

Jay A. Segal
212-801-9265
segalj@gtlaw.com

November 23, 2009

VIA HAND DELIVERY

The Honorable Tony Avella
Chair of the Subcommittee on Zoning and Franchises
New York City Council
250 Broadway
New York, NY 10007

Re: 15 William Street, New York, New York
ULURP No. N 090293 ZRM

Dear Chair Avella:

We are counsel to the owner of the building known as 15 William Street. We submit this letter in support of our request that the Council modify the subject City Planning Commission text amendment to the Zoning Resolution (the "Text Amendment") so that it would allow a 10 foot curb cut to an as of right 65 space accessory garage to be widened to 20 feet (the "Widening").

We believe the Widening would address the safety concern expressed in CPC's report (the "Report") that the 10 foot width curb cut "has the potential to create vehicular and pedestrian conflicts". Despite this concern, CPC did not allow the Widening because it concluded that the Widening would "further compromise the streetscape and erode the primacy of pedestrians over vehicular traffic on the sidewalk". Enclosed are photographs and drawings of the relevant portions of Beaver Street (15 William also has frontage on Beaver Street) to which we have added yellow and blue markings, which show, respectively (i) the Widening and the adjacent portion of the sidewalk which would not be level because of the curb cut and (ii) the pedestrian path (the Report states the pedestrian path cannot include sidewalk grates).

We believe the photographs and drawings show CPC's concern that the Widening would adversely affect pedestrians is misplaced and we request the Council modify the Text Amendment to allow the Widening and thereby address the safety issue raised by CPC.

Very truly yours,



Jay A. Segal

Enclosures

cc: Members of the Committee on Land Use
Council Member Alan J. Gerson

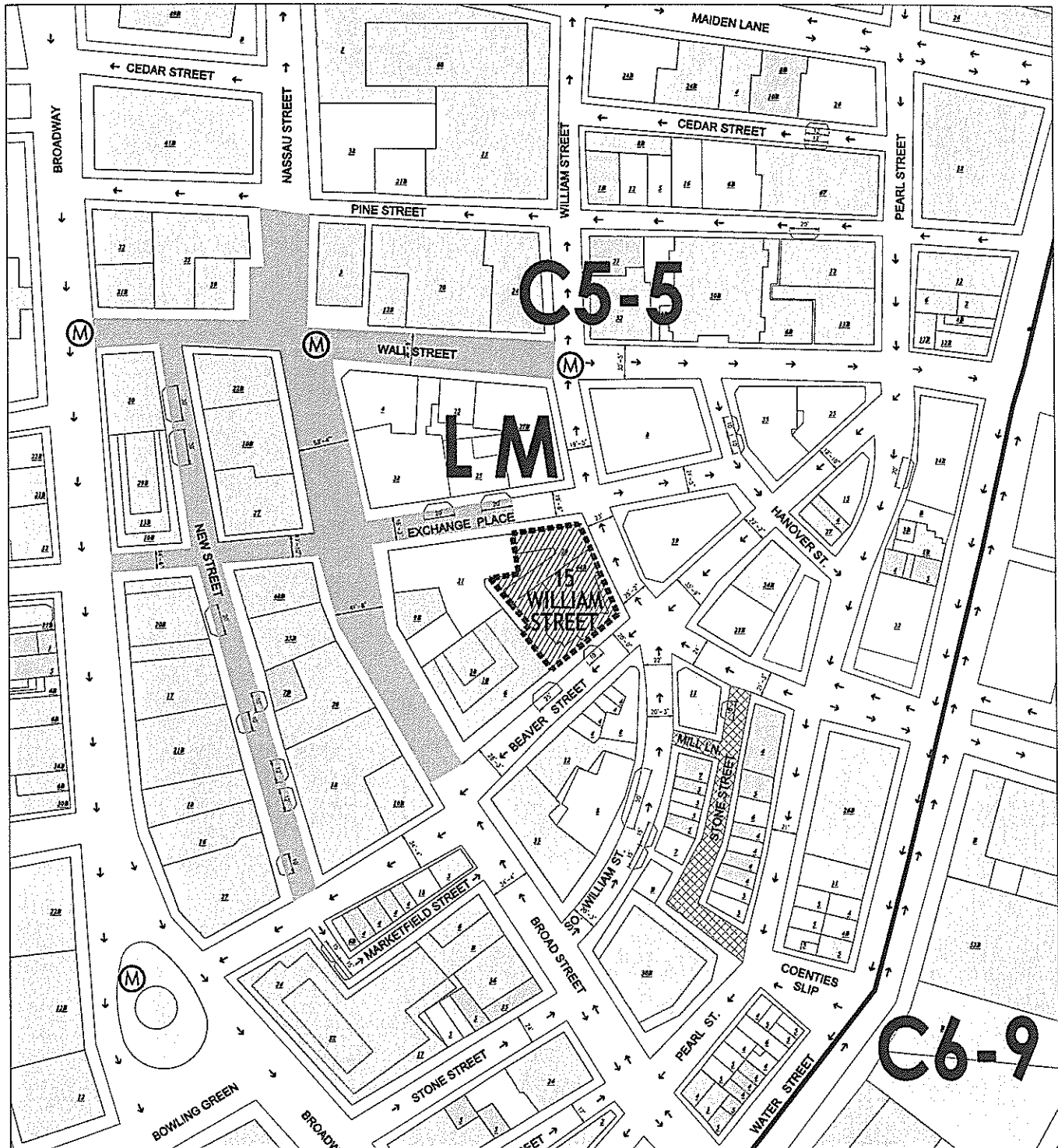
SLCE Architects

841 BROADWAY, NEW YORK, N.Y. 10003

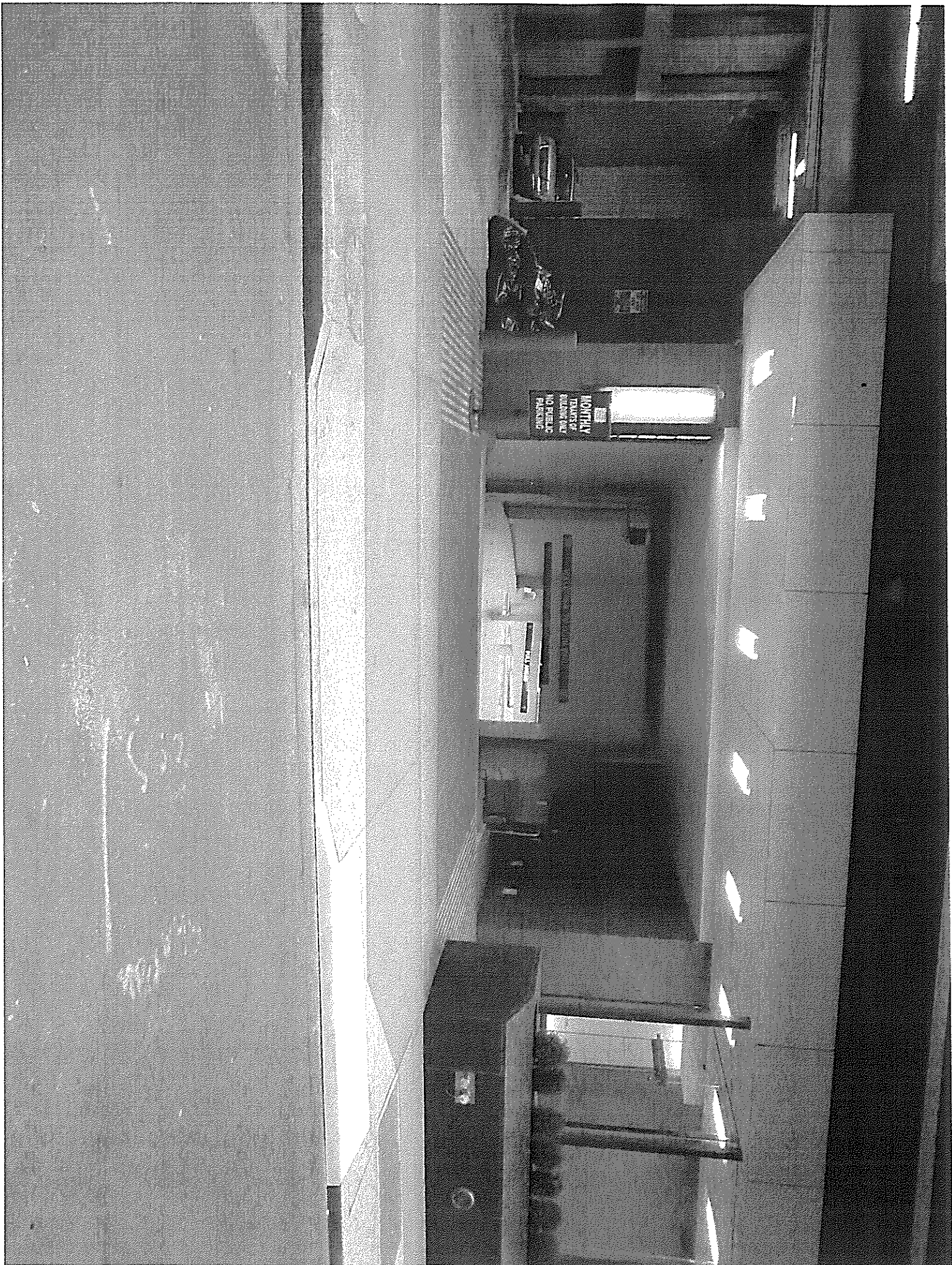
15 WILLIAM STREET
15 WILLIAM STREET NEW YORK
SDS INVESTMENTS . LLC

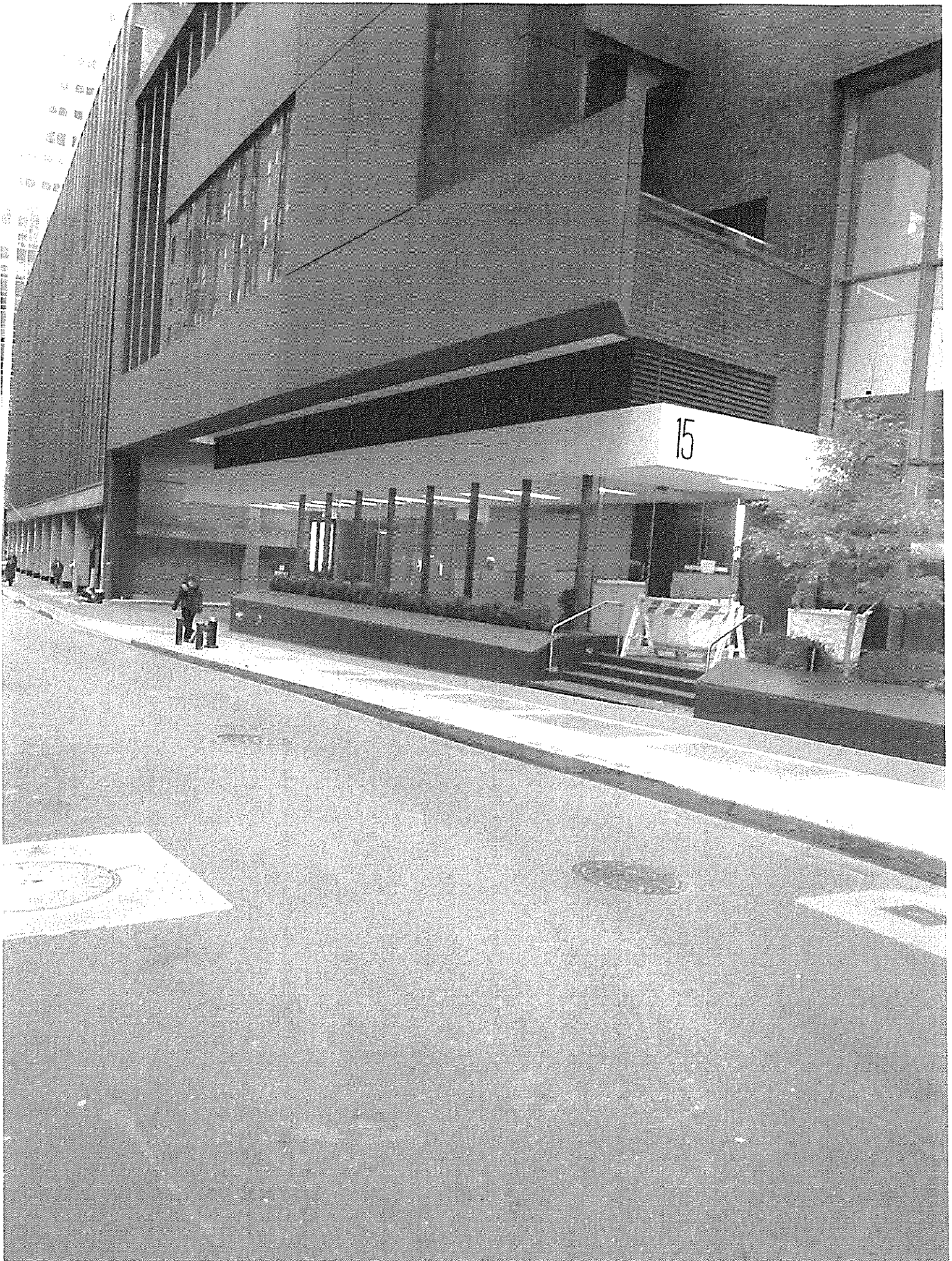
AREA MAP
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DWG. NO.:

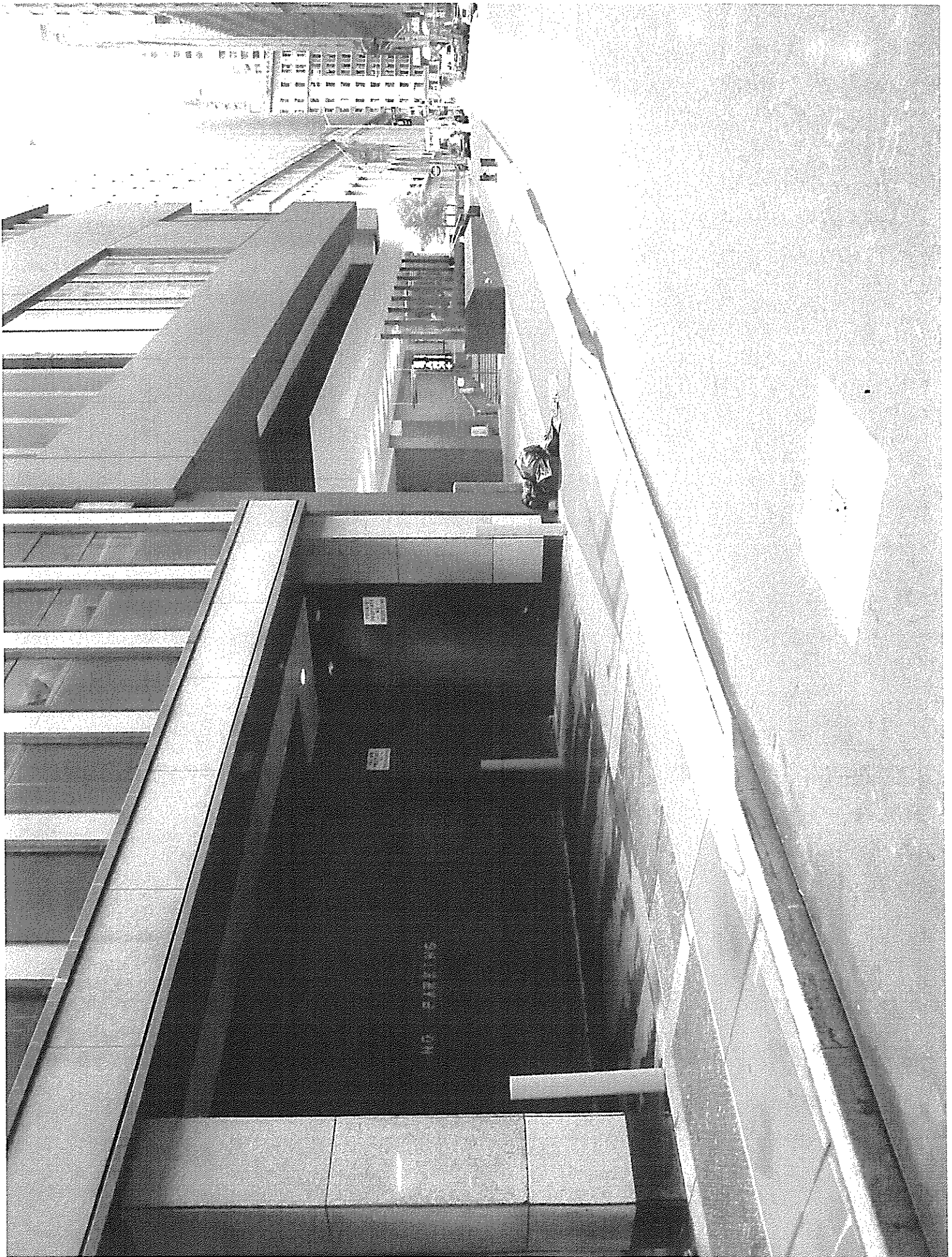
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|--|----------------------------------|--|---|--|---|
| | EXISTING CURB CUTS | | COMMERCIAL BUILDING | | OPEN SPACE |
| | TRAFFIC DIRECTION | | INSTITUTIONAL BUILDING | | INDUSTRIAL, UTILITIES, TRANSPORTATION, PUBLIC PARKING |
| | CLOSED ACCESS 10 AM - 6 PM | | HOTEL | | UNDER CONSTRUCTION |
| | LIMITED/ RESTRICTED ACCESS | | RESIDENTIAL BUILDING | | VACANT BUILDING |
| | ZONING LOT | | RESIDENTIAL BUILDING (W/ GROUND FLR RETAIL) | | VACANT PARCEL |
| | NUMBER OF BLDG. STORIES | | OFFICE BUILDING | | PUBLIC SUBWAY TRANSPORTATION |
| | NUMBER OF BLDG. STORIES W/ BSMT. | | ZONING DISTRICT | | |







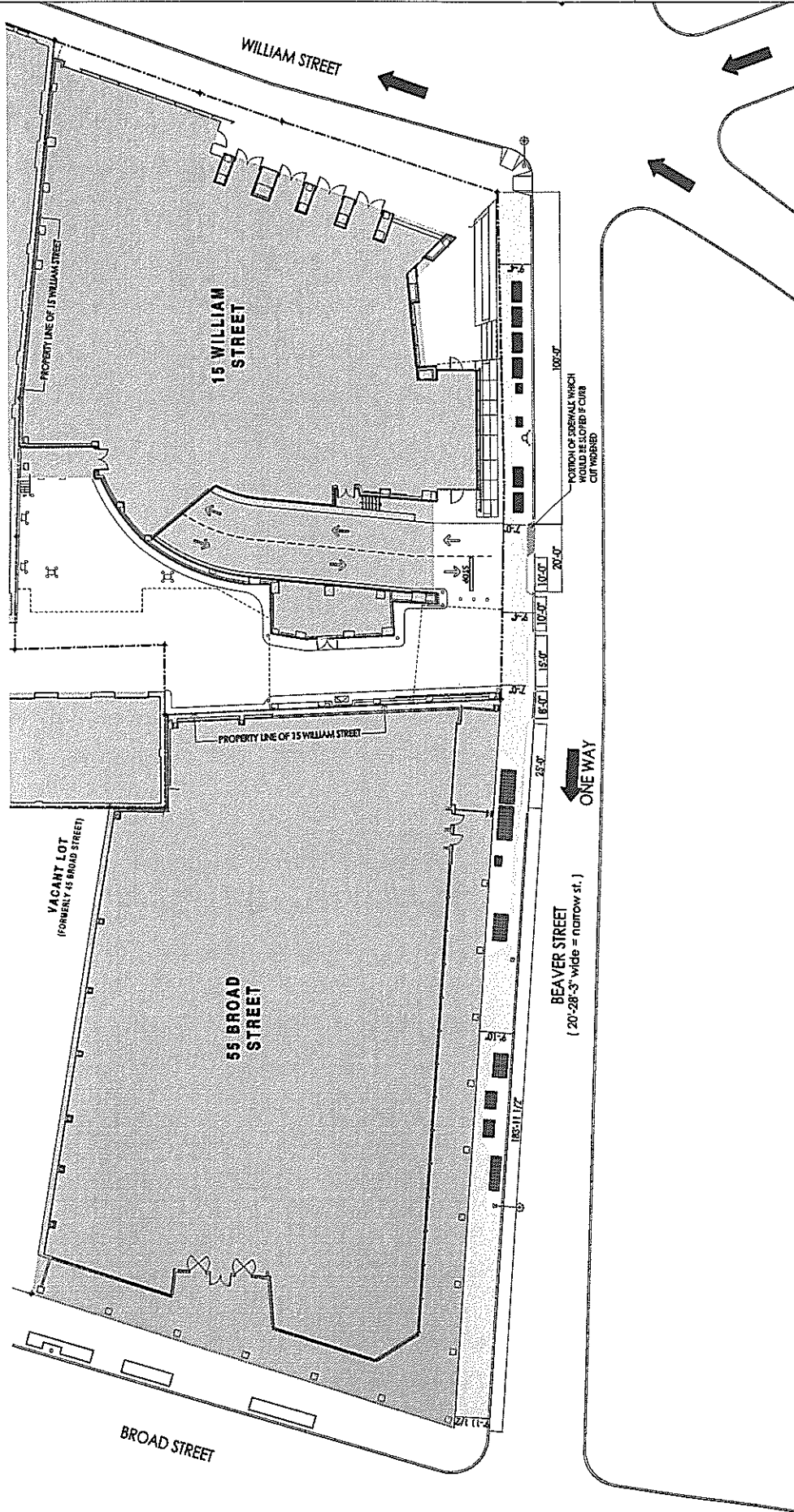
SLCE Architects

841 BROADWAY, NEW YORK, N.Y. 10003

15 WILLIAM STREET
15 WILLIAM STREET NEW YORK
SDS INVESTMENTS . LLC

SITE PLAN
SCALE: N.T.S.
DATE: 11-19-09
DWG. NO.:

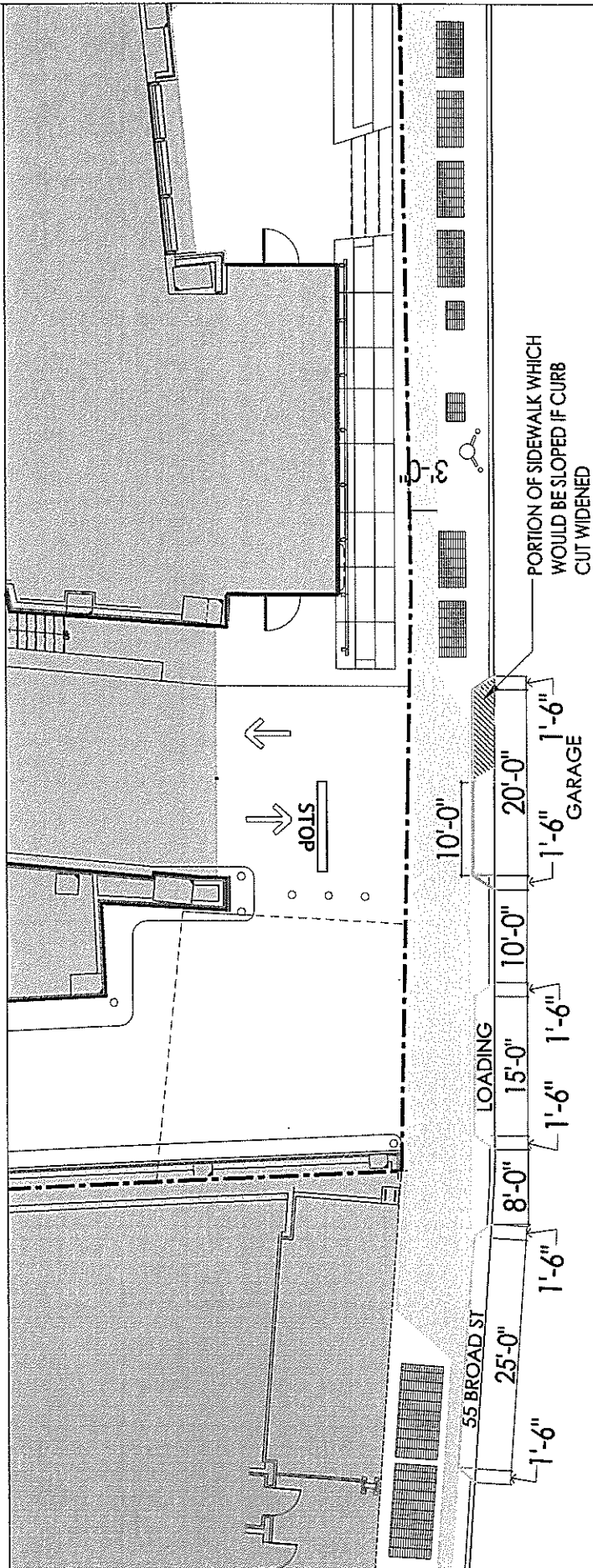
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DRAWING LEGEND	
	EXISTING CURB CUT
	PROPOSED CURB CUT
	FIRE HYDRANT
	STREET LAMP
	CONCRETE GRATES
	PEDESTRIAN PATH

DRAWING LEGEND

	EXISTING CURB CUT
	PROPOSED CURB CUT
	FIRE HYDRANT
	STREET LAMP
	CONCRETE GRATES
	PEDESTRIAN PATH



CURB CUT DETAIL

ALAN JAY GERSON
COUNCIL MEMBER 1ST DISTRICT,
MANHATTAN

DISTRICT OFFICE
49-51 CHAMBERS STREET, SUITE 429
NEW YORK, NY 10007
(212) 788-7722
FAX (212) 788-7727

CITY HALL OFFICE
250 BROADWAY, ROOM 1845
NEW YORK, NY 10007
(212) 788-7259

gerson@council.nyc.ny.us



THE COUNCIL
OF
THE CITY OF NEW YORK

CHAIR

LOWER MANHATTAN REDEVELOPEMNT

COMMITTEES

ECONOMIC DEVELOPMENT

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FIRE AND CRIMINAL JUSTICE

PARKS & RECREATION

WATERFRONTS

YOUTH SERVICES

November 11, 2009

The Honorable Tony Avella
NYC Councilmember, District 19
250 Broadway, 17th Floor
New York, New York 10007

Re: 15 William Street, Manhattan
N 090293 ZRM

Dear Councilmember Avella:

I urge my colleagues on the Zoning and Franchises Subcommittee, the Land Use Committee and the Council as a whole, to support a modification of the above referenced text amendment so ten feet can be added to an existing 10 foot curb cut that serves an as-of-right accessory garage. The added 10 feet will materially improve safety and have a negligible impact on the pedestrian experience. This modification is a small accommodation for the residents of the new building in which the garage is located who responded to the City's encouragement to move into downtown and help revitalize the canyons of Wall Street. In fact, the Community Board, the Downtown Alliance and I all supported a special permit which would have allowed a larger garage in order to provide much needed parking for neighborhood residents.

The already completed building at 15 William Street could accommodate 195 cars, which the developer agreed would be available only to monthly parkers living in the area. This would have assured minimal use of the curb cut during weekdays (few downtown residents commute by car) and would have made it easier for families to travel on weekends by car. The CPC, illogically in my opinion, turned down the application because it felt widening the curb cut by a mere ten feet would diminish the pedestrian experience. CPC concluded that the existing as of right 10 foot curb cut made the garage entrance less safe, but refused to expand it preferring, it appears, to jeopardize the safety of the 65 as of right parkers, supposedly to benefit the pedestrian experience. However, the community board and I see no harm to the pedestrian experience by expanding the curb cut. Although we cannot increase the amount of parking spaces as requested by the community, we can at least make the garage entrance safe for the users.

The history is as follows: the curb cut is on the north side of Beaver Street between William and Broad Streets. The Zoning Resolution prohibits as of right curb cuts on both the north and south sides of the street. 15 William's owner applied to CPC for an text amendment to remove the curb

cut prohibition from the north side of the street, which has only two buildings - 15 William and 55 Broad Street. The purpose of the amendment was to permit the 15 William building to have a curb cut to provide off-street truck loading for three buildings (55 Broad already has a loading berth curb cut) and to allow the 10 foot garage curb cut to be widened to 20 feet. 15 William's owner also applied to CPC for a special permit to allow the garage's capacity to be increased from 65 spaces to 195 spaces (there is sufficient room in the building's three cellar levels for 195 spaces). The Community Board supported the application finding that:

"A total of 6063 residential and 921 hotel units have been constructed within a ¼ mile radius of the proposed garage at 15 William Street since 2003, which has significantly increased the demand for parking spaces for neighborhood residents and businesses in the Financial District."

CPC approved the text amendment application, modifying it to allow only the loading berth curb cut and not allowing the 10 foot garage curb cut to be widened to 20 feet, and denied the 195 space garage application. The CPC report states :

"the streets where curb cut prohibitions will apply are critical to the pedestrian network"

* * *

"Given the existing streetscape and sidewalk pattern, the widening of the ten foot curb cut to twenty feet would further compromise the streetscape and erode the primacy of pedestrians over vehicular traffic on the sidewalk."

But, other statements in the Report make it clear that widening the garage curb cut from 10 feet to 20 feet would have no impact on the pedestrian network because the pedestrian path for more than 60 feet on either side of the proposed widening is not adjacent to the curb. To the east of the proposed 10 foot curb cut widening the Report states

"[E]xisting sidewalk grates located just to the east of the proposed curb cuts in front of the applicant's property (the grates and a fire hydrant and bollards extend approximately 70 feet to the east of the proposed curb cut widening) further narrow the usable sidewalk width to three feet".

The three foot clear pedestrian path on the sidewalk is adjacent to the property line and is therefore more than six feet inboard from the curb cut proposed to be widened. The Report also states that for more than 60 feet to the west of the proposed 10 foot curb cut widening there are three existing curb cuts separated by only a few feet between them, which means the pedestrian path for at least 60 feet to the west of the curb cut proposed to be widened will not be adjacent to the widening.

When at CP's public hearing of the application Chair Burden stated she would not agree to widen the 10 foot garage curb, the 15 William owner proposed a compromise to keep the curb cut width

at 10 feet and to reduce the garage capacity from 195 spaces to 95 monthly spaces for area residents. The Community Board supported the compromise (see attached letter from Julie Menin stating the Community Board wanted CPC to approve "the maximum number of spaces that can be supported by a 10 foot sidewalk cut, to compensate for the more than 400 parking spaces lost to local residents"). However, CPC rejected the compromise concluding the 95 space garage would not be safe with a 10 curb cut because:

"a single lane entrance/exit to the garage would not function effectively and has the potential to create vehicular and pedestrian conflicts"

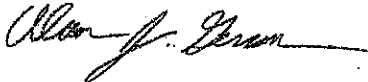
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" (curb cuts) which do not allow for simultaneous ingress and egress, can lead to several problems, including potential vehicular conflicts, blockage of the sidewalk and pedestrian conflicts, and queuing of cars on the street leading to traffic congestion "

Plainly, these less safe aspects of a single, rather than double lane vehicle entryway are applicable to the as of right 65 car capacity garage. We therefore should follow the logic of CPC and widen the curb cut even if we cannot increase the capacity to accommodate the broader community interest.

Because I believe that widening the curb cut for the 65 space garage from 10 feet to 20 feet will address the safety concerns discussed in CPC's report, and will not harm the pedestrian path on the street, I propose the Council modify the text amendment to allow the curb cut widening.

Very truly yours,



Alan Gerson

COMMUNITY BOARD #1 - MANHATTAN
RESOLUTION

DATE: JULY 28, 2009

COMMITTEE OF ORIGIN: FINANCIAL DISTRICT

COMMITTEE VOTE: 10 In Favor 0 Opposed 0 Abstained 0 Recused
BOARD VOTE: 26 In Favor 9 Opposed 3 Abstained 0 Recused

RE: Application for a Special Permit to allow an attended 195-space (monthly only) public garage and amendments to the zoning resolution to permit curb cuts required for the garage and the entrance to an off-street loading dock

WHEREAS: No other area in Manhattan has had more commercial buildings converted into residential use than the Financial District, increasing the demand for parking there, and

WHEREAS: A total of 6063 residential and 921 hotel units have been constructed within a ¼ mile radius of the proposed garage at 15 William Street since 2003, which has significantly increased the demand for parking spaces for neighborhood residents and businesses in the Financial District, and

WHEREAS: The 15 William Street site was used as a parking lot from 1988 to 2005, and

WHEREAS: Community Board 1 understands that if the applications are granted there will be two curb cuts of 20 feet each, separated by five feet, to provide access to the loading berths and the 195 space (monthly only) parking garage, and if the parking garage application were denied one of the curb cuts would be reduced to 10 feet as it would be providing access to a 65 space garage accessory only to the 15 William Street building, and

WHEREAS: We generally seek to limit curb cuts, we conclude that the negative affect of increasing the 10 foot parking garage curb cut to 20 feet is more than compensated for by providing the neighborhood with an additional 130 monthly parking spaces, and

WHEREAS: The proposed 100 percent monthly parking garage would accommodate the need arising from the rapid growth of the area's residential population without increasing traffic congestion in the area or creating unsafe interaction of pedestrians and vehicles, and

WHEREAS: Community Board 1 unanimously passed a resolution on May 27, 2008 encouraging the owner of 15 William Street to file an application with the City Planning Commission seeking approval for a public parking garage at 15 William Street to be available for use by neighborhood residents, now

THEREFORE

BE IT

RESOLVED

THAT: The Financial District Committee supports the applications filed by the owner of 15 Williams Street.



October 13, 2009

Hon. Amanda M. Burden, Chair
City Planning Commission
22 Rade Street
New York, NY 10007

Dear Chair Burden,

Community Board 1 has met several times with the developer of the parking garage at 15 William Street, and issued a resolution on July 28, 2009 supporting the developer's request to expand the number of parking spaces and widen the sidewalk cut, subject to certain conditions.

The Financial District has lost more than 400 parking spaces since 2003, at a time of tremendous growth in residential population (from 8,000 to nearly 28,000 in the past eight years). For this reason CB1 has been receptive to additional parking spaces at this location. At a meeting of our Financial District Committee on October 7, 2009, members voted to respectfully request that the City Planning Commission consider granting the following concessions to the developer:

- 1- Allow residents of the Financial District access to these parking spaces, in addition to residents of this building; and
- 2- Allow the developer to expand the number of parking spaces to the greatest extent feasible and consistent with a 10-foot wide sidewalk cut.

At present, the developer is allowed 65 parking spaces with a 10-foot sidewalk cut, and has requested permission for 195, with a 20-foot sidewalk cut. While we understand the DCP's concerns about these requests, we would welcome permission from the City Planning Commission for the developer to have the maximum number of spaces that can be supported by a 10-foot sidewalk cut, to compensate for the more than 400 of parking spaces lost to local residents.

The developer agreed at a CB1 meeting last week to serve only monthly customers, not transients. If these requests are granted, the developer expressed willingness to supply proof of local residency of each customer to any City agency the DCP deems appropriate, to ensure that the garage does not serve any customers who reside outside the Financial District.

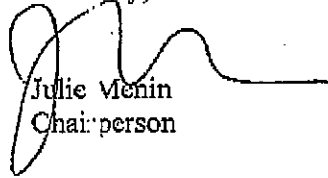
City of New York



Julie Menin CHAIRPERSON | Noah Pfefferblit DISTRICT MANAGER
49 Chambers Street, Suite 715, New York, NY 10007-1209
Tel 212 442 5050, Fax 212 442 5055, Email cb1@cb1.org, www.cb1.org

We are grateful for your consideration of this request.

Sincerely,



Julie Menin
Chairperson

cc: Jay Segal, Greenberg Traurig, LLP

09lrs.c:e

CITY PLANNING COMMISSION

November 2, 2009/Calendar No. 1

N 090293 ZRM

IN THE MATTER OF an application submitted by SDS 15 William Street, LLC, pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution of the City of New York, concerning the Special Lower Manhattan District (Article IX, Chapter 1), Appendix A, Map 5, relating to curb cut prohibitions in Community District 1, Borough of Manhattan.

This application for an amendment of the Zoning Resolution was filed by SDS 15 William Street, LLC on January 22, 2009. The text amendment would allow curb cuts on the north side of Beaver Street as indicated in Appendix A, Map 5 of the Special Lower Manhattan District, Community District 1, Borough of Manhattan.

RELATED ACTION

In addition to the text amendment to Map 5 of the Special Lower Manhattan District, which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following application which is being considered concurrently with this application:

C 090294 ZSM: A special permit pursuant to 74-52 for a 195 space public parking garage

BACKGROUND

The project site (Block 25, Lot 35) is located at the corner of William and Beaver streets in Lower Manhattan and is improved with a 44-story building with 320 dwelling units and 6,127 square feet of retail space, completed in early 2009.

Existing Zoning and Context

The site is located at the northwest corner of William and Beaver Streets in the Financial District and is part of the Historic and Commercial core of Lower Manhattan as defined in the Special Lower Manhattan District of the Zoning Resolution. There are a mix of uses in the area including commercial office buildings, residential conversions, and ground floor retail. The site is in a C5-5 high-density zoning district and the Special Lower Manhattan District. Residential uses are as-of-right and the maximum floor area ratio is 15. The Special Lower Manhattan District (N 980314 ZRM) was established in 1998 and includes components such as height and setback controls, use regulations, and mandatory district plan elements including curb cut restrictions.

On the block to the north there is a public garage for 137 vehicles, and on the block to the south, there is a public garage for 400 vehicles. In the immediate vicinity is the New York Stock Exchange. Following 9/11, the City embarked on the pedestrianization of the security perimeter surrounding the Stock Exchange in order to provide an amenity for residents, visitors, and workers in the area while also maintaining a high security standard. The improvements include the installation of permanent vehicular screening devices, new sidewalks, paving, lighting, historic signage features, public seating, benches, and other amenities. The improvements are designed to enhance pedestrian mobility, beautify the area, and provide a space for Lower Manhattan visitors to enjoy. The project site is in this security study area. In addition, under these security improvements, portions of Broad Street, Beaver Street, New Street, Wall Street, and Exchange Place, are closed to vehicular activity unless the vehicle is screened. The site is also in close proximity to limited street closures of Stone Street and Mill Lane.

Project Site

The site's zoning lot includes the adjacent 20-story commercial office building at 40 Exchange Place (Block 25, Lot 27), to the north, and 15 William Street. Prior to the construction of 15 William Street, the project site served as a surface parking lot. Trucks would utilize the surface

parking lot in order to access the loading docks and bays of 40 Exchange Place and 25 Broad Street. To maintain access to these loading bays, a driveway was constructed along the western edge of the zoning lot leading to the loading docks in the rear of 15 William Street and 40 Exchange Place. To access this driveway, a 15-foot curb cut was constructed which was authorized under a pre-consideration by the Department of Buildings on February 13, 2008. This 15-foot authorization has since been revoked by the Department of Buildings on the basis that the curb cut is not permitted as of right under the Special Lower Manhattan District regulations and that a pre-existing curb cut of sufficient size and in the proposed location did not exist.

A 10-foot wide curb cut on Beaver Street formerly used for the surface parking lot was authorized by the Department of Buildings on February 13, 2008, to be used, on a “grandfathered” basis. The applicant would use this curb cut to access an as-of-right accessory parking garage containing 65 spaces.

Project Description

The applicant is requesting two curb cuts on the north side of Beaver Street. One curb cut would be used to access the loading docks and the other used to widen the “grandfathered” 10 foot wide curb cut to facilitate access for the proposed public parking garage requested under the related special permit action. To facilitate the proposed project, the following actions are requested:

Text amendment to Map 5 in Appendix A of the Special Lower Manhattan District

In order to access the loading driveway and to access the proposed 195 space public parking garage, Map 5 (Curb Cut Restrictions) in Appendix A of the Special Lower Manhattan District would be modified. Map 5 highlights streets that were specifically selected as part of a Lower Manhattan pedestrian network when the Special District was established and upon which curb cuts are prohibited. In addition to Beaver Street, other streets where curb cuts are prohibited include Wall, Water, Broad, Nassau, John, and Whitehall Streets. Beaver Street is an east-west connector from Wall Street to Broadway and also intersects Broad and William streets.

The applicant requests that Map 5 be amended so that curb cuts would no longer be prohibited on the north side of Beaver Street between William and Broad Streets. This would facilitate new curb cuts consisting of a 20-foot wide curb cut to access the loading driveway and a widened 10 foot wide curb cut – to 20 feet – for access to the proposed public parking garage requested under the related special permit application.

Special Permit pursuant to 74-52 for a public parking garage

Section 74-52 allows public parking garages in C5 districts if the Commission makes a set of findings relating to traffic congestion, pedestrian flow, and adequacy of reservoir space. The special permit requests that a 195 space public parking garage be permitted. The garage entrance would be located on the north side of Beaver Street and be accessed by a 20-foot wide curb cut, if approved under the text amendment. The garage would contain 195 spaces including 77 stackers on portions of the ground floor, 1st, 2nd and 3rd cellar levels of the building. As proposed by the applicant, all of the spaces in the garage would be leased on a monthly basis. Vehicles would enter the garage on Beaver Street, which is a west bound, one-way, narrow street, from the proposed 20-foot curb cut and proceed down a 20-foot wide ramp. At the 1st cellar level, the customer would stop, and an attendant would park the car on one of the cellar floors below. There are no parking spaces proposed for the 1st floor of the cellar.

Under Section 74-52 of the Zoning Resolution, the garage would require 10 reservoir spaces. It would be an attended public parking garage open 24 hours a day. The applicant would provide audio/visual signals to alert pedestrians to approaching vehicles.

ENVIRONMENTAL REVIEW

This application (N 090293 ZRM) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead agency is the City Planning Commission. The designated CEQR number is 09DCP037M.

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on June 29, 2009.

A Revised Negative Declaration was issued on November 2, 2009.

UNIFORM LAND USE REVIEW PROCEDURE

This application (N 090293 ZRM) was duly referred to Community Board 1 and the Manhattan Borough President on June 29, 2009, in accordance with the procedure for referring non-ULURP matters, in conjunction with the related action (C 090294 ZSM), which was certified as complete by the Department of City Planning on June 29, 2009, and was duly referred to Manhattan Community Board 1 and the Manhattan Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Review

Community Board 1 held a public hearing on this application (N 090293 ZRM) and the related application (C 090294 ZSM) on July 28, 2009, and on that date, by a vote of 26 in favor, 9 opposed with 3 abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application (N 090293 ZRM) and the related application (C 090294 ZSM) were considered by the Borough President who issued a recommendation approving the applications on September 2, 2009, with a condition for the zoning text amendment (N 090293 ZRM) that:

“DCP and the applicant re-evaluate the minimum curb cut dimension needed to operate a garage without compromising the pedestrian environment, and reconsider the total number of parking and/or reservoir spaces that should be permitted in light of a potentially narrower curb cut.”

On the related application for the special permit (C 090294 ZSM), the Borough President recommended approval of the application subject to conditions that:

- (1) the proposed garage will be used for monthly parking for neighborhood residents only;
- (2) signage will be installed that indicates that the garage is for monthly parking only;
- (3) no cashier or cash register will be located in the existing attendant booth;

- (4) parking insignias that indicate monthly parker status will be required on all cars;
- (5) City agencies will be provided with a right of inspection to confirm compliance with the above measures;
- (6) the applicant will work with the Manhattan Borough President's office and DCP on a mechanism that will ensure the garage's compliance with monthly parking for neighborhood residents only; and
- (7) such commitments be codified as conditions of the special permit and/or in a restrictive declaration.

City Planning Commission Public Hearing

On September 9, 2009 (Calendar No. 5), the City Planning Commission scheduled September 23, 2009, for a public hearing on this application (N 090293 ZRM) and the related application (C 090294 ZSM). The hearing was duly held on September 23, 2009 (Calendar No. 14), in conjunction with the hearing on the related application (C 090294 ZSM). There were four speakers in favor.

Those speaking in favor of the applications included the applicant's attorney, traffic consultant, and the applicant. The applicant's representative described the public parking garage proposal and the necessity for two curb cuts. He described changes to the application since certification including the applicant's commitments to restrict parking in the garage to residents of the surrounding area, and to lease spaces on a monthly basis only. He also described an agreement with the New York City Department of Transportation to change the existing parking regulation on Beaver Street, so that Department of Sanitation vehicles, which are currently allowed to park on the north and south sides of Beaver Street, would not be allowed to park on the north side. This would facilitate truck movements in and out of the loading driveway. He also stated that in re-evaluating the width of the curb cut, the application would be revised for a 15-foot loading curb cut and a 19-foot garage curb cut. Finally, he also stated that the proposed public parking garage would not work with a ten foot curb cut.

The traffic consultant representing the applicant spoke about the garage and pedestrian and vehicular safety concerns related to narrowing the proposed garage's curb cut. The consultant noted that a curb cut of 19 feet "is the minimum amount that can function safely, where you can make the turn in and out, in the worst case scenario where you would have people walking and in

and out maneuvers.” The consultant described the operations of a garage with ins and outs and pedestrians on the sidewalk and described the safety issues with a ten foot curb cut: “They [15 William Street] have a ten foot curb cut, someone coming out, someone coming in...You’re going to have that opportunity for disaster. And they may hop the curb, they may be able to do it, but my feeling is on this matter, if you hop a curb you’re going to be startled, and you’re not going to be thinking about what’s in front of you, you’re going to be thinking about what you just did to your car, what happened, what’s going on, did I break something, you’re not going to be concerned about what you should be concerned about as a motorist, everything in front.” The representative concluded by saying that nineteen feet is the absolute minimum width of the garage curb cut for it to function safely.

The applicant reiterated the commitment to monthly parking for neighborhood residents only and described the need for parking in the neighborhood.

The Director of Land Use for the Manhattan Borough President reiterated the Borough President’s recommendations and commented on the unique nature of the street grid in Lower Manhattan. He expressed a desire for the parking to be restricted to monthly leases for area residents only and that the curb cut issues be resolved in such a way as to reduce vehicular back-ups and harm to pedestrians.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this application for the proposed text amendment (N 090293 ZRM), as modified herein, is appropriate. The Commission believes that the related application for the proposed public parking garage (C 090294 ZSM) is inappropriate.

Text Amendment

The Commission notes that the existing curb cut restrictions on the north side of Beaver Street reflect the policy of preserving and improving the Lower Manhattan pedestrian environment enunciated in the Commission's report for the Special Lower Manhattan District, and as set forth in Section 91-00 of the Zoning Resolution.

The Commission notes that in approving the Special Lower Manhattan District, adopted in 1998, the Commission stated that the "Mandatory District Elements" of the special district incorporate "several design elements to provide an improved pedestrian environment, including pedestrian circulation spaces, mandatory street wall, required ground floor retail, and limits on vehicular access," and that this network is critical for the efficient and safe movement of people through what are often very narrow and congested sidewalks and streets.

The Commission notes in particular that the Special Lower Manhattan District created curb cut restrictions consistent with the goal of enhancing and protecting the street network of Lower Manhattan and that the report stated that "the streets where curb cut prohibitions will apply are critical to the pedestrian network" and that "streets with curb cut prohibitions have been carefully selected and are appropriate." The Commission notes that the selected streets, as shown in Map 5 of Special Lower Manhattan District, continue to significantly contribute to the pedestrian network of Lower Manhattan. Indeed, the Commission believes that with the increase in population, residents, pedestrians, and traffic in the area since the adoption of the Special Lower Manhattan District the curb cut and other regulations that serve to enhance and protect the pedestrian environment are even more critical.

Beaver Street was included in the Special Lower Manhattan Plan as one of the several streets for which no new curb cuts are allowed, except in very limited circumstances as described below. Beaver Street is a narrow, east-west running street, and part of the historic, non-orthogonal, street plan of New Amsterdam. It is an especially narrow street at the location of the proposed parking garage, with a road bed of 20 feet in width. The sidewalk in front of 15 William Street is only 9'-4" wide. Existing sidewalk grates located just to the east of the proposed curb cuts in front of

the applicant's property further narrow the usable sidewalk width to three feet. An existing loading curb cut of 25 feet for 55 Broad Street is located just to the west of the two curb cuts proposed as part of this application.

As certified, the applicant's proposal included two, 20-foot wide curb cuts, one accessing the loading driveway, and another accessing the proposed public parking garage. The two curb cuts would be located within five feet of each other.

The Commission notes that Section 91-52 of the Special Lower Manhattan District regulations allows the Commission to approve curb cuts through authorization "where there are no alternative means of access to required off-street loading berths from other streets bounding the zoning lot" and on a certain subset of the selected streets, "for *accessory* parking for residences...[emphasis added]," provided certain findings are met. The Commission notes that no similar mechanism, through authorization or other means, was created to approve curb cuts for *public* parking garages. This distinction reflects recognition that public parking garages, unlike loading docks and accessory parking, are typically not necessary to support a development, and that the disruption to the Lower Manhattan pedestrian network on the selected streets that would result from vehicles entering and exiting on curb cuts was not warranted for this use.

The proposed curb cut accessing the loading driveway would facilitate loading for the applicant's property, 15 William Street, and two other buildings on the block, 40 Exchange Place and 25 Broad Street, which have existing loading docks in the rear of their buildings that have historically been accessed through the applicant's site. The Commission recognizes that loading and servicing is a necessity for the operations and functionality of these buildings. The Commission notes further that 15 William Street, as design and constructed, leaves no alternative means of access to the loading berths of 40 Exchange Place and 25 Broad Street. The Commission thus believes that removing curb cut prohibitions on this portion of Beaver Street to allow for the curb cut for loading is warranted and consistent with the above-cited provisions of

the Lower Manhattan District regulations which allow for a limited exception to the curb cut prohibition policy in order to accommodate loading.

However, in the case of the second curb cut proposed to service the public parking garage, the Commission believes that a further diminishment of the pedestrian network and sidewalk conditions on the north side of Beaver Street and a concomitant increase in the potential of pedestrian and vehicular conflicts, is inappropriate. The Commission believes that the distinction drawn herein between the two requested curb cuts is consistent with the framework of the 1998 regulations, which recognized that the strict policy against curb cuts on the selected streets would have to be balanced in certain instances against a need for curb cuts to service loading docks and accessory parking, but not public parking.

Given the existing streetscape and sidewalk pattern, the widening of the ten foot curb cut to twenty feet would further compromise the streetscape and erode the primacy of pedestrians over vehicular traffic on the sidewalk. As proposed, this portion of Beaver Street would have 65 feet of curb cuts if the existing curb cut used for loading for 55 Broad Street is included in the calculation. In addition, there would be a gap of only five feet between the two, twenty foot wide curb cuts proposed for 15 William Street and a gap of only 2 feet and 6 inches between the proposed loading dock curb cut of 15 William Street and the existing loading curb cut at 55 Broad Street. The Commission also notes also that under the proposed condition the usable surface of the sidewalk is reduced from an already narrow 9'-4" to 7'-0" in between the curb cut and the garage. This condition is exacerbated by the close proximity of the sidewalk grates located immediately east of the proposed curb cuts.

For all the foregoing reasons, therefore, the Commission believes that the proposed widening of the existing 10 foot curb cut to facilitate access into the public parking garage is not appropriate.

Public Parking Garage

The Commission believes that the application for the public parking garage is inappropriate. The Commission's basis for disapproval reflects a number of considerations, including the

inadequacy of the 10 foot curb cut to serve this public parking garage and inadequate provision of reservoir spaces, resulting in potential vehicular traffic conflicts as well as potential conflict between pedestrian and vehicles.

Curb cut widths

The Commission has typically required curb cuts of a minimum 20 feet in width for new public parking garages where such curb cut represents the only way into and out of the garage, in order to ensure their safe and efficient operation. This width allows simultaneous ingress and egress into and out of such garages in two separate vehicular lanes. The Commission notes that public parking garages with curb cuts less than 20 feet in width, and which do not allow for simultaneous ingress and egress, can lead to several problems, including potential vehicular conflicts, blockage of the sidewalk and pedestrian conflicts, and queuing of cars on the street leading to traffic congestion, all of which run counter to sound transportation planning practices and policy. For these reasons, the Commission has typically required 20 foot wide curb cuts for new public parking garages. The Commission recognizes that in some instances, approvals have been given for public parking garages serviced by curb cuts less than 20 feet wide. However, in the experience of this Commission, it would be unprecedented to approve a public parking garage of this size with a 10 foot wide curb cut.

The Commission notes that the applicant itself has acknowledged these same concerns regarding operation of a public parking garage with a curb cut less than 19 feet in width. At the CPC public hearing, the applicant's traffic consultant stated that a curb cut narrower than 19 feet would not be safe, noting in particular the possibility that a motorist entering the garage via a smaller curb cut might abruptly hit the sidewalk curb and momentarily lose control of the vehicle.

The Commission notes that while a single lane garage entrance and exit for a public parking garage is a matter of concern under any circumstances, conditions in and around Beaver Street make this a matter of special concern.

As noted previously, Beaver Street is particularly narrow with a roadbed approximately 20 feet wide in the location of the proposed public parking garage. 15 William Street is located on a corner lot, and on the William Street frontage, the roadbed width of William Street is 25 feet. South William Street, which also intersects at this corner, has a roadbed dimension of 22 feet. These narrow streets combined with on-street parking make this area difficult for trucks and vehicles to maneuver. The potential for vehicle back up at a garage entrance to result in traffic congestion is therefore high. The Commission notes that because of the narrowness of Beaver Street, it would be impossible for traffic to maneuver around any vehicles queuing on the street. Further, the Commission notes, as described above, that the sidewalks adjacent to the site are already less than optimal for pedestrian use. The narrow sidewalks complicate pedestrian movement, which would be exacerbated by any vehicles queuing on the sidewalk as a result of the single lane garage entrance.

This combination of narrow sidewalks, narrow streets, and the non-orthogonal street grid and pattern makes the use of a single ingress and egress lane for the garage especially problematic, and suggest a clear potential to result in pedestrian and vehicular conflicts on the narrow sidewalk of Beaver Street, as well as vehicular back-up on Beaver Street and the surrounding network of streets in the tight Lower Manhattan grid.

Since the CPC public hearing, the applicant has made two proposals to address these issues. First, on October 14, 2009, the applicant proposed that it would retain a full time attendant to monitor conditions. Second, on October 23, 2009, the applicant argued that “no danger will exist because at the top of the exit ramp there will be a stop bar that will be kept in a down position unless it is electronically raised by an attendant. The attendant, who will be stationed near the property line, will have a clear view from the curb cut to the intersection of Beaver and William Streets, approximately 100 feet to the east. The attendant will not raise the stop bar until there are no vehicles on Beaver Street between the intersection and the curb cut. This procedure will not cause any significant delays in cars exiting the garage as Beaver Street has very light traffic...” The applicant also proposed that the number of permitted spaces in the garage be reduced from 195 to 95 spaces.

The Commission notes that implicit in the applicant's offer to retain a full time attendant to monitor conditions is a continued acknowledgement that a single lane entrance/exit to the garage would not function effectively and has the potential to create vehicular and pedestrian conflicts. The Commission does not believe that such measures can compensate for an inadequate physical configuration, and that they create an excessive reliance on human judgment susceptible to error. Such measures are also inherently difficult to enforce, and would require constant City monitoring and supervision.

The Commission recognizes that the commitment to monthly parking, combined with a reduction in the size of the garage from 195 to 95 spaces, would reduce the number of vehicles entering and exiting the garage, overall. However, the problems created by a single garage entrance/exit lane system at Beaver Street would continue to exist, and would be present any time vehicles seek to enter and exit the facility.

Reservoir spaces

Reservoir spaces are required for the purpose of providing a smooth and efficient flow of vehicles entering a public garage. Section 74-52 of the Zoning Resolution requires ten reservoir spaces for public parking garages with between 50 and 200 parking spaces, in order to accommodate vehicles driving from the street into the garage. For the proposed 195-space garage, 10 reservoir spaces are required, pursuant to Section 74-52 of the Zoning Resolution. The Commission notes that reservoir spaces are not required for as-of-right accessory garages, but are required for public parking garages, even if these are dedicated solely to monthly parking.

In order to perform this function of helping to control potential conflicts between entering and exiting vehicles and minimize vehicle-pedestrian conflicts, the CPC has consistently required that reservoir spaces must be dedicated to serve that purpose only and may not be used for parking or as a travel lane for exiting cars. Consistent with this, the reservoir spaces should be located at the beginning of a dedicated entrance lane.

Likewise, the location and use of reservoir spaces should not block or encroach upon egress lanes or block access to internal ramps. Vehicles entering any garage that proceed into the reservoir space progression need adequate space to complete the entrance turning movement without the possibility of encountering or being blocked by exiting cars. If accessing the reservoir spaces requires crossing the egress lane, inbound cars may have to stop temporarily to avoid exiting vehicles, which creates a potential to both block the sidewalk and generate a queue backing up into the street. Vehicles moving in either direction may have to back up in order to clear the path, creating a hazard for pedestrians and other vehicles. In addition, reservoir spaces should not obstruct internal ramps, as this creates a further safety issue. In short, the reservoir lane must be capable of operating as an easily accessible and clear path free of obstructions and competing uses.

The Department's analysis of the proposed 15 William Street garage concludes that, with a ten foot curb cut, the required ten reservoir spaces cannot be provided consistent with the above.

Under the application, there would be a twenty foot curb cut with access to two lanes at the garage entrance, one of which would function as the reservoir lane. Reservoir spaces would descend down the curve of the ramp and end at the attendant booth located at the mouth of the ramp leading to the 2nd cellar level. The reservoir spaces would be positioned with sufficient area to allow attendants to turn down the ramp without having to engage in complex maneuvers, such as a three-point turn.

A ten foot curb cut would require a single, shared ingress and egress lane at the mouth of the entrance to the garage. This shared ingress and egress lanes eliminates the entrance to the garage as the location for the first reservoir space. (See Exhibit A) With a ten foot curb cut, cars entering the garage have only the width of the sidewalk (9 feet 4 inches) to complete the turn. A tight turn to align the vehicle with the first reservoir space would be extremely difficult. More likely, entering vehicles would make a wider turn that would result in a crossing of the egress lane and alignment with the reservoir procession at a point past the first reservoir space. As a result,

dedicated reservoir spaces would not be functional until a distance of about 29 feet from the entrance, resulting in a loss of one, possibly two, reservoir spaces.

Moreover, lost reservoir spaces could not be regained at the cellar level by shifting reservoir spaces further down the ramp, as shown in the cellar level diagram (Exhibit B). The ability to shift the reservoir spaces further down the ramp, and therefore deeper into the garage, is prevented by the existing ramp leading from the 1st cellar level to the 2nd cellar level. Adding the lost reservoir spaces to this end of the queue would block access to this ramp, and a vehicle in this location would not be able to make the turn smoothly down the ramp without interfering with existing columns and building floor area. An attendant would likely have to make a three-point turn to head down the ramp, creating a potential for cellar level congestion and backup.

In its October 14 submission to the Commission, the applicant showed a 10-foot wide curb cut serving the proposed 195 space public parking garage, relocated to the center of the ingress and egress lanes. The Commission notes that the relocation of the existing curb cut is subject to DOB approval. In any event, while this configuration might slightly improve the required maneuvering for an entering vehicle to access a proper reservoir space, it would still result in the loss of at least one reservoir space.

As noted above, on October 23, 2009, the applicant proposed that the size of the garage be reduced by 100 spaces to a 95 space facility. Also as previously noted, however, any public parking garage with 50 parking spaces or more must provide the minimum of 10 reservoir spaces. A reduction of the number of parking spaces to 95 spaces thus does not affect the inability to provide the required number of reservoir spaces. Accordingly, the Commission is unable to make the required finding (d) of Section 74-52 related to reservoir space adequacy.

The Commission acknowledges the support for the application by Community Board 1 and the conditional support by the Borough President and recognizes local residents' desire for parking. The Commission notes in this regard that several streets in the Special Lower Manhattan District do not have restrictions for curb cuts and potentially allow for vehicular access into public

parking garages. As discussed above, however, the regulations of the Special Lower Manhattan District governing curb cuts recognize that Beaver Street is a critical east-west corridor in the pedestrian network upon which curb cuts should generally be restricted and believes that this decision is consistent with that policy.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination and consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is old, to be deleted;

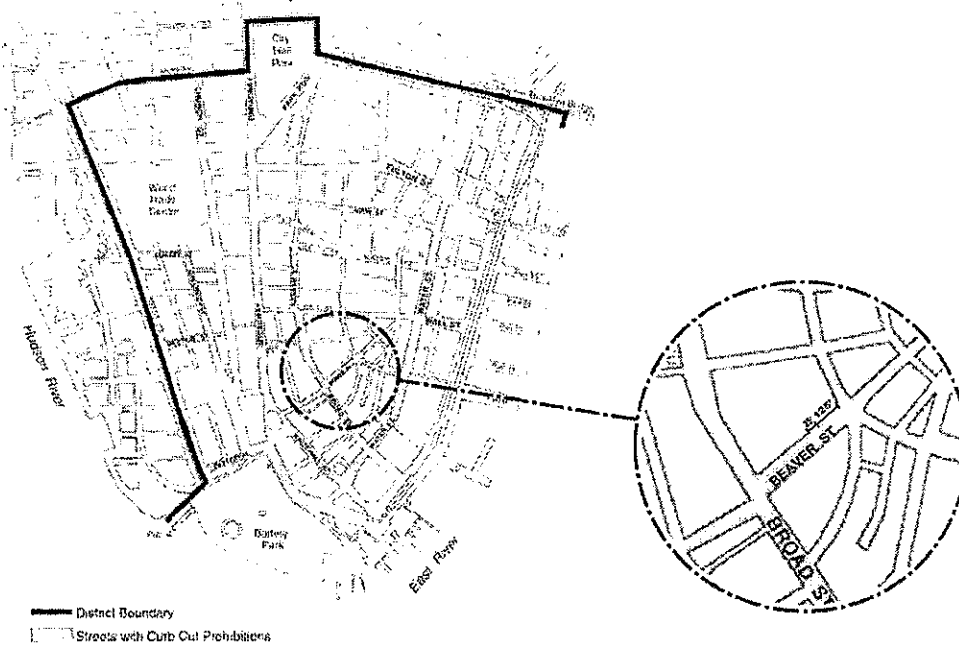
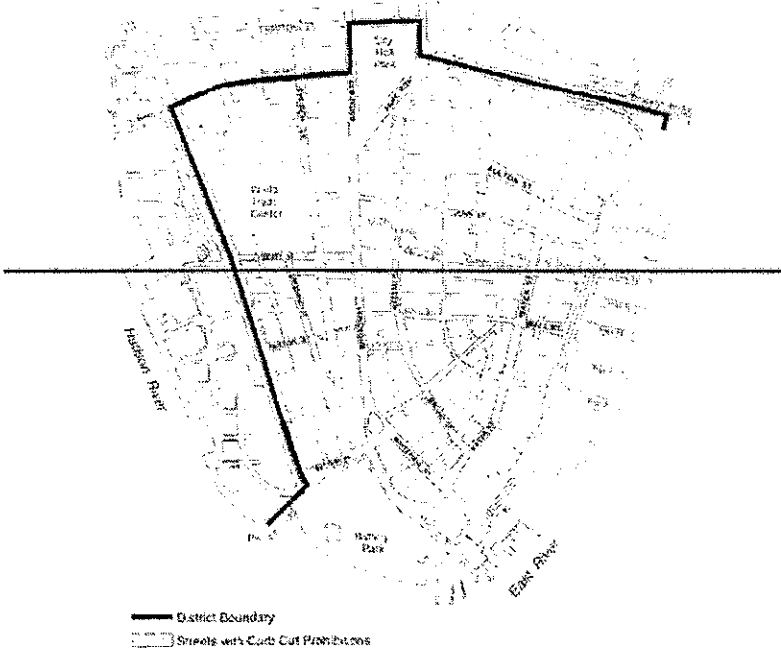
* * * indicates where unchanged text appears in the Zoning Resolution

8/27/98

APPENDIX A

Lower Manhattan District Plan Maps

Map 5.Curb Cut Prohibitions



* * *

The above resolution (N 090293 ZRM), duly adopted by the City Planning Commission on November 2, 2009 (Calendar No. 1), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

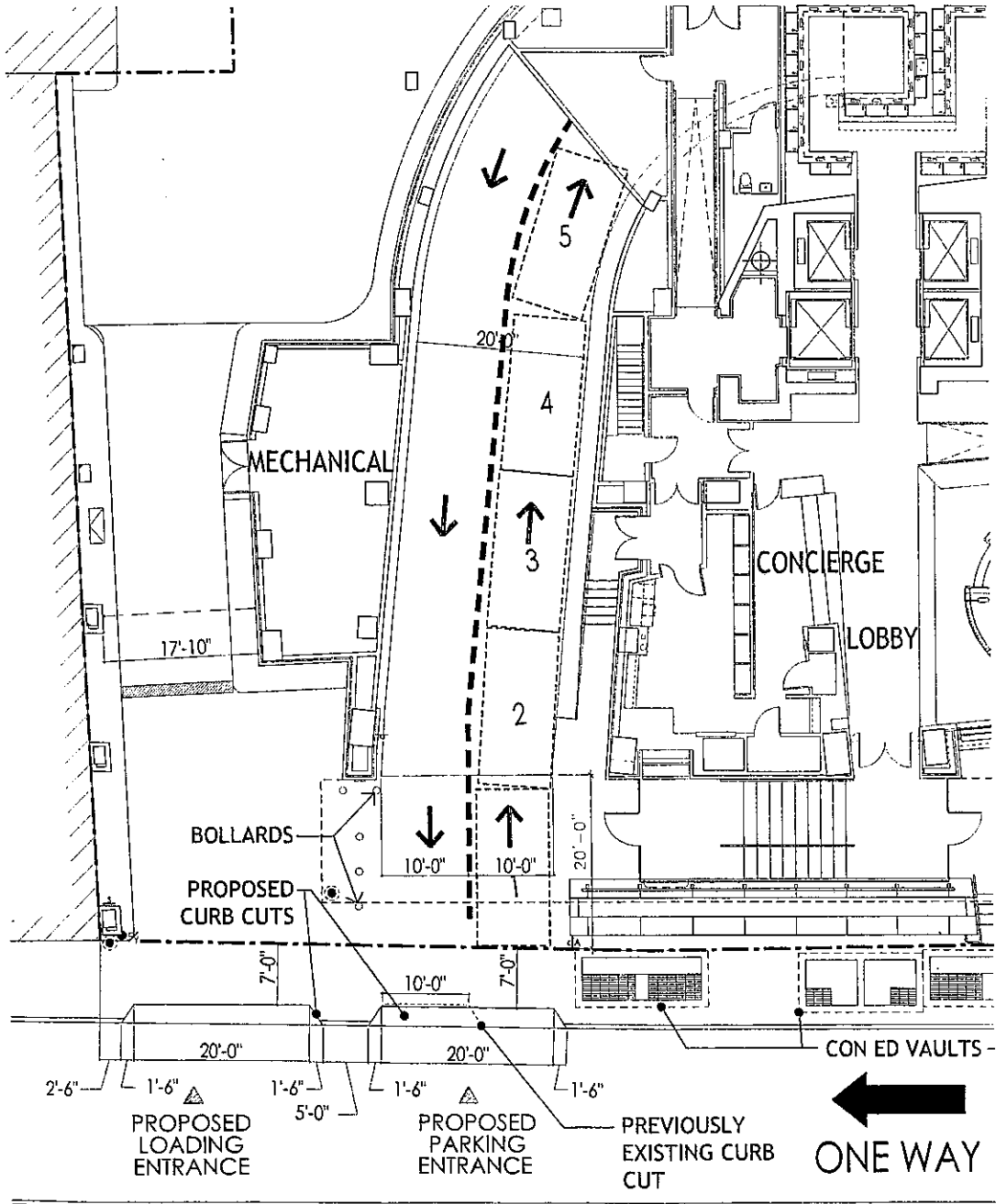
AMANDA M. BURDEN, FAICP, Chair
RAYANN BESSER, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,
RICHARD W. EADDY, ANNA HAYES LEVIN, NATHAN LEVENTHAL,
SHIRLEY A. McRAE, KAREN A. PHILLIPS, Commissioners

SLCE Architects
 841 BROADWAY, NEW YORK, N.Y. 10003

15 WILLIAM STREET
 15 WILLIAM STREET NEW YORK
 SDS INVESTMENTS, LLC

GROUND FLOOR PLAN
 SCALE: N.T.S.
 DATE: 01-09-09 (REV.06-01-09)
 DWG. NO.:

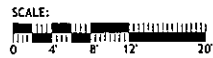
A-101A



NOTE:
 ALL GRAY TONED AREAS ARE NOT
 PART OF SPECIAL PERMIT
 APPLICATION AND ARE SHOWN FOR
 ILLUSTRATIVE PURPOSES ONLY

LEGEND:

WARNING FEATURES	PARKING
TRAFFIC MIRROR	RESERVOIR
PROPOSED MOVABLE SIGN "ACTIVE DRIVEWAY PROCEED WITH CAUTION"	STANCHIONS
PROPOSED MOVABLE SIGN "YIELD TO EXISTING VEHICLES WHEN FLASHING"	* RESERVOIR SPACE DIMENSIONS 8'-4" x 18'-0"
PROPOSED STOP SIGN	
PROPOSED ALREADY VISUAL WARNING FEATURE	
BOLLARD	
PROPOSED YELLOW SPEED BUMP	



SLCE Architects

8-11 BROADWAY, NEW YORK, N.Y. 10003

15 WILLIAM STREET
15 WILLIAM STREET NEW YORK
SDS INVESTMENTS, LLC

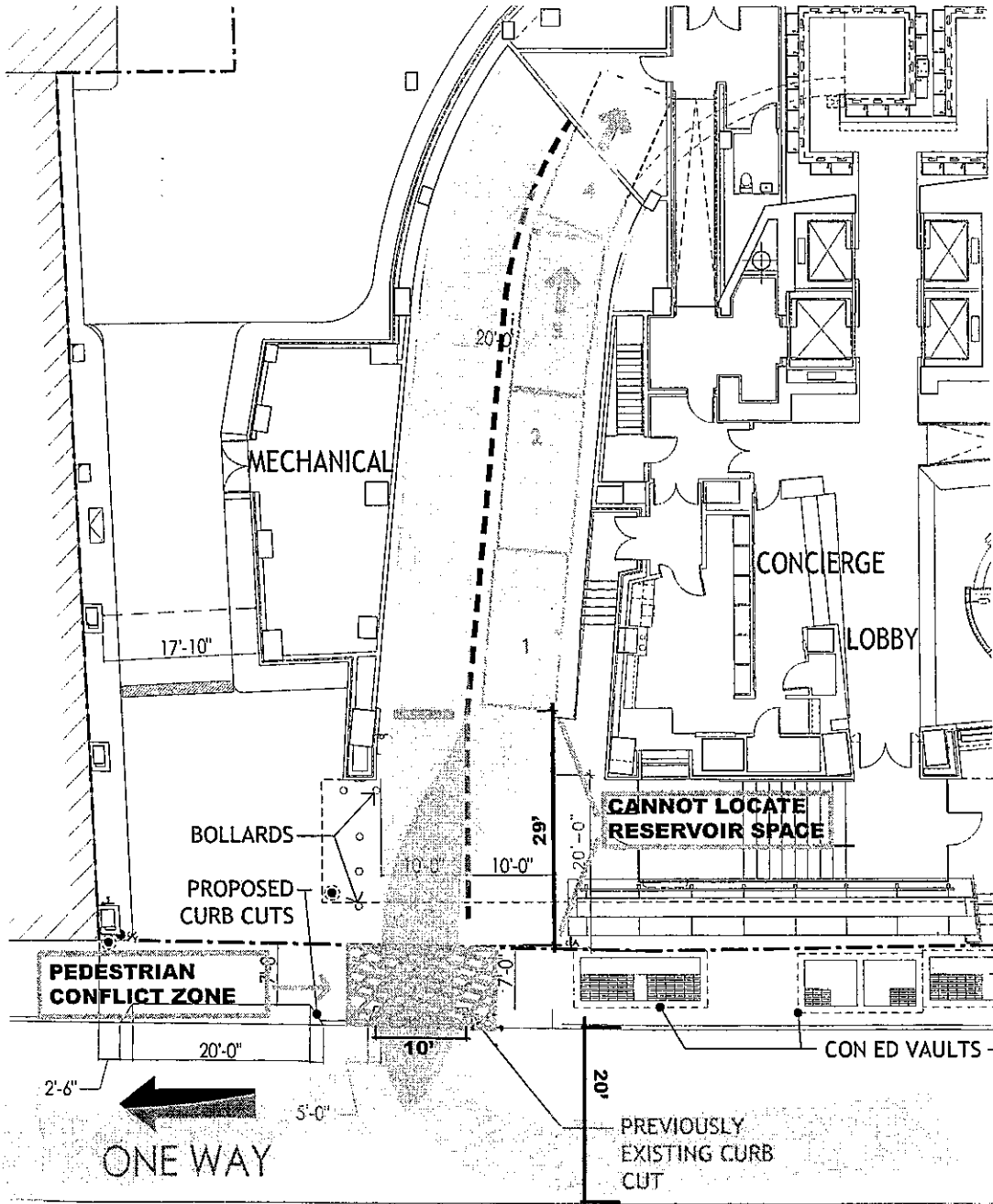
GROUND FLOOR PLAN

SCALE: N.T.S.

DATE: 01-09-09 (REV.06-01-09)

DWG. NO.:

A-101A



NOTE:
ALL GRAY TONED AREAS ARE NOT
PART OF SPECIAL PERMIT
APPLICATION AND ARE SHOWN FOR
ILLUSTRATIVE PURPOSES ONLY



LEGEND:

WARNING FEATURES	PARKING
TRAFFIC MIRROR	RESERVOIR
PROPOSED MOVABLE SIGN "ACTIVE DRIVEWAY" PROCEDED WITH CAUTION	STACKERS
PROPOSED MOVABLE SIGN "YIELD TO EXTING VEHICLES WHEN FLASHING"	* RESERVOIR SPACE DIMENSIONS 6'-6" x 14'-0"
PROPOSED STOP SIGN	
PROPOSED AUDIO/ VISUAL WARNING FEATURE	
BOLLARD	
PROPOSED YELLOW SPEED BUMP	

DCP ANALYSIS

- : INGRESSING VEHICULAR PATH
- : EGRESSING VEHICULAR PATH

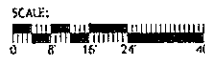
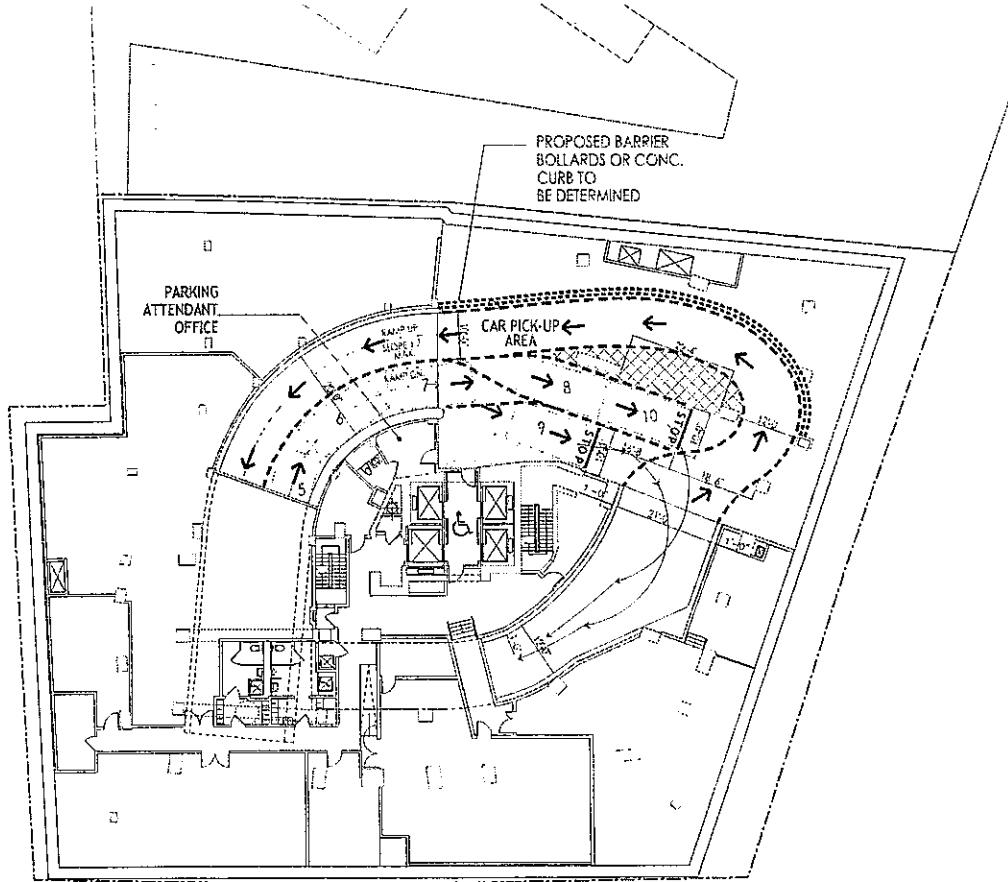
DATE: NOVEMBER 2, 2009
EXHIBIT A-2: DCP ANALYSIS

SLCE Architects
 841 BROADWAY, NEW YORK, N.Y. 10003

15 WILLIAM STREET
 15 WILLIAM STREET NEW YORK
 SES INVESTMENTS, LLC

CELLAR 1 PLAN
 SCALE : N.T.S.
 DATE : 01-09-09 (REV.04-17-09)
 DWG. NO. :

A-102



NOTE:
 ALL GRAY TONED AREAS ARE NOT
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 APPLICATION AND ARE SHOWN FOR
 ILLUSTRATIVE PURPOSES ONLY

PARKING SCHEDULE				
FLOOR	AREA	RESERVOIR SPACES	2-LEVEL STACKERS	TOTAL PARKING
GROUND	2,018 SF			
CELLAR 1	8,376 SF			
CELLAR 2	18,502 SF		47	
CELLAR 3	10,778 SF		30	
TOTAL	39,678 SF	10	77	195

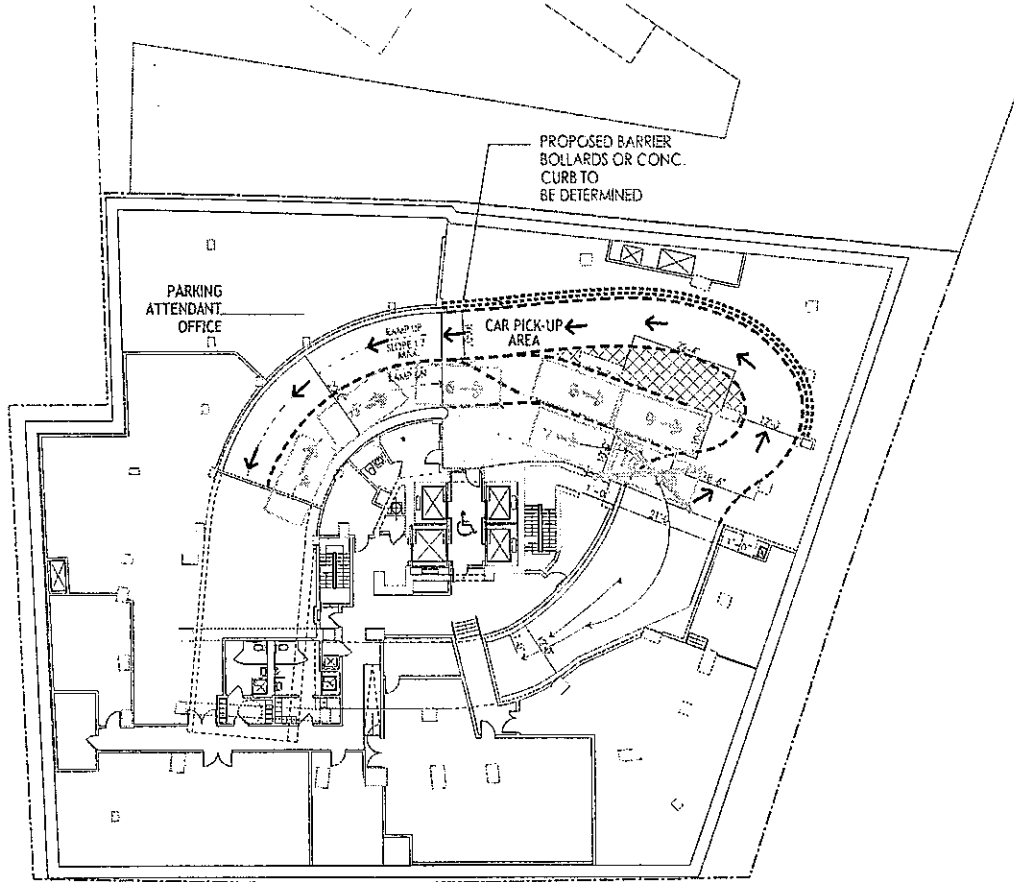
LEGEND

- VEHICULAR TRAFFIC
- TRAFFIC DIVIDER LINES
- 8'-6" X 16'-0" RESERVOIR SPACE
- PEDESTRIAN WAITING AREA
- ▨ NO DRIVE AREA
- ♿ HANICAP ACCESS

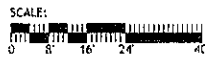
SLCE Architects
 841 BROADWAY, NEW YORK, N.Y. 10003

15 WILLIAM STREET
 NEW YORK
 SDS INVESTMENTS, L.L.C.

CELLAR I PLAN
 SCALE: N.T.S.
 DATE: 01-09-09 (REV.04-17-09)
 DWG. NO.: A-102



DCP ANALYSIS



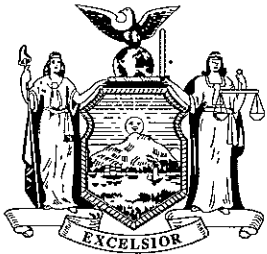
RESERVOIR SPACE
 DATE: NOVEMBER 2, 2009
 EXHIBIT B-2

NOTE:
 ALL GRAY TONED AREAS ARE NOT PART OF SPECIAL PERMIT APPLICATION AND ARE SHOWN FOR ILLUSTRATIVE PURPOSES ONLY

PARKING SCHEDULE				
FLOOR	AREA	RESERVOIR SPACES	2-LEVEL STACKERS	TOTAL PARKING
GROUND	2,018 SF			
CELLAR 1	8,326 SF			
CELLAR 2	18,500 SF		47	
CELLAR 3	10,778 SF		30	
TOTAL	39,678 SF	10	77	195

LEGEND

- VEHICULAR TRAFFIC
- TRAFFIC DIVIDER LINES
- 8'-4" X 18'-0" RESERVOIR SPACE
- PEDESTRIAN WAITING AREA
- NO DRIVE AREA
- HANDICAP ACCESS



News from...

Senator Thomas K. Duane

29th SENATORIAL DISTRICT - NEW YORK STATE SENATE

TESTIMONY BY NEW YORK STATE SENATOR THOMAS K. DUANE
BEFORE THE NEW YORK CITY COUNCIL
SUBCOMMITTEE ON ZONING AND FRANCHISES
REGARDING THE ULURP APPLICATIONS
RELATED TO THE WESTERN RAIL YARDS

November 23, 2009

My name is Thomas K. Duane and I represent New York State's 29th Senate District, within which lie both the Western and Eastern Rail Yards and the surrounding neighborhoods of Chelsea and Clinton-Hell's Kitchen. Thank you for the opportunity to testify.

The Western Rail Yard development, from West 30th to West 33rd Streets between 11th and 12th Avenues, is an extraordinary opportunity for Manhattan's West Side and for New York City's future. By bridging the Western Rail Yard, a hole that divides Chelsea from Clinton-Hell's Kitchen will be filled with a new residential and commercial community, exciting new public open spaces, and a vital elementary and intermediate school. Moreover, the long-term lease of the land will provide the Metropolitan Transportation Authority (MTA) with a steady flow of much-needed capital.

I want to express my gratitude to the MTA and to the Related Companies (Related), the site's developer, for their commitment to working with the community, and for following some of the recommendations that Manhattan Community Board Four (CB4), I, and other local elected officials have made thus far in the Uniform Land Use Review Procedure (ULURP). Unfortunately, despite some positive changes, the current proposal is far from perfect, and I wish to highlight a number of serious concerns that remain.

One of my and CB4's long-standing goals is the creation of housing that is permanently affordable to those with moderate- and middle-incomes. Toward that end, I am grateful for the off-site designation of two such affordable housing projects, one on 9th Avenue between West 53rd and 54th Streets and one just west of 10th Avenue between West 48th and 49th Streets. These buildings will provide homes for hundreds of families for whom there are currently few adequate housing options, yet who are, as CB4 has noted, "the backbone of our city."

Still, there are problematic aspects of these off-site developments. First and foremost is that the MTA is seeking 30,000 square feet of office space in the building on 9th Avenue. As I have expressed to the MTA, I feel this enormous commercial use commitment is unacceptable in a building that should be reserved for permanently affordable housing, particularly when there is other available space that could meet the MTA's needs. CB4 has suggested that there is adequate space for the MTA's offices in the building next door to the 9th Avenue affordable housing site, which currently houses the MTA Control Center, or on the Western Rail Yard site

ALBANY OFFICE: STATE CAPITOL, SUITE 430, ALBANY, NEW YORK 12247 • (518) 455-2451
DISTRICT OFFICE: 322 EIGHTH AVENUE, SUITE 1700, NEW YORK, NEW YORK 10001 • (212) 633-8052

itself. Regardless, the MTA must relinquish its claim to space in the 9th Avenue building if this proposal is to move forward.

With regard to the 10th Avenue affordable housing site, I was disturbed to learn that a new park which was to occupy all the land adjacent to the site has been reduced to half its promised size. When the years-long work on New York City's Third Water Tunnel began at this site some time ago, the community was promised that the entire space would be converted into much-needed parkland once construction was completed there. Now, I understand that the New York City Department of Environmental Protection requires some of this space so that it can access the Third Water Tunnel shaft located there. This reduction in future open space is particularly distressing in light of the current dearth of such space in Clinton-Hell's Kitchen. As detailed in CB4's response to the Western Rail Yard land-use applications, with the Western Rail Yard development promising to bring thousands of new residents, workers and visitors into the area, there is a critical need for additional open space as well as better maintenance of the few open spaces the neighborhood already has.

I must note that the two off-site developments' roughly 300 affordable units pale in comparison to the approximately 5,000 mostly market-rate units to be built on the Western Rail Yard site. In order to house so many units on this footprint, the buildings will be grossly out of scale—they are far too tall. Regrettably, for all their height, the on-site buildings are planned to house zero permanently affordable housing units, and the temporarily affordable units that will be built will not target the middle- and moderate-income families that the community so desires. Such a lack of on-site permanently affordable housing is unacceptable. CB4 has proposed and Related has committed to considering a creative "conversion" solution to make permanent the temporarily affordable housing units, and I urge the New York State Housing Finance Agency and all parties to explore the viability of such a program. Moreover, I hope that Related will abide by the conditions set by CB4 for the affordable housing it has planned, especially those conditions pertaining to distribution of affordable units.

While the scale of the buildings and affordability of the proposed on-site housing leave much to be desired, I applaud the sound planning reflected in the plan's reintroduction of the street grid to the Rail Yards' superblocks. As CB4 has resolved and Related has agreed, West 31st Street and West 32nd Streets should be so-named and should conform to City Department of Transportation standards for public streets. Given the near impossibility of opening the development to the surrounding neighborhood because of the platform that must be built over the rail yard and its resultant walls, it is particularly important that Related make the entire street-level area within the development truly public space. I urge Related to work closely with CB4 to develop a public or quasi-public governance structure for that space.

In discussing public space at the Western Rail Yard, it is important to highlight its relation to the High Line. At West 30th Street between 10th and 11th Avenues, the High Line spurs east to 10th Avenue while the main trunk runs west to 12th Avenue, turns north, and then turns back east at 34th Street. As one of the most popular new public spaces in recent memory, the High Line must have a secure place in the future of the Rail Yards' development. It must be unobstructed and preserved in its entirety, and I applaud the City Planning Commission for initiating a ULURP for City acquisition of the northern section of the railway. Further, I echo the High Line

development guidelines CB4 laid out in its response to the Western Rail Yard applications, and I look forward to walking the full length of the High Line from its beginning at Gansevoort Street to its end at 34th Street.

As I and other elected officials made clear this summer, we have good reason to believe that all the residential development planned on Manhattan's West Side puts future generations of elementary school children at risk of attending overcrowded classrooms. Thus, the Western Rail Yard's proposed on-site school, for which I have long advocated, is a much needed provision. With only 420 elementary school seats for the approximately 600 elementary-aged children the development is expected to generate, however, it alone is insufficient. It behooves the New York City Department of Education to look at the area's long-term school seat needs, including eliminating its planned introduction of intermediate-school seats when P.S. 51 is expanded and planning for new public—not charter—elementary and intermediate schools.

In a similar vein, fire, police, and emergency services will be severely strained by the new development. As property values are likely to rise steeply as the area develops, it is important to designate sites for such public infrastructure and community facilities now. While I appreciate that the New York City Police Department prefers to hold off on planning until development actually occurs, the New York City Fire Department has already identified its future need for a firehouse in the area, and I urge the acquisition of land for both a new firehouse and a new police station.

Likewise, adequate mitigation for the enormous influx of commuters and pedestrians is essential. CB4 has identified a number of traffic-calming measures and transit-oriented improvements which have great merit and are not difficult to incorporate.

Also, for years, CB4 and I have been advocating for a garage on the West Side to serve New Jersey Transit buses using the Port Authority Bus Terminal as well as charter buses and commuter vans. The Western Rail Yard development will not only bring in thousands of new people and their cars, it will also displace a Greyhound parking lot that houses 52 buses. Streets that are now clogged will be brought to a standstill. I have and will continue to work with the Port Authority to ensure such a garage becomes a reality at Galvin Plaza. We must get commercial buses off the street, remove the temptation for idling, and provide facilities for drivers, all while encouraging the tax dollars generated by the passengers.

The development of the Western Rail Yards is both exciting and fraught. The new community will be a welcome addition to the West Side but the development plan must improve between now and completion. Integrating the superblock into the urban grid will help ensure a lively community worthy of New York City and the West Side, but more must be done to make sure it is both physically and economically accessible to all New Yorkers today and in future generations. I look forward to continuing to work collegially and collaboratively with all stakeholders towards this end.

My name is Edward Kirkland and I am co-chair of the Landmarks Committee of Community Board 4.

Obviously the Western Rail Yards site has almost no buildings to landmark, but the impacts of this enormous development on its surroundings will be almost equally enormous and the indirect threat to historic buildings nearby—typically of far lower scale, will be immense. The cumulative effect of all the projects in the area—the Eastern Rail Yards, West Chelsea—redoubles the pressure. The EIS's take the typical tack of identifying a number of historic buildings in the directly and secondarily impacted areas—not half large enough for so huge a project, No mitigation is proposed, except perhaps a mention of Landmark designation. Already one building nearby, the Hess building near the curve of the High Line, identified as City Landmark eligible and in good condition, has disappeared seemingly overnight as soon as talk leaked out of landmarking in West Chelsea. The site is still empty.

But that very case of West Chelsea Rezoning shows there is a practical remedy through mitigation. When Board 4 was planning for the area earlier, we identified a possible Historic District for the great industrial buildings there; and eventually, at the end of the ULURP, study of the area for landmarking including a Historic District was among the Points of Agreement. While no one can order the Landmarks Commission to designate, it can agree to a study; and today those buildings are protected by a Historic District.

In this case there are two separate areas. Just to the south of the railyards the block of 29th Street between Tenth and Eleventh Avenues has an extraordinary sense of place acknowledged sadly by City Planning staff members as they prepared to upzone it. It has three buildings identified in the EIS's as significant, and a number of others that are the last survivors of the early semi-industrial development in the areas and bear its marks: hoist beams and long windows on the upper stories to bring in the materials hoisted, the iron framing of the first floor to enable wide entrances for wagons. A small historic district and/or individual landmarks should be studied here.

East and north of the railyards impacts extend more widely. The 34th Street corridor is bound to become the major approach to the Rail Yards from Midtown, and the pressure for so-called “upgrading” or a larger scale will sooner or later become enormous. Not only demolition but also “modernization”—as with glass façades—become threats. Unprotected buildings identified as historically significant extend westward from Macy's through the New Yorker Hotel (still owned by the Reverend Moon), the Manhattan Opera House, the Midtown Synagogue, the former Sloane House Y some of us have stayed in, the extraordinary St. Rafael's Church complex, and the handsome pioneer cast-concrete old Printers' Building. A little off 34th Street are the Harding Building on 35th, a major “institutional church” complex on 36th, the first McGraw-Hill Building a little to the south. All are threatened in the long run and yet these are real treasures of New York, Some might be included in a Historic District, others can only be individual landmarks; but the essential thing is to mandate study of a wide area with a view to protection of the city's history and architecture by landmark designation.

Testimony of John Lee Compton, Manhattan Community Board 4, on the proposed Western Rail Yards development before the Subcommittee on Zoning & Franchises, November 23, 2009.

Good morning. My name is Lee Compton; I am pleased to testify on behalf of Manhattan Community Board 4, in whose district this project will be built.

The scale of this project is daunting: it includes commercial and residential buildings totaling more than six million square feet, more than five acres of parkland, and a school.

Much of what will make this project successful is contained in the proposed Restrictive Declaration. I will confine my comments to this key document.

- Because the scale of the project makes it likely that other developers will be involved, the Restrictive Declaration must be binding on any and all successors, not just the present declarant.
- In order to ensure public accountability, amendments or modifications should proceed through the City Planning Commission's authorization process.
- In order to mitigate the years-long construction impacts of the project, the construction consultation process should be modeled on the successful Related/Time Warner project, in which declarant was an active participant.

During the planning of the project declarant made two major commitments to the city: if rental units are built on-site, some of those units will be affordable; and buildings will be built to LEED silver certification, the lowest energy conservation and sustainability standard. But in both of these cases, the Restrictive Declaration mandates only that if a commitment is not met, declarant must submit a report. This is not sufficient.

- The Restrictive Declaration must specify a requirement to rectify the failure to achieve any commitment, not simply report the failure.

Finally, the Restrictive Declaration specifies a Public Access Area Easement, in perpetuity, for the benefit of the general public. This easement will create more than five acres of parkland, but the proposed language in the revised zoning text and in the Restrictive Declaration, treats it as if it were a public plaza.

- The governance provisions must be appropriate for five acres of public parkland, not for a small plaza adjacent to a building. They must be more similar to those for the Hudson River Park Trust or the Battery Park City Authority.

MICHAEL NEIL GILBERT
38 Pierson Road South
Maplewood, New Jersey 07040-3409

November 23, 2009

New York City Council
Subcommittee on Zoning and Franchises
City Hall
New York, New York 10007-1274

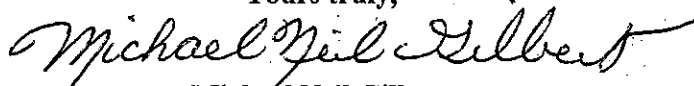
Gentlemen:

I am attending this hearing to recognize the leadership of the New York City Council in supporting the transformation of yesterday's West Thirtieth Street Secondary Track into today's High Line Park.

I encourage the City Council to approve the re-zoning of the Western Rail Yards.

To enhance the success of High Line Park, the historic portion of the High Line from West Thirtieth Street to West Thirty-fourth Street, including the Morgan Post Office Spur, should be preserved intact. Toward this goal, the City of New York should move forward and acquire this historic portion of the High Line from CSX Transportation, Inc.

Yours truly,



Michael Neil Gilbert
Member
Friends of the High Line



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

November 23, 2009

**Testimony of Dave Hanzel, Manhattan Community Board 4,
Before New York City Council
Subcommittee on Zoning and Franchises**

Good Morning, Chairman Avella and Committee Members. My name is Dave Hanzel and I am a Co-Chair of the Housing, Health, and Human Services Committee of Community Board 4. Thank you for this opportunity to testify in opposition to the nine ULURP applications before the Committee.

CB4 has strongly and consistently articulated a policy for future housing growth that reserves 30% of all residential development for permanently affordable housing for low-, moderate- and middle-income families. The Western Rail Yards (WRY) site represents *the largest publicly owned development site left in Manhattan* with approximately 6,000,000 square feet of market-rate and commercial development. For a site this large, it is astounding that an adequate housing plan has yet to be fully developed which provides permanently affordable housing for New Yorkers of all incomes.

Under the current proposal, approximately 400 residential units out of 5,000 total—about 8%—will be affordable. Not only is the number of units grossly insufficient, the fact that none of these units will be permanently affordable is equally distressing. Furthermore, the temporarily affordable units, developed under the state's 80/20 program, will only be limited to the rental housing, and to those households earning <60% AMI. CB4 values the rich economic diversity of our city and cannot support a project that does not also provide housing for moderate and middle income households, the backbone of our city.

I would like to take just a few moments to talk about how the City and State of New York are failing to get the maximum return on their respective investment of land and public subsidy on the WRY site. As part of my work for the Association for Neighborhood and Housing Development, we have begun to document how jurisdictions across the country demand much more when private development occurs on public land and/ or with public subsidies.

Boston requires that rental housing that receives *any* amount of capital subsidy from the city have a recorded covenant that mandates affordability in perpetuity. The State of California has instituted a policy that requires a 55 year affordability term for projects that receive Low Income Housing Tax Credits. Interestingly, Related has been an active tax credit developer in Los Angeles and has committed to this affordability term there. Why is New York not requiring that

of Related here? Additionally, cities such as Chicago, Los Angeles, and San Francisco have utilized land leases rather than transferring ownership of public land, which helps ensure the ongoing affordability of subsidized units.

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. We must not miss the opportunity to promote development that is inclusive for all New Yorkers. In order to support this project, CB4 demands that a comprehensive affordable housing plan be developed that responds to the following priorities:

- 1) *Not less than 20% of all residential units constructed on-site in the WRY must be permanently affordable.¹*
- 2) *At least 50% of the affordable units built either on-site or off-site should be two-bedroom units or larger.*

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. We cannot and will not support any WRY development plan that does not provide the amount and type of permanently affordable housing the community needs to retain its diversity.

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.



RICHARD N. GOTTFRIED
75TH ASSEMBLY DISTRICT

CHAIR
COMMITTEE ON HEALTH

NEW YORK STATE ASSEMBLY

822 LEGISLATIVE OFFICE BUILDING, ALBANY, NY 12248
TEL: 518-455-4941 FAX: 518-455-5939

242 WEST 27TH STREET, NEW YORK, NY 10001
TEL: 212-807-7900 FAX: 212-243-2035

E-MAIL: GOTTFRR@ASSEMBLY.STATE.NY.US

COMMITTEES:
RULES
HEALTH
HIGHER EDUCATION
MAJORITY STEERING

CHAIR
MANHATTAN DELEGATION

Western Rail Yard Project

Assembly Member Richard N. Gottfried
Statement at City Planning Commission Hearing
22 Reade Street, Manhattan
November 23, 2009

My name is Richard N. Gottfried. I represent the 130,000 people who live in the 75th Assembly District in Manhattan, which includes Chelsea, Hell's Kitchen, Midtown, part of the Upper West Side, and Murray Hill. The district includes the Eastern and Western Yards.

The Hudson Rail Yards gives us the opportunity to plan a new neighborhood. It must have diversity, housing opportunities for all incomes, open space, community facilities and schools, and public transportation access. The recommendations made by Community Board 4, the Hudson Yards Community Advisory Committee, the other local elected officials and me would help make sure that the Hudson Yards meets these standards and is a successful development.

Some of these recommendations relate to points outside the four corners of the site. This recognizes that the Rail Yards development will have a massive impact on the surrounding area, and steps must be taken to mitigate that impact.

Zoning and Urban Design: The scale and density of the buildings is overwhelming. An FAR of this density would overtax public resources (including streets, sidewalks, and transportation systems) and the environment, and escalate excessive development and secondary displacement pressures on nearby neighborhoods.

It is inappropriate and inaccurate to characterize the plan as having an FAR of 10, because that calculation includes the open space and streets. This *violates* standard practice in New York City. If the FAR is properly calculated by counting only the footprints of the building sites, the FAR would be approximately 25, an extraordinary and excessive density. Related Group states it "is a single development parcel and the inclusion of private street networks and open space on a zoning lot in the area used to determine permitted floor area is the standard method of calculating floor area under the NYC Zoning Resolution." However, a key element of the guidelines for the plan is the extension of the Manhattan street grid and establishment of open space on the site. To use this as a justification for jacking up the FAR to 25 violates the principles of the guidelines and decent planning.

The streets on the site must be planned and operated as real city streets, including in name, public access, parking regulations, sidewalks, and street-level retail facilities; the sidewalk grade on West 33rd Street must also be ADA compliant. The Manhattan street grid is a powerful

and successful tool for organizing space and development in a way that works for New Yorkers. It should be incorporated as much as possible in the plan.

On-Site Affordable Housing: There must be substantial permanent affordable housing on the site. The proposed 350-400 on-site affordable units of the 4,500-6,000 total units – a mere 8% – is woefully unacceptable. The plan proposes to put a small token of affordable units on site and puts the rest away in another neighborhood. This sounds like redlining.

No less than 20% of the units should be permanently affordable to enable low-, moderate-, and middle-income families to live on-site. This *must* apply to all forms of housing: rentals, co-operatives, and condominium units. Exempting coop and condo units from the affordability requirement dramatically and unacceptably reduces the number of affordable units. When co-operatives and condominium units are included in affordable housing options, it ensures a more diverse neighborhood and allows for individuals and families to grow within the community.

Off-Site Affordable Housing: In this community, the City has come to understand that 20% affordability is not adequate, and that some developers can be called on to do more. So, in addition to 20% on-site affordable units, there should be additional affordable units off-site. I support the proposal for converting four off-site, underused, publicly owned locations at 136 West 20th Street (Department of Sanitation), 415 West 40th Street (Port Authority of NY/NJ), the MTA site at 806 Ninth Avenue and the DEP site on the Tenth Avenue between 48th and 49th Streets as well as preserving the 88 units at Terrific Tenements on 525 West 47th Street.

At the MTA site at 806 Ninth Avenue, I oppose granting the special permit *unless* the frontage along Ninth Avenue peaks at 85 feet and, beginning 50 feet east from Ninth Avenue on 54th Street, no higher than 99 feet. This would preserve the low-rise, 19th century scale of the avenue, while adding affordable housing to the neighborhood, and creating a minor exception to the Clinton Special District. These units should be for low-, moderate-, and middle-incomes and at least 50% of the units should be family sized. The MTA's request of 30,000 square feet for office space and 15 parking spaces is too much and should be denied considering the small lot size allocated for affordable housing.

The DEP site on the west side of Tenth Avenue between 48th and 49th Streets has long been a part of plans for affordable housing development and open space. Hell's Kitchen residents have very limited access to green spots. Over a decade ago, the site was committed to open space, with DEP only needing minimal space for access to the water tunnel shaft. Now, DEP has said the site will be the main west side access point for the water tunnel, requiring a full half-block. DEP must commit to hiring a landscape architect and working with the community to ensure the facility and park assimilate into the neighborhood, with pleasing design and comfort stations for park patrons.

People in the community have spoken out strongly against making exceptions to the Clinton Special District height limits. The Clinton Special District has served the community and the City well and it is important to protect it. The building for affordable housing on the DEP site, which will be fronted by the open space, should go no higher than 76 feet. Although this would be another exception to the Special District, I can accept the permit on that condition, and that 50% of the units must be family sized, to promote balanced neighborhood growth.

There should be no commercial or retail included; allowing street level retail on West 49th Street would further intensify an already growing problem.

This will be the largest development in the Special District since its inception in 1974. The Request for Proposals to select a developer for both sites must be done in consultation with Community Board 4. In the City Planning Commission press release announcing the creation of the District, the Commission wrote that bulk would be restricted to "encourage the construction of five- and six-story buildings in harmony with the rest of the neighborhood." These permits step outside the bounds of what has been a rigidly followed code, but I believe they are an acceptable step to protect that harmony, while taking into consideration the need for more affordable housing. The fact that the MTA and DEP sites represent violations of the Clinton Special District's standards makes it especially important that the community play an active role in drafting the RFPs, selecting the developer, and shaping the final plans and their implementation.

Parks and Open Space: With such a large amount of space being developed as a towering forest of buildings, open space, parkland, and greenways will be essential for maintaining a healthy, pleasant, and livable neighborhood. Access to these spaces should comply with all other City parks and public spaces.

The buildings pose serious issues for open space: wind tunnels; long shadows on new open space and the adjacent Hudson River Park; and difficult, unfriendly terrain because of grade changes, impairing its usability. Because this open space will exist legally as a private plaza but is meant to function as a public park, collaboration with the community is imperative and must be defined and managed properly. Furthermore, the space should have, and Related concurs, a public "feel" to it and include as many public park elements as possible, including restrooms and drinking fountains, with cafes incorporated into the surrounding buildings.

Currently, the only access people will have to the Hudson River Park is at the southwest corner, hidden from central spaces, and likely to be steep. A bridge at either 32nd or 33rd Street ought to be built to create an accessible and pleasant second way to get to the Hudson River Park.

The High Line is a unique element of the Rail Yards. New York has committed to acquiring the portion of this historic structure at the Rail Yards site. It is critically important that the entire High Line, including the 30th Street spur and the extension north of 33rd Street, be preserved. The redevelopment of the High Line has been extraordinarily successful and developers should see it as an exciting challenge, to be met with architectural ingenuity and a gateway for distinct marketing opportunities. The High Line should continue to be a venture that is maintained by the City and Friends of the High Line, not private building owners.

Public Infrastructure and Community Facilities: The current infrastructure plan is inadequate. The 2004 Hudson Yards Environmental Impact Statement called for the creation of two additional power substations, a police station, a fire station, public schools, a library, and day care facilities. Five years later, no planning or siting has begun. Fundamental infrastructure is essential to the sustained longevity of this project and for the growth of a neighborhood. All of the original infrastructure additions need planning and coordination. That must include the Amended Drainage Plan proposed by the DEP and the two power substations. We cannot rely

on future separate actions for these facilities. This massive development will require a police presence and a space must be allotted for that.

An elementary and intermediate school should be built on West 30th Street, with an ample playground and gymnasium. The school must be locally zoned and open to the whole community, considering the projected need of approximately 650-700 elementary students and 200-250 intermediate students. The planning of 420 and 330 seats, respectively, is insufficient; it will exacerbate school overcrowding. The School Construction Authority should be consulted early in the construction process to ensure the school is built in a timely fashion, and able to accommodate the growing population.

In addition, childcare facilities will likely see a substantial increase of demand. A facility must be made possible with adequate space at a nominal rent.

Considering the influx of residential, commercial, and transient populations, an urgent care and primary care health facility should be within reasonable distance for people in the area.

Cultural institutions are vital to the City's life. Related says that 8,000 square feet can be planned for small- to mid-sized not-for-profit institutions. I support doubling that number to 16,000 square feet. A facility for a public library branch ought to be included.

Charter and tour buses clog our streets. The development does nothing to mitigate the removal of the 52-slot bus garage on West 30th Street and Twelfth Avenue. The Port Authority's charter bus layover garage identified in the EIS must be planned, sited, funded, and built.

Landmarks: I support the nine individual landmarks that Community Board 4 has selected in the surrounding neighborhood. They are each notable examples of landmark-quality architecture and highlight various aspects of the neighborhood's prior uses. I also support the two proposed historic districts: the Hell's Kitchen South District and the West Chelsea North District. Both are distinct and aim to preserve the intricate layers of industry, manufacturing, residential, and commercial spaces in Hell's Kitchen and Chelsea.

Traffic and Transit: The City should deny the special permit for accessory parking. Adding parking would encourage driving and thus add to our already congested traffic. This would be counterproductive and limit our ability to become a greener city. All parking should be limited to as-of-right, accessory off-street parking. The capacity of the south garage should be limited to one-fourth of the total spaces, with an entrance on West 31st Street. Both garages must include bicycle parking for residential and commercial occupants.

There will be a great need for easy public transit access to Penn Station, the Port Authority bus terminal, and the rest of the City. A passenger shuttle connecting Penn Station to the Western Rail Yards site using converted LIRR tracks is an excellent idea. Additional buses on the M11 and M34 routes and an Eleventh Avenue Bus Rapid Transit lane will be needed, and a taxi share program from Penn Station to the site will help alleviate traffic. Signage is also important, for the taxi share program and the underground public bike parking.

The planned development in this area makes it even more important for New York City to develop light rail across 42nd Street with an extension south to the Rail Yards area.

Sidewalks on 30th and 33rd Streets, and Eleventh Avenue must be widened to accommodate the expected number of pedestrians.

Sustainability: We have an excellent opportunity to lessen this development's environmental impact. I support requiring LEED Silver certification – including any upgrades in standards as the project is built out – to guarantee energy-efficient and sustainable buildings. Protecting the environment and public health during build-out must also be a priority. I support the creation and implementation of a site-specific Construction Health and Safety Plan for the Western Rail Yards site and off-site affordable housing sites, and a Construction Task Force that will oversee the entire project.

Locations for the two energy substations must be identified quickly because of the unique concerns they raise: that of a potential terrorist target and the need for shielding from electromagnetic radiation emanating from transformers and cables. Noise will be an issue. With Hudson River Park just to the west and development occurring in stages, noise mitigation is crucial.

If this development is done right, incorporating these recommendations, New York City will create a new and proud chapter in urban planning.

Thank you for allowing me to comment on this important proposal.



777 Tenth Avenue, New York, NY 10019 T: 212-541-5996 F: 212-541-5966

Good morning. Thank you for the opportunity to testify before you this morning. My name is Sarah Desmond. I serve as the co-chair of Manhattan Community Board 4's Clinton/Hell's Kitchen Land Use Committee and the Executive Director of Housing Conservation Coordinators, a not-of-profit legal services and tenant advocacy organization based in the Hell's Kitchen/Clinton neighborhood. I am here to speak in opposition to the Western Rail Yards (WRY) rezoning unless significant changes are made.

As my other Community Board colleagues have testified, our Board developed a creative plan to achieve 30% permanent affordability in the WRY, that includes 20% on-site permanent affordability, multiple locations off-site and preservation of additional Section 8 and endangered Single Room Occupancy hotels located within our district.

I will focus this morning's testimony on the off-site affordable housing plan which includes construction of 312 permanently affordable units on two off-site locations – the MTA site on 9th Avenue and the DEP site just off 10th Avenue. While we support these two projects – *which are in fact the only permanently affordable option* in this 6 million s.f. plan, a number of changes must be incorporated, including:

- The Land Disposition Agreement (LDA) specifically delineate the number of units by income band; while these unit distribution has been agreed to, there is no mechanism to insure that it is in fact developed as agreed. The agreed unit distribution is detailed in our CB4 response.
- The LDA must prohibit the use of the two off-site affordable developments as generating sites for an inclusionary bonus. These sites are mitigation for the enormous bulk in the WRY, and cannot be used to generate even more bulk within our district.
- The MTA site must eliminate the 30,000 s.f. reserved for MTA office space and instead be used for affordable housing.

Finally, the height of both developments must be restricted to the recommendations of the CB and not be increased by future special permit. The proposed compromise on height balances two very strong community goals – maximize the affordable housing while respecting the height limits of the Special Clinton District (SCD). This is particularly critical on the 10th Avenue DEP site. Under the proposed rezoning, the building will now be located in the "Other Areas" of the SCD, where it is not subject to the height limits of the SCD. A special permit will therefore not be required to build higher; it must be limited as part of this rezoning.

Finally in closing, the WRY is the largest publicly-owned development site left in Manhattan. To build more than 6 million s.f. of development that includes only a token affordable housing plan is irresponsible and will establish a precedent for future developments citywide.

Thank you.



777 Tenth Avenue, New York, NY 10019 T: 212-541-5996 F: 212-541-5966

My name is Jackie Del Valle and I am Director of Organizing for Housing Conservation Coordinators, or HCC, a 37 year-old tenant and affordable housing rights organization in Clinton/Hell's Kitchen. HCC, which also coordinates the 600-member West Side Neighborhood Alliance, finds the Western Rail Yards re-zoning plan seriously lacking in its affordable housing commitment. This is a massive project of over 6 million square feet and 5,000 units yet the affordable housing being proposed is not adequate, permanent, or guaranteed. The proposed on-site affordable housing is not permanent, and is only comprised of 20% of the total *rental* housing, not total residential housing. At the very least, the on-site plan should include 20% of all *residential* housing as affordable, including Co-ops and Condos. The Council recently passed legislation that expands the inclusionary housing bonus to include affordable homeownership. The Western Rail Yards presents and an opportunity to apply that bonus and to set an important precedent!

And even if it's 20% of all residential housing, it's still not enough. The development of this site will affect New Yorkers for generations to come and we need affordable housing right now – and for our future. The City is littered with half-empty and half-built luxury co-op and condos and luxury rentals. Further, as it's proposed, after 20 or 30 years, the affordable units will no longer be affordable and will be at market rents.

We need a real vision for providing affordable housing. Other cities restrict projects using public subsidies to permanent affordability and at include affordability at higher percentages -- 30, 40 and 50% of their projects. This is an opportunity for New York City to be a leader in providing housing for its citizens.

FOR THE RECORD

NOVEMBER 23, 2009

RE; WEST SIDE RAIL YARDS

THANK YOU MEMBERS OF THE CITY COUNCIL FOR ALLOWING ME TIME TO EXPRESS A FEW THOUGHTS ABOUT THE WESTSIDE RAIL YARDS (WRY).

WE HAVE MORAL RESPONSIBILITY TO PROVIDE ONE OF THE MOST BASIC OF NEEDS TO THE PEOPLE OF THIS CITY— AND THAT'S AFFORDABLE HOUSING.

QUITE SOMETIME AGO AND JUST A FEW BLOCKS AWAY FROM WHERE WE ARE RIGHT NOW, A WALL WAS CONTEMPLATED TO PROTECT THE SELF INTEREST OF A VERY FEW.

WHILE IGNORING AND EXCLUDING THE VERY PEOPLE LIVING AROUND THE AREA AT THE TIME A GREAT INJUSTICE WAS COMMITTED. AS A RESULT, THE MANY INDIGENOUS HAD TO MOVE OUT AND NEEDLES TO SAY, NO UPRISING OR PROTEST BY THE VERY PEOPLE LIVING THERE AT TIME MATTERED. EVENTUALLY, THE WALL WENT UP AND IT LATER BECAME KNOWN AS BATTERY PARK. THE REST AS WE KNOW IS HISTORY.

ONCE AGAIN, ARE WE REPEATING HISTORY ON THE WRY BY CIRCUMVENTING THE WILL OF THE VERY PEOPLE LIVING IN THE CLINTON- HELLS KITCHEN/CHELSEA AREA BY NOT ACKNOWLEDGING AND PROVIDING THE MUCH NEEDED PERMANENTLY AFFORDABLE HOUSING COMPONENT ON THE SITE? WILL THERE BE AN EXODUS OF PEOPLE BECAUSE THE AVERAGE MEDIUM INCOME FOR THE BORO OF MANHATTAN, BEING THE HIGHEST, CONTINUES TO RISE, THEREFORE, MAKING IT DIFFICULT FOR EVEN THE LOW AND VERY LOW INCOME WAGE EARNERS TO QUALIFY FOR AFFORDABLE HOUSING?

WILL THIS BE AN ECONOMIC WALL BUILT WITH THE INTENT OF EXCLUDING THE BACKBONE, THE STRUGGLING LOW MODERATE AND MIDDLE INCOME WAGE EARNERS, THE VERY PEOPLE THAT BUILT THIS CITY ON WHAT ONCE WAS OR REMAINS UNCLEAR IF IT WILL BE THE PUBLICS' LAND WHEN IT IS ALL SAID AND DONE?

IT IS QUITE OBVIOUS THAT THE DEVELOPERS HAVE NO INTENTION, OR ARE NOT OBLIGATED TO BUILT ANY PERMANENTLY AFFORDABLE HOUSING ON WRY SITE. THAT BECAME APPARENT SUBSEQUENT TO READING ARTICLE II, SECTION 2.01 – AFFORDABLE HOUSING, PARAGRAPH (b) SUBMITTED BY THE DECLARENT PARTY. YOU MIGHT JUST AS WELL HANDED OVER THE KEYS TO THEM— IT READS AS FOLLOWS:

“IN THE EVENT THAT DECLARANT DOES NOT PURSUE THE AFFORDABLE HOUSING BONUS, DECLARENT SHALL HAVE NO OBLIGATION TO MAINTAIN ANY RESIDENTIAL UNITS AS AFFORDABLE FOLLOWING THE EXPIRATION OF THE TERMS OF 80/20 PROGRAM EXCEPT PURSUANT TO A FUTURE AGREEMENT WITH THE CITY ACCEPTABLE IN ALL RESPECTS TO DECLARANT.”

IN NO WAY HAS THE DECLARENT MADE CLEAR THAT PERMANENTLY AFFORDABLE HOUSING WILL BE BUILT. THEREFORE, WE ASK THE BODY OF THIS COUNCIL STIPULATE THAT NOT LESS THEN 30 PERCENT OF THE DEVELOPMENTAL UNITS WHETHER RESIDENTIAL OR CONDO BE ALLOCATED TO PERMANENTLY AFFORDABLE HOUSING.

THANK YOU!

PETE DIAZ

301 W, 48TH STREET

NYC, NEW YORK 10036

* No mention of size of units - 2/3 bedroom

- (sss) "West 30th Street Corridor" shall have the meaning set forth in Section 93-763 of the Zoning Resolution.
- (ttt) "West 31st Street Extension" shall have the meaning set forth in Section 93-762 of the Zoning Resolution.
- (uuu) "West 32nd Street Extension" shall have the meaning set forth in Section 93-761 of the Zoning Resolution.
- (vvv) "Zoning Resolution" shall have the meaning given in the Recitals to this Declaration.

**ARTICLE II
DEVELOPMENT OF THE SUBJECT PROPERTY**

2.01 Affordable Housing.

- (a) No fewer than twenty percent (20%) of all residential rental units developed on the Subject Property shall be developed to be affordable to persons of low income pursuant to the "80/20" or comparable program, subject to: (i) the allocation of sufficient tax-exempt bond cap or other equivalent low-cost financing to Declarant for each building with residential rental housing as and when required; and (ii) the availability to Declarant 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) In the event that Declarant utilizes the floor area bonus available under Section 93-23 of the Zoning Resolution for the provision of permanent affordable housing (the "Affordable Housing Bonus"), Declarant covenants and agrees to maintain all affordable units required to generate the Affordable Housing Bonus as affordable units for so long as the bonus floor area is included within the Project. In the event that Declarant does not pursue the Affordable Housing Bonus, Declarant shall have no obligation to maintain any residential units as affordable following the expiration of the term of the 80/20 program except pursuant to a future agreement with the City acceptable in all respects to Declarant. As an alternative to the provision of permanently affordable multi-family rental residential housing pursuant to the provisions of Sections 93-233 and 93-234 of the Zoning Resolution, Declarant may qualify residential buildings on the Subject Property as "generating sites" pursuant to the provisions of Section 23-90 et. seq. of the Zoning Resolution.
- (c) Declarant shall seek and apply for the allocation of tax-exempt bond cap or other equivalent low-cost financing and such other incentives, programs, exemptions, credits or abatements as are then generally available for the development of "80/20" or comparable housing in the City of New York for all rental housing that Declarant elects to develop or locate on the Subject Property. If Declarant is unable to obtain financing for the development of "80/20" housing for any residential rental units in any New Building, it

perm / no perm
 afford 80/20 / efforts to obtain

no perm.
 perm
 no perm.
 perm

* what is the impact, if any, of the one (1) commercial bldg on the residential site??
 no mention or discussion of this at any time

Median Income: Chelsea / Hells Kitchen vs Manhattan and NYC

	<u>New York, NY</u>	<u>Manhattan</u>	<u>Chelsea/Clinton/Midtown</u>
<u>Median Household Income (2008)</u>	<u>\$45,000</u>	<u>\$62,000</u>	<u>\$80,000</u>
<u>Median Household Income (2005)</u>	<u>\$40,000</u>	<u>\$50,000</u>	<u>\$54,752</u>
<u>Median Household Income (2002)</u>	<u>\$39,000</u>	<u>\$48,400</u>	<u>\$50,000</u>
<u>Median Household Income, Renters (2008)</u>	<u>\$36,000</u>	<u>\$50,200</u>	<u>\$73,000</u>
<u>Median Household Income, Renters (2005)</u>	<u>\$32,000</u>	<u>\$41,527</u>	<u>\$48,000</u>
<u>Median Household Income, Renters (2002)</u>	<u>\$31,000</u>	<u>\$40,000</u>	<u>\$46,000</u>
<u>Median Household Income, Market Rate Renters (2008)</u>	<u>\$50,000</u>	<u>\$100,000</u>	<u>N/A</u>
<u>Median Household Income, Market Rate Renters (2005)</u>	<u>\$42,000</u>	<u>\$76,000</u>	<u>N/A</u>
<u>Median Household Income, Market Rate Renters (2002)</u>	<u>\$40,000</u>	<u>\$91,500</u>	<u>N/A</u>
<u>Median Household Income, Rent Stabilized Renters (2008)</u>	<u>\$36,000</u>	<u>\$50,000</u>	<u>N/A</u>
<u>Median Household Income, Rent Stabilized Renters (2005)</u>	<u>\$32,000</u>	<u>\$42,500</u>	<u>N/A</u>
<u>Median Household Income, Rent Stabilized Renters (2002)</u>	<u>\$32,000</u>	<u>\$42,000</u>	<u>N/A</u>

City Council Testimony
November 23, 2009

I am Anita Black ^{representing} ~~and a member~~ of the West Side Neighborhood Alliance, a 600 member community-based organization that mobilizes West Side residents to take charge of planning our communities. We work to guarantee that the ongoing development of our neighborhoods serve our communities and preserve the mixed-income character of today's West Side.

Declaration Document
We're here to state that the on site affordable housing being offered is gratuitous - there is no permanent affordable housing on site and even the possibility of 20% of low income housing is in question "subject to the allocation of sufficient tax exempt bond cap or other equivalent low cost financing" (City Planning Restrictive Document pg.11). In other words, no money, no low income housing. The residents of this community don't need more high income rental housing, we need permanently affordable housing. We don't need condos with more studios and one bedroom units, we need moderate and middle income permanently affordable housing with 2 and 3 bedroom units.

Even if the low income housing were built, since it would not be permanent, tenants would ultimately be forced to move when those units revert to market rate rents. Measuring the entire square footage of the site by the number of residential units being planned indicates that the planned affordable housing is just over 4% of the entire footage of the site. This is not enough. The Council just passed a resolution for inclusionary zoning for affordable coop/condo home ownership. Why can't this be considered for this site? Lastly - even if 20% of all residential units were considered, it's still not adequate for the number of residential units being planned, compared with how large the site is. Is that the best that can be done???

We recommend that 50% of two residential building provide permanently affordable housing - one building for permanently affordable rental units and one for home ownership units.

The Council and you, ^{Speaker} ~~Miss~~ Quinn are our last line of support. Your positive position on the need for permanently affordable housing is on the record and well known and we are counting on you.

Thank you.

**NEW YORK CITY COUNCIL
SUB-COMMITTEE ON ZONING AND FRANCHISES
HEARING ON LU 1260-2009
NOVEMBER 23, 2009**

Chairman Avella, members of the City Council Sub-Committee on Zoning and Franchises, good morning. I am Jan Levy, a former member of Community Board Seven in Manhattan, and I'm here to wholeheartedly support rezoning to assure that the High Line will remain and be used as open space. To that end, that part of the structure north of 30th Street must be rezoned and acquired by the city, as recommended by the City Planning Commission.

Mr. Chairman and members of the subcommittee - we have come so far - with your support, and the support of Community Board 4, the Manhattan Borough President, the elected officials representing the area - as well as area residents and all who appreciate the importance of this precious amenity - let us close the circle - let us make the High Line whole -- let us enable the planners and designers whose brilliant imagination has already created a world-class destination, let us give them the approval for what they have done, and let us allow them to finish the job.

I strongly urge the committee to approve rezoning of this last portion to enable the completion of the High Line.

Now, if I may, a bit of personal history, from one who has long understood the special quality of the High Line, and held high hopes for its rescue and rehabilitation. I was first up on the High Line [illegally, I confess] in the 1980's, when it was in its naturally developed wild state. The late Peter Obletz, a non-pareil railroad buff was dedicated and determined to save this unique property. Little by little, he made his case - with CB Four, community groups, and virtually anyone who would listen. At that time, he envisioned a practical use, such as moving goods, as originally intended, or even construction debris. The city was just entering a period of development of formerly overlooked areas - the Far West Side among them.

That is why I am always grateful for an opportunity to testify in support of achieving the full potential of a unique and extraordinary public amenity. Each time the City Council Committees hold the mandated public hearings and the future of the various sections of the High Line come under review, loyal supporters turn out to express their unqualified approval.

This part of the High Line is extremely important to experiencing the planners' innovative concept. Walking up the gentle rise, one marvels as the cityscape gradually comes into view to the east, while the Hudson River and New Jersey appear to the west. The contrast is remarkable, and can only be seen and appreciated from this vantage point. It would make no sense to eliminate this original portion, which serves to introduce the visitor to this singular setting and vista.

There is undeniably strong and wide-spread support for the High Line. This is its first year of being open to the public, and it has surely set records for popular acceptance. Indeed, it is a new and exciting destination that has had a positive economic impact on the already sought-after venues in the Meatpacking District and the critical mass of art galleries in the Chelsea area. And of course, when the Whitney opens its satellite museum at the southern end of the line, it will prove to be the icing on the cake.

In sum, I urge the subcommittee to vote to include the 30th Street spur, by way of completing the original structure, and allowing the sensitive and imaginative design plans of Diller + Scofidio and Renfro to be fully realized.

-2-

The High Line is a great gift to New York City and New Yorkers. It will continue to attract visitors from all over the world who will be coming here to see and marvel over it for themselves.

Thank you.

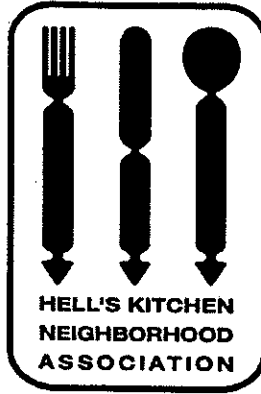
DELEY GAZINELLI - TESTIMONY

NYC Council Sub-Committee on Zoning and Franchises
Land Use Application 1261 and 1262 - Western Rail Yards Off-Site Affordable Housing
Monday, November 23, 2009

Good Morning. My name is Deley Gazinelli; I am the Executive Director of Chelsea Sculpture Park, Board member of Chelsea Cultural Partnership, New York County Committee Member of Assembly District 66, and a public member of Community Board 4's Housing, Health & Human Services Committee.

5 years ago, this past July New York City Council and the Office of the Mayor voted on a rezoning plan agreement for West Chelsea and the Hudson Yards (Hell's Kitchen/Clinton). The agreement called for the creation of affordable housing within both locations. While thousands of luxury buildings have already been built, we are still waiting for the affordable units. Here we are again; confronted with almost similar circumstances. The difference this time is that the City through HPD is asking this body to facilitate building affordable housing off-site of the Western Rail Yards enabling a developer to build one of the most exclusive enclaves in the history of New York City. As proposed, this 16 acres site will be a place of extraordinary deluxe high rise buildings and the residence for the richest individuals and corporations in our city. This extravagant district will burden severely our sewage, fire, police, and transportation infrastructures. It will not include a much needed hospital in our Community Board.

I have surveyed carefully - Yorkville, Carnegie Hill, and both Beckman and Sutton Places, four of the most affluent neighborhoods in our city. I have found that in none of them there is a 16 acres radius without affordable housing. The creation of an exclusive district in such a grand scale is unprecedented in the history of our city. New York City is known for its ethnic and religious diversity. We live side by side as one big family of New Yorkers regardless of our financial accomplishments. A significant amount of affordable and permanent housing must be included on the Western Rail Yards site, not off-site. Otherwise, this City Council will be the first one, in the history of New York City, responsible for creating the most exclusive, privileged and segregated enclave in our city - "The New Sutton Place on the Hudson".



The Honorable Tony Avella
NYC Council Housing and Buildings Committee

November 23, 2009

RE: The Western Railyards/Hudson Yards

Thank you for the opportunity to speak. We applaud State Assembly Member Brodsky's success in requiring full transparency from public authorities, most significantly for us, the dysfunctional MTA. From the very start of the Hudson Yards process the MTA has behaved like any voracious private corporation. The fact that it is the MTA insisting that a lucrative office building go on this residential site speaks for their grasping, anything-for-a-dollar motivation. We must remember that the MTA is NOT a private entity, and that its first duty is to the citizens of New York.

The current plan for the Hudson Yards, which includes mere crumbs of affordable housing, is a travesty. Throw it out! Once we replace the 80/20 financing with a more rational program for New Yorkers we can start again. Remember that Peter Cooper Village/Stuyvesant Town were built for returning GIs. Where are our veterans to live now? The City Council has the opportunity to do something heroic. Replace those middle income homes lost to us. Put them on the Hudson Yards. Thank you.


Kathleen McGee Treat, Chair

Hell's Kitchen Neighborhood Association
454 West 35th Street, NYC 10001 - (212) 714-0186
www.hknanyc.org

Manhattan Plaza is an ideal model for WRY development. Manhattan Plaza is one of the few completely wheelchair-friendly buildings in the City and its second floor playgrounds mean children are completely safe. Also, MP is successfully integrated economically and racially with tenants from a variety of income levels.

The apartment towers on the Western Railyards (WRY) will be 60 stories minimum.

Stuyvesant Town's buildings are 14 stories. There are roughly 12,000 homes in the Stuy Town/Peter Cooper Village complex.

Why not replace those 12,000 middle income homes at the WRY? A residential tower belongs where the office tower is planned.

Clinton/Hell's Kitchen was offered some affordable housing off-site (divide and conquer – and separate the rich from everybody else). The number of off-site homes is negligible. We are told that they are to be permanently affordable (inclusionary) but the number is still negligible – crumbs. Better to use the proposed sites for desperately needed open space/parks/playgrounds. Clinton/Hell's Kitchen would welcome a public swimming pool.

PlaNYC – The Mayor's Sustainability Board – “Goal One – Create homes for almost a million New Yorkers, while making housing more affordable and sustainable.”

Manhattan Community Board 4
Traffic, Parking, Transit and Pedestrians

Manhattan Community Board 4 applauds the building of a transportation-oriented development on the Western Rail Yards, supported by a \$ 2.5 billion investment in a # 7 line subway extension and opposes an increase in private parking above the Central business District Ratios.

The special permits application to increase off street parking by 25% (about 400 spaces) over the current as-of-right CBD zoning is at odds with the public investment in transportation and the Mayor's PlaNYC2030 sustainability agenda: the city adopted the CBD parking zoning in 1982 to bring the city in compliance with Federal Clean Air legislation.

From a technical standpoint, one of the findings required to grant a special permit will not be met: the 30th Street parking garage site will create and exacerbate serious traffic congestion and will inhibit both vehicular and pedestrian movement.

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. From the DEIS, volumes and delays would increase significantly under the build Scenario. For example 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.

City Planning indicated they have based their parking ratios on a recent settlement reached with HKNA for the overall Hudson Yards Area.

The Council must ensure that all the relevant ratios, terms and conditions of the settlement are incorporated:

- Lower parking ratios for affordable housing,
- Physical separation of entrances and space for commercial and residential
- Physical limitation of the parking capacity, to match the number allowed per residences or square footage of commercial space as they get built.

Finally, there is a better use for this parking space: the city desperately needs a Charter Bus Garage and the Western Rail Yards is a very large public land owned by the MTA.

The construction of the platform will create parking areas.

The excess parking spaces granted by the special permits could accommodate between 150 and 300 buses, at a marginal cost over the current plan. This may provide for a much-needed interim relief, until such time a separate charter bus garage is built.

This would be a win-win for the city: instead of adding traffic and congestion, it would reduce the number of cars and buses idling on our streets.

We recommend that the Special Permits for parking be denied , the CBD's as of right ratios be used, and a bus parking garage be housed in the spare capacity.

As for pedestrians and transit, we note that the Hudson Boulevard sidewalks will not be able to absorb the vast flows of pedestrians at 33rd Street. The Hudson Boulevard should be redesigned as pedestrian only. Finally, a north-south Bus Rapid transit line on 11th Avenue is critical as well as a rail connection to Penn Station.

Testimony – November 23, 2009

My name is Marguerite Yaghjian. I am a member of the West Side Neighborhood Alliance (WSNA). I live in Chelsea. **And we need permanent affordable housing on this massive development!!!**

I've heard for a long time that "real estate" runs the city. "Emperor Bloomberg and the Billionaires" now own this city.

The ugly high-rises are rising even higher. This is to make room for all the millionaires that Bloomberg publicly invited to come here. He doesn't care at all about the people or neighborhoods or small businesses that are displaced.

Mega-corporations like Related and the Wall Street Vampires are feeding off taxpayer dollars without contributing anything toward city services, transportation or infrastructure. They display only arrogance and greed - without any social conscience or civic responsibility.

Could that be one of the reasons the subway system is falling apart and bus service keeps getting worse and more expensive? We have lots of new high rises for the rich who are coming. But for those of us living here now, I see no new affordable housing, no new schools, no new libraries, no new jobs that are permanent and pay a living wage.

Did you hear how the rich Brooklyn developers screamed when they were asked to pay \$10 an hour to their workers? Did you hear about the billions the vampires are still making on Wall Street this year?

In the proposal before you today it's Related that's calling all the plays. They're asking for rezoning that gives them everything --- and gives nothing to the children or the working and middle class people of this city. As Related gets richer they're getting poorer. It's not right.

Before those Vampires began to suck out it's life blood – New York City built places like Penn South and Stuyvesant Town. The young and talented could afford to live here. They came and created the businesses and the magic that drew everyone to "A Wonderful Town". No more. Their kind can't afford to live here now.

I call on you – my representatives – to stop the greed that's destroying our city. Do not grant the rezoning.

Start planning instead for a new and more wonderful town. That's why we elected you. **Please ensure we have permanent affordable housing on the Western Rail Yard site.**

Western Rail Yard Rezoning
Presentation to The New York City Council
Subcommittee on Zoning and Franchises



Zoning Actions

ULURP No. C090433 ZMM WRY Zoning Map Change;

- change the zoning of the Western Rail Yard from M2-3 to C6-4
- include the site within the Special Hudson Yards District

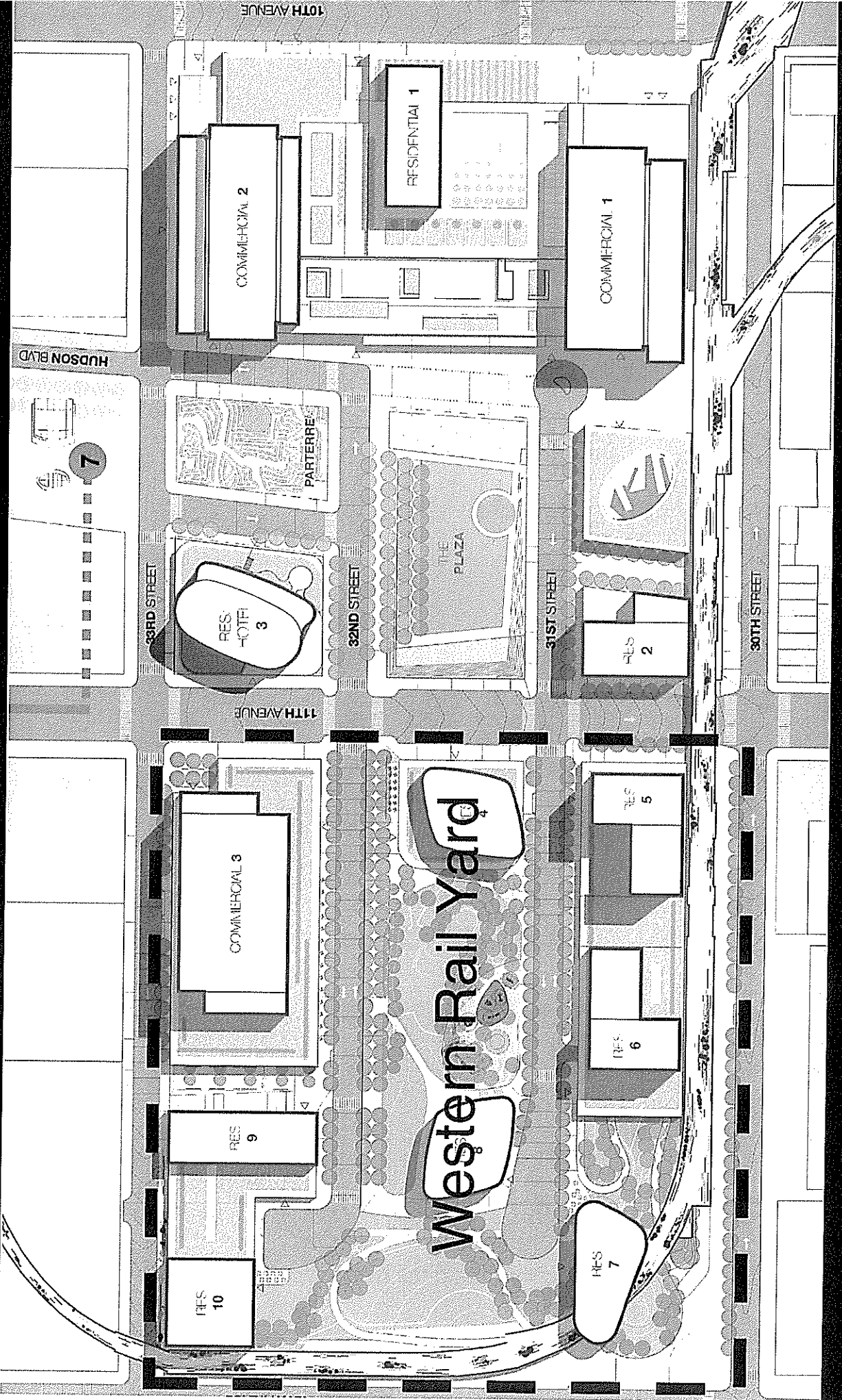
ULURP No. N090434 ZRM WRY Zoning Text Amendment;

- create a new subarea F covering the Western Rail Yard
- establish specific bulk and street wall controls for development
- require more than five acres of publicly accessible open spaces to be created on the Site
- Required open spaces contain minimum dimensions, amenities and mechanism for future review and approval of final design on a phased basis

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

ULURP Nos. C090435 ZSM Special Permit for Accessory Parking (north) and C090436 ZSM Special Permit for Accessory Parking (south);

- allow for accessory parking in two accessory parking facilities to accommodate on-site, primarily residential demand.



10TH AVENUE

HUDSON BLVD

7

33RD STREET

11TH AVENUE

32ND STREET

31ST STREET

30TH STREET

Western Rail Yard

COMMERCIAL 2

RESIDENTIAL 1

COMMERCIAL 1

PARTERRE

COMMERCIAL 3

RES 9

RES 10

RES-HOTEL 3

THE PLAZA

RES 2

RES 5

RES 6

RES 7



WRY ULURP Meetings

- WRY EIS Draft Scoping Issued September 2, 2008
- Community Board #4 Information Session September 15, 2008
- HYCAC Briefing May 13th, 2009
- NYC CPC Certification May 18, 2009
- CB4 Public meeting June 10th, 2009
- CB4 Committee Meetings June/July 2009
- CPC/SEQRA Hearing September 9, 2009
- WRY Final EIS October 9, 2009
- NYC CPC Vote October 19, 2009
- NYC Council Vote December 2009

WRY ZONING

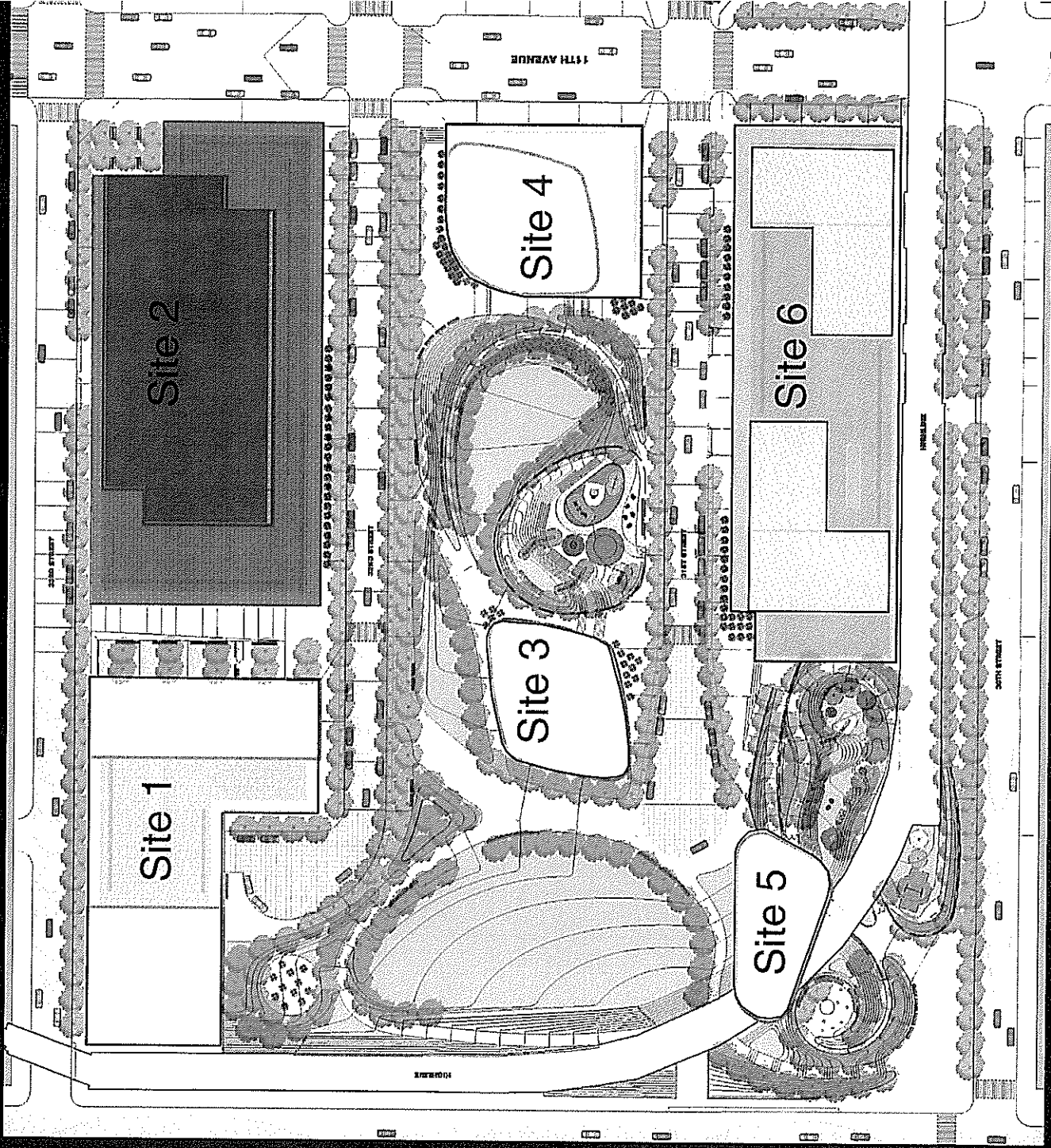
Proposed FAR & Uses

Total floor area*
10FAR

*5% zoning bonus per building for permanently affordable housing

** Public school exempt from FAR

Office	1.4-2.2msf
Residential	3.8-4.4msf
Retail	220,000sf
School	120,000sf



Open Space

Over 5 acres of publicly accessible open space

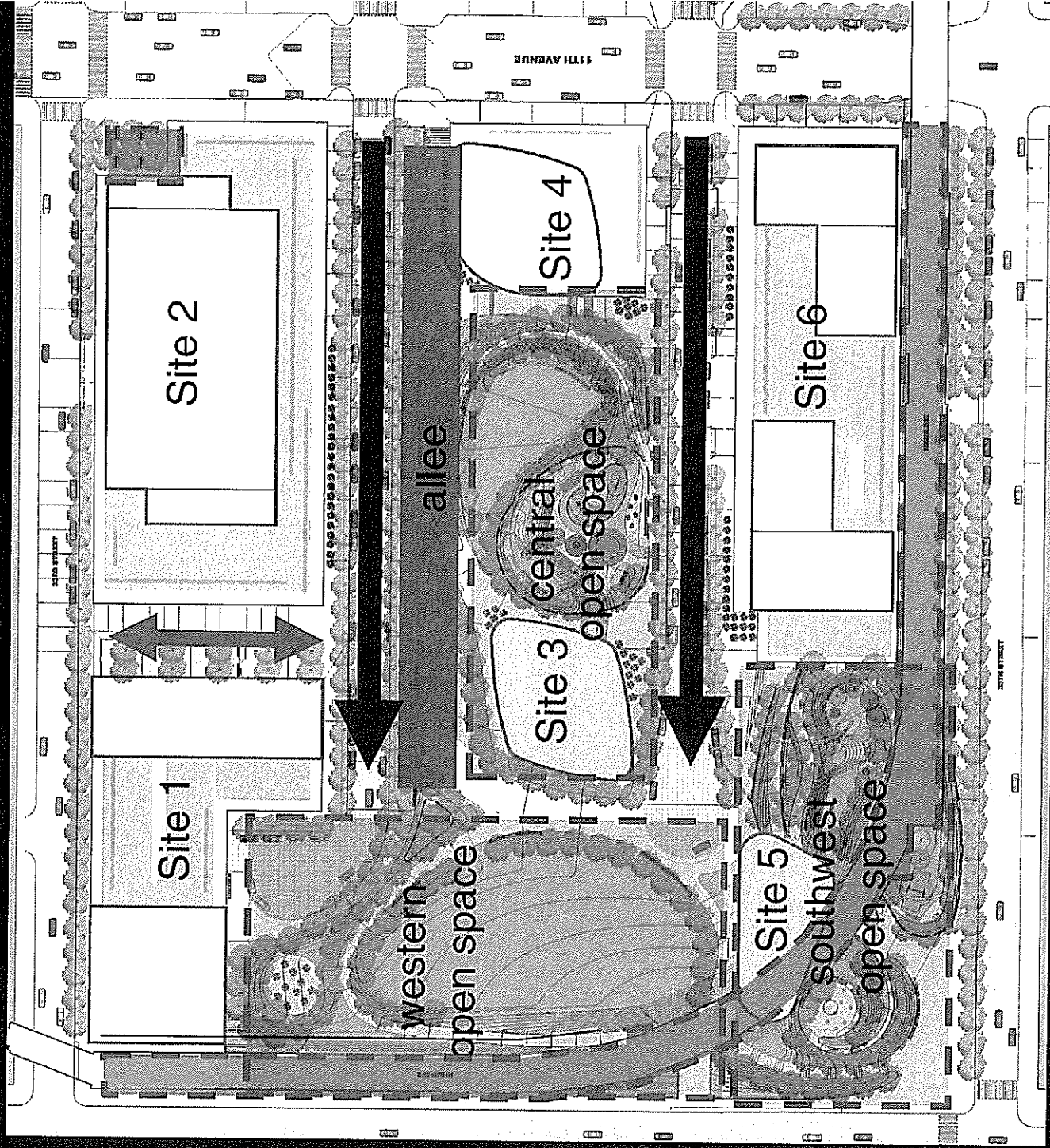
2 open view corridors

Five Principal Open Spaces

1. Allee
2. Central open space
3. Waterfront lawn
4. SW Connection
5. The High Line

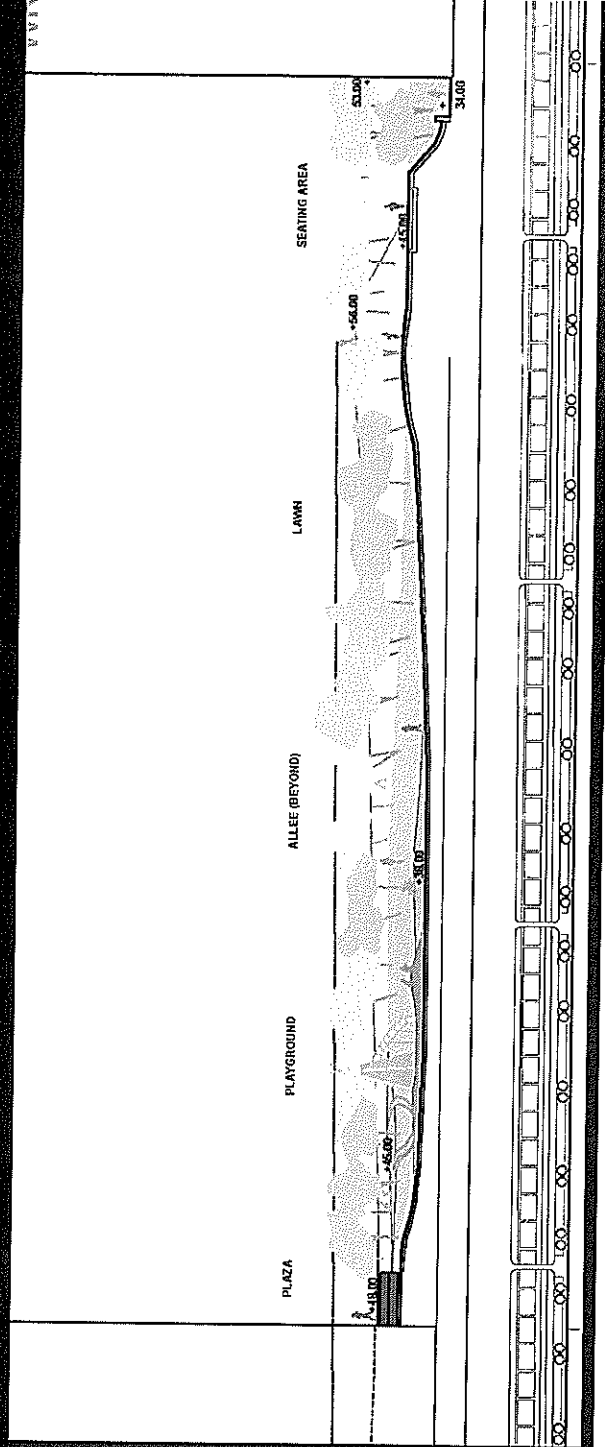
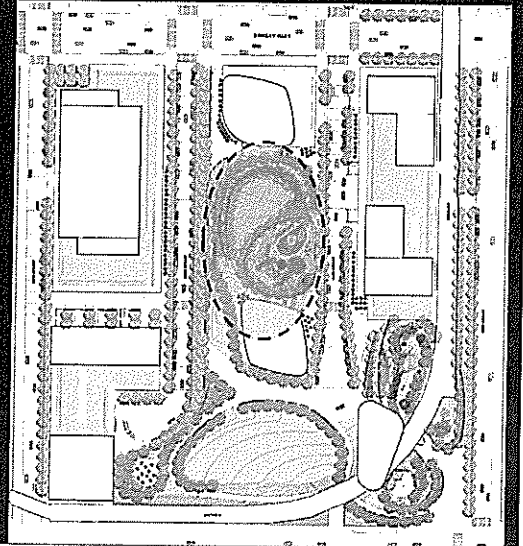
Other Open Spaces

- Connection to 33rd st.
- Northeast Plaza



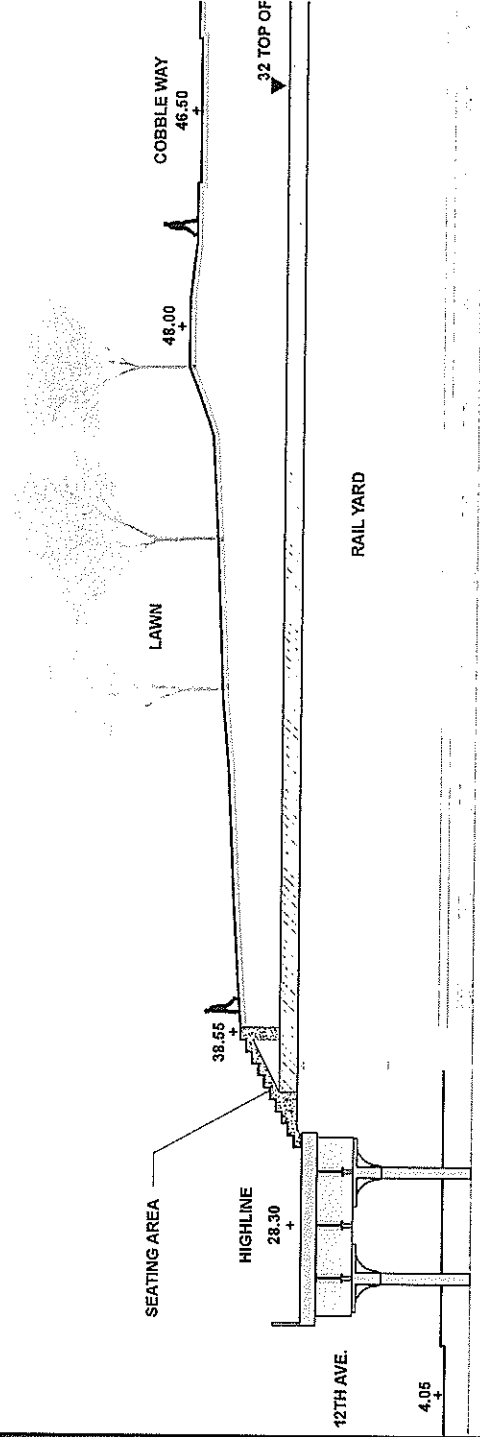
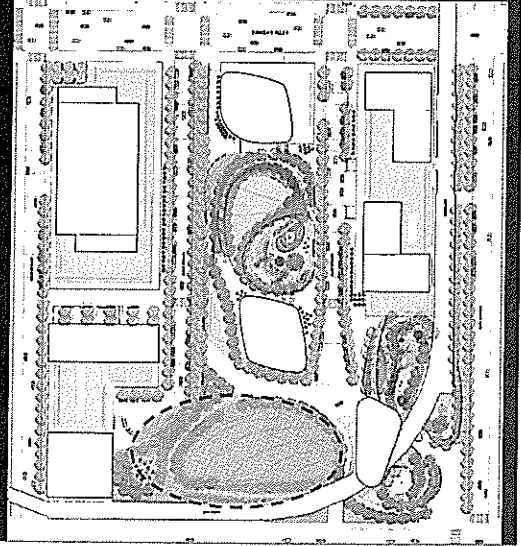
Central Open Space

- 10,000sf playground
- 10,000sf lawn
- Landscaping and seating requirements



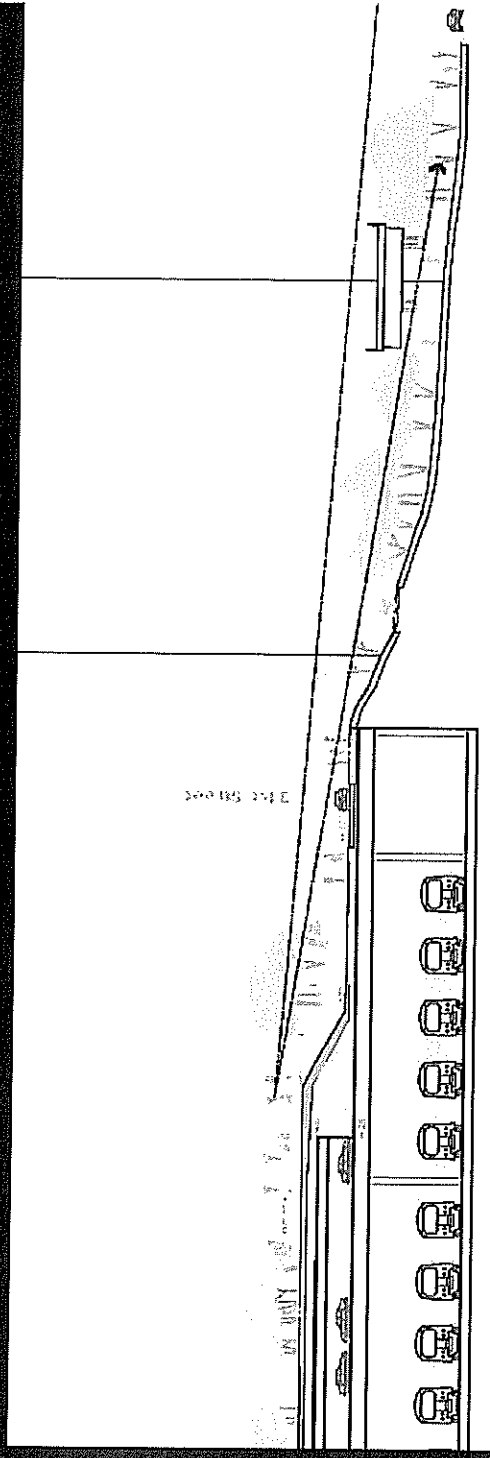
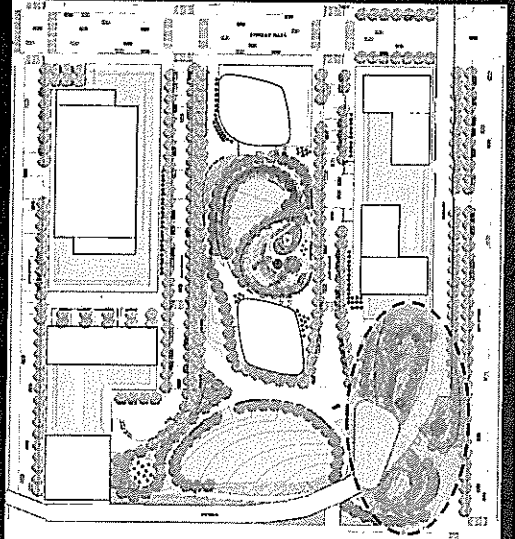
Western Open Space

- 1 acre minimum lawn
- Direct connection to High Line
- Landscaping and seating requirements



Southwest Open Space

Pedestrian
Connection to Hudson
River Park



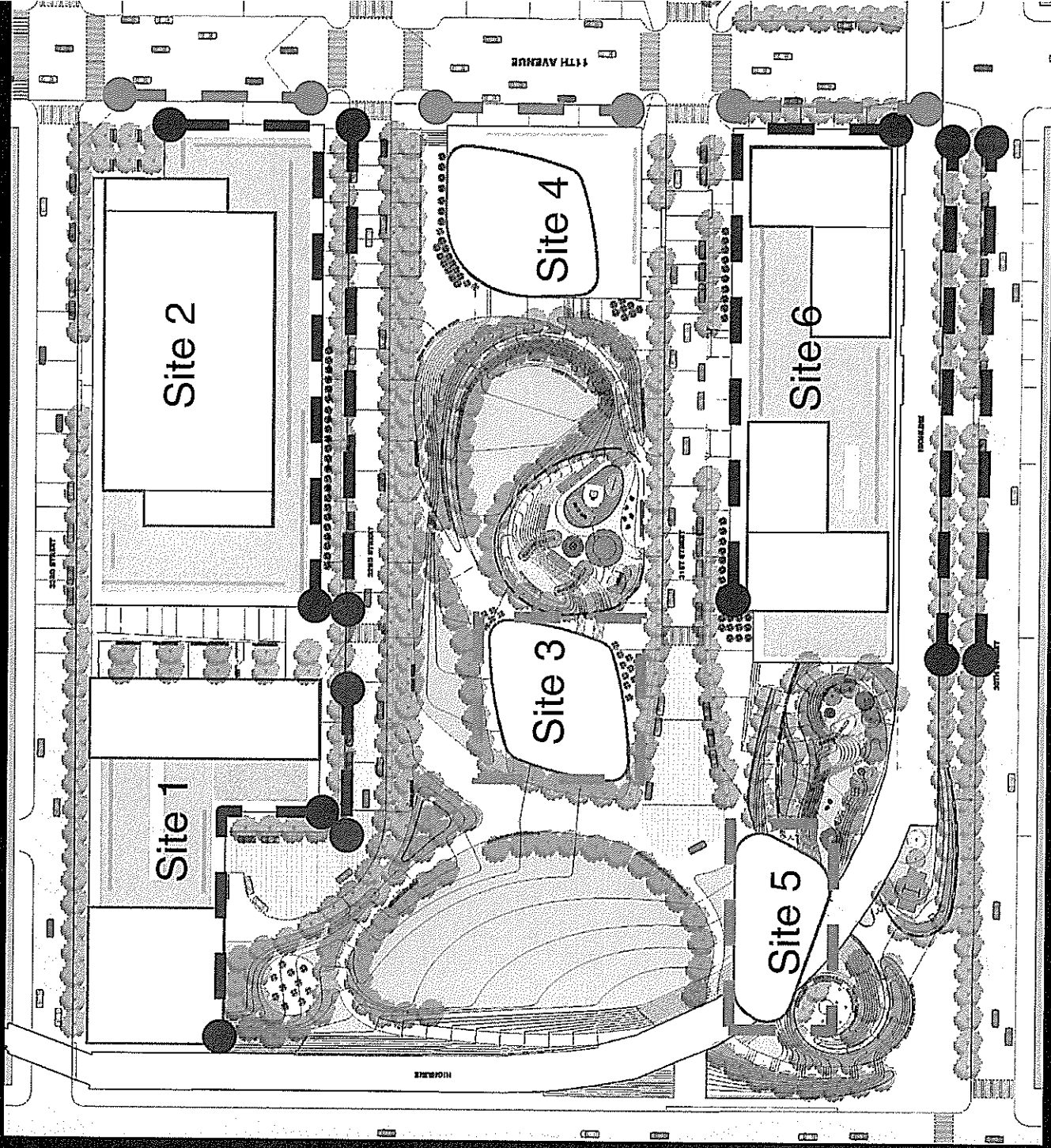
Ground Floor Controls

Ground floor retail controls on all streets

Transparency requirements on streets and open spaces

Setbacks required on 11th Avenue and east west streets

Special rules for sites 3 & 5

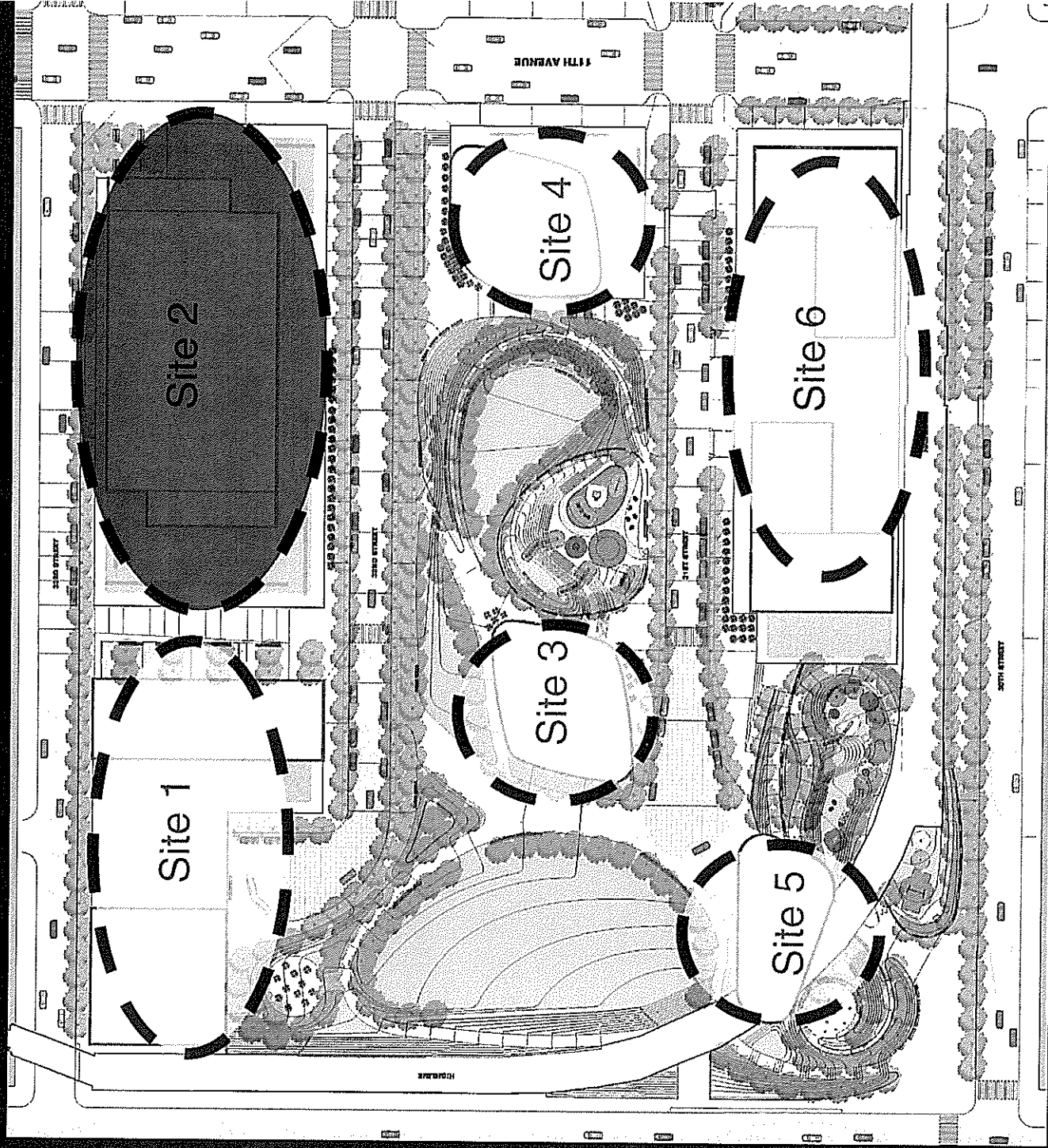


Tower Controls

Site 1 & 6
Maximum 25,000sf
floor plate per site

Site 2
Maximum 40,000sf
floor plate &
maximum 250'
east/west dimension

Sites 3, 4, & 5
Maximum 12,000sf
floor plate per site
with maximum 145'
horizontal length



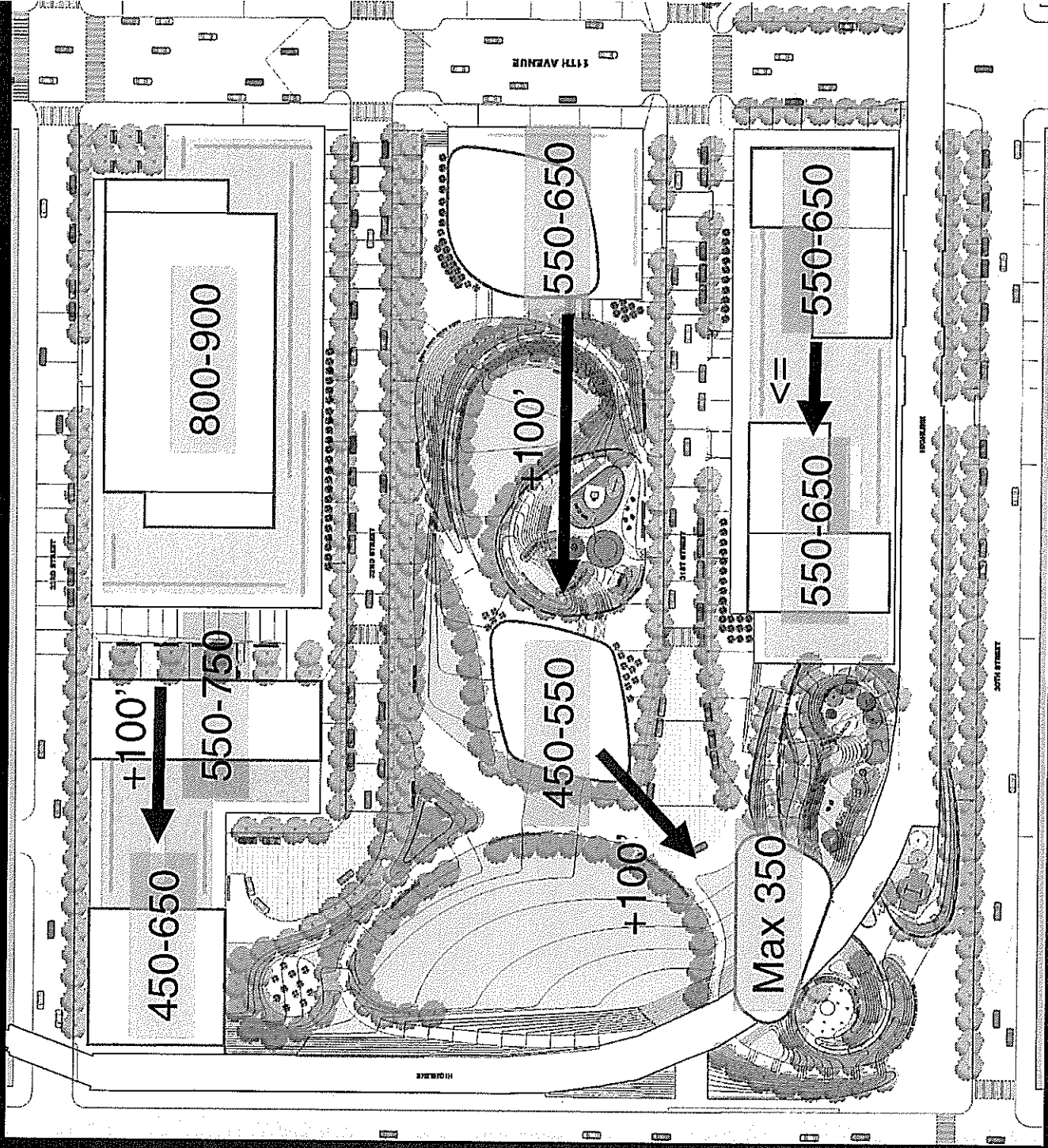
Tower Height Ranges

Site 5

Maximum height 350' with 50' minimum clearance over the High Line

Required height difference between adjacent buildings

Sites 1, 2, 3, 4, & 6
Tower top regulations for upper 15% of building



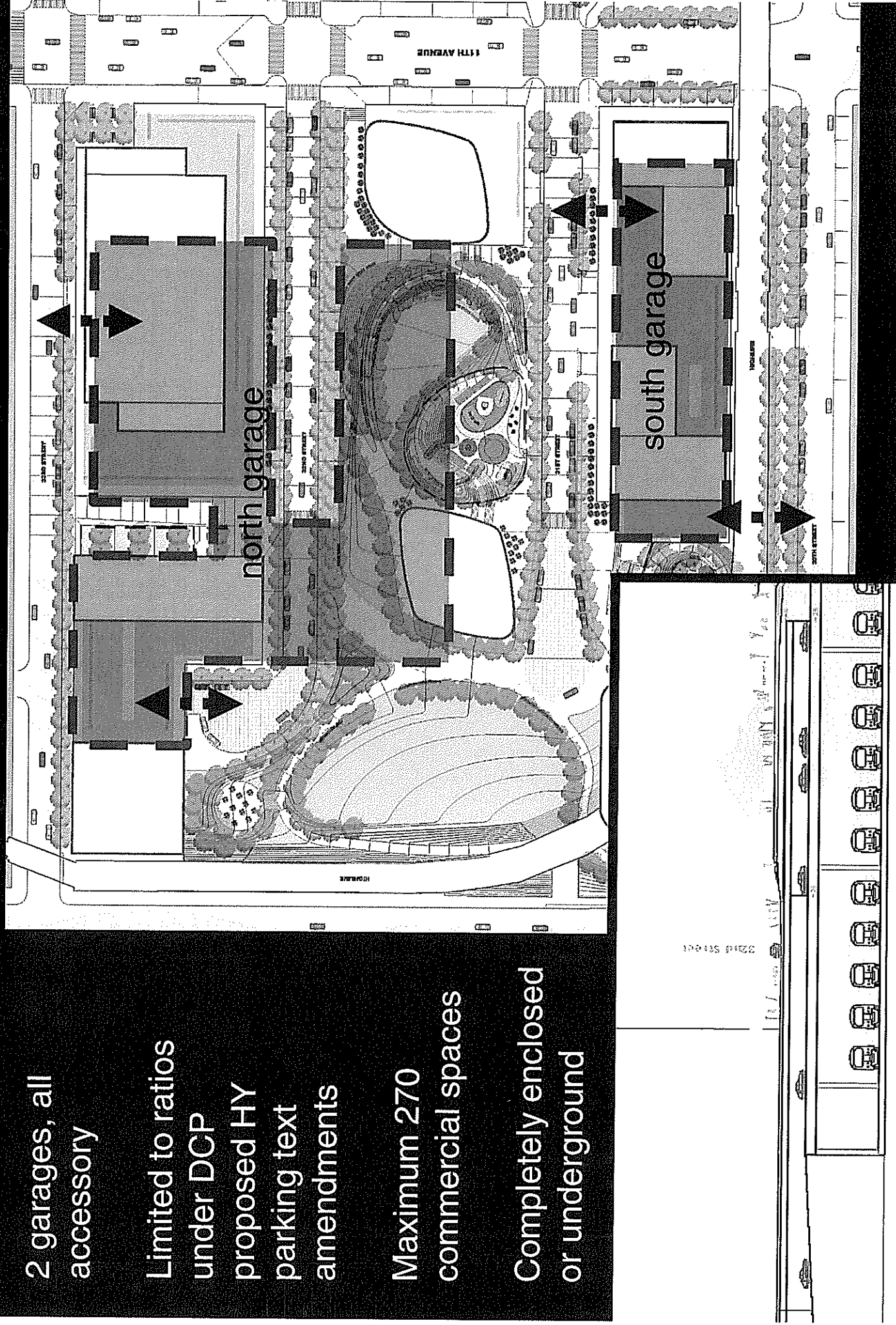
Parking

2 garages, all accessory

Limited to ratios under DCP proposed HY parking text amendments

Maximum 270 commercial spaces

Completely enclosed or underground



Restrictive Declaration

Related/GS will record a Restrictive Declaration on the Western Rail Yards to ensure compliance with environmental commitments and commitments to the community;

Environmental Commitments

- Minimum LEED Silver for all buildings
- Additional energy efficiency commitments
- Extensive construction protection measures for air and noise
- Oversight by environmental monitor
- \$2mm contribution to reconstruct neighborhood open spaces
- Space for day care facility
- Provision for public school

Restrictive Declaration

Related/GS will record a Restrictive Declaration on the Western Rail Yards to ensure compliance with environmental commitments and commitments to the community;

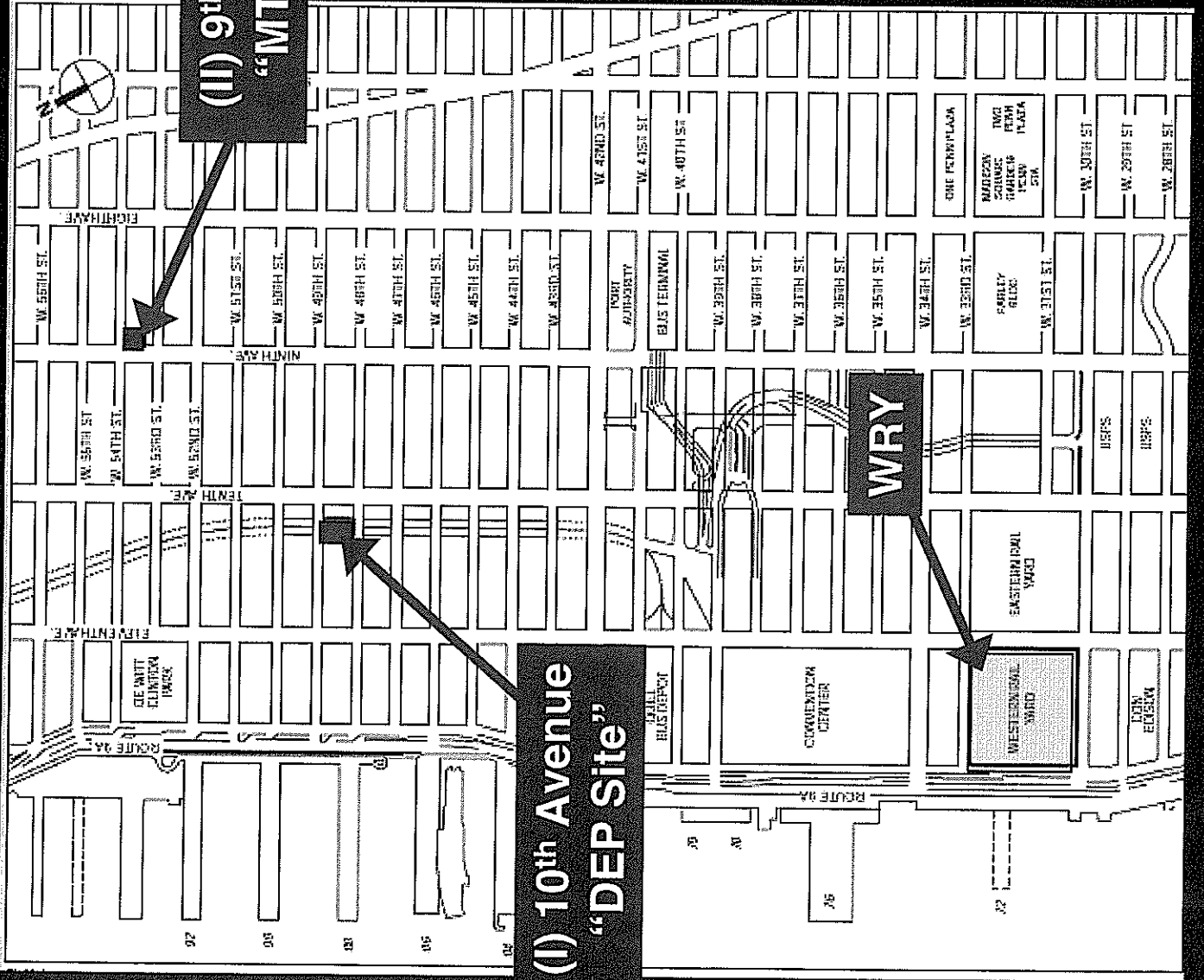
Community Commitments

- 20% of all rental housing unit to be developed as affordable
- Public easements for new streets and open spaces
- Creation of open space programming management advisory board
- Extensive maintenance standards for public open space
- Phasing of open space in line with development
- Up to 16,000 sf of community-based arts and cultural space
- Additional access points to the High Line



**OFF SITE
AFFORDABLE
HOUSING**

Western Rail Yard Proposal – Off-site Affordable Housing



**(II) 9th Avenue
"MTA Site"**

**(I) 10th Avenue
"DEP Site"**

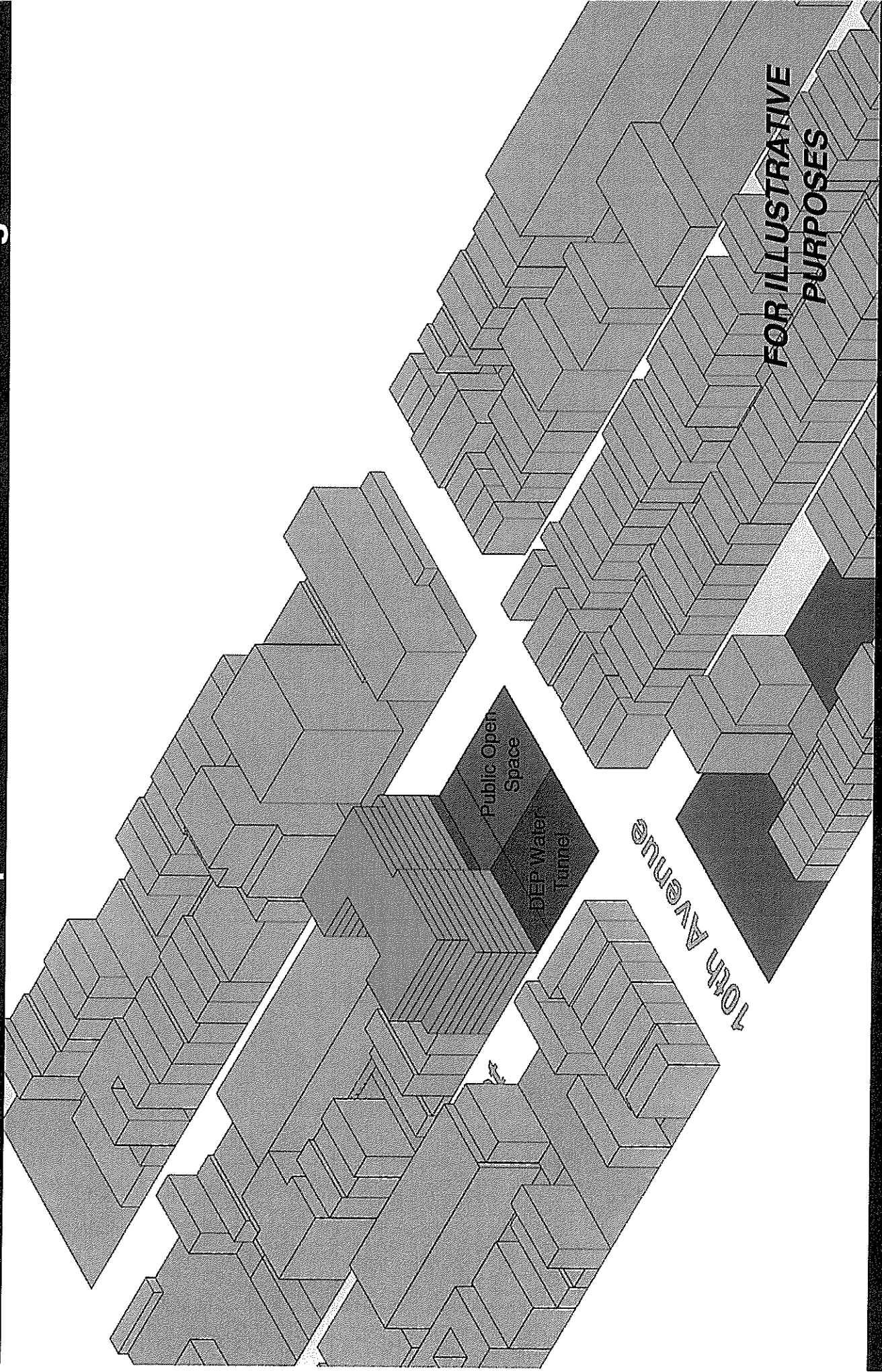
- Two city-owned sites in Community District 4
- Up to 300 units of permanently affordable housing
- At Community's request, 80%-165% of AMI

Western Rail Yard Proposal – Off-site Affordable Housing



I. 10th Avenue Site (“DEP Site”)

Western Rail Yard Proposal – Off-site Affordable Housing



FOR ILLUSTRATIVE
PURPOSES

I. 10th Avenue Site (“DEP Site”)

Western Rail Yard Proposal – Off-site Affordable Housing

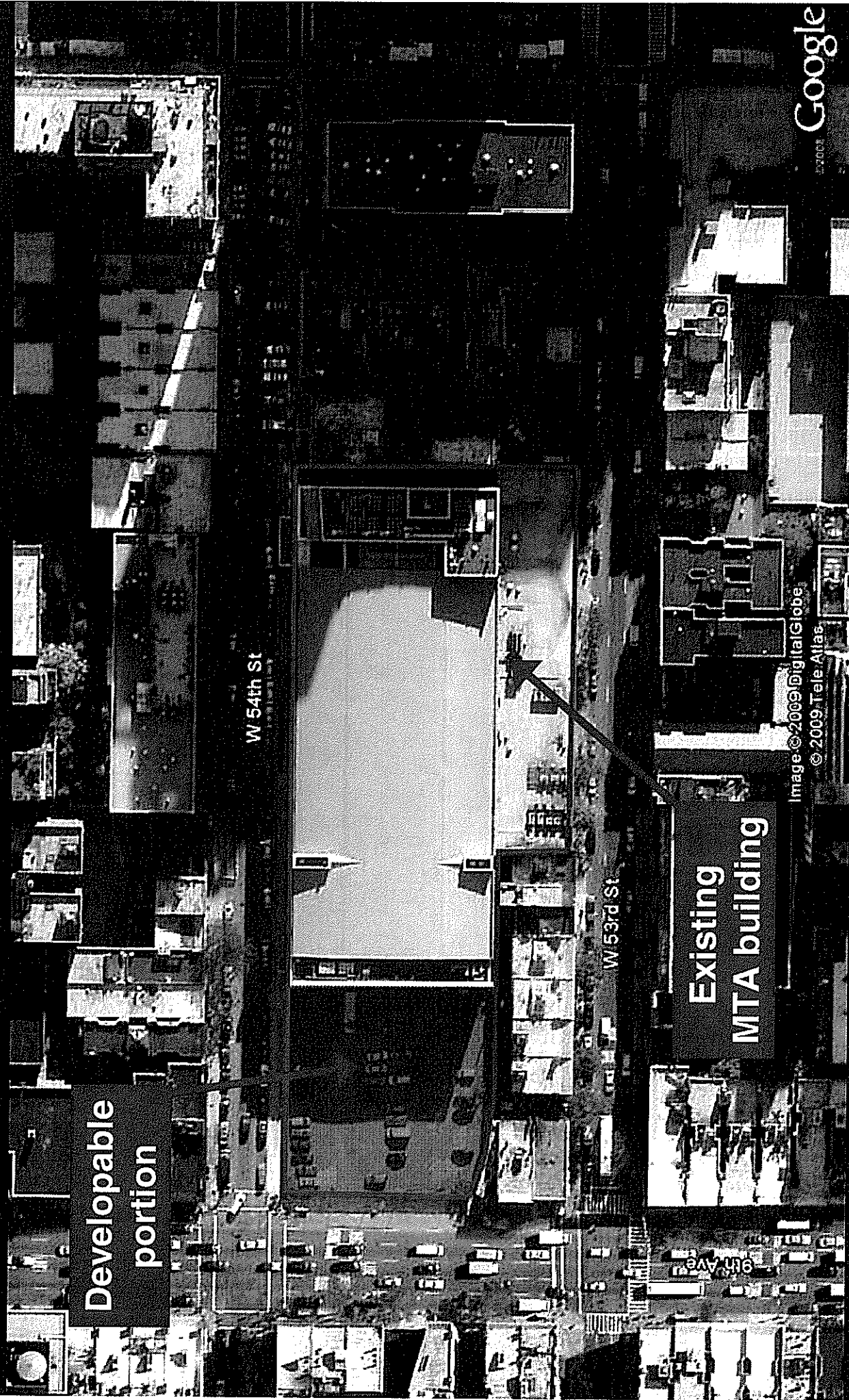


Requested Actions

- UDAAP Designation & Disposition of City-Owned Property
- Zoning Text Change to extend Other Area

I. 10th Avenue Site (“DEP Site”)

Western Rail Yard Proposal – Off-site Affordable Housing



Developable
portion

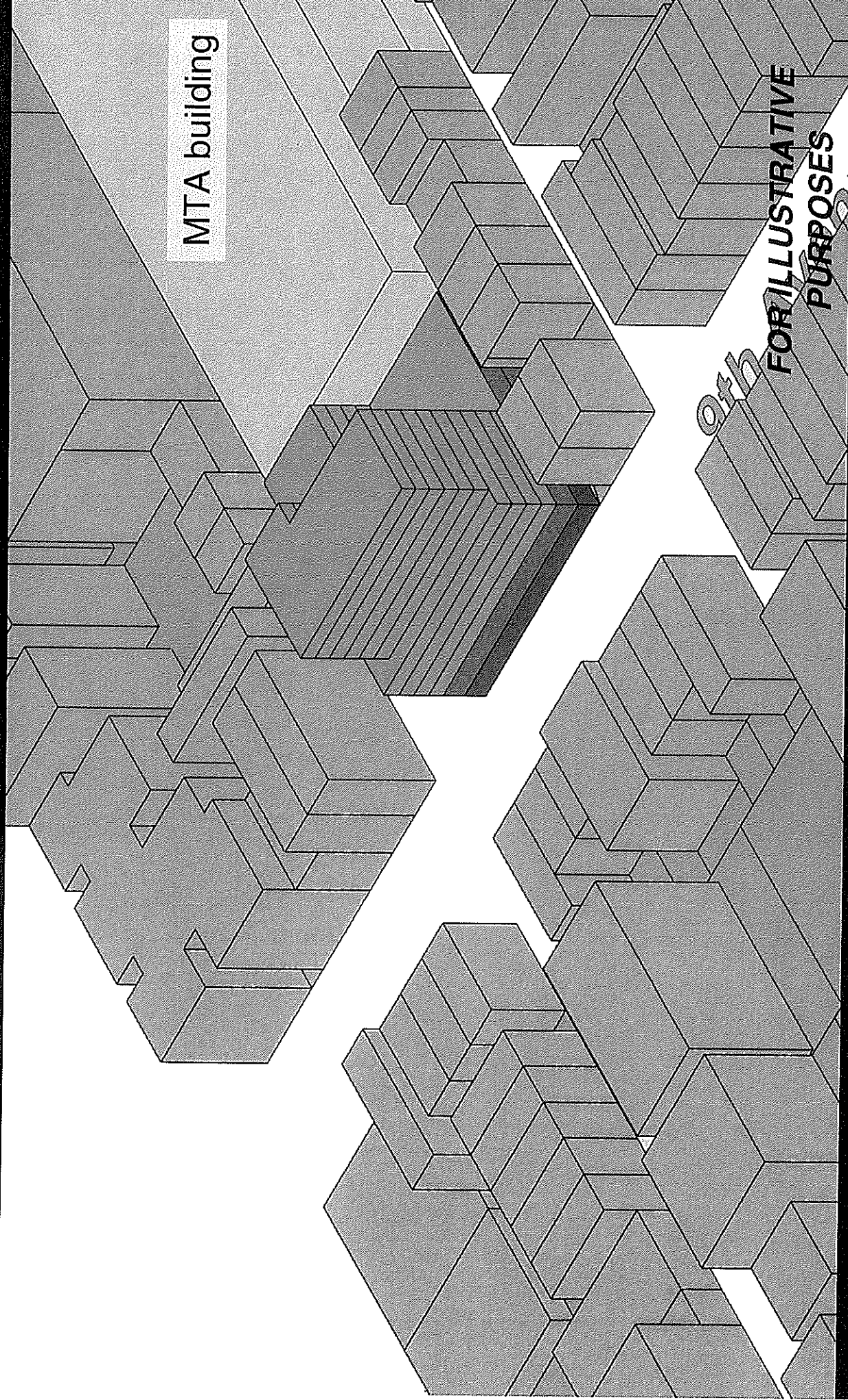
Existing
MTA building

Image © 2009 DigitalGlobe
© 2009 Tele Atlas

Google

II. 9th Avenue Site (“MTA Site”)

Western Rail Yard Proposal – Off-site Affordable Housing

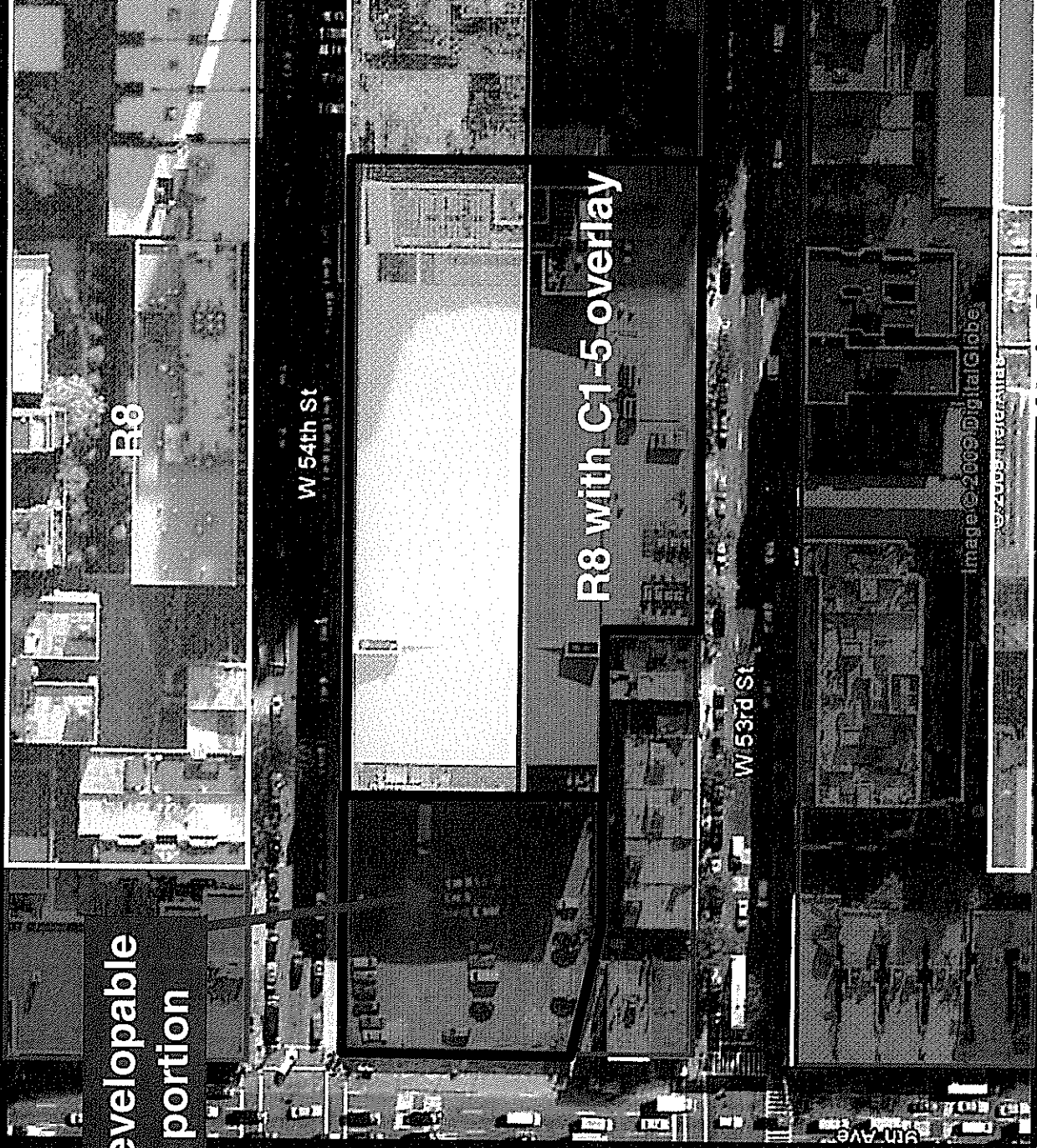


MTA building

Off-site
FOR ILLUSTRATIVE
PURPOSES

II. 9th Avenue Site (“MTA Site”)

Western Rail Yard Proposal – Off-site Affordable Housing



Requested Actions

- **UDAAP Designation & Disposition of City-Owned Property**
- **Zoning Map Change** to extend commercial overlay to cover development site

II. 9th Avenue Site (“MTA Site”)

W 57th S

W 42nd S

W 34th S

W 30th S

9th Avenue
MTA site

10th Avenue
DEP site

Western
Rail Yard

Western Rail Yard Proposal



**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. WR4 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: CHRISTINE BERTHET

Address: CR 4

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/23/07

(PLEASE PRINT)

Name: Jeffrey LeFrancois

Address: 242 W. 27th St.

I represent: Assembly Member Dick Gottfried

Address: 242 W. 27th St.

WESTERN Airl
Yards

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Deley Lazzinelli

Address: 330 West 15th Street # 5 Dnye bull

I represent: Community Board 4

Address: Housing & Health/Human Services.

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

WR7

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Joe Roscetta

Address: _____

I represent: MA CB#4

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

[]

I intend to appear and speak on Int. No. 1260-66 Res. No. _____
 in favor in opposition

Date: 11-23-09

(PLEASE PRINT)

Name: HOLLY LEIGHT

Address: _____

I represent: HPD 100 Gold St

Address: NYC

WR7

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Michael Gary

Address: _____

I represent: _____

Address: _____

WRX

THE COUNCIL THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Dave Hanzel

Address: 231 W. 21st St., NYC 10011

I represent: Community Board 4

Address: _____

THE COUNCIL THE CITY OF NEW YORK

WRX

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/23/09

(PLEASE PRINT)

Name: SETH ROBERT BERLINER

Address: 322 8th Ave, Ste. 1700, NY, NY 10001

I represent: NY State Senator Tom Duane

Address: As above

THE COUNCIL THE CITY OF NEW YORK

Appearance Card

WRX

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/23/09

(PLEASE PRINT)

Name: Vivian Riffe Macher

Address: 710 W 173rd St # 28, NYC 10032

I represent: (WSNA) Westside Neighborhood Alliance

Address: 777 10th Ave, NYC

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

WRY

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Kathleen McGee
Address: 400 West 43rd St. #33N - NYC 10036
I represent: Hell's Kitchen Neighborhood Ass'n
Address: 454 W. 35th Street

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

1263

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Opposition

Date: 11-22-09

(PLEASE PRINT)

Name: ELISA P. GERANFRANS
Address: 355 W. 47th St., 4RW NY NY
I represent: MCB4 - Co-chair C/HKLU Committe
Address: 42nd St, 26th Floor NYC

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1260 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Auzelle Epeneter
Address: 206 Washington Park, Brooklyn
I represent: Friends of the High Line
Address: 529 W. 20th St.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. LH 1267 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: LEE COMPTON

Address: 460 W 25th ST.

I represent: MCB4

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1263 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Edward Kirkland

Address: 300 West 23rd St., NY, NY

I represent: Manhattan CB4

Address: _____

1263: Opposition **THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Sarah Desmond

Address: 777 10th Avenue

I represent: CB4 + Housing Conservation Coordinators

Address: Same.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. LU 1260 - 1200 Res. No. 1200

in favor in opposition

Date: 11/23/2009

(PLEASE PRINT)

Name: Anthony Borell

Address: 1 Centre St, 19th floor

I represent: Manhattan Borough Pres. Scott Stringer

Address: 1 Centre St, 19th floor

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Ro Shepard

Address: _____

I represent: Financial District of Com board 1

Address: Manhattan

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. WR4 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: BEATHIE, CHRISTINE

Address: _____

I represent: _____

Address: _____

◆ Please complete this card and return to the Sergeant-at-Arms ◆

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. LD 1270 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: GERARD MAIELLO

Address: 114 P. 95 ST

I represent: NYC 10016 503

Address: FAVOR

rail yards **THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. WRY

in favor in opposition

Date: 11-23-09

(PLEASE PRINT)

Name: MARGUERITE YAGHJIAN

Address: 470 W. 24th St. #12 H

I represent: USNA

Address: 10th Ave.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

High Line Date: 11/23/09

(PLEASE PRINT)

Name: JAN LEVY

Address: 155 Central Park West #16-L

I represent: _____

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Aan Weisbrod

Address: _____

I represent: HYOC

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Bob Paley

Address: _____

I represent: MTA

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Ray Cross

Address: _____

I represent: Related - RBWRY LLC

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Sub 1614

Date: _____

(PLEASE PRINT)

Name: Edith Hsu-Chen

Address: _____

I represent: City Planning Department

Address: _____

Hudson North **THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: Nov 23, 2009

(PLEASE PRINT)

Name: ALLISON TUPPER

Address: 526 W 46th St 10020

I represent: WSNA Affordable Housing WR

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. Hudson York 15W Res. No. _____

in favor in opposition

Date: 23 Nov 09

(PLEASE PRINT)

Name: Laura Caruso

Address: 101 Avenue of the Americas NY NY

I represent: SEIU 32BJ

Address: 101 Avenue of the Americas NY NY

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1265 Res. No. _____

in favor in opposition

Date: 11/23/09

(PLEASE PRINT)

Name: Jay Cross

Address: 60 Columbus Circle

I represent: Related Hudson Yards

Address: 60 Columbus Circle NY NY 10023

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11-23-09

(PLEASE PRINT)

Name: Mitchell McGuire

Address: 305 E 93rd St NYC 10128

I represent: Am. Fed. of TV & Radio Artists

Address: 200 W 10th St NYC 10016

WAY
Rail
Yards

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: NOV 23, 2009

(PLEASE PRINT)

Name: Jackie Del Valle

Address: 777 Tenm Avenue

I represent: HCC IWSNA

Address: 777 Tenm Ave. 10019

WR4
(RAIL YARDS)

THE COUNCIL THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

Name: JEAN-DANIEL NOLAND (PLEASE PRINT)

Address: 447 WEST 48th St., NYC

I represent: CB4

Address: 330 W 42nd St. / 26th Floor / 10019

THE COUNCIL THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 1273
 in favor in opposition

Date: _____

Name: Jay Segal (PLEASE PRINT)

Address: 200 Park Avenue

I represent: SDS William St. LLC

Address: 260 Madison Ave

THE COUNCIL THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 1273
 in favor in opposition

Date: _____

Name: harry DAVIS (PLEASE PRINT)

Address: 260 Madison Avenue

I represent: SDS William Street LLC

Address: 260 Madison Avenue

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

1260

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/23/2009

(PLEASE PRINT)

Name: ANITA M BLACK

Address: 315 8th AVE #21B NY 10001

I represent: WEST SIDE NEIGHBORHOOD ALLIAN
CG

Address: 777 10th AVE NY.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1260 Res. No. _____

in favor in opposition

Date: 11/23/09

(PLEASE PRINT)

Name: PETER MULLAN

Address: _____

I represent: FRIENDS OF THE HIGH LINE

Address: 529 W 25th ST SUITE 8W

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 10/23/09

(PLEASE PRINT)

Name: Robert Borkner

Address: 325 Bway

I represent: Cafeteria Co

Address: 119 7th Ave NY NY 10011

Please complete this card and return to the Sergeant-at-Arms