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Community Board No. 2, Manhattan

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April 24, 2023

Eric L. Adams, Mayor
City of New York
City Hall
New York, NY 10007

Dan Garodnick, Chair
NYC City Planning Commission
120 Broadway, Suite
New York, NY 10271

Adolfo Carrion, Jr., Commissioner
NYC Housing, Preservation & Development
100 Gold Street
New York, NY 10038

Rohit T. Aggarwala, Commissioner
NYC Department of Environmental Protection
59-17 Junction Boulevard
Flushing, NY 11373

Dear Mayor Adams, Chair Garodnick, and Commissioners Aggarwala and Carrion:

At its Full Board meeting on April 20, 2023, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**Resolution to Ensure that NYC Does Not Leave Affordable Housing Square Footage
on the Table at 388 Hudson Street,
the Most Viable City Owned Site for Affordable Housing within CB2**

Whereas:

1. 388 Hudson Street is the most viable city-owned site within CB2 to develop 100% affordable housing.
2. CB2 has supported significant affordable housing projects and rezonings in the past which have been repurposed for commercial development and fallen woefully short of expectations, depriving CB2 of much needed affordable housing.
3. The 388 Hudson Street site is one of four DEP sites in Manhattan related to City Water Tunnel #3 and was first identified by CB2 as a site for affordable housing in [2015](#).
4. In March 2023, CB2 passed a resolution in support of maximizing the amount of affordable housing on the unused northern portion of the 388 Hudson Street site.
5. On April 12, 2023, the New York City Department of Housing Preservation and Development (HPD) presented information related to affordable housing at the 388 Hudson Street site. The presentation included an overview of the site, the RFP process, the community visioning process, and a preliminary zoning analysis.

6. The zoning analysis was performed with the following assumptions:
 - a. Development site area of 13,622 SF,
 - b. 100% affordable,
 - c. Mixed-use with a ground floor community facility,
 - d. Rezoning from M to R, with three illustrative examples of R8A, R9A and R10A,
 - e. Average unit size of 825 ZSF.
 - f. All options (R8A, R9A, R10A) trigger MIH, and
 - g. Legally-required windows facing south.
7. HPD presented the following three illustrative zoning examples:

Zoning	Res ZFA	CF ZFA	FAR	Res Units*	Height	# Stories
R8A	87,430	10,074	7.15	106 DU	145'	14
R9A	105,773	10,074	8.50	128 DU	175'	17
R10A	149,618	10,074	11.72	181 DU	235'	23

**Assuming 825 ZSF/DU*

8. The zoning analysis did not take advantage of the full 25,000 buildable square feet from the full lot at 388 Hudson Street, nor has there been any indication that this analysis will be revised despite CB2's repeated requests that HPD acknowledge the lot's total FAR and requests to maximize the square footage available for housing construction on the northern portion of the site
9. Despite those repeated requests, no viable explanation has been provided as to why city agencies have not proposed options utilizing various tools at their disposal to efficiently develop the site to generate as much affordable housing as possible in addition to maximizing the community facility space at the base of the building.
10. 705 10th Avenue ([Block 1077, Lot 29](#)), in Hell's Kitchen ("Hell's Kitchen DEP Site")¹ is a similar site in that it is: a) also a DEP site; b) meant to contribute to the building of affordable housing; c) a split lot between a DEP-controlled site and an affordable housing development site.
11. The Hell's Kitchen DEP Site sets a precedent where:
 - a. There was a transfer of development rights of approximately 39,590 square feet from the Open Space area required over the water tunnel portion to the Development portion of the Site.²
 - b. Special Permits were used to modify height and setback provisions applicable to the Development Site.³
12. While CB2 believes the results achieved at the Hell's Kitchen DEP Site demonstrate what can be achieved at the 388 Hudson Street site, HPD has declined to explain why the Hell's Kitchen DEP Site is not an appropriate model for replication at 388 Hudson Street.

¹ Memorandum of Understanding By and Between the New York City Department of Environmental Protection and the New York City Department of Parks and Recreation, December 11, 2017, <https://www.nyc.gov/assets/planning/download/pdf/about/cpc/220338.pdf>

² NYC City Environmental Quality Review, Environmental Assessment Statement (EAS) Short Form, Project Name 705 Tenth Avenue (DEP Site), CEQR 21HPD031M, [21HPD031M_Certified_EAS_03232022.pdf](#), https://zap-api-production.herokuapp.com/document/artifact/sites/nycdcpdfs/dcp_artifacts/2019M0374%20-%20Certified%20EAS_21HPD031M%20-%20A6CF3F6831ACEC11B3FE001DD804D73E/21HPD031M_Certified_EAS_03232022.pdf and August 22, 2021 CPC resolution <https://www.nyc.gov/assets/planning/download/pdf/about/cpc/220338.pdf>

³ NYC CEQR, EAS Short Form, 705 Tenth Avenue (DEP Site), CEQR 21HPD031M, [21HPD031M_Certified_EAS_03232022.pdf](#), https://zap-api-production.herokuapp.com/document/artifact/sites/nycdcpdfs/dcp_artifacts/2019M0374%20-%20Certified%20EAS_21HPD031M%20-%20A6CF3F6831ACEC11B3FE001DD804D73E/21HPD031M_Certified_EAS_03232022.pdf

13. Moving ahead with a RFP and further next steps without including the maximum potential development parameters which could be realized at 388 Hudson will deprive the community of square footage for critically needed affordable housing and options for efficient building massing which would allow the construction to remain sensitive to the surrounding neighbors.

Therefore be it resolved that CB2 insists that NYC HPD clarify and justify critical zoning analysis assumptions that currently unreasonably limit the size and design of any affordable housing development and to pause further progress on the RFP and envisioning process until these critical threshold questions are resolved.

Further be it resolved that to maximize production of affordable housing at 388 Hudson at any zoning level, CB2, Manhattan strongly supports:

1. Preserve the development rights, as if it were a single 25,000 SF lot, which will maximize the production of affordable housing at all zoning levels.
2. A zoning variance to eliminate an unnecessary 30-foot setback on the southern edge of the northern portion of the 388 Hudson Street site, which will maximize the production of affordable housing at all zoning levels.
3. Clarity on the size of the buildable portion of the 388 Hudson Street site, in particular the reasons for increasing the DEP easement of 9,375 SF.
4. The need to protect the DEP's continued access to the southern portion for operations and maintenance of infrastructure located beneath and on the water tunnel site through mechanisms such as a permanent easement.

Vote: Passed, with 40 Board members in favor, and 1 in opposition (K. Shea).

Please advise us of any decision or action taken in response to this resolution.

Sincerely,



Eugene Yoo, Co-Chair
Land Use and Housing Committee
Community Board #2, Manhattan



Katy Bordonaro, Co-Chair
Land Use and Housing Committee
Community Board #2, Manhattan



Susan Kent, Chair
Community Board #2, Manhattan

SK/fa

c: Hon. Dan Goldman, Congressman
Hon. Brian Kavanagh, NY State Senator
Hon. Deborah J. Glick, Assembly Member
Hon. Brad Lander, NYC Comptroller
Hon. Mark Levine, Man. Borough President
Hon. Erik Bottcher, NYC Council Speaker
Malcom McDaniel, Office of the Mayor
Alicia West, Director, Public Design & Community Outreach, NYC Department of Environmental
Protection
Humberto Galarza, Community Outreach, NYC Dept. of Environmental Protection
Ahmed Tigani, First Deputy Commissioner, NYC Housing, Preservation & Development
Felipe Cortés, Assistant Commissioner for Planning and Predevelopment, NYC Housing,
Preservation & Development
Amy Pivak, Director of Predevelopment Planning and Urban Design, NYC Housing,
Preservation & Development
Ariel Bi, Borough Affairs Liaison, City Planning Commission