



---

**IN THE MATTER OF** an application submitted by DD West 29th LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 8b:

1. changing from an M2-3 District to a C6-4X District property bounded by West 30th Street, Eleventh Avenue, West 29th Street, a line perpendicular to the northerly street line of West 29th Street distant 260 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of West 29th Street and the easterly street line of Twelfth Avenue, a line midway between West 30th Street and West 29th Street, and a line a line 100 feet westerly of Eleventh Avenue; and
2. establishing a Special Hudson River Park District (HRP) bounded by:
  - a. West 30th Street, Eleventh Avenue, West 29th Street, a line perpendicular to the northerly street line of West 29th Street distant 260 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of West 29th Street and the easterly street line of Twelfth Avenue, a line midway between West 30th Street and West 29th Street, and a line 100 feet westerly of Eleventh Avenue; and
  - b.
    - i. a line perpendicular to the U.S. Bulkhead Line distant 71 feet northerly (as measured along the U.S. Bulkhead Line) from the point of intersection of the westerly prolongation of the northerly street line of West 21<sup>st</sup> Street and the U.S. Bulkhead Line;
    - ii. the U.S. Pierhead Line,
    - iii. a line 1125 feet southerly of the first named course; and
    - iv. a line 78 feet easterly of the U.S. Bulkhead Line;

Borough of Manhattan, Community District 4, as shown on a diagram (for illustrative purposes only) dated November 27, 2017, and subject to the conditions of the CEQR Declaration E-455.

---

This application for a zoning map amendment to change an M2-3 zoning district to a C6-4X district, and to map a Special Hudson River Park District, was filed by DD West 29th LLC on October 24, 2017. The application, along with related actions, would facilitate the redevelopment of 601 West 29<sup>th</sup> Street with a mix of uses, including up to 731,668 square feet of residential floor area, of which up to 182,917 square feet would be permanently affordable; 8,927 square feet or more of retail space; and a potential Emergency Medical Services ambulance station. The actions

would also enable a transfer of floor area to support certain identified improvements and capital maintenance in the Hudson River Park within Community District 4.

## **RELATED ACTIONS**

In addition to the zoning map amendment (C 180127 ZMM) that is the subject of this report, implementation of the proposed project also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

**N 180128A ZRM:** Zoning text amendment to modify the regulations of the Special Hudson River Park District and designate a Mandatory Inclusionary Housing (MIH) area.

**C 180129A ZSM:** Special permit to transfer floor area and to modify bulk and parking regulations in connection with the proposed mixed use development.

## **BACKGROUND**

A full background discussion and description of this application appears in the report for the related special permit (C 180129A ZSM).

## **ENVIRONMENTAL REVIEW**

This application (C 180127 ZMM), in conjunction with the applications for the related actions, was reviewed pursuant 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 (NYCRR), Section 617.00 et seq. and the New York City Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 17DCP159M. The lead is the City Planning Commission.

A summary of the environmental review and the Final Environmental Impact Statement appears in the report for the related special permit (C 180129A ZSM).

## **UNIFORM LAND USE REVIEW**

This application (C 180127 ZMM), in conjunction with the original related special permit application (C 180129 ZSM), was certified as complete by the Department of City Planning on November 27, 2017 and duly referred to Manhattan Community Board 4 and the Manhattan Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), along with the original related zoning text amendment (N 180128 ZRM), which was referred for information and review in accordance with the procedures for non-ULURP matters. On February 14, 2018, pursuant to Section 2-06(c)(1) of the ULURP rules, the applicant filed a modified special permit application (C 180129A ZSM) and a modified zoning text amendment application (N 180128A ZRM) and those modified applications were referred to Community Board 4 and the Manhattan Borough President.

### **Community Board Review**

Community Board 4 held a public hearing on this application (C 180127 ZMM) on January 3, 2018, and on February 7, 2018, by a vote of 40 in favor, none opposed, and with one abstention, adopted a resolution recommending disapproval of the application with conditions.

A summary of the Community Board's conditions and recommendations appears in the report for the related special permit (C 180129A ZSM).

### **Borough President Recommendation**

This application (C 180127 ZMM) was considered by the Manhattan Borough President, who issued a recommendation on March 7, 2018 recommending denial of the application with conditions.

A summary of the Borough President's conditions and recommendations appears in the report for the related special permit (C 180129A ZSM).

### **City Planning Commission Public Hearing**

On February 28, 2018 (Calendar No. 4), the City Planning Commission scheduled March 14, 2018,

for a public hearing on this application (C 180127 ZMM). The hearing was duly held on March 14, 2018 (Calendar No. 18), in conjunction with the public hearings for the related actions. Ten speakers testified in favor of the application, five in conditional opposition, and three in opposition.

A summary of the City Planning Commission Public Hearing appears in the report for the related special permit (C 180129A ZSM).

### **WATERFRONT REVITALIZATION PROGRAM CONSISTENCY**

This application (C 180127 ZMM), in conjunction with those for the related actions, was reviewed by the City Coastal Commission for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 30, 2013, and by the New York State Department of State on February 3, 2016 pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 *et seq.*). The designated WRP number is 16-115.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

### **CONSIDERATION**

The Commission believes that the proposed zoning map amendment (C 180127 ZMM), in conjunction with the related zoning text amendment as modified (N 180128A ZRM) and zoning special permit (C 180129A ZSM), is appropriate. A full consideration and analysis of the issues, and the reasons for approving this application, appear in the report for the related permit (C 180129A ZSM).

### **RESOLUTION**

**RESOLVED**, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on April 27, 2018, with respect to this application (CEQR No. 17DCP159M), and the Technical Memorandum 001, dated February 23, 2018 (the “Technical Memorandum”), the City Planning Commission finds that the requirements of the New York State

Environmental Quality Review Act and regulations, have been met and that:

1. Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, adopted herein is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and

The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration marked as Exhibit A to the report for the related permit (C 180129A ZSM), those project components related to the environment and mitigation measures that were identified as practicable and the placement of (E) designation (E-455) for hazardous materials and air quality; and

2. No development pursuant to this resolution shall be permitted until the Restrictive Declaration attached as Exhibit A to the report for the related permit (C 180129A ZSM), as same may be modified with any necessary administrative or technical changes, all as are acceptable to Counsel to the Department of City Planning, is executed by DD West 29th LLC or its successor, and such Restrictive Declaration shall have been executed and recorded and filed in the Office of the Register of the City of New York, County of New York.

The report of the City Planning Commission, together with the FEIS, constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

**RESOLVED**, the City Coastal Commission finds that the action will not substantially hinder the achievement of any WRP policy and hereby determines that this action is consistent with WRP policies; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and the 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 by changing the Zoning Map, Section No. 8b:

1. changing from an M2-3 District to a C6-4X District property bounded by West 30th Street, Eleventh Avenue, West 29th Street, a line perpendicular to the northerly street line of West 29th Street distant 260 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of West 29th Street and the easterly street line of Twelfth Avenue, a line midway between West 30th Street and West 29th Street, and a line a line 100 feet westerly of Eleventh Avenue; and
2. establishing a Special Hudson River Park District (HRP) bounded by:
  - a. West 30th Street, Eleventh Avenue, West 29th Street, a line perpendicular to the northerly street line of West 29th Street distant 260 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of West 29th Street and the easterly street line of Twelfth Avenue, a line midway between West 30th Street and West 29th Street, and a line 100 feet westerly of Eleventh Avenue; and
  - b.
    - i. a line perpendicular to the U.S. Bulkhead Line distant 71 feet northerly (as measured along the U.S. Bulkhead Line) from the point of intersection of the westerly prolongation of the northerly street line of West 21<sup>st</sup> Street and the U.S. Bulkhead Line;
    - ii. the U.S. Pierhead Line,
    - iii. a line 1125 feet southerly of the first named course; and
    - iv. a line 78 feet easterly of the U.S. Bulkhead Line;

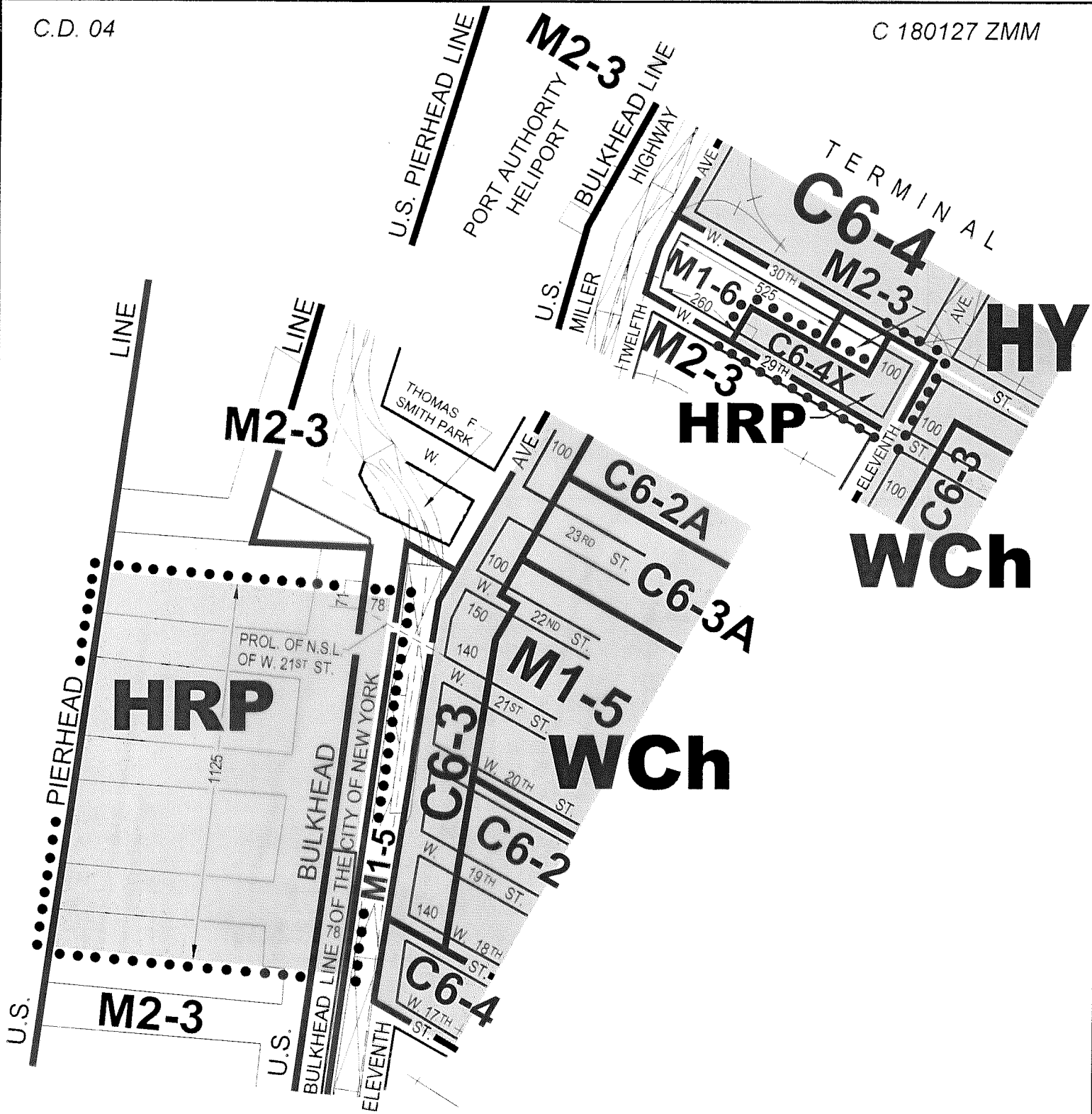
Borough of Manhattan, Community District 4, as shown on a diagram (for illustrative purposes only) dated November 27, 2017, and subject to the conditions of the CEQR Declaration E-455.

The above resolution (C 180127 ZMM), duly adopted by the City Planning Commission on May 7, 2018 (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.

**MARISA LAGO**, *Chair*

**KENNETH J. KNUCKLES, ESQ.**, *Vice Chairman*

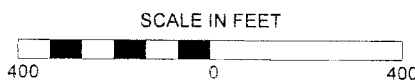
**RAYANN BESSER, ALFRED C. CERULLO, III, CHERYL COHEN EFFRON,  
MICHELLE DE LA UZ, RICHARD W. EADDY, HOPE KNIGHT, ANNA HAYES LEVIN,  
ORLANDO MARÍN**, *Commissioners*



CITY PLANNING COMMISSION  
 CITY OF NEW YORK  
 DIAGRAM SHOWING PROPOSED  
**ZONING CHANGE**  
 ON SECTIONAL MAP  
**8b**  
 BOROUGH OF  
**MANHATTAN**

New York, Certification Date  
 NOVEMBER 27, 2017

*S. Lenard*  
 S. Lenard, Director  
 Technical Review Division



NOTE:

- Indicates Zoning District Boundary.
- The areas enclosed by the dotted lines are proposed to be rezoned by changing an existing M2-3 District to a C6-4X District, and by establishing a Special Hudson River Park District (HRP).
- Indicates a Special Hudson River Park District.
- Indicates a Special West Chelsea District.
- Indicates a Special Hudson Yards District.

NOTE: THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.





CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

330 West 42<sup>nd</sup> Street, 26<sup>th</sup> floor New York, NY 10036  
tel: 212-736-4536 fax: 212-947-9512  
www.nyc.gov/mcb4

**BURT LAZARIN**  
Chair

**JESSE R. BODINE**  
District Manager

February 5<sup>th</sup>, 2018

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

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

Dear Chair Lago:

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

**I. Background**

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

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

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

## II. Description of Project

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

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

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

## III. Proposed Actions

The application includes the following proposed actions:

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

## IV. Building Height

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

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

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

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

**V. Affordable Housing**

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

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

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

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

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

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

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

## **VI. Building Design, Services and Other Concerns**

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

### Building Design and Services

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

### Other Concerns

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

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

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

## **VII. Mitigation of Environmental Impacts**

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

### Publicly Funded Child Care

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

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

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

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

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

### Open Space

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

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

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

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

### Shadows – Portion of High Line in spring and fall

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

### Traffic, Pedestrians and Noise

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

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

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

### **VIII. EMS Station**

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

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

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

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

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

### **IX. Price of Special Hudson River Park District Development Rights**

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

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

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

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

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

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

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

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

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

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

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

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

## **X. CB4 Priorities for Hudson River Park Site Improvements**

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



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

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

## **XI. Inclusion in the Special West Chelsea District**

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

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

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

## **XII. Recommendations/Conditions**

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

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

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

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

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

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

Sincerely,



Burt Lazarin  
Chair  
Manhattan Community Board 4



John Lee Compton, Co-Chair  
Chelsea Land Use Committee



Betty Mackintosh, Co-Chair  
Chelsea Land Use Committee

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



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

330 West 42<sup>nd</sup> Street, 26<sup>th</sup> floor New York, NY 10036  
tel: 212-736-4536 fax: 212-947-9512  
www.nyc.gov/mcb4

**BURT LAZARIN**  
Chair

**JESSE R. BODINE**  
District Manager

March 8, 2018

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

**re: Amendment to 180127 ZMM; N 180128 ZRM; 180129 ZSM – 601-613 West 29<sup>th</sup> Street, 391-315 Eleventh Avenue and 600-602 West 30<sup>th</sup> Street – Block 675 Lots 12, 29 and 36 – (“A-Text”)**

Dear Chair Lago:

On the recommendation of its Chelsea Land Use Committee, Manhattan Community Board 4 (CB4) on March 7, 2018, by a vote of 35 in favor, 0 opposed, 0 abstaining and 0 present but not eligible to vote, voted to recommend denial of the proposed amendment (“A-Text”) to applications 180127 ZMM; N 180128 ZRM; 180129 ZSM (the “Applications”) – 601-613 West 29<sup>th</sup> Street, 391-315 Eleventh Avenue and 600-602 West 30<sup>th</sup> Street; Block 675 Lots 12, 29 and 36 – in order to facilitate the siting of an Emergency Medical Services (“EMS”) station on a portion of 601-613 West 29<sup>th</sup> Street, Block 675, Lot 12 (the “Site”), unless the conditions in our letter of February 5, 2017 on the original applications, attached, are met. CB4 also recommends a contingency plan if the EMS facility is not located on the Site.

**Background**

Fire Department of New York (FDNY) Emergency Medical Service (EMS) Station 7 has been temporarily located at 512 West 23<sup>rd</sup> Street, under the High Line Park since 2011 when St. Vincent’s Hospital closed. The current unenclosed facility on a 5,000 sf site is unsuitable for a residential block with noise from sirens and exhaust from idling vehicles disturbing nearby residents. The FDNY cannot make substantial improvements such as enclosing the facility to address neighborhood impacts or enlarging it to provide additional services for the growing neighborhoods in Chelsea, Hell’s Kitchen and Hudson Yards.

CB4 identified a portion of the Site as a potential location for the relocation of Station 7 during preliminary discussions with the owner regarding the proposed development of 601-613 West 29<sup>th</sup> Street, 391-315 Eleventh Avenue and 600-602 West 30<sup>th</sup> Street (Block 675, Lots 12, 29 and

36) and has strongly advocated since 2015 for FDNY and the applicant to begin negotiations. The catchment area for EMS Station 7 extends far past the boundaries of Community District 4 and therefore is a significant borough-wide public safety need.

As a result of these discussions the owner identified a 12,000 sf site on the westernmost portion of the Site for an EMS station in the Applications certified on November 27, 2017 (C 180127ZMM, C 180129 ZSM and N 180128 ZRM); our letter, including recommendations and conditions, is attached. We believe this site would be ideal. It is one block from the Westside Highway; it would provide quick north and south access to the west side, would provide more space for vehicles and would allow for expansion of services.

As a result of discussions with the Mayor's Office, City Council Speaker Corey Johnson and his staff, FDNY, Department of Citywide Administrative Services (DCAS), Department of City Planning (DCP), CB4, and the applicant, a solution was crafted to satisfy FDNY's space needs on the identified site. The applicant and FDNY have tentatively agreed on a design for a 16,500 to 18,500 square-foot EMS station. The facility would have 12,500 sf of ground floor space with a second story of 4,000 to 6,000 sf. The applicant's adjacent garage would reserve 18 parking spaces for EMS employees.

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

### **Description of Proposal**

The A-Text amends the Applications, which are in the review process. It would permit the City Planning Commission to exempt floor space allocated to an ambulance station from the definition of floor area and increase the maximum number of accessory off-street parking spaces permitted for such a station.

The proposed change would not result in an increase in the floor area for the applicant's proposed development or a change in the number of affordable housing units. Therefore, the project remains within the scope of its DEIS.

### **CB4 Recommendation**

Although we are optimistic that the EMS station will be relocated to the West 29<sup>th</sup> Street site, we are also realistic that a promising plan may not happen. The application states that retail uses or parking would be located on the site identified for the EMS station in the event that the EMS facility is not relocated there. CB4 requests that if the City and the applicant do not reach an agreement on siting an EMS Station on the Site by the time of City Council review, the City Council condition its approval of the application that the site identified by the applicant for the EMS Station be reserved for another City or community facility with an exemption from floor

area. The applicant has agreed to this condition verbally as long as the floor space for the facility is exempt from the definition of floor area; we recommend approval.

CB4 is extremely pleased that it is now likely that a much-needed EMS facility of adequate size in an excellent location will be constructed. We commend the persistence, cooperation and creativity of the City Council Speaker and his staff, FDNY, DCAS, DCP and the applicant in their efforts to successfully address a challenging situation. We sincerely hope that the project will come to fruition, but we recommend denial of the applications unless the conditions in our letter of February 5, 2017 on the original applications are met.

Sincerely,



Burt Lazarin  
Chair  
Manhattan Community Board 4



John Lee Compton, Co-Chair  
Chelsea Land Use Committee



Betty Mackintosh, Co-Chair  
Chelsea Land Use Committee

cc: Hon. Corey Johnson, Speaker, City Council  
Hon. Gale A. Brewer, Manhattan Borough President  
Hon. Jerry Nadler, U.S. Congress  
Hon. Brad Hoylman, New York State Senate  
Hon. Richard Gottfried, New York State Assembly  
Daniel A. Nigro, Commissioner, NYC FDNY  
Lisette Camilo, Commissioner, NYC DCAS

# Borough President Recommendation

**City Planning Commission**  
22 Reade Street, New York, NY 10007  
Fax # (212) 720-3356

## INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

Docket Description: C 180127 ZMM, N 180128 ZRM, C 180129 ZSM

**IN THE MATTER OF** an application submitted by DD West 29th LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 8b:

1. changing from an M2-3 District to a C6-4X District property bounded by West 30th Street, Eleventh Avenue, West 29th Street, a line perpendicular to the northerly street line of West 29th Street distant 260 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of West 29th Street and the easterly street line of Twelfth Avenue, a line midway between West 30th Street and West 29th Street, and a line 100 feet westerly of Eleventh Avenue; and
2. establishing a Special Hudson River Park District (HRP) bounded by:
  - a. West 30th Street, Eleventh Avenue, West 29th Street, a line perpendicular to the northerly street line of West 29th Street distant 260 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of West 29<sup>th</sup> Street and the easterly street line of Twelfth Avenue, a line midway between West 30th Street and West 29th Street, and a line 100 feet westerly of Eleventh Avenue; and
  - b. i. a line perpendicular to the U.S. Bulkhead Line distant 71 feet northerly (as measured along the U.S. Bulkhead Line) from the point of intersection of the westerly prolongation of the northerly street line of West 21st Street and the U.S. Bulkhead Line;
    - ii. the U.S. Pierhead Line,
    - iii. a line 1125 feet southerly of the first named course; and
    - iv. a line 78 feet easterly of the U.S. Bulkhead Line;

**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article VIII, Chapter 9 (Special Hudson River Park District), and related Sections, and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

**IN THE MATTER OF** an application submitted by DD West 29th LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 89-21 of the Zoning Resolution to allow the distribution of 123,437.5 square feet of floor area from granting site (B1 Block 662, Lots 11, 16, 19) to a receiving site (B2 Block 675, Lots 12, 29, and 36), and to modify the height and setback requirements and tower lot coverage requirements of Section 35-65 (Height and Setback Requirements for Quality Housing Buildings) and Section 23-60 (Height and Setback Regulations), in connection with a proposed mixed used development on property located at 601-613 West 29th Street (Block 675, Lots 11, 16, and 19), in a C6-4X District, within the Special Hudson River Park District (HRP).

COMMUNITY BOARD NO:

4

BOROUGH: Manhattan

## RECOMMENDATION

- APPROVE
- APPROVE WITH MODIFICATIONS/CONDITIONS (List below)
- DISAPPROVE
- DISAPPROVE WITH MODIFICATIONS/CONDITONS (Listed below)
- EXPLANATION OF RECOMMENDATION – MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

See Attached



John A. Brewer

March 7, 2018

BOROUGH PRESIDENT

DATE



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

1 Centre Street, 19th floor, New York, NY 10007  
(212) 669-8300 p (212) 669-4306 f  
431 West 125th Street, New York, NY 10027  
(212) 531-1609 p (212) 531-4615 f  
[www.manhattanbp.nyc.gov](http://www.manhattanbp.nyc.gov)

**Gale A. Brewer, Borough President**

March 7, 2018

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

## **PROPOSED ACTIONS**

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

### *Zoning Text Amendment (N 180128 ZRM)*

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

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

### *Zoning Map Amendment (C 180127 ZMM)*

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

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

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

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

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

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

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

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

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

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

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

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

#### *Chairperson Certification*

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

## **PROJECT DESCRIPTION**

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

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

### **Background of Hudson River Park**

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

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

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

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

#### *Transfer of Development Rights of Pier 40*

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

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

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

### **Area Context**

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

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

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

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

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

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

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

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

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

### **Proposed Development**

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

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

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

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

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

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

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

### **Proposed Actions**

The applicant is proposing the following land use actions:

#### *Zoning Text Amendment (N 180128 ZRM)*

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

#### *Zoning Map Amendment (C 180127 ZMM)*

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

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

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

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

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



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

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

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

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

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

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

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

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

**ANTICIPATED IMPACTS**

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

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

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

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

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

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

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

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

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

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

## COMMUNITY BOARD RECOMMENDATION

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

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

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

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

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

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

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

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

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

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

## **BOROUGH PRESIDENT'S COMMENTS**

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

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

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

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

### *Maximum Building Height*

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

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

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

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

### *EMS Facility*

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

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

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

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

#### *Affordable Housing*

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

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

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

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

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

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

### *Hudson River Park Transfer*

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

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

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

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

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

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

### **BOROUGH PRESIDENT'S RECOMMENDATION**

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

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

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

Gale A. Brewer  
Manhattan Borough President