 14th Street. The access should be oriented to the 30th Street portion of the High Line and located near the point where the High Line begins to curve to the north.
 - **33rd Street and 12th Avenue:** until the 33/34 Block is developed, this may be the northern terminus of the High Line and requires an access/egress point. The location of this access point must be studied in relationship to the likely pedestrian traffic and the site conditions at the street level at this intersection, including the entrance to the MTA service yard under the High Line.
 - **30th Street and 11th Avenue:** an access point or access easement volume, for both stair and elevator, should be provided on 30th Street within 100' of the intersection of 11th Avenue.
- *All access points should be designed to be clearly visible as public entrances to the High Line and should use a design vocabulary that is consistent with the design of the sections of the High Line south of 30th Street.*

Security Plan

- Although security gates are prohibited in the zoning text for open spaces within the Western Rail Yard site, the High Line, as a city park, must be exempt from that requirement. The level of security must be the same as the southern portion, so the High Line can continue to be a secure environment along its entire length.

Public Bathrooms

- It is critical that public restrooms be provided by the developer at multiple locations within the site.
 - At least one of these bathrooms should be directly accessible from the High Line.
 - The number of fixtures provided should be calibrated with the number of projected users of the open space.

Maintenance and Operations Space

- A maintenance and operations facility must be provided on the site in order to support the ongoing maintenance of the open spaces.
- A dedicated facility for maintenance operations should be provided for the High Line.
 - The facility should be located in Site 5 or Site 6 due to their central location.
 - This facility should be of sufficient size to support the High Line not only on the Western Rail Yard but for the adjacent areas of the High Line as well, since there are currently no provisions for M+O facilities on those sites.

PUBLIC INFRASTRUCTURE AND COMMUNITY FACILITIES

Commitments both in siting and funding must be made to Public Infrastructure

The area's infrastructure is already strained and simply cannot support such overwhelming new development without additional investment in public facilities. The 2004 HYEIS called for two additional power substations, a power transmission facility, a fire station, public schools and day care facilities. *However, 5 years later, neither planning nor siting, let alone construction, of any of this essential infrastructure have commenced.* When the additional impacts of adding a substantial residential population on the WRY are considered, the infrastructure needs will be even greater than what was called for in the HYEIS.

The WRY, as the largest undeveloped tract of publicly owned land in Manhattan, presents only significant opportunity for CB4 to build infrastructure to meet the growing population. CB4 neighborhoods are densely built; there is no other undeveloped site in the community that could be used to meet current and future growth. If we do not plan carefully now, that opportunity will be lost. Having learned from past rezonings, these facilities must be identified and sited as part of the overall ULURP actions.

Public Schools

The Proposed Actions include 120,000 square feet to be constructed as new PS/IS and provide 750 seats – 420 elementary and 330 intermediate seats. The DEIS for the Proposed Actions estimates that the on- and off-site developments will generate a need for an additional 1,336 new public school seats –728 elementary; 242 intermediate and 356 high school seats. Citing underutilized schools in the entire school district 2 (including schools extending as far south as Battery Park City and over to Manhattan's east side) and planned public school expansions within school district 2 ("CSD2"), the DEIS argues that the need is met through the construction of one new PS/IS facility with 750 seats. However, the methodology used in this calculation is faulty, as follows:

- The 354 seat expansion of PS51 is incorrectly stated to be for elementary seats; in fact, the current proposal adds an IS component at the school. It is presently intended that one-half of the new seats will be for intermediate use.
- The WRY DEIS does not consider a number of undeveloped sites in CB4 that are not yet planned, but will certainly be developed over time -- at which point there will be no location left to site a public school as the area will be so densely developed.
- The selective data used in the DEIS is self-serving and used to justify adequate capacity. The data includes planned expansions of PS/IS schools within the entire CSD2, ranging as far south as Battery Park City and to the east side of Manhattan, however it fails to take into consideration the concentration of new development projects adjacent to the study area. Even including all PS/IS planned expansions within the entire CSD2, there remains a significant gap between projected enrollment and PS/IS seats throughout CSD2.

Using the school enrollment/capacity data included in the DEIS, we calculate that the study area will need to accommodate 12,606 new and current students (3,947 elementary, 2,114 intermediate, and 6,545 high school). The capacity in the study area, even including the new WRY PS/IS and the proposed expansion at PS51, is significantly lower with only 10,088 total seats (2,248 elementary, 1,982 intermediate, and 5,857 high school).

The most pressing need in CB4 is for additional elementary seats. The proposed expansions will only accommodate 2,249 elementary seats out of an identified need of 3,947 representing only 57% of the district's needs. CB4 requests the following:

REQUEST FOR PUBLIC SCHOOL MITIGATION

- PS51's expansion of 354 new seats be solely used for elementary and that no IS component be included on the site.
- The entrance to the school must be sited on West 30th Street. West 31st Street is not a public street, Children should enter at grade with an entrance through a bay of the High Line.
- A playground must be included in the school design and incorporate community feedback.
- Financing for the construction of the school must be codified in a Points of Agreement memorandum executed by the Mayor and the Council during the final approval of the Proposed Actions.
- City and SCA must commit to undergo a full ULURP for site selection in construction, programming and selection of a developer. The process must be transparent than is currently required of the SCA as a public authority and must include a formal advisory board that is representative of SCA, DOE, local elected officials, CB4 members, PTA members and administrators from local schools to monitor school construction, programming and developer selection;
- The site planned for a cultural facility on Eastern Rail Yard ("ERY") include a PS/IS as a component; to reiterate our prior position on the ERY "a school is a bigger priority for CB4 than an undetermined cultural facility." The school planned for the WRY will not be adequate to meet the existing and forecast demand for additional school seats. The space designated for community facility use on the ERY should include an additional school for use by the ERY and WRY communities.

Finally, the site plan only calls for the setting aside of the land for PS/IS use. Construction delays, financing and the selection of a developer could delay this project beyond the timeline identified in the DEIS. To ensure that it is built on the timeline projected in the DEIS, the certificates of occupancy for the residential buildings should not be granted until the PS/IS is built.

Police Protection Services

The NYPD has stated that it will determine any potential needs in the future. CB4 understands that NYPD's approach is to base infrastructure needs on actual, not planned,

development. However, given the expected rise in land value resulting from the proposed WRY development, securing a site in the future for an NYPD substation or new precinct will be prohibitively expensive. There will be a substantial new population comprised of residential, commercial and recreational users on site on a daily basis that cannot be adequately served by a private security force. CB4 recommends that NYPD services on the WRY site are not entirely supplanted by private security forces.

REQUESTS FOR POLICE PROTECTION MITIGATION

- Identify a space of a minimum of 7,500 square feet for a substation within the base of a proposed WRY building.

Fire Protection and Emergency Services

The Proposed Actions will bring a substantial new population to the area. The DEIS assumes that the firehouse committed as part of the Hudson Yards, which has yet to be sited or developed, will be built.

REQUESTS FOR FIRE PROTECTION AND EMERGENCY SERVICES MITIGATION

- Identify space of a minimum of 5,000 square feet for a firehouse, in addition to the firehouse committed as part of the Hudson Yards rezoning, to be located on West 30th Street under a bay of the High Line to meet the FDNY stated need as noted in the WRY DEIS.

Commuter & Charter Bus Layover Garage

Parked or idling charter buses clogging our neighborhood streets is already an overwhelming problem. The Proposed Actions will further displace the Greyhound Bus parking lot that accommodates approximately 52 buses at West 30th Street and Twelfth Avenue. While a charter bus layover garage was identified in the HYEIS, that garage has yet to be sited or planned. *The WRY DEIS incorrectly assumes that this garage is built.*

REQUESTS FOR BUS PARKING MITIGATION

- The Port Authority charter bus layover garage identified in the HYEIS must be planned, sited, funded and built. Planning for the layover garage must comprehensively address:
 - Current needs of commuter bus layovers;
 - Charter bus use of on-street parking for layovers; and
 - An additional site must be identified to accommodate the relocation of the 52 Greyhound Buses that will be displaced as a result of the Proposed Actions.

Child Care Centers

The DEIS found that the Proposed Actions will result in a significant adverse impact on child care services by increasing demand by 33%. Unfortunately, the mitigation measure

proposed in the DEIS stating that the NYC Administration for Children’s Services (“ACS”) consider a partnership initiative to meet the need is simply insufficient and faulty (Attachment G.)

REQUESTS FOR CHILD CARE FACILITY MITIGATION

- Adequate space for use as a day care facility with a determined square footage, to be offered at a nominal rent, must be identified as part of the Restrictive Declaration.
- Use similar mitigation measures to fund daycare slots such as the mechanism approved by the City Planning Commission as a requirement of the rezoning approval of “Clinton Park” at 770 11th Avenue developed by Two Trees Management LLC (Attachment G).

Health Care Facilities

The Proposed Actions will result in a significant increase in residential, commercial and recreational population to the study area that, collectively, will have a significant impact on both outpatient and urgent care facilities. The methodology used in the study of outpatient facilities is faulty, as the study includes a number of private facilities that only serve specific populations or building residents. Further, since the closing of St. Vincent’s Midtown, the two emergency facilities serving CB4 are located at polar ends of the district - relying on these two facilities is problematic as travel times can be significantly delayed that may result in dire consequences for patients en route to either of these facilities.

REQUESTS FOR HEALTH CARE FACILITY MITIGATION

- An additional urgent care facility must be provided at a location that is accessible to members of the district.
- Adequate space for additional outpatient facilities that serve the general population must be identified as part of the Restrictive Declaration.

Libraries

The Muhlenberg Library is the only public library branch that will directly serve future residents of the WRY. The only reason both the Riverside and Columbus Branches are included in the DEIS assessment is because each falls within $\frac{3}{4}$ mile from the smaller off-site developments; it is highly unlikely that either of those two branches would be accessed by on-site WRY residents as they are located more than $\frac{3}{4}$ a mile from the WRY. The facilities at the Muhlenberg Branch are simply inadequate to handle the increase population planned on the site.

REQUESTS FOR LIBRARY MITIGATION

- Adequate space for a New York Public Library branch must be sited and planned in the overall site plan.

Arts and Cultural Spaces

In order to be developed successfully, the WRY must be a place where people will want to live, work and visit. Investment in small to mid-sized arts, cultural and community facilities are essential to the successful creation of vibrant and self-sustaining neighborhoods. CB4 has long been known as a center for the arts, particularly in its support of smaller not-for-profit cultural organizations that gravitate to the Broadway area. However, these organizations are being priced out of the area. Integration of smaller cultural organizations in the WRY optimizes planning for the site and presents a perfect opportunity to mitigate the displacement of these organizations.

At a May 2009 presentation to the community, Related stated that 8,000 square feet of not-for-profit cultural use has been planned for the site but no details on the use or siting have been provided and none are listed in their site plan. Given the overall size of the Proposed Actions, 8,000 square feet is inadequate.

REQUESTS FOR ARTS AND CULTURAL SPACE MITIGATION

- CB4 therefore recommends that at a minimum, 16,000 square feet, be dedicated to small to mid-sized not-for-profit cultural uses and include, theater, musical, dance, and visual performance/ rehearsal space.
- The performance/rehearsal spaces should be integrated throughout the WRY in publicly accessible areas.
- Dedication and operation of the arts spaces must be part of the Restrictive Declaration as follows:
 - Four (4) 2,500-square foot performance/rehearsal spaces; and
 - Six (6) 1,500 -square foot performance/rehearsal spaces.
- Preference should be given to organizations currently located in CB4 with a documented history and commitment to an artistic vision.
- The planning, siting and management of the dedicated Arts spaces must be made with the ongoing participation of CB4.

Water and Sewage

The Proposed Actions would result in an increased demand by as much as 1.25 million gallons per day on NYC's water supply and sanitary sewage treatment systems. As mitigation for the Hudson Yards, an Amended Drainage Plan was developed by the NYC Department of Environmental Protection ("DEP") that includes the construction of new storm sewers along West 33rd Street and 12th Avenue, diversion of stormwater runoff and replacement of the existing combined sewer at West 33rd with a separate storm sewer and sanitary sewer. In addition, the developer has committed to several sustainable design features that will lessen impact of the development.

REQUESTS FOR WATER AND SEWAGE MITIGATION

- The Amended Drainage Plan must be implemented.
- LEED Silver sustainable design features, designed to reduce demand on existing infrastructure, must be incorporated in the Restrictive Declaration.

Energy

The DEIS assumes that the two substations and a transmission facility committed in the Hudson Yards will be built. The analysis, therefore, is incomplete as it does not assess the situation with the possibility of the Hudson Yards' energy plan not being implemented.

REQUESTS FOR ENERGY MITIGATION

- A transmission facility and two (2) substations must be committed to in the Proposed Actions; we cannot rely on future facilities in separate actions.

HISTORIC RESOURCES

Landmark designations should be pursued to encourage preservation and development of the irreplaceable architectural resources of the City's commercial, industrial and immigrant past. The physical fabric of the Clinton/Hell's Kitchen and Chelsea community represents a unique opportunity to preserve elements of the neighborhood's immigrant history. This history is embodied in the rich mixture of buildings that have served immigrants as places to live, work and worship in the late 19th and early 20th centuries. The lack of major development on some of the blocks has frozen in time significant examples of tenements (pre- and post-Civil War), immigrant churches, garment and printing trade architecture, and other examples of early 20th century commerce and industry.

Future development offers an opportunity for major improvement and restoration of these structures, the context of which will be improved by new construction to come. The area has a unique juxtaposition of buildings that retains their historic integrity while being adjacent to the Development Site. Preservation of such historic buildings while adjacent parking lots or garages are developed will enable balanced development to proceed. Development rights from landmarks and historic areas will easily transfer to new development sites, thereby allowing the preservation of neighborhood fabric and architectural integrity.

We therefore urge consideration of the individual landmark designation of the following list of architectural resources taken from the HYEIS and WRY DEIS (Attachments H, I and J). Further, the Board has identified two clusters of buildings worthy of designation as historic districts: Hell's Kitchen South Historic District and West Chelsea North Historic District.

PROPOSED INDIVIDUAL LANDMARKS

1. *St. Raphael's RC Church and Rectory, 502 W. 41st St.* – NYCL- and S/NR-eligible
St. Raphael Church served a thriving Italian immigrant area that diminished following the demolition of hundreds of tenements to make way for the construction of the Lincoln Tunnel. The George H. Streeton church and rectory were built in 1902-1903. The architecture of the church is significant, as contains many Gothic elements including rose windows within arches and a gabled façade.
2. *Commercial Building, 300 W. 38th St.* – NYCL-eligible and S/NR-listed
The three-story building is a unique, brick-and-terra-cotta, Beaux Arts structure built in 1902-1903 that originally housed offices on the ground floor and dwellings on the upper floors. Stein, Cohen & Roth designed the small rectangular, heavily ornamented building. Although the ground floor has been altered with modern storefronts, the upper two floors retain their original features. Filling the majority of the east and north façades are two rows of windows with terra cotta architraves which continue across the angled northeast corner of the building. The second floor architraves have cornices decorated with floral reliefs and the third floor architraves are more elaborately molded.

3. *Hill Building, 469-475 Tenth Ave.* – S/NR-eligible
The Hill Building, predecessor to the McGraw Hill Building at 42nd Street, is a twelve-story, terra cotta loft building constructed in 1912–1913. It was the first publishing building located in the area west of Ninth Avenue. Goldwin, Starrett, & Van Vleck designed the Classical Revival building for the Hill Publishing Company, which occupied the upper floors. The Hill Publishing Company rented out the lower floors to printing and binding companies. Using then-current structural technology, the architects designed the building to be vibration and sound proof. Large, multi-paned metal windows dominate the street façades (that rise flush without setbacks) and originally provided sunlight to the printing establishments for which light was important to manufacturing.
4. *Harding Building, 440-448 Ninth Ave.* – S/NR-listed
The Harding Building is an 18-story garment loft building. Constructed in 1927–1928 by the builders Eisenberg & Settel and designed by Chester James Storm. It is a brick structure with Romanesque-style terra cotta details. The unique setbacks of the Harding Building are a result of the 1916 zoning resolution. Located at the corner of Ninth Avenue, the building provides a rare view of the terra cotta ornamented setbacks from both the side street and the avenue.
5. *Former Manhattan Opera House, 311 W. 34th St.* – NYCL- and S/NR-eligible
In 1901, Oscar Hammerstein constructed The Manhattan Opera House, to compete with Metropolitan Opera. The New York Freemasons later altered the building for their use in 1923. William E. Mowbray designed the building to echo an Italian palazzo. The nine-story, brick-and-stone building is set on a two-story rusticated stone base.
6. *New Yorker Hotel, 481-497 Eighth Ave.* – NYCL-eligible and S/NR-listed
The 43-story Art Deco tower of the New Yorker Hotel stands sentinel as a point of entry into the area. Built during the Great Depression as one of two main hotels serving the demolished Penn Station, the massive building has eight levels of basements and now has been returned to hotel use. Designed by Suagrman & Burger, the bold massing of the brick-and-stone building is the most significant feature of its design. Corner towers rise in a series of deep setbacks to the central tower, which has a form accented by deep light courts on each of its façades.
7. *Master Printers Building, 406-416 Tenth Ave.* – NYCL- and S/NR-eligible
Dominating the Tenth Avenue end of 34th Street, the Master Printers Building is a monument to the printing industry on the West Side. At the time of its construction in 1927, the Master Printers Building was the tallest concrete structure ever built and was the largest printing building in the world. Designed by Parker & Sheaffer, the building's north, south, and west façades rise flush from the street line for 13 floors before setting back, with two additional setbacks above the 15th and 17th floors. Some minor ornamentation is provided in the form of recessed panels in the spandrels below the windows and Art Deco sculptural treatment of the piers framing the entrance and of the piers on the upper setback floors.
8. *St. Michael's RC Church Complex, 414-424 W. 34th St.* – NYCL- and S/NR-eligible
In 1906, the Pennsylvania Railroad, as part of the construction of Pennsylvania Station, demolished the original on West 32nd Street. As a condition of the sale of the original church, the railroad built a new church complex to serve as a religious center

for the core immigrant community at the turn of the century. Designed by Napoleon LeBrun & Sons, the new St. Michael's complex was built in a unique mixture of Gothic and Romanesque; it includes a rectory, a school, and a convent extending to the 33rd Street side of the block.

9. *William F. Sloan Memorial YMCA, 360 W. 34th St.* – NYCL- and S/NR-eligible
The Memorial Sloan YMCA was built in 1929-30 during the Great Depression to serve a central housing facility for men in the Armed Services passing through the City; it originally housed 1600 rooms. Designed by Cross & Cross, the 14-story brick building is designed in the neo-Georgian style. The two-story base has a limestone ground floor that contains entrances with broken segmental pediments and a second floor with round-arched windows with stone keystones. A central light court on the West 34th Street façade creates corner pavilions that are set back above the ninth floor. Stone detailing includes quoins, string courses, window keystones and voussairs, balustrades, cartouches, and pediments that form the crowns of the corner pavilions.

PROPOSED HISTORIC DISTRICTS

Proposed Hell's Kitchen South Historic District

The Hell's Kitchen South Historic District encompasses a distinctive mixture of layers of residential, manufacturing, commercial and institutional growth that transitioned west of Eighth Avenue on streets running from the West 30s to the West 40s. Originally a low-rise, working-class, immigrant area dominated by tenements and supporting community facilities, industrial construction adjacent to the Hudson River waterfront in the late 19th and early 20th centuries spurred further inland housing development. The location of major transportation infrastructure at the beginning of the 20th century invited industry that sought cheap rents and accessibility. Beginning in 1919, garment loft buildings replaced three- and four-story residential and factory buildings as well as school and church properties. In the 1920s and 1930s, the garment industry introduced tall, brick loft buildings with a variety of ornamentation and multiple setbacks on their upper floors; these structures were the first significant, large-scale architectural response to the 1916 zoning law.

The resulting landscape is an interspersed of remnant tenements, community and institutional facilities, low-rise manufacturing buildings and loft buildings that capture a unique moment in New York City's industrial and planning history. This amalgam of structures creates a vista of mounting heights from low-rise Ninth Avenue east to high-rise midtown Manhattan.

The Hell's Kitchen South Historic District is proposed to be bounded in the north by 407 West 40th Street on the north side of the block and 408 West 40th Street on the south side of the block and continuing east to include both blockfronts facing 9th Avenue between 39th and 40th Streets; the northern boundary is also made up of a portion of the northern side of 39th Street between Eighth and Ninth Avenues. The eastern boundary extends along the centerline of Eighth Avenue between 34th and 39th Streets. The southern boundary includes 481 8th Avenue and 315 West 34th Street, returns north to 35th Street

and extends south to include 440 9th Avenue. The western boundary returns north along the centerline of Ninth Avenue from 35th Street to 40th Street, only extending west to include 485-497 and the western side of Ninth Avenue between 38th and 40th Streets (Attachment K).

The following is a selection of significant individual buildings in the proposed Hell's Kitchen South Historic District (Attachment L.) While these structures are individually notable, it is the District as a whole most effectively represents the heritage of this neighborhood. A portion of the proposed District was listed on the State and National Registers of Historic Places in January 2009 (Attachments M and N).

Garment district and manufacturing buildings

- *Loft building, 315-325 West 36th St.* – S/NR-listed
The 17-story Art Deco loft building was constructed in 1926-1927 and designed by George and Edward Blum. The building is massed above the seventh floor with a series of setbacks that form corner pavilions and a central tower. The entrance features Romanesque-style arches. The sandstone base is decorated with rosettes and stylized palm designs. Decorative Art Deco brickwork enlivens the parapets of the setbacks.
- *Shampan Eighth Avenue Building, 553-555 Eighth Ave.* – S/NR-listed
Designed by the firm of Shampan & Shampan, the 23-story L-shaped building with Renaissance Revival details was built in 1926–1927. The three-story base has a rusticated stone ground floor and two floors of large showroom windows flanked by fluted, Ionic stone pilasters that support a frieze. Built around a three-story building, the north and east façades rise flush for 18 stories before they set back.
- *Loft building, 344-348 W. 38th St.* – S/NR-listed
Erected by the manufacturer George Kern in 1914–1915 for the printing trades, the loft building is a 13-story brick structure designed by Edward L. Larkin with Classical Revival-style details. It has a two-story base of tan brick with large windows and a simple stone cornice. Protruding brick bands create the appearance of rustication on the base. The upper floors are clad in orange brick and divided into five bays of double windows.
- *Loft building, 323-327 West 39th St.* – S/NR-listed
The 12-story Art Deco loft building was designed by Parker & Sheaffer and built in 1925–1926. Above the seventh floor, it is massed in a series of bold setbacks. It is clad in brick with stylized Gothic, terra cotta details. At each setback, terra cotta pinnacles mark the tops of the brick piers that divide the façade into bays, and terra cotta cornices of pointed-arches ornament the parapets between the piers. The building also has unusual metal sash windows.

Hell's Kitchen residential buildings

- *Former Barbour Dormitory, 330 W. 36th St.* - S/NR-listed
The former Barbour Dormitory is a seven-story, brick-and-stone English Gothic building designed by Hill & Stout built in 1915–1916 as a memorial to William D. Barbour, who was associated with the Brick Presbyterian Church, the Barbour Dormitory served as a settlement house for working girls. The entrance and windows

are recessed and framed in stone. A terra cotta band carved with floral patterns runs above the base. On the third through sixth floors, the bays contain windows with stone enframements spaced by stone spandrels with Gothic tracery.

- *523-539 Ninth Avenue* – S/NR-eligible
Constructed sometime prior to 1885, these nine buildings compose a largely intact row of late-19th-century apartment buildings and a remnant of Hell’s Kitchen’s tenement past. The four- and five-story buildings are all brick and simply ornamented with Italianate and Greek Revival-style stone window lintels and sills, and sheet metal cornices. There are remaining tenement buildings along Ninth Avenue, but there are no complete blockfronts that retain the same amount of integrity as the blockfront of tenements at 523-539 Ninth Avenue.

Community facilities and institutions

- *Former New York Edison Co., 308-312 W. 36th St.* – S/NR-listed
The four-story brick Beaux Arts building at 308-312 West 36th Street is a former New York Edison Company electrical distribution station designed by William Whitehill and constructed in 1925–1926. The building is divided in two bays and set on a large base. The central bay is largely clad in stone, with the base dominated by a large round-arched entrance that has been partially filled by modern glass and the upper stories designed with wall arcades. A stone cornice caps the building.
- *Christ Church Memorial, 334-344 W. 36th St.* – S/NR-listed
Designed in an English Gothic style by Parish & Schroeder, the Christ Church Memorial was built in 1904–1905 as a memorial to Reverend Doctor Maltbie D. Babcock, pastor of the Brick Presbyterian Church from 1900 to 1901 when the congregation was located at Fifth Avenue and 37th Street. The brick church consists of a two-story nave section with a four-story tower at the western end. The church is unusually configured in that the six-bay nave runs parallel to the street and is set back behind a one-story aisle. On the nave, the bay that corresponds to the entrance contains a small Tudor-arched window, and the other bays contain large Tudor-arched windows with leaded glass. At the base of the tower are a Tudor-arched entrance and window with stone hood-molding with label stops. Above the entrance is a two-story, stone Tudor bay window, and just below the tower’s roof parapet is a projecting stone angel.

Proposed West Chelsea North Historic District

The block of West 29th Street between Tenth and Eleventh Avenues in the southeastern part of the study area features three historic resources identified in the DEIS: 550 West 29th Street, the Charles P. Rodgers & Company Building at 517–523 and the W&J Sloane Warehouse and Garage at 541-561, which further wraps around the corner to 306-310 Eleventh Avenue. Together, these buildings reflect the two major historic periods of development in this mixed-use area: the first is the mid-early 19th century with its lower scale and often mixed-use buildings, represented by 550 West 28th Street; the second is the turn of the 20th century with its larger, more sophisticated buildings, of which 517-523 and 541-561 29th Street are examples. The West Chelsea North Historic District is proposed to include two clusters of formerly industrial properties between 10th and 11th Avenues. The western cluster includes numbers 534, 536, 538, 540, 550 and 541-561

West 29th Street. The eastern cluster is composed of 517-523 and 525 West 29th Street. The following is a selection of notable buildings in the proposed District, some of which have been identified in the DEIS (Attachments O and P).

- *Charles P. Rodgers & Company Building, 517-523 West 29th Street* – S/NR-eligible
John A. Hamilton designed the former Charles P. Rodgers & Co. Building in 1903. The six-story brick building was originally a stable and factory for the production of bedding and iron bedsteads. Although it has some Classical design elements, the building's appearance is largely functional. Four wide, brick piers divide the façade into three window bays and the window openings rest on elongated stone sills. A cornice is featured on the second floor and at the roofline.
- *W&J Sloane Warehouse and Garage, 541-561 West 29th Street* – S/NR-eligible
The three buildings at 306-310 Eleventh Avenue and 541-561 West 29th Street constitute the former W & J Sloane Warehouse and Garage (S/NR-eligible). Founded in 1843, W & J Sloane was a retail and wholesale carpet, rug, and furnishings company. W & J Sloane supplied stores across the country, controlled mills, imported European goods, established branch retail establishments in other cities, and was the first American company to sell oriental rugs retail. The first component of the warehouse—the 10-story brick structure at 306-310 Eleventh Avenue and 557-561 West 29th Street—was built in 1909 and designed by James Barnes Baker. Designed with Renaissance Revival elements, the building is sited around the southwest corner of the block, which is occupied by a parking lot. Constructed in 1913, the building at 549-555 West 29th Street is identical and indistinguishable from the 1909 structure. James Barnes Baker also designed the garage, built in 1910, located at 541-547 West 29th Street. The garage is a four-story structure with Romanesque Revival details.
- *550 West 29th Street* – S/NR-eligible
The three-story Greek Revival building (S/NR-eligible) at 550 West 29th Street was built sometime before 1883. The date of “1843” is embossed on the exposed iron beam that spans the ground-floor storefront. In 1883, the brick building served as a varnishing house and stove warehouse. The ground-floor storefront is iron with two side doorways and a large central entrance which was most likely originally a stable or loading entrance. The typical identifying feature of buildings of the early period is the framing of the ground floor with iron side posts and crossbeam. Number 550 (as well as the largely intact number 525 on the north side) still shows the projecting loading beam for the hoist. A simple bracketed projecting cornice caps the building.

This remarkable streetscape here clearly represents the two periods of missed industrial and storage use in the area, showing a striking contrast between the resources clearly marked on the two sides of the street, with the taller buildings of the second period, such as W&J Sloane, on the north and the lower buildings of the earlier period on the south.

TRAFFIC AND TRANSIT

CB4 strongly supports the city's policy to encourage Transit-Oriented Development in the Western Rail Yard. The DEIS, however, demonstrates that the anticipated vehicle trips generated by this development will result in a substantial deterioration in traffic operations, that the expected levels of intersection congestion will have a significant negative impact on traffic, and that sidewalks and pedestrian crossings will be severely overcrowded.

REQUESTS FOR TRAFFIC MITIGATION

Parking

- Parking should be limited to as-of-right, accessory off-street parking; garages should not be allowed to operate as public parking garages at any time.
- The capacity of the south garage should be limited to a maximum of one-fourth of the total number of parking spaces provided by the two proposed garages, and access to the south garage should be restricted to one entrance on the Southern Road – there should be no access from West 30th Street.
- Both garages should include sufficient bicycle parking to accommodate both residential and commercial demand, including people working in building maintenance and in the ground floor commercial operations.
- Both garages should be built with the necessary infrastructure to accommodate currently envisioned electrical vehicles, and with sufficient flexibility to enable the reasonable installation of entirely new, unanticipated infrastructure.
- During build-out of the proposed development, the number of parking spaces available should be proportionate to the degree of completion of the development. For example, if the two garages were allowed a total of 1,330 parking spaces, when 50% of the residential units and commercial space had been completed, one-half of the total number of parking spaces, 665 spaces, would be allowed to operate.

Public transit options and alternative transport modes.

- Create a passenger shuttle connecting Penn Station to the WRY by utilizing or converting LIRR tracks along West 33rd Street.
- Add additional buses to the M11 and M34 routes.
- Create a Bus Rapid Transit lane on 11th Avenue (11th Avenue BRT) to provide a connection between the WRY and the Clinton residential community and the Upper West Side, as well as a mass transit connector among the WRY, the Javits Convention Center and the Unconvention Center at Pier 92 at West 54th Street.
- Implement a taxi share program from the Penn Station transportation node to the WRY.
- Post prominent signage indicating that the underground bicycle parking is available to the public.

Street design, vehicle flow and pedestrian safety

- Con Edison grids should be located in the parking lanes to allow for maximum space on the sidewalk for trees and a clear pedestrian path.
- Widen sidewalks on West 33rd Street from Penn Station to the WRY by converting the parking lanes to sidewalk
- We applaud the tentative plans for a subterranean service area to provide a loading/unloading area and garbage hauling from the complex. It will reduce street traffic and definitely should be included in the built project.
- The two publicly accessible private streets should have the look and feel of public streets and be optimized for pedestrian traffic; they should be called West 31st and West 32nd Street to emphasize their connection to the street grid.
- Widen 11th Avenue sidewalks to accommodate the expected number of pedestrians.
- Incorporate traffic calming measures to accommodate the vastly increased numbers of pedestrians in the WRY area and especially the school zone:
 - signalized turn lanes
 - speed humps on long blocks
 - slower speed limits around the school zone to prevent pedestrian -bicycle and automobiles conflicts
 - bulb-outs
- Change signal timing on all avenues and streets adjacent to the project area in response to anticipated overcrowding of 11th Avenue crossings.
- Design the West 31st and West 32nd street extensions to allocate more space to sidewalks and less to vehicular traffic.
- The West 30th Street northern sidewalk should be widened to accommodate arrival and departure of school children.

COMMITMENT TO SUSTAINABILITY

Make a commitment to sustainability

- The developer has committed that the proposed mixed-use buildings at the Development Site would achieve LEED Silver certification, and that energy efficient buildings on the Development Site that would result in 14% less energy use than the current building code.
- These commitments should be formalized to enable ongoing assessment of their fulfillment and specifies consequences for failure to meet the proposed standards.

ENVIRONMENTAL CONCERNS

Environmental Monitoring

Protecting the environment and public health during the build-out depends on the development and implementation of a series of health and safety plans, reduction programs and mitigation plans. From the DEIS:

- The avoidance of significant adverse impacts related to hazardous materials depends on the creation and implementation of site-specific Construction Health and Safety Plans for the Development Site and affordable housing sites.
- The avoidance of significant adverse impacts related to noise depends on the creation and implementation of a noise reduction program contained in a noise mitigation plan required by the NYC Noise Control Code.
- The avoidance of significant adverse impacts related to air quality depends on the creation and implementation of an emissions reduction program (but not, unfortunately, an emission mitigation plan analogous to the noise mitigation plan).

Because of the number and complexity of the issues, there should be a single individual or entity responsible for ensuring that the plans and programs in each category are prepared and implemented. This individual or entity must be qualified to prepare, evaluate and monitor the appropriate plans and programs, and must be an active participant in the Construction Taskforce with sufficient authority to ensure that all necessary steps are taken to protect the environment and public health properly.

Environmental Standards for Pollutants

Environmental standards represent efforts to determine and set levels for pollutants above which there is likely to be a threat to health. In a situation where the level of a pollutant exceeds the appropriate standard, any project that further increases the level of that pollutant creates a government-recognized increased threat to health.

Environmental regulations require that an action not increase the levels of a pollutant above a set standard, or, if the level of the pollutant already exceeds that standard, that the increase over the standard caused by the action be less than a set amount. From the DEIS, this is the situation with both air quality (breathable particles less than 2.5 microns, PM_{2.5}) and noise; the actions would create government-recognized increased threats to health.

- In order to promote public health, the level of a pollutant should not be permitted to increase further beyond the safe limit by “only” a certain amount. If the level of a pollutant is unacceptable, no action should be allowed that would increase that pollutant unless the base level is reduced to the point where the addition caused by the action would result in a level that does not exceed the applicable standard.

Energy

Substations require special consideration in their location because oil-cooled transformers present fire hazards and are perceived by the public to represent potential terrorist targets, and because electromagnetic radiation from transformers and cabling needs to be minimized due to of alleged adverse health impacts.

- It is crucial that specific, suitable locations for these facilities be identified and reserved quickly.
- Further, because of the construction of a platform, the project offers the opportunity for novel placement, especially of cabling, that could increase shielding from potentially harmful radiation.

Greenhouse Gas Emission

Energy efficiency is essential for the reduction of greenhouse gas emissions from the project. We note two commitments to, and opportunities for, increased efficiency.

- The applicant has committed to energy efficient buildings on the Development Site that would result in 14% less energy use than the current building code, and buildings on the affordable housing sites that would result in 20% less energy use. These commitments should be formalized in a form that enables ongoing assessment of their fulfillment and specifies consequences for failure to meet the proposed standards.
- Ventilation and lighting of the area under the proposed platform would account for 38% of the estimated electricity consumption for the entire WRY project, and would represent 13% of the total annual greenhouse gas emissions for the entire project. It is imperative that these systems be made as efficient as possible and installed in a manner that facilitates their replacement as more efficient systems become available in future years.

Noise

As mentioned above, noise is one of the pollutants that already exceeds environmental standards. Noise monitoring studies at 18 sites found only one with a noise level characterized as “Marginally Acceptable;” the other 17 were either “Marginally Unacceptable” or “Clearly Unacceptable,” and noise levels from the actions would increase at four sites from “Marginally Unacceptable” to “Clearly Unacceptable.”

Not only do the actions increase noise levels from already-unacceptable levels, when they are considered along with increases caused by the development of the Eastern Rail Yard the increases come very close to being an unacceptable increase on top of an unacceptable base level. This is an excellent example of the folly of evaluating impacts of projects independently of each other and of any overall consideration of the city.

As proposed, the project forces people into buildings with required noise attenuation in order to experience an acceptable noise environment, a sad result for a project with five acres of open space. Outdoor noise mitigation is a crucial need.

Natural Resources

The DEIS assessment concludes that there would be no significant adverse environmental impacts on wetlands, water quality and aquatic biota, and coastal fish and wildlife habitats, and that there are no identified rare, special concern, threatened, endangered or candidate species within the vicinity. However, given the scale of the Proposed Actions and the proximity of the Development Site to the Hudson River, we recommend the following steps to ensure the protection of natural resources.

- The plans for both the design and construction phases should include the services of a wild life biologist or similarly trained person to assess the ongoing impacts on habitats and wildlife species.
- The designers of both the High Line and the non-High Line open space should be encouraged to include habitat creation among the principal criteria for the open space designs.
- All reasonable measures to reduce bird loss due to building collisions, including those listed in Chapter 11 of the DEIS, should be implemented – not just mentioned – and overseen by experts with the requisite experience in reducing building collisions.
- Creative steps to reduce stormwater runoff, such as contour infiltration planting for the open spaces, should be considered and implemented as appropriate.

NEED FOR A RESTRICTIVE DECLARATION

A restrictive declaration embodying specific provisions of the development plan will be prepared for the WRY during these ULURP actions and be executed in conjunction with approval by the City Council. That declaration should address the following matters:

- Planning and siting for community facilities;
- The establishment of a governance and management agreement to ensure that the private open space functions as a public park. Include the active participation and ongoing roles for the developers, future owners and operators, CB4, the Manhattan Borough President and the City Council in such a management plan;
- Creation of a WRY Construction Task Force to act a central clearinghouse to manage and resolve construction issues;
- Construction Health and Safety Plan describing precautionary measures and safety procedures to be followed to minimize pathways of exposure to contaminants prior to any excavation or construction activity. The CHASP would include a Materials Handling Plan identifying specific protocols and procedures to be employed to manage the contaminated soil and groundwater at the Development Site and at both the Ninth Avenue and Tenth Avenue Additional Housing Sites in accordance with applicable regulations;
- Commitments to sustainable development;
- Wind-reduction measures;
- Procedures of addressing hazards materials on site and Environmental controls during construction
- Noise attenuation; and
- Restrictions on fuel use and location of air intakes for ventilation systems.

CB4 also requests:

- Draft of the Restrictive Declaration
- All commitments in restrictive declaration must be binding on successors

ON-SITE ULURP APPLICATIONS – CB4’S RECOMMENDATIONS

ON-SITE ULURP APPLICATIONS – CB4’S RECOMMENDATIONS

ULURP NO. C090433 ZMM WRY ZONING MAP CHANGE

CB4 recommends approval of the proposed rezoning from M2-3 to C6-4 with conditions.

CB4 has long accepted that a C6-4 zoning designation is appropriate for the portions of the Special Hudson Yards District along the 30th/34th Street corridor, to direct high-density mixed-use development westward as a natural extension of the high-density commercial area surrounding Penn Station and away from the area north of 34th Street. The Board therefore recommends approval of the proposed map change for the WRY, provided that the permitted density on the Development Site is moderated by eliminating the open space and streets from the calculation of floor area.

ULURP NO. N090434 ZMM WRY ZONING TEXT AMENDMENT

CB4 recommends denial of the proposed zoning text amendment with conditions. The following are recommended changes to the proposed text.

93-16, which allows public parking facilities, should not apply in Subdistrict F. That provision should be modified in the same way as 93-17(a), with a lead-in that says “Within Subdistricts A through E . . .”

93-233(c) This ratio allows total floor area to be increased by 0.4, which is 40%. Clarify that this text to note this ratio refers to lot area as a base not floor area.

93-56 First paragraph: The first sentence should be changed for clarity, [changes underlined] to say “Buildings may be developed, subject to the height and setback regulations set forth in this Section 93-56, inclusive, only within the boundaries of the specific sites identified as Sites 1 through 6 on Map 6 (Subdistrict F Site Plan) in Appendix A of this Chapter.” Otherwise there’s nothing in here that clearly limits development to the Site Plan. You can get to that conclusion by extrapolation from the Public Access Area Plan in Map 7, but this is no place for extrapolation.

93-56 Fifth paragraph (and throughout): The publicly-accessible private streets should be called the “W. 32nd Street Extension” and the “W. 31st Street Extension.”

93-56 Last paragraph: This allows the CPC Chair to modify the height and setback regulations to accommodate ventilation requirements. CB 4 requests being included in this consultation process similar the open space review provision.

93-565(a) This section pertains to Winter Garden on Site 3. Since it is not really what will be built at this location, CB4 request that that the view corridor to the river be maintained and the space ensure maximum public accessibility.

93-751 Public restrooms should be required.

93-76 The publicly accessible private streets should have standard NYC regulations re: signage, traffic enforcement, on-street parking, etc. The city should be given an easement for the streets, so they function as city streets.

93-77(b) This section's requirements are totally inadequate for the maintenance obligation for the publicly accessible open space. The requirements should be similar to those required in the Section 4.04 of the Restrictive Declaration for the ConEd Site on the east side. An Open Space Program Management Organization should be set up to establish rules and regulations for use, manage programming and monitor the owner's compliance with the maintenance requirements. See Section 4.05 of the ConEd Site Restrictive Declaration.

93-78(b)(3)(i) The Site Plan must be presented to the Community Board, Council Member and MBP along with the Landscape Plan and the review period should be 60 days not 45 days.

93-78(c) typo: add "Commission" after "City Planning."

ULURP NO. C090408 MMM ESTABLISH LEGAL GRADES ON 33RD STREET

CB4 recommends approval of the grade change on 33rd Street with conditions.

West 33rd Street must be pedestrian friendly and integrated into the site: The current street elevations change drastically in the project site. Street elevations at Eleventh Avenue and 33rd Street are nearly 30 feet higher than elevations throughout the project site. The pedestrian at street level must not feel disconnected or overwhelmed by the scale of the project area. CB4 suggests the following conditions:

- The incline of the West 33rd Street grade should be consistent with a maximum sidewalk incline for compliance with the Americans with Disabilities Act.
- The street interface to the rail yards and sub-platform activities along West 33rd Street and 12th Avenue should be fully planted or provide shallow booths for portable businesses like a farmers market or similar vendors.
- Should the LIRR passenger platforms bed be extended to West 33rd Street, train platforms should be accessed from the street.

ULURP NOS. C090435 ZSM SPECIAL PERMIT FOR ACCESSORY PARKING (NORTH) and C090436 ZSM SPECIAL PERMIT FOR ACCESSORY PARKING (SOUTH)

CB4 recommends denial of the proposed special permits for accessory parking. The Board believes that the number of as-of-right accessory off-street parking spaces is appropriate for the Western Rail Yard development.

The proposed Western Rail Yard development includes one commercial building with between 1.5 and 2.2 million square feet of Class A office space or a hotel, and seven residential buildings with a combined total of 3.8 to 4.8 million square feet and 4,624 to 5,762 residential units. Depending on the distribution between residential and commercial uses and the type of commercial use, the applicant would be entitled as-of-right to between 1,024 and 1,332 accessory off-street parking spaces (see below). Applicant is requesting to exceed that limit, and has applied for special permits under ZR 13-561 for a maximum of 1,600 accessory off-street parking spaces in two garages.

CB4 makes the following recommendations:

- The application for special permits for accessory off-street parking spaces in excess of that allowed as-of-right should be denied.
- The capacity of the south garage should be limited to a maximum of one-fourth of the total number of parking spaces provided by the two garages, and access to the south garage should be restricted to one entrance on the Southern Road.
- If the special permits are granted, the total number of parking spaces should be limited to 1,330, which would fulfill both residential and commercial demand.
- During build-out of the proposed development, the number of parking spaces available should be proportionate to the degree of completion of the development. For example, if the two garages were allowed a total of 1,330 parking spaces, when 50% of the residential units and commercial space had been completed, one-half of the total number of parking spaces, 665 spaces, would be allowed to operate.
- The garages should not be allowed to operate as public parking garages at any time; all parking spaces should be accessory off-street parking.
- Both garages should include sufficient bicycle parking to accommodate both residential and commercial demand, including people working in building maintenance and in the ground floor commercial operations.
- Both garages should be built with the necessary infrastructure to accommodate currently envisioned electrical vehicles, and with sufficient flexibility to enable the reasonable installation of entirely new, unanticipated infrastructure.

Before presenting our specific arguments against the special permits we would like to note two relevant general issues.

- i) **Transportation-Oriented Development.** Much has been made of the proximity of the Hudson Yards, both east and west, to Pennsylvania Station and its unparalleled transportation alternatives, as well as to the ability of the extended No.7 subway line to provide access and open up the far west side of Manhattan. We believe that the “Hudson Yards Corridor,” from the river to Pennsylvania Station, offers the city’s best opportunity to practice transportation-centric development and that the focus should be on facilitating access to Amtrak, ARC and the city’s subways, not on encouraging the use of individual vehicles by increasing the availability of parking beyond that permitted as-of-right.
- ii) **Elasticity of Demand.** We have seen a fundamental assumption in this and other applications for special permits for parking garages that the demand for parking spaces is inelastic, that a specific, fixed percentage of people in a given socioeconomic class will demand parking spaces without regard to cost or convenience. In reality, demand clearly is much more complex. 2000 census data show that the rate of car ownership varies significantly between renters and owners, while stories abounded during the recent spike in the cost of gasoline of people abandoning cars for public transportation. We believe that limiting the number of parking spaces to that permitted as-of-right would complement the focus on transportation-oriented development and facilitate the city’s traffic and congestion reduction goals.

As-of-Right Accessory Off-Street Parking Spaces

- **Residential.** ZR 13-12 limits the number of accessory off-street parking spaces to the lesser of 20% of the number of new dwelling units in the development or 200 spaces. Considering the seven residential buildings individually, the number of spaces would be limited to a total of 924 to 1,152, 20% of the total projected residential units.
- **Commercial – Hotel.** ZR 13-131 limits the number of accessory off-street parking spaces to 150 or 225 for transient hotels with one or two entrances, respectively, but to no more than 15% of the number of transient hotel rooms. If the commercial space is developed as a hotel, the number of parking spaces would be limited to 150 spaces for a hotel with a single entrance, or to 180 for a hotel with two entrances, the 15% limit for a 1,200-room hotel.
- **Commercial – Office.** ZR 13-133 limits the number of accessory off-street parking spaces for commercial developments to the lesser of one space per 4,000 square feet or 100 spaces. If the commercial space is developed as the Class A office space alternative, the number of parking spaces by the square footage criterion ranges from 377 to 550, and thus would be limited to 100.

- **Summary.** Combining the high and low figures for each use yields a range of 1,024 to 1,332 accessory off-street parking spaces permitted as-of-right:

Use	Low	High
Residential	924	1,152
Hotel	150	180
Commercial	100	100
Total – Residential and Hotel	1,074	1,332
Total – Residential and Commercial	1,024	1,252

Application for Special Permits for Accessory Off-Street Parking Spaces

Under ZR 13-561 the City Planning Commission may grant a special permit for an accessory off-street parking facility of any capacity if it finds that the proposed facility meets each of five required conditions. As presented below, CB4 believes that the applicant has failed to demonstrate that the proposed parking garages meet all of the required conditions and recommends that the City Planning Commission deny the applications for special permits.

If the Commission determines that the applicant meets the findings, we recommend that special permits limit the total number of accessory off-street parking spaces in the two parking garages to 1,330, which would be sufficient to satisfy both residential and commercial demand. We also recommend that the number of spaces in the south garage be limited to a maximum of one-fourth the total spaces and that because of the extreme traffic conditions on West 30th Street access to the south garage not be permitted from West 30th Street but be restricted to entrances on the Southern Road.

Special Permit Findings Under ZR 13-561

- (a) (that) such parking spaces are needed for, and will be used by, the occupants, visitors, customers or employees of the #use# to which they are #accessory#;
- (b) (that) within the vicinity of the site, there are insufficient parking spaces available;

We believe that the applicant does not meet the required findings because estimates of future demand do not properly take into account the benefits of transportation-centric development or the elasticity of demand in the face of increasing costs of different types. However, even without those considerations, the permit applications exaggerate the number of parking spaces needed.

The estimate of need comes from the DEIS, but the faulty analysis presented in the DEIS produces significant overestimates. First, the DEIS estimate for residential parking is based on auto ownership in high income areas of the city, ignoring the much lower auto ownership for the 20% of units that will be lower income. With a balance of higher and

lower income units, the auto ownership rate would be about 25% of units, rather than the 32% used in the DEIS.

Second, the DEIS estimate for commercial parking relies on a thirty-year-old Regional Plan Association (RPA) study.² At that time, the floor space per worker in office buildings was 190 sq. ft.,³ while the current number used in the Hudson Yards FGEIS is 250 sq. ft. (HY FGEIS, Tables 5-32–37). By relying on the forty-year old 190 sq. ft. instead of 250 sq. ft., the calculated number of employees, and consequently the number of automobile trips and parking spaces needed, was overestimated by 34%.

The settlement between the Department of City Planning and HKNA regarding Hudson Yards parking represents a much more realistic estimate of parking needs in the area. The parties agreed that parking demand generated by the full Hudson Yards development program will be no more than 6,086 spaces, consisting of 3,606 spaces for 13,272 housing units and 2,480 spaces for 26.3 million square feet of office and hotel development. These figures represent parking spaces equivalent to approximately 27% of residential units and one space per approximately 10,600 square feet of commercial space.

Applicant states that residents are expected to use approximately 1,330 spaces, 23-29% of the number of residential units, which is consistent with the DCP/HKNA analysis. But the requested 270 commercial spaces exceed the approximately 150 spaces needed based on the DCP/HKNA analysis. The north garage will house a maximum of 1,100 residential and commercial parking spaces. If a total of 1,330 spaces is distributed so that a maximum of 330 spaces, 25% of the total, are located in the south garage, the north garage could serve at least 1,000 overnight residential parkers. Since the DEIS analysis concludes that 14% of residential spaces will be vacant during the day, the north garage would accommodate 140-156 daytime commercial parkers, enough to satisfy the commercial demand based on the DCP/HKNA analysis. If both garages were open to commercial parkers, as many as 186 commercial daytime spaces would be available based on the 14% daytime vacancy rate.

Since 1,330 parking spaces distributed as described above satisfies both residential and commercial demand, special permits, if granted, should be limited to a combined maximum of 1,330 spaces.

(c) (that) the facility will not create or contribute to serious traffic congestion nor will unduly inhibit vehicular and pedestrian movement;

The 30th Street parking garage site will create and exacerbate serious traffic congestion and will inhibit both vehicular and pedestrian movement.

² Regional Plan Association, "Urban Space for Pedestrians," The MIT Press, 1975.

³ Department of City Planning, "Economic Development in New York City: Manhattan Office Development," October, 1973, p. 13.

A motorist making a left turn from 12th Avenue onto West 30th Street currently experiences delays of five and six minutes in the AM and PM peak periods, respectively. In addition, the intersection of 12th Avenue and West 30th Street had two fatalities in the last three years, the highest of all intersections studied, and 33 injuries, the fifth highest number in the studied area. There were 24 injuries over the same period at the intersection of 11th Avenue and West 30th Street.

From the DEIS, volumes and delays would increase significantly under the build scenario:

- By 24% in the PM peak period at 12th Avenue and West 30th Street, and by 21% and 19% in the AM and PM peak hours, respectively, at 11th Avenue on West 30th Street;
- 510 cars will each idle for seven minutes in the AM, and 627 cars will each idle nine minutes in the PM at 12th Avenue and West 30th Street;
- 1,131 cars will each idle six minutes in the AM and 1238 cars will each idle five minutes in the PM on West 30th Street between 12th and 11th Avenues, increases of 484% and 515%, respectively;
- 914 cars will each idle for 16 minutes in the AM and 1,310 cars will each idle 23 minutes in the PM at the intersection of West 30th Street and Tenth Avenue, an increase of 27% in the AM; and
- Furthermore, West 30th Street is part of the overall bike lane plan for New York City, which will further reduce its capacity.

Among the mitigation proposals offered, the DEIS proposes to remove the northern parking lane of 30th Street, thus making that location unfit for a school bus stop and pick up area for children.

We believe that the applicant does not meet the required finding and that all of these factors support our recommendation that only the as-of-right parking be allowed. Furthermore, given the tension inherent in West 30th Street's role as a connector to the Lincoln Tunnel and its proposed role as the host to a new school, we recommend that the size of the south parking garage be restricted to no more than one-fourth of the total spaces approved by the Commission, and that access to the south garage not be permitted from West 30th Street but be restricted to one entrance on the Southern Road.

(d) (that) the facility is so located as to draw a minimum of vehicular traffic to and through local residential streets;

Between its entrances on West 30th Street and on the Southern Road, the south parking garage will draw 100% of its vehicular traffic through residential streets. If the block bounded by West 33rd and West 34th Streets and 11th and 12th Avenues develops as recently proposed, the north parking garage will draw 100% of its vehicular traffic through residential streets as well.

We believe that the applicant does not meet the required finding and that only as-of-right parking should be allowed.

OFF-SITE ULURP APPLICATIONS – CB4’S RECOMMENDATIONS

OFF-SITE ULURP APPLICATIONS – CB4’S RECOMMENDATIONS

ULURP NOS. 090422HAM, N090429ZRM, 090423HAM AND 090430ZMM WEST 48TH AND 49TH STREETS, WEST OF 10TH AVENUE AND 806 NINTH AVENUE, OFF-SITE AFFORDABLE HOUSING SITES A/K/A DEP SITE AND MTA SITE, RESPECTIVELY

CB4 recommends denial of the City Owned Property and UDAAP designation for Manhattan Block 1077, Lot 29 for development as affordable housing (DEP Site) unless the conditions of an affordable housing component and open space component are met.

CB4 recommends denial of the Zoning Text Amendment for Manhattan Block 1077, Lot 29 (DEP Site) for development as affordable housing) unless conditions are met.

CB4 recommends denial of the City Owned Property and UDAAP designation for Manhattan Block 1044, Lot 3 for development as affordable housing (MTA Site) unless conditions are met.

CB4 recommends denial of Zoning Map Amendment to Block 1044, Lot 3 unless conditions are met.

The above applications contemplate the disposition, zoning text and map changes, and zoning map changes relating to two off-site affordable housing developments, at 806 Ninth Avenue and West 48th Street and West 49th Street, west of Tenth Avenue. These Off-site Actions (“Off-site Actions”) are related actions to the larger proposed redevelopment (“Proposed Actions”) of the Western Rail Yard (“WRY”), located from West 30th Street to West 33rd Street between 11th and 12th Avenues.

Both sites are located in the Special Clinton District (“SCD”) and are publicly-controlled by the Department of Environment Protection (“DEP”) and the Metropolitan Transit Authority (“MTA”) respectively. The off-site affordable housing development sites were identified in a Memorandum of Understanding (“MTA MOU”) between the Metropolitan Transportation Authority (“MTA”) and the Mayor of the City of New York dated July 11th, 2007. The goals of MTA MOU were acknowledged in a letter from Councilmember Quinn to the Deputy Mayor Dan Doctoroff also dated July 11th, 2007 (Attachments Q and R).

The Proposed Actions include the adoption of zoning map and text amendments to the New York City Zoning Resolution (“ZR”) and related land use action to permit the development of the WRY as a mixed-use community with new commercial, residential and open space, including approximately:

- 5.7 million square feet of total development;
- 1.14 million square feet of commercial space;
- 4.56 million square feet of residential;

The resultant changes will encompass, *inter alia*, zoning map and text amendments and accessory parking special permits pursuant to ULURP; the leasing of, with option to purchase, development rights over the WRY, establishment of new legal grades on West 33rd Street between 11th and 12th Avenues; site selection by NYC School Construction Authority (“SCA”) for an elementary/intermediate public school; and the disposition and construction of two off-site affordable housing buildings, the subject of the above referenced ULURP applications.

General Comments

At the outset, Manhattan Community Board 4 (“CB4”) celebrates its economic diversity and welcomes development of affordable housing for all income levels. However, the development of the two off-site affordable projects has been the subject of an ongoing spirited debate within the community with widespread community consensus against that part of the special permit seeking height increases beyond what is now permitted within the SCD.

The applications for these two publicly owned sites, located between West 48th and West 49th Street west of Tenth Avenue (“DEP Site”) and 806 Ninth Avenue (“MTA Site”), contemplate the construction of a combined 312 affordable units. While the Off-site Actions are currently limited to a zoning text and district map amendment and a zoning map amendment, the ultimate development of these sites is predicated upon future land use actions.

DEP Site

Current Actions

- 1) Disposition of City Owned Property and UDAAP designation for Manhattan Block 1077, Lot 29 for development as affordable housing.
- 2) Text Amendment to the Special Clinton District Map to map Other Area on Block 1077, Lot 29 to facilitate the development of the site as affordable housing.

Future Actions

- 3) The request for the grant of a Special Permit pursuant to ZR § 96-104 to increase the height from 66 feet to 99 feet.
- 4) The request for the grant of a Special Permit pursuant to ZR § 74-681 to build over the below grade Amtrak railroad right of way.

MTA Site

Current Actions

- 5) Disposition of City Owned Property and UDAAP designation for Manhattan Block 1044, Lot 3 for development as affordable housing.
- 6) Zoning Map Amendment on Block 1044, Lot 3, to include a C1-5 overlay to facilitate the development of the site as affordable housing.

Future Actions

- 7) The request for the grant of a Special Permit pursuant to ZR § 96-104 to increase the height from 85 feet (as-of-right) to 115 feet along Ninth Avenue at the MTA site.
- 8) The request for the grant of a Special Permit for General Large Scale Development on the MTA site to facilitate the development of the site as affordable housing.

Community members were outspoken against granting any Special Permits pursuant to ZR § 96-104 in the Preservation Area of the SCD. Such a Special Permit would allow developments in the midblock a maximum height of 99 feet from the as of right height of 66 feet, and developments on the avenues up to 115 feet from the as of right height of 85 feet. Community members were very wary of granting such permits given the strong commitment to preserve both the existing fabric of the community and overall quality of life. In the 38-year history of the SCD, only two such applications have been approved in the Preservation Area.⁴ Both of these applications were opposed by CB4 as neither successfully argued that the public benefit outweighed the goals of the SCD in preserving its unique residential character.

At the same time however, the community supports the proposed housing programs for each site and welcomes securing affordable housing for the hard-to-reach 80%/125%/165% AMI (moderate and middle income) bands (Attachment S). However, many residents believe that these projects should proceed at the as-of-right heights of 66 feet and 85 feet respectively. Instead of granting the Special Permit pursuant to ZR § 96-104 to allow the requested increased height on these buildings as proposed, the community would like to see more affordable housing incorporated on-site at the WRY.

Although CB4 has previously taken a position to support Special Permits at these sites (Attachment T), our current position has now been modified to reflect the goal to balance the community's need to maximize affordable housing while at the same time preserve the residential and low-rise character of our neighborhood.

The off-site development of affordable units as mitigation for the WRY cannot take the place of a realistic plan to develop affordable units as part of the on-site development. CB4 is emphatic in its desire to see that this project integrates units affordable to those of low, moderate, and middle incomes. The WRY on-site plan must also include a firm commitment that at least 20% of all on-site residential units be developed as affordable, in perpetuity.

Affordable Housing

The Need for a Commitment to a Comprehensive Affordable Housing Plan.

CB4 has strongly articulated a policy for future housing growth affordable to a full range of incomes. We cannot and will not support any WRY development plan that does not provide the amount and type of permanent affordable housing the community needs to retain its diversity. We disagree with the DEIS conclusion that “*the Proposed Actions*

¹ 360 West 43rd Street and 404 West 54th Street

would not significantly alter or substantially accelerate the study area's long-term trend toward increasing residential development, affluence and residential desirability." The City should be mitigating the market trend through public policy initiatives and commitment of resources to ensure affordability for all New Yorkers, not just those with the highest incomes. This new neighborhood will not be a healthy neighborhood unless it includes the broadly diverse population that is this City's hallmark. The Proposed Actions present an opportunity to promote inclusiveness for all New Yorkers, not to rationalize creating a high income exclusive community on the Westside. The construction of a great number of market-rate housing units balanced only by the small number of low-income housing that may be created under existing programs, e.g., 80/20 and inclusionary bonuses, does not achieve the community's goal and is unacceptable.

CB4 has consistently advocated that 30% of the residential development on this public site known as the WRY must be allocated to permanent affordable housing for low-, moderate- and middle-income families. This message was strongly reinforced by the community's comments in reviewing each of the proposals by the respondents to the Request for Proposal's ("RFP"). The New York Times concurs with this position and ran an editorial in March 2008 identifying the need for more affordable housing on the Far West Side (Attachment A). Yet the RFPs required only that any rental housing be built using New York State Housing Finance Agency's ("HFA") 80/20 program. Condominium or cooperative units are exempt from any affordable housing requirement, and none of the rental units are required to be permanently affordable.

Public land is one of the few places where government can require that development address the housing needs of a broad range of New Yorkers. ***The WRY is the largest publicly owned development site left in Manhattan.*** While the MTA has a corporate responsibility to maximize the value it gets for the property, it is also a public entity; it is appropriate that the MTA's drive for financial gain be tempered by standards of public responsibility that would not apply to either a privately held corporation or a private land owner.

It is astounding that between 6,000,000 to 7,000,000 square feet will be developed for market-rate and commercial interest in the WRY, yet a just and adequate plan has not yet been fully developed to provide permanent affordable housing for New Yorkers of all incomes, particularly at a time when the need for affordable housing is so critical. CB4 cannot support the Proposed Actions in the absence of a permanent and realistic affordable housing program.

The DEIS states that only 379-390 units out of a total of 4,624 to 5,762 residential units will be affordable. How can this number be considered inclusive? It is simply unacceptable. Furthermore, the temporarily affordable units will only be for those households earning <60% AMI, with no provisions for moderate and middle income families. Such a mix will create a polarized household income range on the WRY and exclude moderate and middle income households, the backbone of our city.

After many productive discussions during the 2005 Hudson Yards rezoning process, the City and CB4 were able to achieve 28% permanent affordability that included provisions for production of moderate income housing through both a modified Inclusionary Housing Bonus and development of off-site publicly-owned land. Although the WRY proposal includes a special on-site Inclusionary Bonus, given the inherent difficult site conditions - with the extreme density proposed on such a limited lot area, CB4 is doubtful the development team will be able to access that housing bonus. CB4 appreciates and welcomes the proposed off-site moderate and middle income developments with a projected 312 affordable apartments. ***However, the plan for the WRY, even including those moderate and middle income off-site affordable developments, falls far short of the commitment achieved in the Hudson Yards rezoning with less than 4.5% of the square feet dedicated for the development of permanently affordable apartments.***

CB4's response and comments to the proposed off-site housing at the DEP site, 505 West 48th and the MTA site, 806 Ninth Avenue, are in our related letter.

REQUESTS FOR AFFORDABLE HOUSING MITIGATION

- *Not less than 20% of all residential units constructed on-site in the WRY must be permanently affordable.*⁵
- *Identify additional publicly owned off-site affordable housing sites in CB4 for either construction or preservation of permanently affordable housing to achieve an overall goal of 30% affordability in the WRY development. Commit the use of this existing publicly owned land to develop and construct affordable housing (Attachments B and C). In particular, CB4 recommends the sites below for consideration:*
 - 136 West 20th Street (DSNY)
 - 415 West 40th Street (PANY/NJ)
- *Preserve existing affordable housing within CB4 subject to subsidy expiration (Attachment D). Specifically, those properties currently owned by other affiliates of The Related Companies:*
 - 425 West 48th Street
 - 525 West 47th Street
- *Establish a dedicated fund within existing resources to preserve Single Room Occupancy units in CB4 as mitigation of the anticipated loss of SRO units as a result of the Proposed Actions. There are over 1000 SRO units noted in the DEIS to be at*

⁵ Permanently affordable shall mean that apartments are so designated by deed restriction, regulatory agreement or other legal instrument and may not be converted to market rate units after a given expiration date of a mortgage, tax incentive or any other government program. These specific units shall remain affordable in perpetuity.

risk in the WRY study area (Attachment E). CB4 requests preservation of existing SRO housing with at least a 60% community resident requirement.

- *Implement the 2005 commitments to apply the Demolition Restrictions of the SCD in both the Hudson Yards Special District and West Chelsea Special District to preserve existing housing.*
- *Conversion over time of on-site low income units to moderate and middle income units.* At the expiration of affordability restrictions for the on-site affordable units built on the WRY under the 80/20 financing program and upon the vacancy of the tenant and legal successor(s), make those units permanently affordable to tenants with a range of moderate and middle incomes as follows:
 - 20% of the affordable units shall be available to people with incomes up to 80% of the Area Median Income (AMI);
 - 50% of the affordable units shall be available to people with incomes up to 125% of AMI; and
 - 30% of affordable units shall be available to people with incomes up to 165% of AMI.

Accomplish this conversion over time through deed restriction and regulatory agreement to supplement the bond covenants, similar to the extended use restrictions on Low Income Housing Tax Credit developments.

- *Affordable housing distribution within mixed income developments.* Eighty percent of the floors of any mixed income building should have at least one affordable unit and there should be no more than 33% affordable units on any floor.
- *Affordable housing must become available to the real estate market at a similar rate to the market rate housing.* The Restrictive Declaration should model such language from the existing Restrictive Declaration used in the Riverside South development in the West 60's.
- *Developments of affordable housing on- or off-site units should require of at least 50% two-bedroom or greater units.*
- *The administering agent should be an independent non-profit organization.*

The ULURP Applications

In light of the above enumerated concerns, CB4 has carefully reviewed these ULURP applications; our comments and recommendations follow.

1) **ULURP No. 090422HAM--Disposition of City Owned Property and UDAAP designation for Manhattan Block 1077, Lot 29 for development as affordable housing (DEP Site)**

CB4 recommends denial of the City Owned Property and UDAAP designation for Manhattan Block 1077, Lot 29 for development as affordable housing (DEP Site) ULURP No. 090422HAM, unless the following conditions are met:

The Affordable Housing Component

- A restrictive declaration be filed that restricts development of the site for affordable housing in perpetuity as follows:
 - 20% of the units be affordable to those earning 80% Area Median Income;
 - 40% of the units be affordable to those earning 125% Area Median Income; and
 - 40% of the units be affordable to those earning 165% Area Median Income.
- At least 50% of the developed units must be family-sized i.e. two bedrooms or larger.
- A permanent easement is granted for unobstructed light and air from the DEP water access tunnel site to the east. Because of the peculiarities of this development site, fronted by a park and/or undeveloped DEP water tunnel access along its eastern border and being situated over the railroad cut, CB4 is not opposed to a future special permit to reduce the lot coverage requirement and to reduce the rear yard depth. However, light and air, including operational windows along the eastern façade cannot be obstructed by the DEP water tunnel structures or subsequent security measures.
- Any future action at this site for a Special Permit pursuant to ZR § 96-104, seeking to increase building height, must not exceed a proposed 76 feet total in height. CB4 arrived at the 76 foot height limitation as a compromise between the City and the strongly held principles of community residents who care deeply about both maximizing affordable housing opportunities while preserving the residential, low-rise character of the neighborhood (Attachment U).
- No retail and/or commercial use shall be included in the development. The community strongly opposes the proposed use to include street level retail on West 49th Street. Retail commercial uses on the residential side streets are a growing problem now exacerbating an already problematic bar/club use on residential blocks, which is negatively impacting the character of the neighborhood.

- DEP release the portion of the site not being used by DEP (that portion over the rail cut and a strip of terra firma to the west) by 2010 in order to allow affordable housing development to proceed prior to 2013.
- The City’s prior commitment to use public funds to develop this project must be codified in a Follow-Up Corrective Actions (“FUCA”) memorandum of understanding that is executed simultaneously with the rezoning action for the WRY.
- A restrictive declaration be filed stating that the site cannot generate an inclusionary housing bonus or be used to satisfy the SCD District Harassment Cure requirements pursuant to ZR § 96-110.
- Comfort stations for public use in conjunction with the DEP open space be included in the affordable housing development.
- The RFPs to select a developer for this site be developed in consultation with CB4.

The Open Space Component

Finally, as part of a negotiated agreement between the City, DEP and CB4, the area immediately east of the affordable housing site shall be developed as open space and shall be used as a park with programming for young children. Currently, CB4 ranks 58th among 59 Community Districts throughout the city.

More than a decade ago, the use of the land fronting Tenth Avenue between West 48th and 49th Streets was committed for public open space. In the Negative Declaration dated May 25, 1993, DEP assured CB4 that the site was “to be used for occasional tunnel maintenance and that shaft would be 5 feet by 3 feet with a 14 inch diameter” (Attachment V). By letters dated February 28, 2005 from Adrian Benepe of the New York City Department of Parks (“NYCDP”) and dated September 7, 2006 by Deputy Commissioner Alfonso R. Lopez from DEP to Manhattan Borough President Scott Stringer (Attachments W and X), both city agencies restated their commitment for public open space on the balance of this site. At that point, even the area that DEP needed for access was intended to be accessible to the public as a park extension. ***We learned only late last week , on July 16th, 2009, that the West 49th Street site is now intended to serve as the main west side access point to the water tunnel and that security and maintenance needs will result in the full half-block being paved and fenced and that ownership will remain with DEP; therefore:***

- Resolution of the exact dimensions of the publicly-accessible open space in relation to the portion of the site needed by DEP for access to the water tunnel, ***must be codified in writing by DEP.***
- A clear written timeline for acquisition and development of this open space must be included in the overall WRY development plan and ***be codified in writing by DEP.***

- The identification by the Mayor’s office of a DEP or other agency controlled site for replacement open space to be located within a sub-area of CB4 (West 34th to West 57th Streets and West of 8th Avenue), equal to that open space lost due to DEP’s expanded site usage for water tunnel maintenance ((currently approximated at 120 by 200 feet in dimension).
- A written commitment from DEP for the hiring of a landscape architect to plan the landscaping and use of both the undisputed northern portion of open space and the southern portion maintenance area. A further written commitment for the funding of such open space improvements with the agreement to continue to include CB4 and the surrounding community in its development process.

2) ULURP No. N090429ZRM--Text Amendment to the Special Clinton District Map to map Other Area on Block 1077, Lot 29 to facilitate the development of the site as affordable housing

The proposed Zoning Text Amendment seeks to move the boundaries of the Preservation Area of the SCD to the east so that the proposed development falls within the Other Area, which has less stringent rear yard requirements and overall greater lot coverage. This proposed action, reducing the Preservation Area, is in direct contravention with CB4’s longstanding policy to expand the Preservation Area. It is also inconsistent with the Department of City Planning’s (“DCP”) own framework for the 11th Avenue Rezoning that will extend the boundaries of the Preservation Area westward to within 100 feet of 11th Avenue.

This site is unique. It is situated over a rail cut with open space and the DEP access for the water tunnel extends the full length of its eastern façade. The proposed building form makes best use of the site, maximizes the number of affordable units, and has adequate light and air, given the open space to the east. However, we strongly believe that the regulations are best modified through text amendments governing rear yard requirements and permitting greater lot coverage.

CB4 recommends denial of the Zoning Text Amendment for Manhattan Block 1077, Lot 29 (DEP Site) for development as affordable housing), ULURP No. N090429ZRM, unless the following conditions are met:

- The boundaries of the Preservation Area are not changed and that modifications as necessary to expand both rear yard requirements and lot coverage are accomplished through subsequent text amendments.

3) ULURP No. 090423HAM, Disposition of City Owned Property and UDAAP designation for Manhattan Block 1044, Lot 3 for development as affordable housing (MTA Site)

CB4 recommends denial of the City Owned Property and UDAAP designation for Manhattan Block 1044, Lot 3 for development as affordable housing (MTA Site)

ULURP No. 090423HAM, unless the following conditions are met:

- A restrictive declaration be filed that restricts development of the site for affordable housing, in perpetuity, as follows:
 - 20% of the units be affordable to those earning 80% Area Median Income;
 - 40% of the units be affordable to those earning 125% Area Median Income; and
 - 40% of the units be affordable to those earning 165% Area Median Income;
- At least 50% of the units developed must be family-sized i.e. two bedrooms or larger.
- The elimination of the 30,000 square feet reserved for the MTA office/training space; additional MTA needs can be accommodated at the existing MTA Control Center (“Control Center”) to the east or on the 7,000,000 square feet to be developed on-site at the WRY. It is outrageous to expect MTA needs to be accommodated within the small lot area dedicated to affordable housing.
- Any future action at this site for a Special Permit pursuant to ZR § 96-104, seeking to increase building height, must maintain a building height of 85 feet along Ninth Avenue frontage, and on West 54th Street, beginning 50 feet east of Ninth Avenue and through the midblock backing against the existing MTA Control Center, the building height must be no greater than 99 feet. CB4 arrived at the 85 and 99 foot height limits at this site as a compromise between the City and strongly held principles of community residents who care deeply about both maximizing affordable housing opportunities while preserving the residential, low-rise character of the neighborhood (Attachment Y).
- Eliminate the 15 MTA parking spaces planned for the site.
- ***MTA release the city owned site from the NYCTA master lease upon approval of the WRY ULURP by the City Council, not a release contingent upon construction start at the WRY.*** The off-site housing is mitigation under the DEIS for the Proposed Actions, namely the rezoning from an FAR of 2.0 to an FAR of 10.0. Therefore, when the zoning is approved the mitigation is required.
- The RFP to select a developer for this site be developed in consultation with CB4.
- The City’s prior commitment of public financing to develop this project be codified in a FUCA memorandum of understanding that is executed simultaneously with the rezoning action for the WRY.
- A restrictive declaration be filed stating that the site cannot generate an inclusionary housing bonus or be used to satisfy the CSD District Harassment Cure requirements pursuant to ZR § 96-110.
- The designation of two potential landmarks identified in the WRY DEIS: (Attachments Z, AA and BB)
 1. *Tenement Blockfront (781-795 9th Avenue) – S/NR-eligible*

This collection of Hell’s Kitchen tenements serves as a reminder of the late 19th century residential character of Ninth Avenue. The Renaissance-inspired stone, brick, terra cotta, and metal ornamentation and largely extant cornices present a valuable collection of tenement architecture.

2. *St. Benedict the Moor Church, 342 West 53rd Street* – NYCL- and S/NR-eligible: Erected in 1869 and designed by R.C. McLane & Sons, the church has seen various congregations and parishioners over its more than 100-year history, yet most famously served as the first black Roman Catholic Church north of the Mason Dixon line. In 1921, due to African American migration to the north, the congregation moved to Harlem and the church was reassigned to the Spanish Order of Franciscans in 1954 who have occupied the site ever since. The church stands as a vestige of the days when the neighborhood of Clinton/Hell’s Kitchen was a thriving African-American neighborhood.

4) ULURP No. 090430ZMM—Zoning Map Amendment to Block 1044, Lot 3, to include a C1-5 overlay to facilitate the development of the site as affordable housing

This requested Zoning Map change seeks to cover the entire zoning lot with a C1-5 overlay thus permitting a future action that will include a Large Scale Development Plan reducing rear yard requirements and relaxing lot coverage restrictions. Similar to the DEP site, we believe that the proposed building form makes best use of the site, maximizes the number of affordable units and has adequate light and air. However, we are concerned by the wider latitude granted to a developer in a Large Scale Development Plan and the unforeseen consequences. In the history of the SCD, a Large Scale Development plan has never been used. To permit one now on this site would set a precedent for the entire Special District. Similar to the DEP site, we strongly believe that the rear yard and lot coverage regulations are best modified through text amendments.

This proposed action also anticipates a future action for a Special Permit to increase the building height along Ninth Avenue to 115 feet. At the conclusion of the well attended and very engaged public debates on the two off-site developments, we delicately balanced the concerns of the community and arrived at an overall compromise to maximize the affordable units and to preserve community character.

Accordingly, CB4 recommends denial of Zoning Map Amendment ULURP No. 090430 ZMM, unless the following conditions are met:

- C1-5 map amendment covering the entire zoning lot be denied; the City and/or future developers commit to not filing a Large Scale Residential Plan for the site and instead accomplish desired modifications as necessary to rear yard requirements and lot coverage through subsequent text amendments. If a C1-5 map amendment is approved against our objections then the commercial FAR be limited to one (1) FAR.

The New York Times

C.C.

3/28/08

Finally, a Vision for the West Side

For years, politicians, planners and business leaders have failed to come up with a workable plan for developing Hudson Yards on Manhattan's Far West Side — the largest swath of underused land on the island.

Economically dubious, and environmentally disastrous, proposals to build football and baseball stadiums were rejected — thankfully. Now the Metropolitan Transportation Authority has tentatively approved a plan from Tishman Speyer, a real estate operator, that would build commercial offices and housing along with green space on what is now mostly industrial wasteland.

Details must still be worked out, including assurances that there would be public access to parks and the river. There will be land-use and environmental studies, and the City Council will have to rezone half of the acreage. Already there is one glaring weakness: the shorting of affordable housing. The builders are talking about devoting only 10 percent of the residential units to affordable housing. That's not enough, and the Council should press for more, perhaps for 20 percent.

The 26-acre parcel overlooking the Hudson River, predominantly railyards owned by the state-run M.T.A., needs to be developed. If done right, the project would eventually produce tax revenues for the city and add another great community to New York. It would also generate much-needed revenue for the cash-squeezed M.T.A.

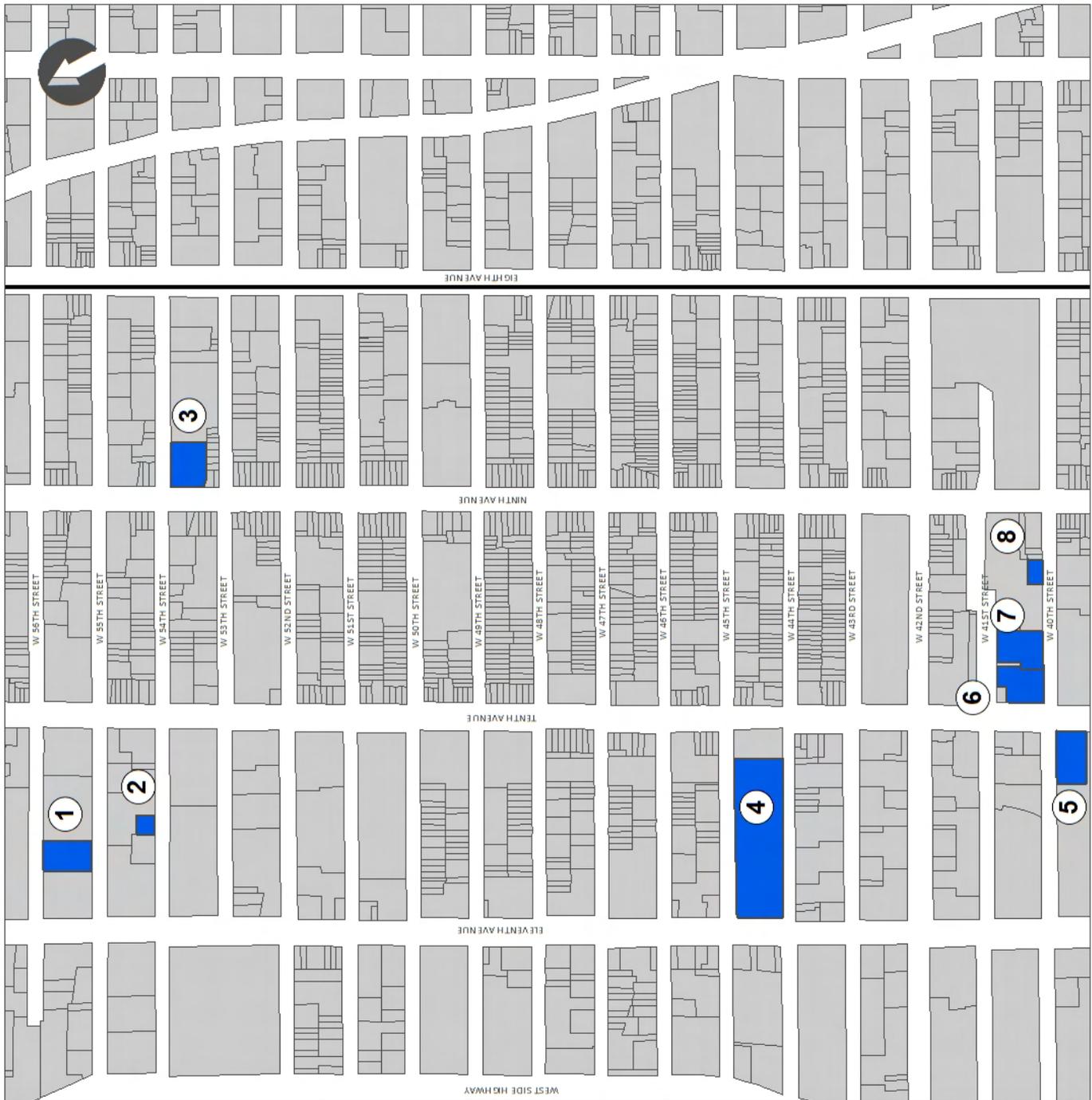
To lease development rights for 99 years, Tishman Speyer will pay about \$1 billion in current dollars, according to the transportation authority. That sum exceeded most expectations.

The transformation won't happen overnight, especially during an economic downturn. As the proposal evolves, the City Council will play an especially important role to ensure that the end result contributes to a vital neighborhood. Beyond pressing for more affordable residences, the Council must fight to preserve all of the High Line, the 1.5-mile stretch of elevated railway that is being transformed into a green jewel of public space.

The M.T.A., we are pleased to say, conducted a real bidding process. That was a refreshing change from years past when it looked as though the yards might be given away in a back-room deal. It would take a lot more vigilance and transparency to ensure that the new Hudson Yards work for all New Yorkers.

- Site 1:
Harbor View Parking Lot at 56th Street
New York City Housing Authority
- Site 2:
Harbor View Parking Lot at 54th Street
New York City Housing Authority
- Site 3:
Former MTA Bus Garage
SE Corner of 54th Street and 9th Avenue
MTA/NYCHA Master Lease
- Site 4:
PS 51 Site
44th to 45th Street and 10th to 11th Avenues
Economic Development Corporation
- Site 5:
SW Corner of 40th Street and 10th Avenue
Port Authority of New York and New Jersey
- Site 6:
Covenant House
10th Avenue between 40th and 41st Streets
- Site 7:
Hunter College
41st Street between Dyer and 10th Avenues
City University of New York
- Site 8:
415 West 40th Street
Port Authority of New York and New Jersey

Publicly Owned Site
 Publicly Owned Site
 CB4 Border



Publicly Owned Land in CB4: Potential Affordable Housing Sites North of 35th Street
ATTACHMENT B

Site 9:
 30th Street between Dyer and 9th Avenue
 Port Authority of New York and New Jersey

Site 10:
 Morgan Annex
 9th Avenue between 28th and 29th St.
 United States Postal Service

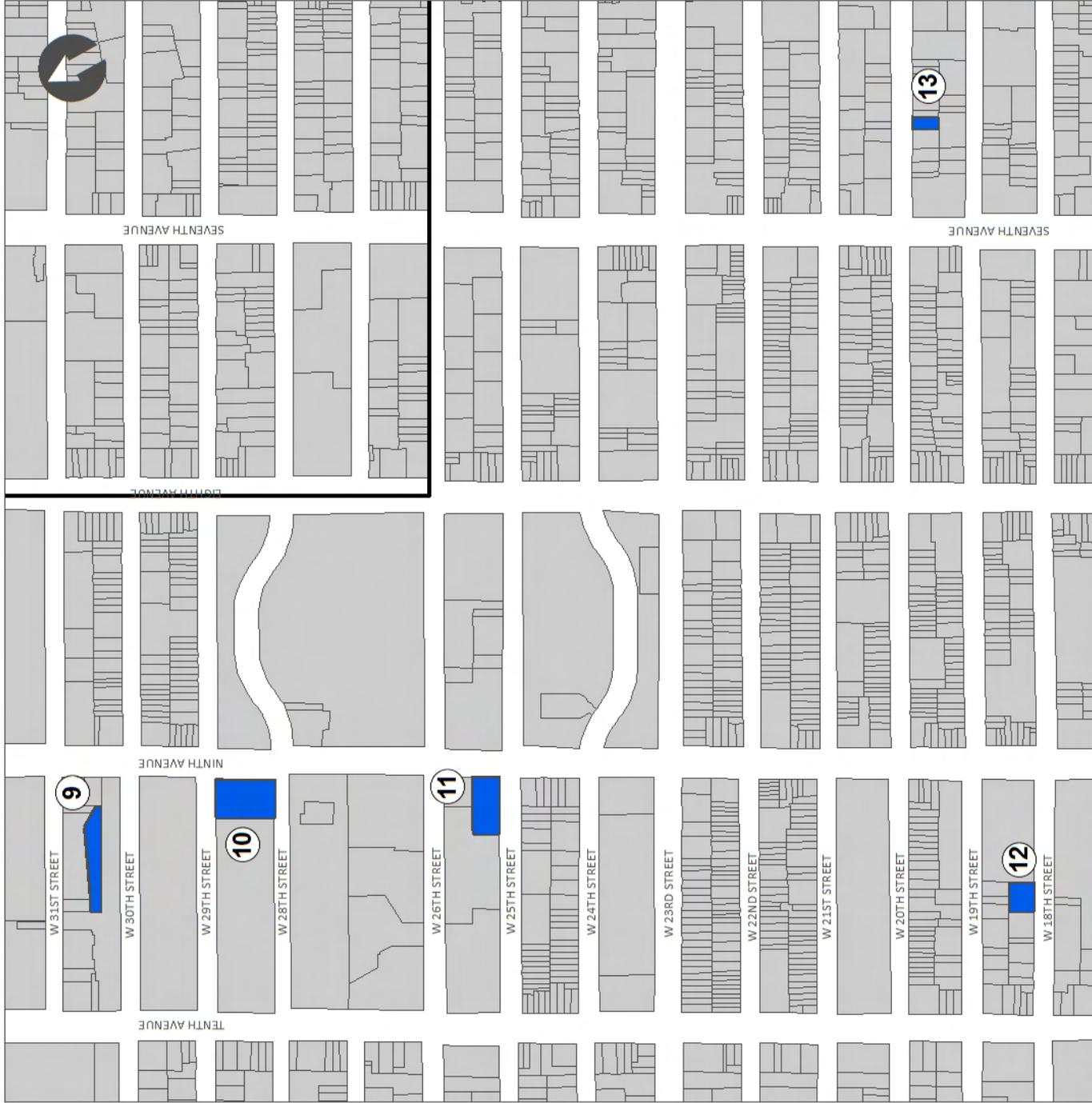
Site 11:
 Chelsea Elliot Houses Parking Lot
 25th Street at 9th Avenue
 New York City Housing Authority

Site 12:
 Fulton Houses Parking Lot
 South Side of 18th Street
 New York City Housing Authority

Site 13:
 136 West 20th Street
 New York City Department of Sanitation

 Publicly Owned Site

 CB4 Border



Publicly Owned Land in CB4: Potential Affordable Housing Sites South of 35th Street



1: Grenadier
328-336 West 53rd Street

2: Clinton Manor
535 West 51st Street
540 West 52nd Street

3: Terrific Tenements
425 West 48th Street

4: 424 West 48th Street

5: Terrific Tenements
525 West 47th Street

6: French Apartments
330 West 30th Street

CB4 Section 8 Preservation - Expiring Subsidy

ATTACHMENT D

 Affordable Housing to Preserve

 CB4 Border

ATTACHMENT E: Single Room Occupancy (SRO) Units in Development Site Study Area

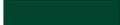
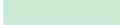
Census Tract	Address	Building Type	SRO Rooms
93	483 West 22nd Street	Pre-1929 Converted Transient	16
93	415 West 22nd Street	Pre-1929 Conversion	6
93	458 West 25th Street	Pre-1929 Converted Transient	17
93	317 West 22nd Street	Pre-1929 Conversion	14
93	328-330 West 23rd Street	Pre-1929 Converted Transient	22
93	332-334 West 23rd Street	Pre-1929 Hotel	84
93	362 West 23rd Street	Pre-1929 Converted Transient	11
93	364 West 23rd Street	Pre-1929 Converted Transient	15
97	351 West 29th Street	Pre-1929 Converted Transient	29
97	333 West 29th Street	Pre-1929 Converted Transient	29
97	389 Eighth Avenue	Pre-1929 Converted Transient	17
97	300 West 30th Street	Pre-1929 Converted Transient	18
97	302 West 30th Street	Pre-1929 Conversion	19
97	304 West 30th Street	Pre-1929 Converted Transient	13
97	360 West 30th Street	Pre-1929 Converted Transient	31
97	366 West 30th Street	Pre-1929 Converted Transient	18
99	162 Eleventh Avenue	Pre-1929 Converted Transient	21
99	563-565 West 23rd Street	Pre-1929 Hotel	68
103	341 West 30th Street	Pre-1929 Converted Transient	23
103	325 West 30th Street	Pre-1929 Converted Transient	17
103	323 West 30th Street	Pre-1929 Converted Transient	18
103	321 West 30th Street	Pre-1929 Converted Transient	15
103	319 West 30th Street	Pre-1929 Converted Transient	16
103	317 West 30th Street	Pre-1929 Converted Transient	14
103	315 West 30th Street	Pre-1929 Converted Transient	18
111	413-423 West 34th Street	Pre-1929 Hotel	392
111	369-371 West 35th Street	Pre-1929 Converted Transient	16
111	330-332 West 36th Street	Pre-1929 Hotel	101
117	515 West 41st Street	Icahn House West	46
Total:			1,124

Sources: DCP, 2005 MISLAND Database, Multiple Dwellings Report and verified through AKRF field survey and internet searches in October 2007 and October 2008.

Source: Western Rail Yard DEIS, page 4-44

ATTACHMENT F: Port Authority and DOT Land for Open Space and Greening



- 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
 -  Port Authority- and DOT-controlled land identified for open space provision and greening

second deposit to fund, in whole or in part, a capital expenditure that results in the creation of additional school seats in the half-mile radius study area, then the funds would be returned to the applicant with interest and there would be no further obligation for mitigation.

However, if at the time the applicant seeks to accept a new Building Permit for the project site for residential floor area, it believes that, as a result of changed conditions in the study area, there is no longer a need for the elementary school mitigation or that the need for the school mitigation has been reduced such that the 675 figure above should be adjusted upward, it may submit a CEQR Technical Memorandum to the lead agency demonstrating same. In the event that the lead agency, with the concurrence of SCA, accepts the conclusions of the CEQR Technical Memorandum, the calculation of the school mitigation would be adjusted to reflect such conclusions. Alternatively, if, at the time the applicant seeks to accept a building permit for the project site for residential floor area, it believes that its school mitigation obligation may be satisfied by means other than by money payment, it may propose an alternate form of mitigation for consideration by the lead agency and SCA. In the event that the lead agency, with the concurrence of SCA, determines that such alternate form of mitigation is acceptable, the provisions described above would not apply and the alternate mitigation commitment shall be reflected as necessary in a minor modification to the Restrictive Declaration.

Day Care

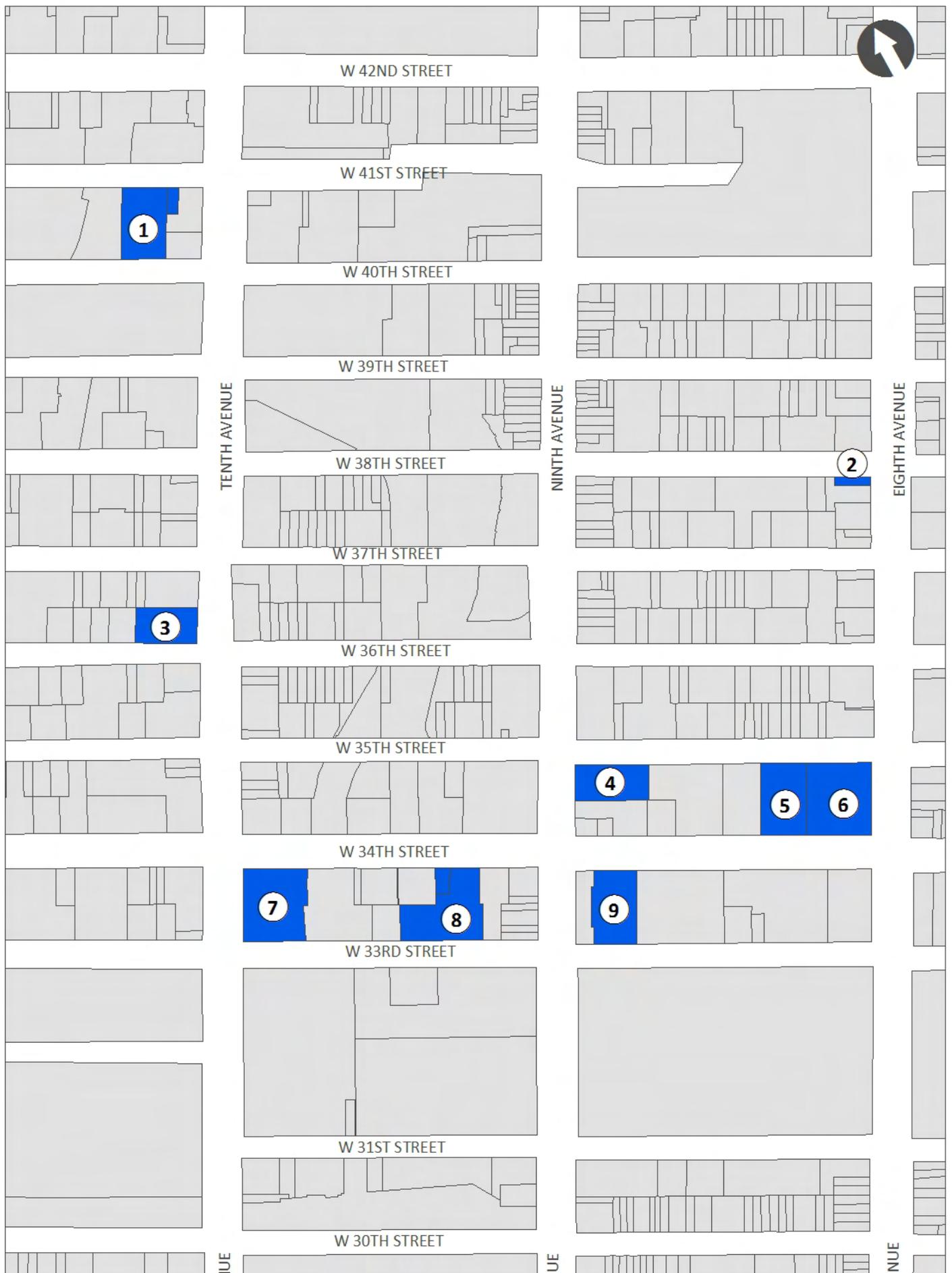
As discussed in the FEIS and Technical Memorandum, a measure that would mitigate the significant adverse impact on day care would be set forth in the Restrictive Declaration that will be filed and recorded in connection with the application.

As discussed in the FEIS, a measure that would mitigate the significant adverse impact would be set forth in the Restrictive Declaration that will be filed and recorded in connection with the application. This also would be applicable to the proposed action with the proposed modifications.

That mitigation, as initially identified in the FEIS and more fully defined in the Restrictive Declaration, would consist of the following: 1) The NYC Administration for Children's Services ("ACS") Division of Child Care and Head Start will be notified prior to issuance of a Building Permit for residential floor area associated with the affordable housing; 2) not later than 90 days prior to acceptance of a Temporary or Permanent Certificate of Occupancy for any residential units in the development, the applicant would offer ACS approximately 5,500 sf of ground floor space in the proposed development at a \$10.00 per square foot rent, for use as a day care facility; 3) The ACS shall thereafter notify the applicant whether such offer is accepted, subject to all City requirements governing the leasing of property; 4) The applicant would neither request nor accept, a Temporary Certificate of Occupancy for any residential portion of the development until the Chairperson of the CPC certifies to DOB that it has received notification from ACS that the requirements of this mitigation measure have been met, provided that if ACS does not accept or decline an offer within 90 days of the date of such offer, the Chairperson of the CPC shall thereupon certify that these mitigation requirements have been met.

Traffic

Measures to mitigate project-generated significant adverse traffic impacts would consist of minor



Western Rail Yard Resolution

ATTACHMENT H:
Proposed Individual Landmarks

 Proposed Individual Landmarks

ATTACHMENT I: PROPOSED INDIVIDUAL LANDMARKS TABLE

No.	Name	Address	Block/Lot	Zoning District	Special District	Built FAR	Permitted FAR	Adjacent to possible development site
1	St. Raphael's RC Church and Rectory	502 W. 41st Street 503 W. 40th Street	1069/136 1069/24	C2-8	HY	4.22 1.6	15 15	Yes Yes
2	Commercial Building	300 W. 38th Street	761/39	M1-6	GC	2.76	12	No
3	Hill Building	469-475 10th Avenue	708/31	C2-8	HY	13.98	15	Yes
4	Harding Building	440-449 9th Avenue	758/82	C6-4	HY	17.45	13	Yes
5	Former Manhattan Opera House	311 W. 34th Street	758/28	C6-4	HY	6.05	13	Yes
6	New Yorker Hotel	481-497 8th Avenue	758/37	C6-4	HY	37.63	13	Yes
7	Master Printers Building	406-416 Tenth Avenue	731/1	C6-4	HY	15.89	13	Yes
8	St. Michael's RC Church Complex	414-424 W. 34th Street	731/54 731/58	C6-4	HY	0.48 5.13	13 13	Yes Yes
9	William F. Sloan Memorial YMCA	360 W. 34th Street	757/66	C6-4	HY	11.75	13	No

ATTACHMENT J: PROPOSED INDIVIDUAL LANDMARK PHOTOS



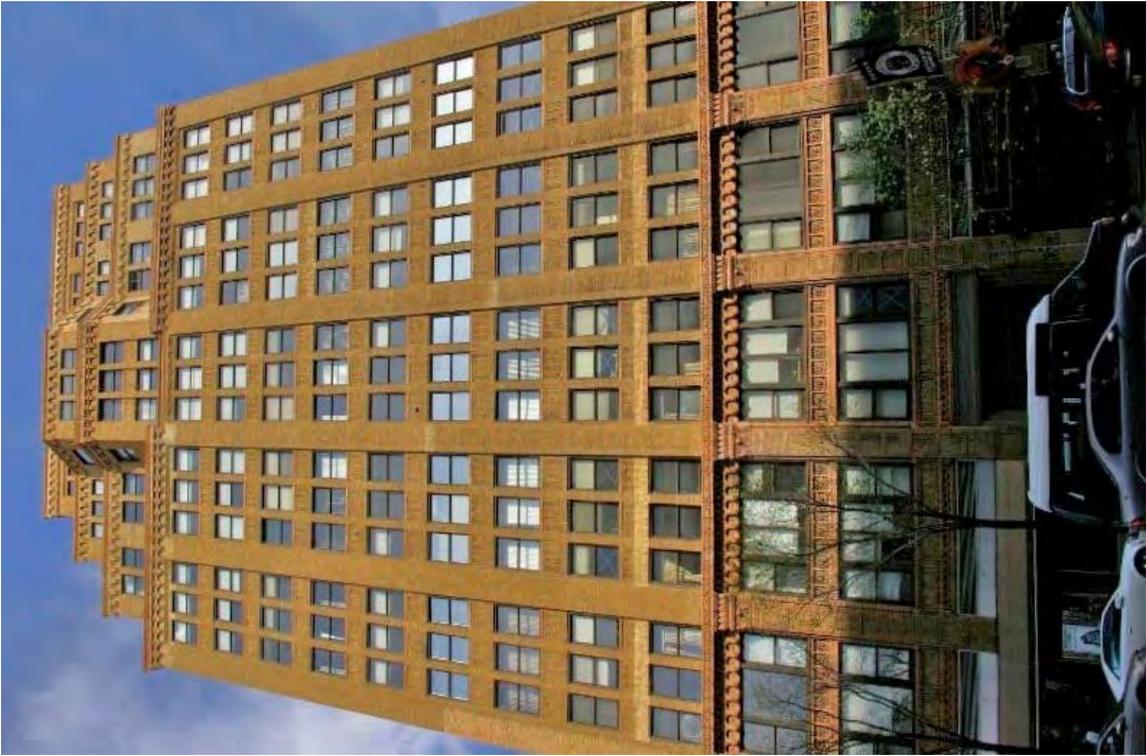
1. St. Raphael's Church and Rectory, 502 W. 41st St. – NYCL- and S/NR-eligible



2. Commercial Building, 300 W. 38th Street – NYCL-eligible and S/NR-listed



3. Hill Building, 469-475 Tenth Ave. – S/NR-eligible



4. Harding Building, 440-448 Ninth Ave. – S/NR-listed



6. New Yorker Hotel, 481-497 Eighth Ave. – NYCL-eligible and S/NR-listed



5. Former Manhattan Opera House, 311 W. 34th St. – NYCL- and S/NR-eligible



7. Master Printers Building, 406-416 Tenth Ave. – NYCL- and S/NR-eligible



8. St. Michael's RC Church Complex, 414-424 W. 34th St. – NYCL- and S/NR-eligible



9. William F. Sloan Memorial YMCA., 360 W. 34th St. – NYCL- and S/NR-eligible

ATTACHMENT L: NOTABLE BUILDINGS IN PROPOSED HELL'S KITCHEN SOUTH HISTORIC DISTRICT



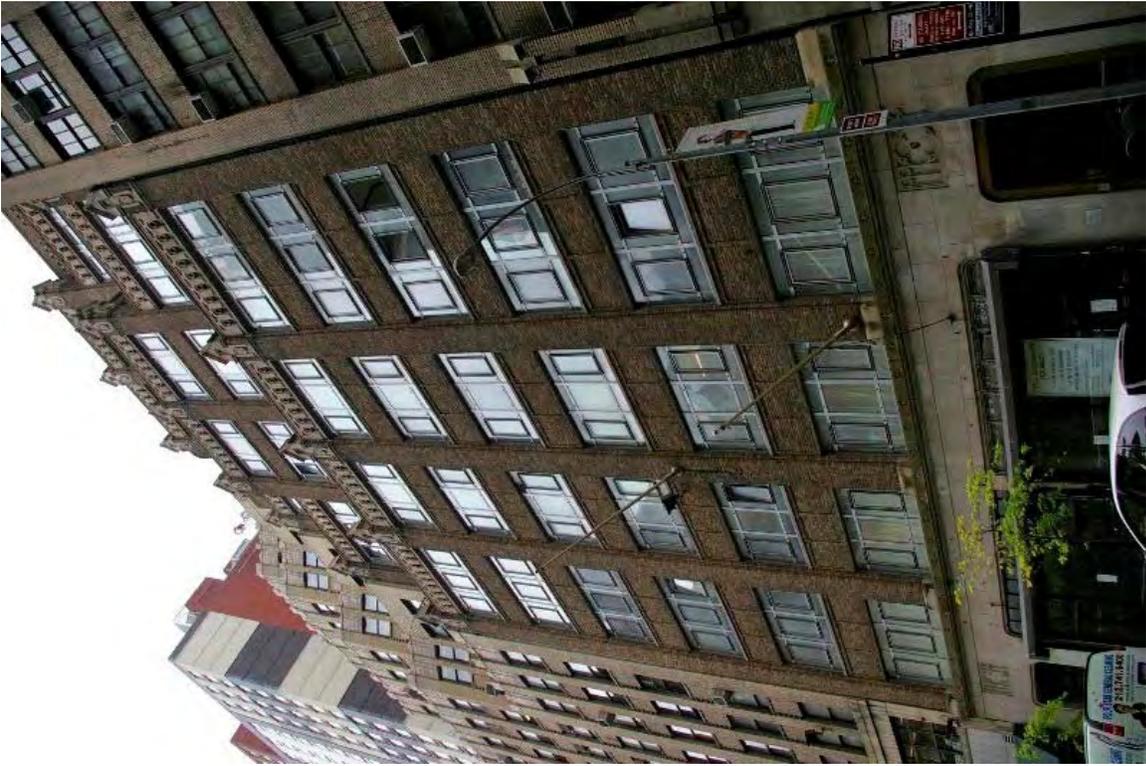
Loft building, 315-325 West 36th St. – S/NR-listed



Shampan Eighth Avenue Building, 553-555 Eighth Ave. – S/NR-listed



Loft building, 344-348 W. 38th Street – S/NR-listed



Loft building, 323-327 West 39th Street – S/NR-listed



Former Barbour Dormitory, 330 W. 36th Street – S/NR-listed



523-539 Ninth Avenue – S/NR-eligible



Christ Church Memorial, 334-344 W. 36th Street – S/NR-listed



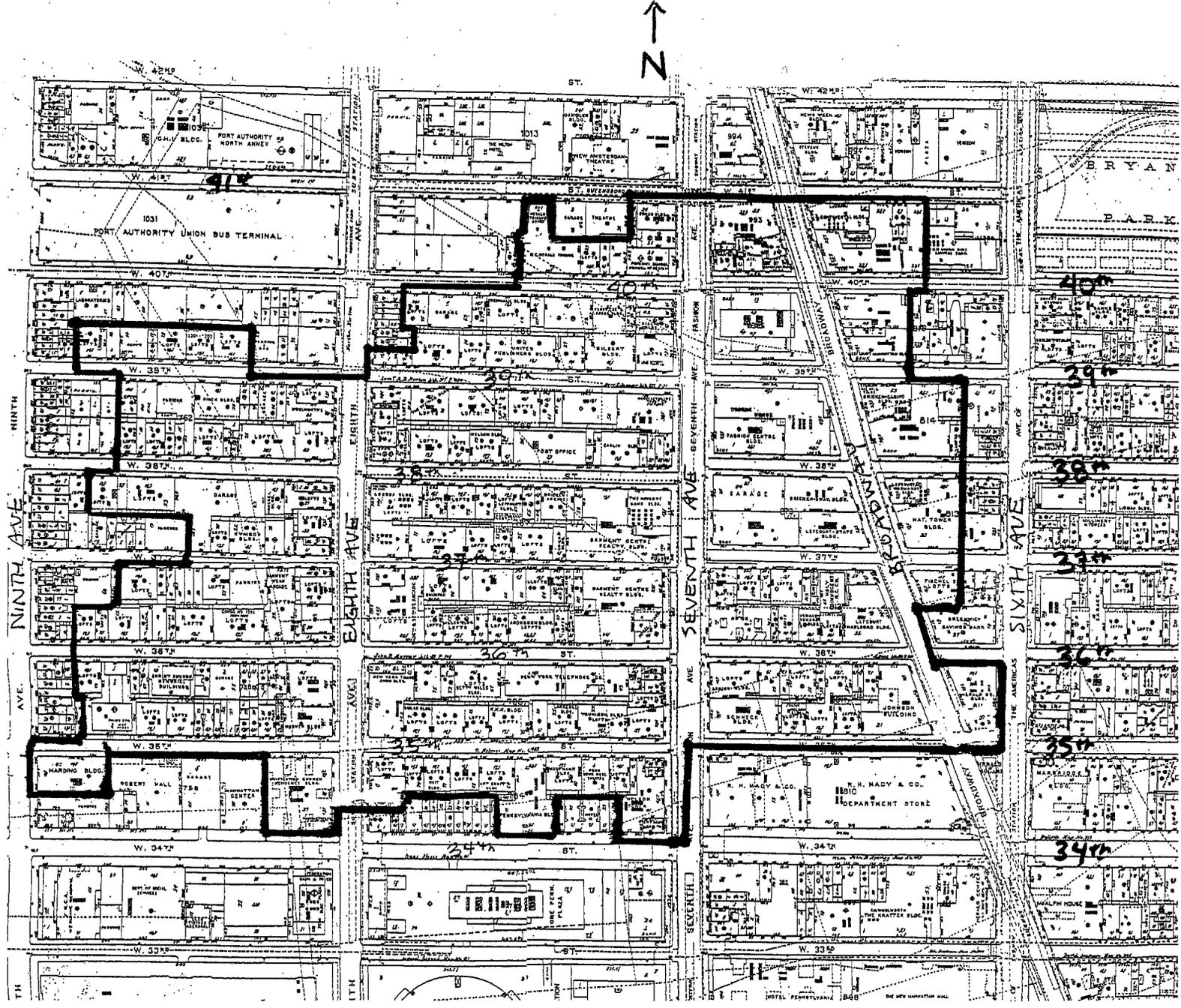
Former New York Edison Co., 308-312 W. 36th Street – S/NR-listed

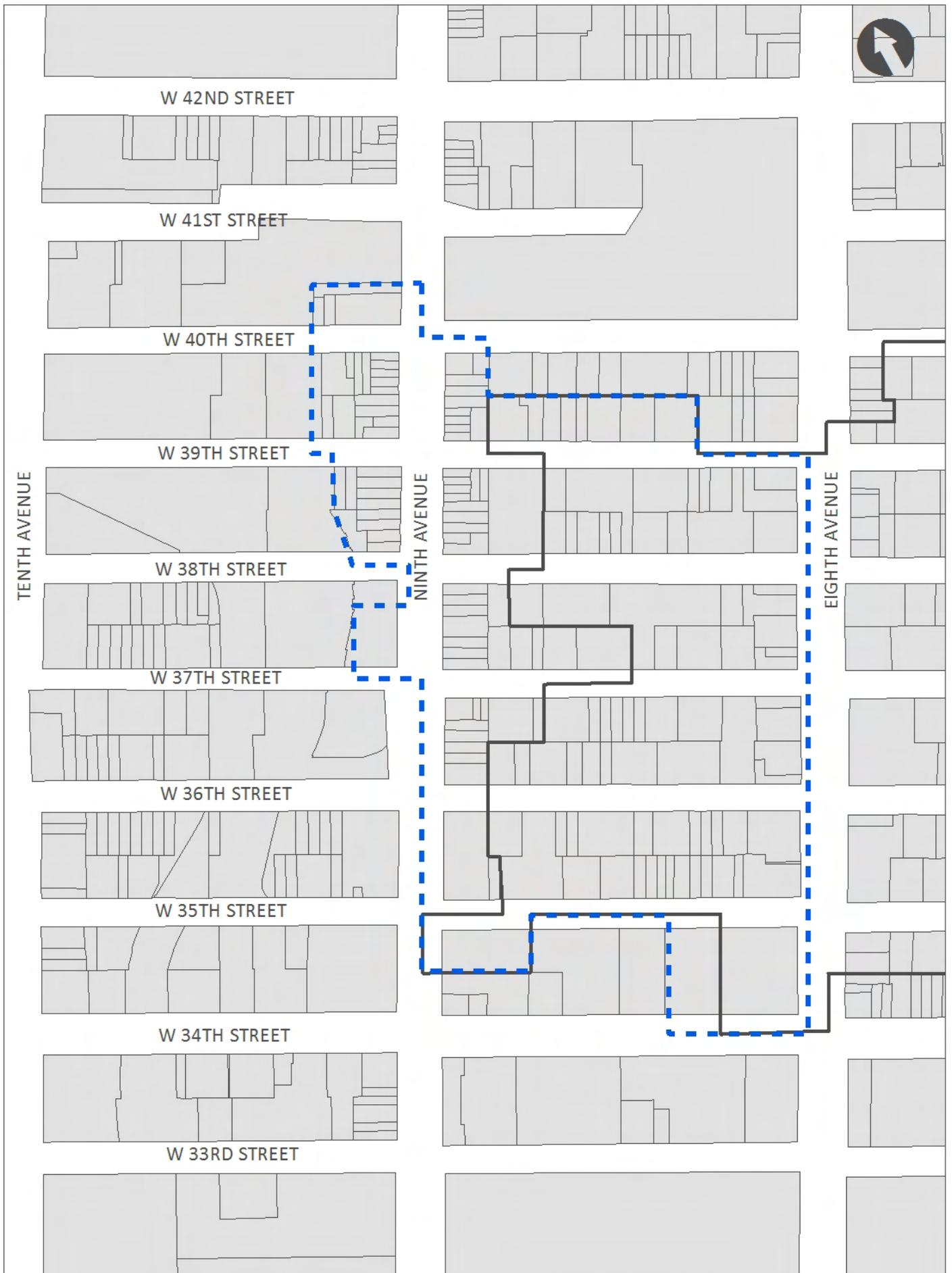
**GARMENT CENTER
HISTORIC DISTRICT**

New York County, NY

District boundaries indicated by
dark line

Source:
*Manhattan Land Book of the City of
New York*
First American Real Estate Solutions,
2004-05





Western Rail Yard Resolution
 ATTACHMENT N: Comparison Map of
 Proposed Hell's Kitchen South Historic District and
 State/National Register Garment Center Historic District

-  Proposed Hell's Kitchen South Historic District
-  Garment Center Historic District (S/NR)



ATTACHMENT P: NOTABLE BUILDINGS IN PROPOSED WEST CHELSEA NORTH HISTORIC DISTRICT



Charles P. Rogers & Co. Building, 517-523 West 29th Street – S/NR-eligible



Former W&J Sloane Warehouse, 541-561 West 29th Street – S/NR-eligible



550 West 29th Street – S/NR-eligible

**MEMORANDUM OF UNDERSTANDING CONCERNING DEVELOPMENT OF
SITES AT JOHN D. CAEMMERER WEST SIDE YARD**

THIS MEMORANDUM OF UNDERSTANDING ("MOU") dated July 11, 2007, by and between THE CITY OF NEW YORK, acting through the Office of the Mayor (the "City"), and the METROPOLITAN TRANSPORTATION AUTHORITY, acting through its executive director and chief executive officer (the "MTA").

WHEREAS, concurrently herewith, MTA is issuing a Request for Proposals ("ERY RFP") for development proposals for the Eastern Rail Yard section (the "ERY") of the John D. Caemmerer West Side Yard (the "West Side Yards") and a Request for Proposals (the "WRY RFP") for development proposals for the Western Rail Yard section (the "WRY") of the West Side Yards;

WHEREAS, the ERY is located between Tenth and Eleventh Avenues and West 30th and West 33rd Streets and is currently zoned as set forth in the Special Hudson Yards District zoning (Zoning Resolution Sections 93-00 et seq.) and the WRY is located between Eleventh and Twelfth Avenues and West 30th and West 33rd Streets and will be required to be rezoned to accommodate large-scale mixed-used development;

WHEREAS, the ERY RFP, the WRY RFP, the WRY Design Guidelines (as defined below) and the ERY Design Recommendations (as defined below) are the result of a collaborative planning process undertaken among the City, the Hudson Yards Development Corporation ("HYDC"), and MTA, pursuant to that certain Rail Yards Agreement (the "Rail Yards Agreement") executed in September 2006 by the City and MTA;

WHEREAS, the City and the MTA recognize that it is of critical importance to the successful development on the West Side Yards that certain actions which are within the control of the City and MTA be undertaken in an orderly and expeditious manner and that by providing the greatest possible certainty to the parties responding to the ERY RFP and the WRY RFP concerning these matters, it is anticipated that the City will accomplish its goal of promoting the orderly development of the Hudson Yards area in accordance with sound planning objectives, and MTA will accomplish its goal of achieving the maximum revenue from the development on the West Side Yards for application to MTA's capital plan for investment in the New York region's public transportation system while assuring safe, continuous, uninterrupted LIRR service;

WHEREAS, the Councilmember from the Manhattan 3rd Council District (the "Councilmember"), has sent the letter attached hereto as Exhibit 1 (the "Councilmember's Letter") supporting the development of the West Side Yards in accordance with the provisions of this MOU;

NOW THEREFORE, the City and MTA hereby agree as follows:

PART I

AGREEMENTS BETWEEN THE CITY AND THE MTA

A. WRY

The City hereby agrees that it shall support, without additional qualifications or requirements, and the parties acknowledge that the Councilmember, in the Councilmember's Letter, has agreed to support, those elements of an application for rezoning of the WRY that comply in all substantial respects with the WRY Design Guidelines, and the inclusion in such WRY rezoning of the WRY Permanent Affordable Housing Program and the WRY School Floor Area Bonus, based upon MTA's WRY Affordable Housing Commitment, WRY School Commitment, and WRY Community Space Commitment, all as described below.

The City further agrees that its Department of City Planning shall exercise best efforts to review such application(s), together with any required analysis under the State Environmental Quality Review Act ("SEORA") and City Environmental Quality Review ("CEQR"), in a manner which will facilitate the timely certification of the application(s) under the Uniform Land Use Review Procedure ("ULURP") and, to the extent required, referral under Sections 200/201 of the City Charter.

1. WRY Design Guidelines. The WRY Design Guidelines, which embody the principles below, represent the planning and design goals that all parties concur WRY development should promote and achieve. The WRY Design Guidelines are annexed hereto as Exhibit 2.

- Permit, on an as-of-right basis, a density of 10 FAR, plus the FAR increases described in Sections 2(b) (WRY Permanent Affordable Housing Program) and 3(b) (WRY School Floor Area Bonus).
- Establish a world class urban environment with a vibrant mix of uses that is fully integrated with the surrounding Hudson Yards district.
- Organize buildings around a major east-west central open space with an overlook to the Hudson River, and provide visual connections through the ERY to the High Line Park and to the Hudson Park and Boulevard.
- Create a signature addition to New York City's skyline of varied tower heights, with the tallest buildings located along 11th Avenue and with lower buildings towards the Hudson River.
- Create high quality, cohesive open space with a range of uses and activities.

- Develop a streetscape with a continuous and varied pedestrian experience.
- Contribute to a sustainable environment, including compliance with LEED Silver sustainability requirements.

2. Affordable Housing.

(a) WRY Affordable Housing Commitment. The WRY RFP shall require, and the WRY disposition documents shall incorporate, a commitment by the developer of the WRY to developing all rental housing at the WRY as “80/20” housing under the then-applicable terms of the 80/20 program such that 20% of the units in each rental building will be developed as low-income housing under the terms of the applicable 80/20 program (the “WRY Affordable Housing Commitment”). The WRY Affordable Housing Commitment shall be conditioned upon the allocation of sufficient tax-exempt bond cap or other equivalent low-cost financing to the developer for each building of WRY rental housing as and when required, and the availability to the developer of such other incentives, programs, exemptions, credits or abatements as are then generally available for the development of 80/20 housing in the City of New York.

(b) WRY Permanent Affordable Housing Program. The City hereby agrees to support, and the parties acknowledge that the Councilmember, in the Councilmember’s Letter, has agreed to support in the WRY rezoning a density bonus to foster the creation of permanently affordable low income housing (“WRY Permanent Affordable Housing Program”). Pursuant to the WRY Permanent Affordable Housing Program, for each residential rental building constructed at the WRY where the WRY developer has committed to maintain a minimum of 20% of the units as permanently affordable low income units for the life of such building (a “Permanent Affordable Housing Building”), a zoning floor area bonus in an amount equal to 5% of the zoning floor area of such Permanent Affordable Housing Building shall be available for development of Permanent Affordable Housing Buildings at the WRY.

(c) Permanent Affordability Mechanism. If the WRY designated developer does not elect to take advantage of the WRY Permanent Affordable Housing Program, the City agrees that, after the WRY designated developer has completed the construction of rental residential units on the WRY, but before the expiration of affordability requirements for such rental residential units, the City shall, if it wishes to cause such residential rental units to remain permanently affordable, use best efforts to establish, by agreement with the WRY

designated developer or successor thereto, a mechanism to make such affordable housing units at the WRY permanently affordable, and to appropriately compensate the WRY developer therefor, and the City shall not impose any requirement for such permanent affordability for rental residential units that have been constructed at the WRY in the absence of such agreement unless imposed on a City-wide basis with respect to all units constructed under the 80/20 program.

(d) Off-Site Commitment. The City hereby agrees, and the parties acknowledge that the Councilmember, in the Councilmember's Letter, has agreed that the WRY Affordable Housing Commitment and the WRY Permanent Affordable Program are the appropriate on-site components of an affordable housing program in relation to development of the WRY. To complement those on-site components, the City hereby agrees to propose and the Councilmember, in the Councilmember's Letter, has agreed to support the provision in the City capital budget of the sum of \$40 million to construct or otherwise create new affordable housing units off-site. Such funds shall be provided in the City capital budget beginning in the fiscal year in which the MTA sells or leases the WRY for development. The specific use of the funds would be determined by the City and the City Council, with community input as appropriate. Two off-site parcels, including one that is owned by the City but under the leasehold control of MTA located at 54th Street and 9th Avenue on the West Side of Manhattan (the "MTA Site"), and one that is owned by the City at 48th Street and 10th Avenue (the "48th Street Site"), are being considered as locations for such new affordable housing. Subject to compliance with any applicable land disposition requirements, in the event that the City determines that it wishes to use the MTA Site for the construction of affordable housing, MTA agrees to seek authorization of the MTA Board to make the MTA Site available to the City, at no cost, for an affordable housing project at the time the MTA closes the sale or lease of the WRY for development. In the event of such use of the MTA Site for an affordable housing project, MTA shall have the right to maintain occupancy of a portion of the MTA Site for MTA operations, and MTA shall be entitled to review and approve the development plans for the MTA Site to ensure that MTA operations and site security will be accommodated. The foregoing off-site affordable housing principles are referred to as the "Off-Site Affordable Housing Principles."

3. School.

(a) The WRY RFP shall require, and the WRY disposition documents shall incorporate, that the WRY designated developer identify and reserve a specific location in the site plan for a PS/IS school (the "School") of approximately 120,000 square feet of zoning floor area (the "WRY School Commitment"), which may be incorporated into a commercial or residential building.

(b) The City hereby agrees, and the parties acknowledge that the Councilmember, in the Councilmember's Letter, has agreed that, in addition to the density of 10 FAR contemplated by the WRY Design Guidelines and any floor area bonus received by the WRY developer pursuant to the WRY Permanent Affordable Housing Program, they shall support as part of the WRY rezoning a provision for additional zoning floor area equivalent to the zoning floor area reserved for the School (the "WRY School Floor Area Bonus").

(c) The City shall be responsible for all capital costs of the School, including core and shell and fit-out costs, and all operating and maintenance costs. As stated in the Councilmember's Letter, the Councilmember has agreed to support the inclusion in the City Capital and Operating Budgets of funds necessary to perform such City obligations. The foregoing commitments relating to the costs of the School are referred to as the "School Funding Commitment."

4. Administrative Space for Community and Cultural Organizations. The WRY RFP shall require, and the WRY disposition documents shall incorporate, a commitment (the "WRY Community Space Commitment") to make available to community and cultural organizations on a low-cost basis administrative office space in an amount to be determined by MTA and the developer at the WRY.

5. Conditions to Commitments. Notwithstanding anything in this MOU to the contrary, it is understood and agreed that the disposition documents for the WRY will condition the obligations of the WRY designated developer with respect to the WRY Affordable Housing Commitment, the WRY School Commitment, and the WRY Community Space Commitment, on the achievement of (a) a final rezoning of the WRY that complies in all material respects with the WRY Design Guidelines, (b) with respect to the WRY Affordable Housing Commitment, the establishment of the WRY Permanent Affordable Housing Program, and (c) with respect to the WRY School Commitment, on the funding of the City's obligation with respect thereto as described above. MTA's commitment to make available the MTA Site for affordable housing is likewise subject to the achievement of a final rezoning of the WRY that complies in all material respects with the WRY Design Guidelines. It is expressly agreed and acknowledged by all parties hereto that such Commitments are intended to be an integral part of a package with a development on the WRY that is undertaken substantially as provided in the WRY

Design Guidelines, and do not constitute independent obligations in the absence of a rezoning that allows for such development.

6. Re-profiling of 33rd Street West of 11th Avenue. The Railyards technical study performed by HYDC staff and design and engineering consultants has determined that the grade of West 33rd Street between 11th and 12th Avenues should be raised (“re-profiled”) to provide better site access for the WRY. The City has committed to fund and perform this re-profiling in a timely manner so as to avoid delay in the WRY development schedule.

7. DOS Relocation off of WRY. The City shall cause the NYC Department of Sanitation (“DOS”) to vacate and surrender its premises located on the WRY in a timely manner upon delivery of a notice to quit given by MTA to DOS, so as to permit MTA to deliver to the WRY designated developer vacant possession of the WRY on a timely basis.

B. ERY

1. Accessory Parking Requirement on ERY. The City and the MTA hereby agree to support, and the parties acknowledge that the Councilmember, as set forth in the Councilmember’s Letter, has agreed to support, and the Department of City Planning will prepare, a text change (the “ERY Parking Text Change”) to the Special Hudson Yards District zoning to (a) reduce the required accessory parking for the ERY to 450 spaces, all of which must be located on-site at the ERY and (b) permit as-of-right (i) a maximum of 1,000 accessory parking spaces below grade and (ii) additional accessory spaces above grade at the ERY, provided (x) that any above grade parking on the ERY must comply with Section 93-82(c) of the Zoning Resolution and (y) all below-grade spaces at the ERY must be located north of the northern boundary of the existing High Line easement.

2. ERY Design Recommendations. HYDC and its consultant team, working with the Department of City Planning and the MTA, have prepared design recommendations which augment the zoning controls for the ERY (the “ERY Design Recommendations”). The ERY Design Recommendations are annexed hereto as Exhibit 3. The ERY Design Recommendations will serve as guidance to MTA and the ERY RFP Selection Committee in their review and evaluation of the design components of the ERY Proposals. MTA will encourage the designated developer for the ERY to comply with the ERY Design Recommendations to the extent practicable and feasible in the context of the selected ERY development plan.

3. Cultural Facility.

(a) The ERY RFP shall require, and the ERY disposition documents shall incorporate, the following terms and conditions with respect to a cultural facility to be used and operated by one or more not-for-profit cultural institutions (the “Cultural Facility”):

(i) the ERY designated developer shall be required to reserve (the "Reservation Requirement") (x) the entirety of the portion of the ERY designated in the ERY zoning for community facility uses (the "Cultural Facility Area") and (y) 200,000 square feet of ERY on-site zoning FAR (the "Reserved FAR") solely for use as a Cultural Facility.

(ii) The selection of the cultural institution(s) to use and operate the Cultural Facility shall be made by the City in conjunction with the ERY designated developer.

(iii) The ERY designated developer shall be required to make available without charge such ancillary rights as are necessary for the construction, operation and maintenance of the Cultural Facility. The ERY designated developer shall not be required to contribute to the cost of the construction, operation and maintenance of the Cultural Facility or the Cultural Facility Area, other than to provide and pay for the costs of construction, operation and maintenance of the portion of the platform, if any, that would have been required to be built in the Cultural Facility Area if the Cultural Facility were not constructed there.

(b) In consideration of the reservation of the Cultural Facility Area and the Reserved FAR in the ERY disposition documents, the City shall pay to MTA the sum of \$15,000,000 at the time of closing by the MTA of the sale or lease of the ERY.

(c) The Reservation Requirement shall expire by its terms if definitive agreements for the construction and operation of the Cultural Facility have not been executed and delivered within ten (10) years following the closing by the MTA of the sale or lease of the ERY; provided, however, that the City may, at its option, extend the expiration date of the Reservation Requirement for up to an additional one (1) year if negotiations for a definitive agreement for the construction and operation of a Cultural Facility are ongoing. Upon such expiration, or any earlier termination of the Reservation Requirement by the City, (i) MTA shall return to the City the sum of \$15,000,000 paid to MTA and (ii) the Reserved FAR shall belong to MTA, which shall have the right to transfer such unused FAR as additional ERY TDRs or to negotiate for the sale of such unused Reserved FAR to the ERY designated developer for use on the ERY.

(d) In the event that the actual Cultural Facility uses less than the entire Reserved FAR and no definitive agreements for the construction and operation of an expansion of such Cultural Facility have been executed and delivered within ten (10) years following the initial opening of such Cultural Facility, the unused Reserved FAR

shall belong to MTA, which shall have the right to transfer such unused FAR as additional ERY TDRs or to negotiate for the sale of such unused Reserved FAR to the ERY designated developer for use on the ERY.

4. Northeast Corner Early Start. Developers may have substantial interest in relocating certain railroad facilities (the "Relocated Facilities") in the northeast corner of the ERY, in order to optimize development opportunities in that location. MTA and HYDC are working on a plan to relocate certain of the Relocated Facilities into a vault that would be constructed in the bed of West 33rd Street between 10th and 11th Avenues. The City has committed to raise ("re-profile") the grade of West 33rd Street between 10th and 11th Avenues to the same elevation as the ERY platform, and has allocated the necessary funds for the re-profiling. In addition to the re-profiling, the City will construct a vault in the bed of the reprofiled West 33rd Street to house certain of the Relocated Facilities. The City will use best efforts to cause the street re-profiling and vault construction to be completed no later than June, 2009. All costs of the vault and of the design and construction of the Relocated Facilities will be borne by MTA and/or the ERY designated developer. MTA is committed to working with the ERY developer, if its development plan calls for early access to the northeast corner of the ERY, in an effort to devise a construction plan ("Early Action Construction Plan") that would enable the developer to begin installation of certain foundations and columns for a building in the northeast corner of the ERY by Fall, 2009, prior to the completion of the relocation of the Relocated Facilities, with the understanding that the lower floors of such a northeast corner building could not be completed until the completion of the relocation of the Relocated Facilities. MTA's preliminary analysis indicates that it is possible to devise an Early Action Construction Plan. MTA will use best efforts to complete the relocation of certain of the Relocated Facilities by August 2010, and the remainder of the Relocated Facilities by second quarter 2011.

5. DEP Relocation off of ERY. The City shall cause the NYC Department of Environmental Protection ("DEP") to vacate and surrender its premises located on the ERY in a timely manner upon delivery of a notice to quit given by MTA to DEP, so as to permit MTA to deliver to the ERY designated developer vacant possession of the ERY on a timely basis, but in no event shall DEP be required to vacate the ERY prior to December 31, 2009.

C. Matters Relevant to the Entire West Side Yards

1. High Line. Retaining the existing High Line structure as linear open space within the ERY and WRY is a goal shared by the City, the MTA and, as indicated in the Councilmember's Letter, the Councilmember. In order to enable MTA to assess the costs and other impacts of such retention, which are not fully understood, each of the ERY RFP and the WRY RFP shall require detailed proposals from developers that carefully investigate alternative options with respect to the treatment of the High Line as linear open space. The City agrees that if the selected development proposal(s) for the ERY and/or the WRY include the retention of all or any portion of the High Line

structure as a linear open space along West 30th Street, the City will pay the annual operations and maintenance costs of the linear open space located on the High Line structure along West 30th Street. Without limiting the foregoing, nothing in this MOU shall be deemed to modify the Trail Use Agreement dated November 4, 2005 between the City and CSX Transportation. The foregoing approach to High Line issues is referred to as the "High Line Approach."

2. Common Open Space Maintenance and Operations. The ERY RFP and the WRY RFP shall require, and the ERY and WRY disposition documents shall incorporate, a commitment from developer(s) to maintain the common open space on the West Side Yards in good order and condition (subject to such funding or other commitments as may be agreed with respect to the High Line open space). MTA will require developers to establish an ongoing mechanism to ensure that such common open space maintenance is properly managed and funded notwithstanding possible future subdivisions and sales or subleases of portions of the ERY and WRY developments to separate owners, and an ongoing mechanism for public oversight and community participation in management and maintenance of the common open space.

3. Utilities. The City has committed to make water and sewer available in the streets adjacent to the West Side Yards, at City expense, in sufficient capacities, and on a timely basis, to service the developments on the West Side Yards contemplated by the ERY zoning and the WRY Design Guidelines.

PART II

TERMS AND CONDITIONS APPLICABLE TO PART I

A. Actions Subject to CEQR, SEORA and Other Approvals. The parties acknowledge and agree that:

(a) The agreements set forth herein with respect to WRY rezoning, ERY parking, and the School (the "Land Use Actions") are subject to any applicable requirements of law, including without limitation review under CEQR and City Charter requirements. The obligations of the City and Councilmember, as set forth in the Councilmember's Letter, to take and/or support the Land Use Actions shall be undertaken only in compliance with applicable legal requirements, and nothing herein shall be deemed to be an action taken by such parties, or require such parties to take an action, in violation of such legal requirements.

(b) The disposition of the West Side Yards and the MTA Site by MTA, and the agreement by MTA to include certain provisions in the disposition documents for the West Side Yards, are subject to any applicable requirements of law, including without limitation any applicable provisions of the Public Authorities Accountability Act, and SEQRA. The obligations of MTA as set forth

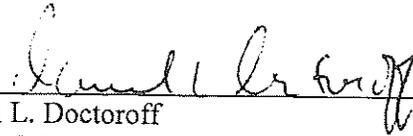
herein shall be undertaken only in compliance with applicable legal requirements, and nothing herein shall be deemed to be an action taken by MTA, or require MTA to take any action, in violation of such legal requirements.

(c) The (i) Land Use Actions are subject to the approval of the City Planning Commission and the City Council, which are independent governmental bodies, and (ii) any disposition and the terms of any disposition agreements relating to the West Side Yards are subject to the approval of the MTA Board, and this MOU does not, and cannot as a matter of law, bind such bodies, nor does this MOU bind the staffs of any City agency or the MTA in their respective capacities as staffs to such independent governmental bodies. Nothing in this MOU shall be deemed to limit the powers of such independent governmental bodies to exercise their lawful functions.

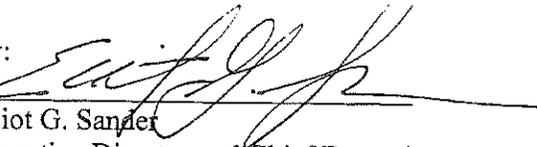
B. **Termination.** This MOU supplements the Rail Yards Agreement, and shall be effective with respect to the development and disposition of the West Side Yards pursuant to the Rail Yards Agreement. In the event that Section 1 of the Rail Yards Agreement is terminated, this MOU shall simultaneously terminate.

IN WITNESS WHEREOF, the parties have executed this MOU as of the day and year first set forth above.

THE CITY OF NEW YORK

By: 
Daniel L. Doctoroff
Deputy Mayor for Economic
Development and Rebuilding

**METROPOLITAN
TRANSPORTATION AUTHORITY**

By: 
Elliot G. Sander
Executive Director and Chief Executive
Officer

CHRISTINE C. QUINN
SPEAKER

DISTRICT OFFICE:
224 WEST 30TH STREET, SUITE 1206
NEW YORK, NY 10001
TEL: (212) 564-7757
FAX: (212) 564-7347



THE COUNCIL
OF
THE CITY OF NEW YORK

LEGISLATIVE OFFICE:
COUNCIL OF THE CITY OF NEW YORK,
CITY HALL, NEW YORK, NY 10007
TEL: (212) 788-7210
FAX: (212) 788-7207
quinn@council.nyc.ny.us

July 11, 2007

Daniel L. Doctoroff
Deputy Mayor for Economic Development and Rebuilding
City of New York
City Hall
New York, NY 10007

Metropolitan Transportation Authority
Elliot G. Sander
Executive Director and Chief Executive Officer
347 Madison Avenue
New York, NY 10017-3739

Dear Deputy Mayor Doctoroff and Executive Director Sander:

I recognize that it is of critical importance to develop the John D. Caemmerer West Side Yard. As you know, pursuant to the Rail Yards Agreement executed in September 2006 by the City and the Metropolitan Transportation Authority ("MTA"), the Western Rail Yard ("WRY") will require a rezoning to accommodate mixed-used development, subject to Section 5(b) of the Rail Yards Agreement. With a rezoning, the City can accomplish its goal of promoting the orderly development of the Hudson Yards area in accordance with sound planning objectives, and the MTA can accomplish its goal of achieving the maximum revenue for application to MTA's capital plan for investment in the New York region's public transportation system while assuring safe, continuous, uninterrupted LIRR service.

The MTA, the City, and the Hudson Yards Development Corporation ("HYDC") have produced the Western Rail Yard Design Guidelines and the Memorandum of Understanding Concerning the Development of Sites at the John Caemmerer West Side Yard between the City of New York and the Metropolitan Transportation Authority, dated July 11, 2007 (the "MOU"). Development of these documents has been critical to moving this rezoning process along.

The Western Rail Yard Design Guidelines and related items in the MOU are the result of a collaborative planning process undertaken among the City, MTA, and HYDC. I believe that the WRY Design Guidelines represent the planning and design goals which WRY

development should promote and achieve and that the WRY Design Guidelines will produce a high-quality superior development at the Western Rail Yard.

I support the WRY Design Guidelines, and am supportive of the affordable housing, school, and community space commitments as described in the MOU. Therefore, I look forward to reviewing, and fully expect to support, an application for rezoning of the Western Rail Yard that complies in all substantial respects with the Design Guidelines and such commitments, provided that the MTA requires, where applicable, that the Western Rail Yard developer abide by such commitments. I am also supportive of the Eastern Rail Yard Parking Text Change and the High Line Approach described in the MOU.

I look forward to continuing our work to complete this process through the Uniform Land Use Review Procedure.

Sincerely,



Christine C. Quinn
Councilmember, 3rd District

ATTACHMENT S: AREA MEDIAN INCOME CHART
2009 Maximum Household Income

HH Size	Metro Median Income *	Metro Median Income * (w/HUD adjustment)	80%	125%	165%
1	53,800		43,040	67,250	88,770
2	61,400		49,120	76,750	101,310
3	69,100		55,280	86,380	114,020
4	76,800	62,800	61,440	96,000	126,720
5	82,900		66,320	103,630	136,790
6	89,100		71,280	111,380	147,020
7	95,200		76,160	119,000	157,080
8	101,400		81,120	126,750	167,310

Note: Income limits for individual applicants/tenants are determined by household size, not by apartment size. Rents are determined by apartment size.

* Calculated by applying HUD family size adjustment factors to NYC Median Income for family of four



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

330 West 42nd Street, 26th floor New York, NY 10036
 tel: 212-736-4536 fax: 212-947-9512
 www.ManhattanCB4.org

JEAN-DANIEL NOLAND
 Chair

ROBERT J. BENFATTO, JR., ESQ.
 District Manager

October 14, 2008

New York City Planning Commission
 Attention: Robert Dobruskin, AICP
 Director EARD, NYCDCP
 22 Reade Street, Room 4E
 New York, New York 10007

Re: Western Rail Yard Environmental Impact Statement Draft Scope of Work

Dear Mr. Dobruskin:

Manhattan Community Board No. 4 is pleased to offer the following comments on the Draft Scope of Work for the Western Rail Yard Environmental Impact Statement.

With the Hudson Yards Community Advisory Committee (in which CB4 plays a leadership role) CB4 has been consistently engaged in the development process for the entire West Side Yard from the beginning of the current effort in July 2006. We have held four public forums and many smaller meetings, to solicit the community's participation, and endorsed the HYCAC's written comments to the MTA, the Hudson Yards Development Corporation and the development community on the Design Guidelines for the Western Rail Yard, the Requests for Proposals and the five proposals received by the MTA for development at the West Side Yard.

Proposed development at the Rail Yards.

We endorse the comments in the letter the HYCAC is providing to you on the Draft Scope of Work. We have participated actively in the preparation of those comments, and they should be considered comments of CB4 as well as the HYCAC.

The Additional Housing Sites.

In order to assist in the production of affordable housing, the Project Description in the Draft Scope also includes proposed development of affordable housing at two publicly-owned sites in Hell's Kitchen – the MTA/NYCT site on the east side of Ninth Avenue between 53rd and 54th Streets, and the Third Water Tunnel site on the west side of Tenth Avenue between 48th and 49th Streets. The balance of this letter concerns the Draft Scope as it relates to these sites.

The Ninth Avenue Additional Housing Site. The city proposes to make the MTA/NYCT site, on the east side of Ninth Avenue between 53rd and 54th Streets available for development pursuant to an RFP to be issued by HPD. The Draft Scope limits this site to the surface parking lot (which is gravel, not paved), adjacent to the NYCT facility completed in 1997. The site is owned by the city and leased to the MTA. The Draft Scope says only that “the bulk of the site would be made available for affordable housing development, with a portion of the site reserved for use by the MTA.” Much more must be known about the proposed development scenario before we can support any particular course of action. In the meantime, however, the MTA/NYCT has failed to articulate any kind of meaningful plan for the site, so its desire to reserve a portion of the site for an unspecified use rings hollow and should be disregarded for purposes of the EIS..

As first stated in our letter to HYDC dated May 23, 2007 in anticipation of the release of the RFPs for the Rail Yards, we would be delighted to see this site developed, since the gravel parking lot surrounded by cyclone fencing has been a neighborhood eyesore for years. However, this site is in the heart of the Preservation Area of the Special Clinton District, and must be developed consistent with the area’s lower density and building heights.

- Maximum FAR is 4.2, per Section 96-101 of the Zoning Resolution, not 6.02 as indicated in Item 18 of the EAS.
- Buildings should also conform to Section 96-104 of the Zoning Resolution (maximum heights of 85 feet on the avenue and 66 feet in the midblock), without resort to special permits for additional heights unless justified by a significant public benefit.
- For purposes of the WRY EIS, it should be assumed that the entire site will be developed as affordable housing, so that the environmental impacts of the maximum possible amount of affordable housing are analyzed, with groundfloor retail on the Ninth Avenue frontage. (This could be an ideal location for an affordable neighborhood grocery store.)

The Tenth Avenue Additional Housing Site

The city also proposes to make the Third Water Tunnel site, on the west side of Tenth Avenue between 48th and 49th Streets available for development pursuant to an RFP to be issued by HPD. The Draft Scope limits this site to the space over the Amtrak cut. The Environmental Assessment Statement/Environmental Assessment Form describes the site as all of Block 1077 lot 29, which includes the Third Water Tunnel site plus the space over the Amtrak cut (see Items 13B and 18), but shows the site in Figure 6 as being just the portion over the Amtrak cut. The Draft Scope indicates that the Proposed Actions include a “Text Amendment for a new special permit to allow for the modification of lot coverage and rear yard regulations, and application for such special permit,” but provides no details about what the text amendment would allow.

Block 1077 lot 29 was acquired by the New York City Department of Environmental Protection pursuant to a ULURP application for site selection in 1993. CB4 and the

community have been advocating for park/community open space on the site at least since DEP's 1993 ULURP application. Correspondence has been ongoing since then between DEP, DPR, CB4, local elected officials and the block association, all expressing a commitment that the site will be developed as a park when construction of the shaft is complete.

DEP will require a permanent easement for access to the shaft for maintenance. The 1993 Negative Declaration says that two 5 foot by 3 foot hatchways will be required to provide access to the underground valve chamber and a 14 inch diameter air vent will be required at the pavement level. This could easily be accommodated with surrounding park use.

When the idea of using the site for affordable housing was first raised in May 2007 in discussions relating to development of the WRY, it aroused alarm. However, in discussions between members of CB4 and the 47th/48th Street Block Association, it was recognized that a shared development scenario could in fact help to make the long hoped-for park a reality.

Hell's Kitchen Park, on the east side of Tenth Avenue, was recently rebuilt with facilities for smaller children. That park is now used beyond capacity and the needs of the various groups of park users often conflict.

The group reached consensus in June 2007 on the following points, and we are pleased to support development of the site, consistent with those points:

- The site should be developed with housing on the western portion of the site, over the rail cut, and park on the eastern portion of the site.
- Housing elements:
 - Building should run through the block on the western boundary, with arms pointing east toward Tenth Avenue.
 - After the rezoning completed 4/16/08 in connection with the Real Estate Industrials project, the entire site is zoned R8 and maximum FAR is 4.2 per ZR Sections 96-101 and 96-31.
 - Use special permit under ZR 96-104 for maximum height of 99 feet.
- Park elements:
 - The park should be mapped and developed as Hell's Kitchen Park West, with facilities for older children and teens (volleyball and basketball courts moved from Hell's Kitchen Park), adult seating areas and lots of green.
 - The park should include a comfort station, which could be in the adjacent housing development.
 - DPR should design, housing developer should build, City should fund
 - Fenced same as Hell's Kitchen Park
 - Full-time park attendant to be assigned to Hell's Kitchen Park and Hell's Kitchen Park West (not shared with other parks)

- To absorb growing neighborhood population, renovate eastern portion of Hell's Kitchen Park (where volleyball and basketball courts now are), as well as other nearby parks:
 - Raymon Aponte Playground on 47th Street between 8th and 9th Avenues is in serious need of renovation (last renovated by DPR in 1990)
 - May Matthews Park, 45th to 46th Streets between 9th and 10th Avenues – will check needs with 46th Street Block Ass'n
- Water tunnel easement:
 - Minimal amount required for hatchways and vent
 - Fenced and landscaped
 - Integrated element of the park

Development at this site should not assume any groundfloor retail use, since the Tenth Avenue frontage will be park and retail activity will not be appropriate on the mid-block frontages.

Housing Program

For both sites, housing should meet CB4's basic range of recommended affordability: 50% of the units should be affordable to households making up to 80% of Area Median Income, 30% of the units should be affordable to households making up to 125% of AMI and 20% should be affordable to households making up to 165% of AMI. In addition, both sites must include a substantial number of affordable family-sized units.

Timetable

Development of these sites is appropriately tied to the large amount of market rate development that will be allowed on the WRY once it has been rezoned. The RFP for the Ninth Avenue site should be issued upon completion of the WRY rezoning. The RFP for the Tenth Avenue site should be issued upon completion of the WRY rezoning and after completion of the Third Water Tunnel construction. Neither site should be dependent on the MTA's entering into a lease with Related for the Development Site.

Sincerely,



Jean-Daniel Noland
Chair

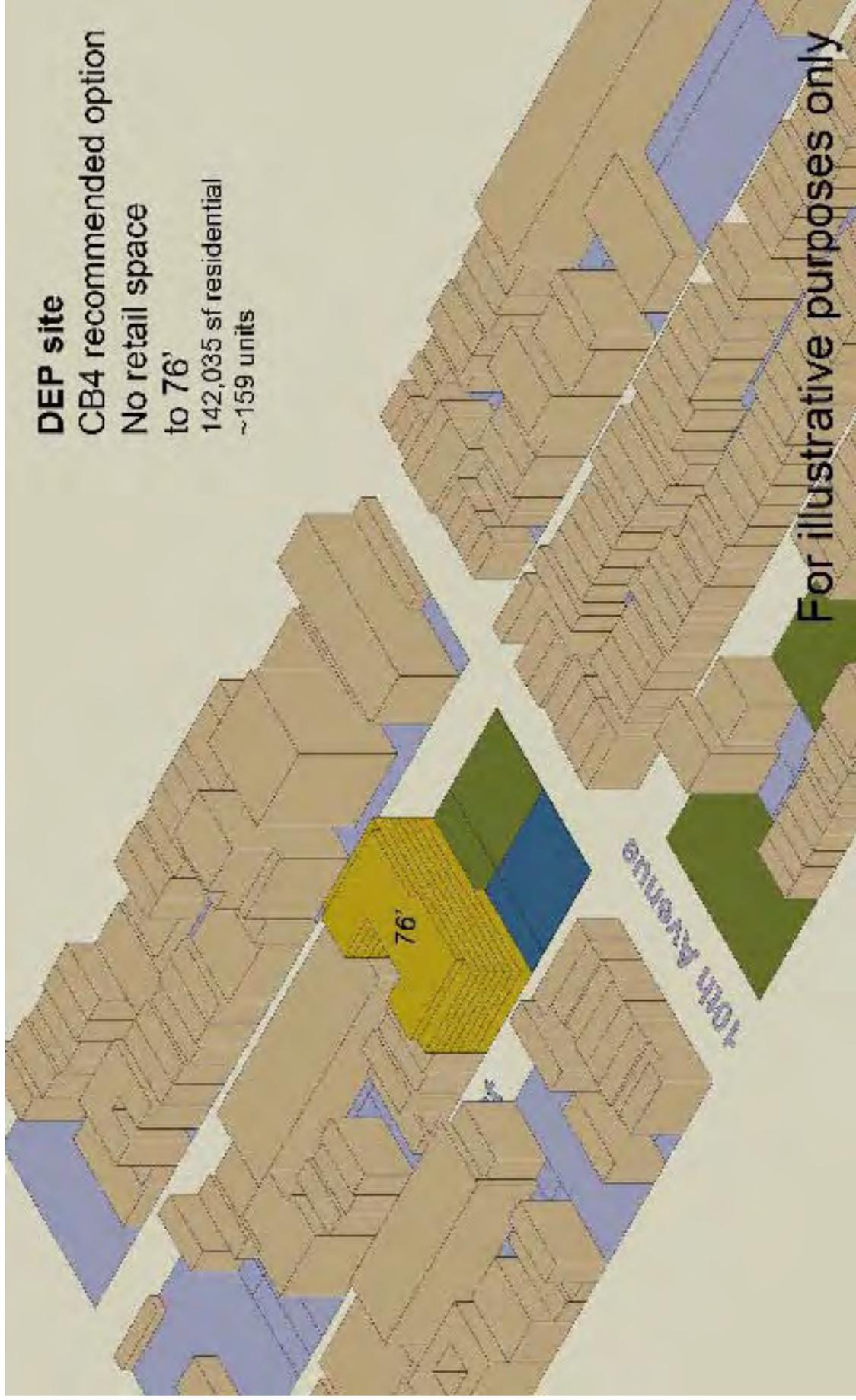


Anna Hayes Levin, Chair
Clinton/Hell's Kitchen Land Use Committee

Cc: MTA – Elliott G. Sander, William Wheeler, Roco Krsulic, Hilary Ring, Jim Henley, Jeremy Soffin
HYDC – Ann Weisbrod, Wendy Leventer, Aaron Kirsch
DCP – Amanda Buden, Edith Hsu-Chen, Dominic Answini

Related Companies – Jay Cross, Jay Kriegel, Vishaan Chakrabarti, Michael Samuelian
HYCAC members
NYC Council Speaker Christine Quinn
Manhattan Borough President Scott Stringer
NYC Council Member Gale Brewer
Congressman Jerold Nadler
NYS Senator Thomas Duane
NYS Assemblyman Richard Gottfried

ATTACHMENT U: CB4 RECOMMENDED MASSING FOR DEP SITE



Water Tunnel Shaft - 705 101

cc: John
Tyn
Mike
Pete
Ann
Ed



May 25, 1993

New York City
Department of
Environmental
Protection

Mr. Glen E. Vogel
Deputy Commissioner
Department of Environmental Protection
96-05 Horace Harding Boulevard
Corona, NY 11368



Re: CEQR No. 93DEP026M
City Water Tunnel No. 3, Stage 2, Shaft 25B
Manhattan

Office of
Environmental Planning

Dear Mr. Vogel:

Under City Environmental Quality Review, the lead agency is required to determine whether a proposed action may or will not have a significant effect on the environment. In accordance with this regulation, the Office of Environmental Planning, acting on behalf of the NYC Department of Environmental Protection, as CEQR lead agency, has determined that the proposed action will not have a significant adverse effect on the environment.

59-17 Junction Blvd.
Corona, New York
11368
718 - 595 - 4416
Fax: 718 - 595 - 4479

Enclosed is the Negative Declaration for the proposed site selection of lot 29 on City Block 1077, located at 705 Tenth Avenue in Manhattan. The site would be used for the construction of a water supply shaft as part of Stage 2 of City Water Tunnel No.3. The attached declaration includes the statements for the finding that the project will not have a significant effect.

ALBERT F. APPLETON
Commissioner

Sincerely,

Angela Licata for

JOSEPH W. KETAS
Assistant Commissioner

Joseph W. Ketas
Assistant Commissioner
Department of Environmental Protection

- cc: Richard Schaffer
- Alice Olson, Com. Bd. 4
- Gail Benjamin
- Milton Valenta
- Larry Parnes
- Annette M. Barbaccia
- John Ferguson
- Lance Michaels
- Carlos Cuevas
- Andrew Genn

- Gary Deane
- Robert Flahive
- Sverre Tysvaer
- Phil Tugendrajch
- Phil Sperling
- Thomas Jorling
- Albert Appleton
- Gina Santucci
- Ruth Messinger

NEGATIVE DECLARATION

PROJECT

City Water Tunnel No. 3, Stage 2, Shaft B
CEQR No. 93DEP026M

Date Sent: May 25, 1993

NAME, DESCRIPTION, and LOCATION OF THE PROPOSED PROJECT

The proposed action is the site selection by the New York City Department of Environmental Protection (NYCDEP) to facilitate the construction of water supply Shaft 25B. The site is located on Block 1077, lot 29 at 705 Tenth Avenue in Manhattan. The project site is situated on the west side of 10th Avenue between 48th and 49th Streets in Community Board 4. The shaft would be located on the southern portion of the site. The entire 36,500 square foot property is located in a R8 zoning district.

Prior to any site excavation, the Bureau of Environmental Engineering (BEE) will submit an archaeological documentary study to the New York City Landmarks Preservation Commission (LPC), for review and approval in accordance with LPC guidelines as indicated in Attachment 1.

The site formerly contained a gasoline station and there is the potential for the presence of petroleum contaminated soil. The Bureau of Environmental Engineering will submit a soil and groundwater sampling protocol to the Department of Environmental Protection's Bureau of Environmental Remediation and Enforcement (DEP/BERE) for review and approval. Remedial actions determined to be necessary based on the testing results will be submitted for approval by DEP/BERE. No site grading, excavation, or building construction will begin prior to DEP/BERE written approval of the sampling protocol and remediation program.

Upon completion of the proposed project, the site would contain two, 5 foot x 3 foot hatchways to provide access to the underground valve chamber and a 14 inch diameter air vent at the pavement level. A permanent easement would be established around these structures. Any activities temporarily displaced by construction could return upon the project's completion. NYCDEP Bureau of Water Supply personnel would access the shaft approximately once each month to conduct routine maintenance.

Construction of the shaft would occur over two phases consisting of the following activities:

Phase 1. The shaft's construction would occur over a 30 month period expected to begin in September 1996 and conclude by July 2001. When completed, the proposed water supply shaft would extend to a depth of approximately 535 feet below the ground elevation and would be covered by a 50 foot x 34 foot x 20 foot high subsurface distribution chamber. The distribution chamber's roof would be three feet below the existing ground elevation.

Phase 2. Phase 2 construction is expected to begin in July 2002 and end by October 2003. This phase involves installation of shaft equipment and restoration of the site.

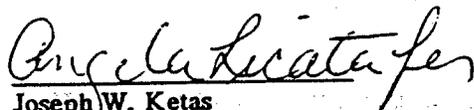
Negative Declaration
City Water Tunnel No. 3, Stage 2, Shaft 25B
CEQR No. 93DEP026M
page 2

STATEMENT OF NO SIGNIFICANT EFFECT

The Department of Environmental Protection, as CEQR Lead Agency, has determined that the proposed action will have no significant effect on the quality of the environment.

SUPPORTING STATEMENTS

The above determination is based on an environmental assessment which finds that no significant effects upon the environment that would result in the preparation of an Environmental Impact Statement are foreseeable.



Joseph W. Ketas
Assistant Commissioner
Department of Environmental Protection

NEW YORK CITY LANDMARKS PRESERVATION COMMISSION GUIDELINES FOR ARCHAEOLOGY

The developer and his representatives should agree to develop and implement a plan to make possible to the greatest degree an archaeological investigation on the construction site itself and of the artifacts recovered from the site. Such plan shall be submitted to the Landmarks Preservation Commission for its approval. Archaeological work shall be agreed upon in advance of any pre-construction work being undertaken on the site.

An archaeological survey will be undertaken at the sole expense of the applicant and/or his successors in the interest of evaluating the historical significance of the construction site.* The archaeological survey will be permitted to start as soon as possible before any construction, and construction will be staged so as not to interfere with archaeological work. The survey will encompass the following elements:

PRE-CONSTRUCTION CONDITIONS

1. Documentary Research to record the known history of the site, evaluate its archaeological potential and, if appropriate, to determine locations for field research. The result of this research must be submitted to the Landmarks Preservation Commission for its evaluation and approval before development of a field testing strategy.

2. Field Testing.

a. Should the documentary research demonstrate the need for archaeological excavation, a scope and budget for field testing must be submitted for approval by the Landmarks Preservation Commission.

b. The archaeological excavation effort will determine through field testing if any artifacts or other items of significance, such as house foundations, wells, privies or even sunken ships are contained within the selected areas. All necessary support facilities, machinery, and security will be provided during this process by the applicant and/or successors and the construction manager. Laboratory work is required.** A written report of the findings must be submitted to the Landmarks Preservation Commission within one month after the completion of the testing phase.

3. The mitigation plan is to be discussed after an evaluation of archaeological resources is made by the archaeology team and the Landmarks Preservation Commission staff archaeologist. The field archaeologist will recommend in writing an excavation program which will include a mitigation plan (for further archaeological excavation), budget and revised scope. All necessary support facilities, machinery, and security will be provided during this process by the applicant and/or successors and the construction manager. Laboratory work is required.** After satisfactory completion of excavation plan the Landmarks Preservation Commission will indicate that building construction can begin.

NEW YORK CITY LANDMARKS PRESERVATION COMMISSION GUIDELINES FOR ARCHAEOLOGY

4. A Certificate of Occupancy will not be granted to the applicant and/or his successors by the Buildings Department until the Landmarks Preservation Commission has confirmed completion of all archaeological reports. An initial report documenting the entire field operation, its findings and a laboratory report and analysis of the site will be produced within one year after the completion of the fieldwork. A draft of the report will be evaluated by the Landmarks Preservation Commission archaeologist. An additional two months will be given for making suggested changes and alterations. Upon acceptance of the written final report, the Landmarks Preservation Commission will sign off on the archaeological aspect of the site.

(*) Qualifications/Credentials. The Principal Investigator of all archaeological work must be certified by the Society of Professional Archaeologists (SOPA). Regarding documentary research reports, the Principal Investigator must be the primary author. Regarding archaeological excavations, if the Principal Investigator is not on the site during and for the duration of the project, then the Assistant Director and/or Site Supervisor must be SOPA certified.

(**) Laboratory work will document the archaeological finds. An ongoing "laboratory" will be established near the site and will run concurrently with all phases of the field operation. All artifacts should be counted and catalogued in some manner. Laboratory analyses will continue beyond the end of the fieldwork. Conservation of the most endangered and informative objects, and a budget and time framework for completion of the laboratory work will be agreed upon among the archaeology team, the developer/owner and the Landmarks Preservation Commission.



City of New York
Parks & Recreation

The Arsenal
Central Park
New York, New York 10021

Adrian Benepe
Commissioner

MANHATTAN COMMUNITY BOARD
NO. 4

MAR 1 1 2005

RECEIVED

file: NYC & PARKS
file: Water Tunnel
(shaft 25B)

cc. Anna
Simone
Pom
John D
JD + Elke F

February 28, 2005

Mr. Walter Mankoff
Chair
Ms. Anna Hays Levin
Ms. Simone Sindin
Co-Chairs, Clinton/Hells Kitchen Land Use Committee
Manhattan Community Board No. 4
330 West 42nd Street, 26th floor
New York, NY 10036

Dear Mr. Mankoff, Ms. Levin, and Ms. Sindin:

Thank you for your letter regarding the status of City Water Tunnel No. 3 Shaft Site 25B on Tenth Avenue between 48th and 49th Streets.

In correspondence last year with Parks' Real Estate Division, the Department of Environmental Protection (DEP) acknowledged its commitment to transfer site 25B, along with various other shaft sites, to Parks as soon the property is no longer needed for construction staging purposes. DEP estimates its work will not be complete until at least 2010. A permanent easement may be placed over the site so that DEP can have unrestricted access to its facilities. Alternatively, DEP may simply retain a portion of the site in order to facilitate its access to the shaft.

Due to the extended period during which DEP will continue to use Site 25B, our agencies have not yet discussed the terms under which a park would be developed atop the shaft. Obviously, the design will need to account for the future access DEP will need. While the actual transfer of the property could be accomplished through a relatively simple administrative process, possible decisions to map an easement or map new parkland could result in a requirement for ULURP. At this time, there is no schedule or budget for completing this work.

We understand that CB4 may be anxious to confirm future status of Site 25B. Parks is confident that DEP will fulfill its commitment to the development of a park and thus continue the long-intertwined legacy shared by our City's park and water supply systems.

Sincerely,

Adrian Benepe
Adrian Benepe



DEPARTMENT OF ENVIRONMENTAL PROTECTION
96-05 Horace Harding Expressway
Corona, New York 11368

Emily Lloyd
Commissioner

Alfonso R. Lopez, P.E.
Deputy Commissioner

Bureau of Engineering
Design & Construction

Tel. (718) 595-5050
Fax (718) 595-5009
alopez@dep.nyc.gov

*Anna
F41-
cehl*

September 7, 2006

06 SEP 14 PM 3:13

*Shaan - fwd to COA
Demetria*

Honorable Scott M. Stinger
Manhattan Borough President
Municipal Building
1 Centre Street, 19th Floor
New York, N.Y. 10007

Dear Borough President Stringer:

Thank you for your letter to Commissioner Lloyd regarding the future use of Shaft 25, located on Tenth Avenue between 48th and 49th Street. Since my staff is responsible for the design and construction of the Third Water Tunnel, Commissioner Lloyd has asked that I respond on her behalf.

NYC DEP strongly supports expanding and protecting greenspace in our City and is pleased to provide amenities to the public on land acquired for subsurface water shaft construction to the extent that such amenities do not adversely impact our vital mission to supply residents with precious drinking water. In order to ensure a steady supply of such water to our citizens, DEP needs to secure the area above the footprint of the distribution chamber and maintain ready access to the shaft and any control valves or flow monitoring equipment.

We remain fully committed to providing the community with open space which can be developed into a park-like facility on all other portions of the site. This space can be enjoyed by the public except for limited periods when DEP is conducting construction, inspection, maintenance or repair operations requiring the use of such areas. While the site will have every appearance of a park and be maintained by DPR, because we must be prepared to address water supply emergencies at all times without the legal encumbrances associated with parkland alienation, we can not formally transfer the site to DPR and can not formally refer to the site as a "park".

We would be pleased to make portions of the site available for use as open space on an incremental basis prior to final completion of construction, anticipated in 2011. Following completion of shaft construction in mid-2009, we anticipate being able to provide approximately half the site area to the public. We will contact DPR to discuss specific site plans (e.g., landscaping, plantings, benches, etc.) and work out a formal agreement to create open space well in advance of that time.

Should you have any further questions, please contact **Kenneth Moriarty**, P.E. of my staff at 718-595-6238.

Very truly yours,

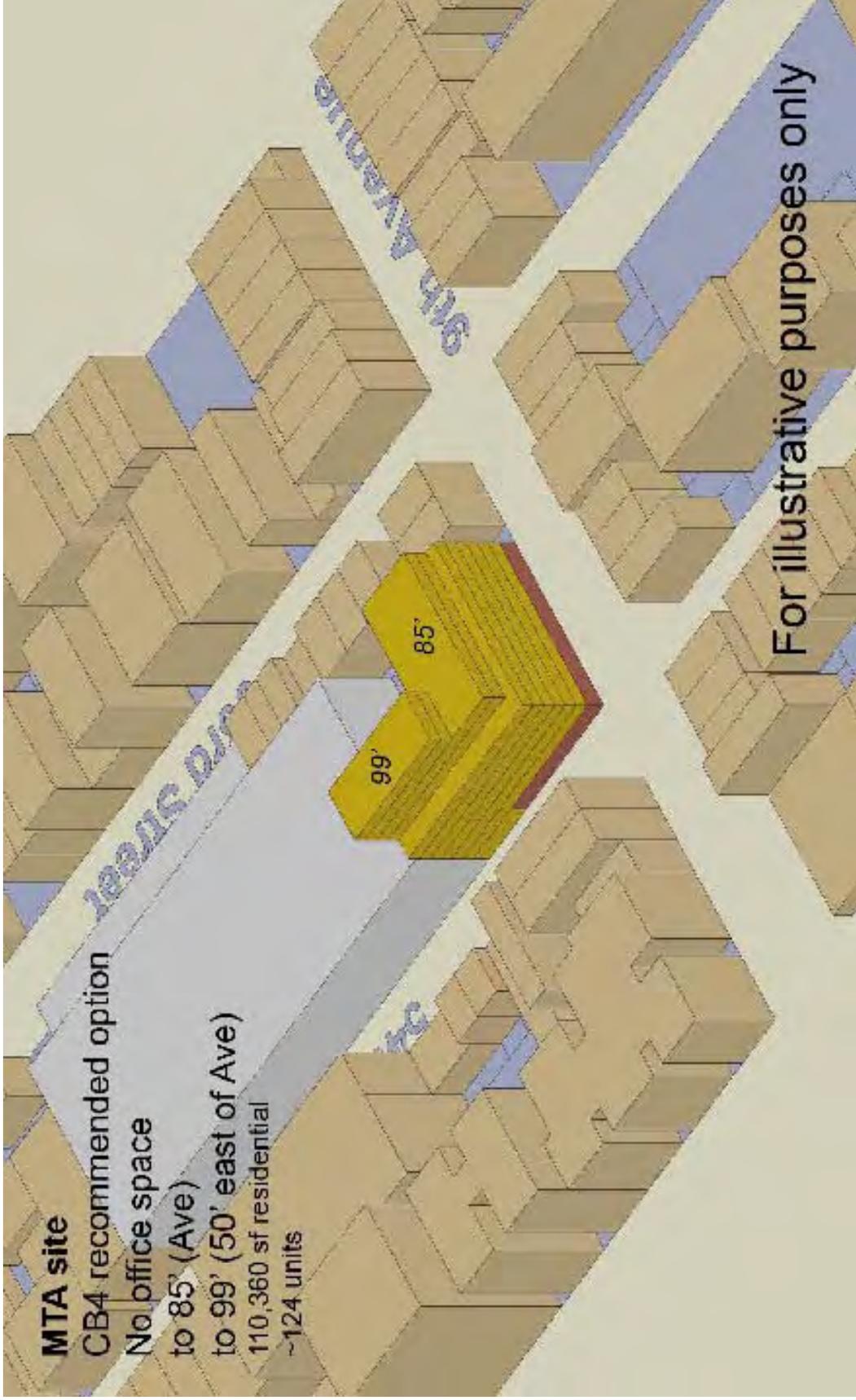
Alfonso R. Lopez
Alfonso R. Lopez, P.E.
Deputy Commissioner

KM/lm

xc: Moriarty
Dilan/Martinez
CT Log # 23569



ATTACHMENT Y: CB4 RECOMMENDED MASSING FOR MTA SITE





W 56TH STREET

W 55TH STREET

W 54TH STREET

W 53TH STREET

1

2

W 52ND STREET

W 51ST STREET

W 50TH STREET

W 49TH STREET

W 48TH STREET

NINTH AVENUE

EIGHTH AVENUE

ATTACHMENT AA: PROPOSED INDIVIDUAL LANDMARKS TABLE

No.	Name	Address	Block/Lot	Zoning District	Special District	Built FAR	Permitted FAR	Adjacent to possible development site
1	Tenement Blockfront	781 9th Avenue	1062/29	R8/C1-5	CL	5	4.2	
		783 9th Avenue	1062/30	R8/C1-5	CL	4.25	4.2	
		785 9th Avenue	1062/31	R8/C1-5	CL	3.36	4.2	
		787 9th Avenue	1062/32	R8/C1-5	CL	2.91	4.2	
		789 9th Avenue	1062/33	R8/C1-5	CL	3.35	4.2	
		791 9th Avenue	1062/34	R8/C1-5	CL	2.5	4.2	
		793 9th Avenue	1062/35	R8/C1-5	CL	4.85	4.2	
		795 9th Avenue	1062/36	R8/C1-5	CL	4.71	4.2	
2	St. Benedict the Moor Church	342 W. 53rd Street	1043/51	R8/C1-5	CL	1.69	4.2	No Yes

ATTACHMENT BB: PROPOSED INDIVIDUAL LANDMARKS PHOTOS



1. Tenement Blockfront, 781-795 9th Avenue – S/NR-eligible



2. St. Benedict the Moor Church – NYCL- and S/NR-eligible