



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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JOHN WEIS
Chair

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

December 9, 2009

Amanda M. Burden, AICP
Chair
City Planning Commission
22 Reade Street
New York, NY 10007

Re: Hudson Yards Parking Text Amendment, ULURP No. N 100119 ZRM

Dear Chair Burden:

Manhattan Community Board 4 (CB4) welcomes the opportunity to comment on the proposed Hudson Yards Parking Text Amendment to the New York City Zoning Resolution. At its full Board meeting on December 2, 2009, CB4 voted unanimously (with 3 present but not eligible to vote) in favor of the proposed text amendment subject to the conditions listed below.

The proposed text amendment ("Amendment") amends the parking regulations adopted in the January 2005 Hudson Yards zoning resolution and is the result of a recent settlement arising from a lawsuit filed by the Hell's Kitchen Neighborhood Association ("HKNA"). The most significant changes in the Amendment include eliminating the mandatory off-street parking requirement and establishing a hard cap on the maximum number of parking spaces (6,084 spaces) permitted in the Hudson Yards district.

CB4 welcomes the proposed Amendment as the changes begin to address a number of concerns raised by this Board during the Hudson Yards rezoning process and will assist in realizing our goal to limit vehicular traffic on our already congested streets. Because the proposed Amendment arises out of a court-ordered settlement, we understand that the actual text is governed by that agreement and that discussions are ongoing between the two parties to the settlement. As CB4 is not a party to the suit, we are limiting our comments to the clarity of the text and process for implementation, as follows:

- **Ensuring an accurate count of parking spaces:** The original count of parking spaces for the Hudson Yards Development Parking Supply (HYDPS) and Reservoir Surplus are based upon parking spaces actually constructed in addition to off-street parking spaces in buildings that are legally vested at the time of the enactment. Undoubtedly, there are additional permits that will have been issued

by the effective date, but will not be legally-eligible by the adoption of the Amendment. Subsequent parking spaces will be counted based on Chair certification and approval of Department of Buildings (DOB) permits. In order to accurately assess the number of parking spaces and to ensure that non-complying parking spaces are not constructed in developments not legally vested, we ask that DCP formally commit to the process outlined in the November 24, 2009 letter from the NYC Department of Law to Antonia Levine Bryson. We direct your attention to the following excerpt from this letter that details the operative language for the procedure to be employed by DCP:

“...DCP will review all the then current building permits issued development in the Hudson Yards Area which include construction of parking spaces. DCP will work with the Department of Buildings in determining which have vested, and any such parking spaces will count towards the HYDPS or the Reservoir Surplus, as applicable. Where that is not the case, DOB will take appropriate steps through permit revocation or otherwise to ensure that no construction of parking spaces under the superseded parking regulation of the Hudson Yards Rezoning takes place.”

- **Board of Standards and Appeals (BSA):** We understand that the text involving the role of the Board of Standards and Appeals is under discussion between the parties to the suit; specifically HKNA and NYC Department of Law (DOL). Our primary concern is that the text makes clear to the BSA and others the purpose of the new parking policy the City is setting in the Hudson Yards and that the final text reflect that any parking spaces added as a result of a determination by the BSA be included in the overall calculation and count toward the hard cap.
- **Reservoir Surplus:** In Section 4 of its November 24, 2009 letter (copy attached), the Department of Law proposes an amendment to ZR §93-821 (e), which governs the hard cap. This amendment addresses concerns raised by HKNA regarding the method used in determining the Reservoir Surplus that could result in the hard cap being exceeded. It is unclear to the Board whether or not the proposed language adequately addresses the concern. We understand that discussions continue between the parties on this issue. CB4’s request is that the final language be clear and sufficient to ensure that the hard cap will be respected. Final changes agreed to must be incorporated into this Amendment.
- **Hard Cap and Eastern Rail Yard Sub Area A1:** ZR §93-821 (d) (3) sets a maximum cap of 1,000 parking spaces for the Eastern Rail Yard (ERY), that while not subject to certification by the Chair, is counted toward the hard cap of 6,084. CB4 is concerned that the hard cap could be exceeded because of the dual oversight, e.g. if the ERY is developed well after the rest of Hudson Yards, the Chair would be in his/her right to certify more than 5,085 parking spaces and when the ERY application is submitted, DOB could approved 1,000 parking spaces. We ask that: 1) either the Chair certifies parking spaces for both areas, or,

2) in the alternative, §93-821 (e), which establishes the hard cap, be reduced to 5,084 spaces and exclude the ERY.

- **Public Access to Parking Space Count:** ZR §93-824 Publication of Data sets forth the requirement that DCP make readily available to the public regular calculations of the Hudson Yards Development Parking Supply, Reservoir Parking Supply and Reservoir Surplus/Deficit. We request that this data be available in a format agreed to by CB4 and posted on-line for the most visible and simple public access.

Finally, we understand that DCP and HKNA are currently comparing conflicting calculations of spaces currently included in the Hudson Yards Development Parking Supply and Reservoir Supply counts. We therefore believe that it is not appropriate for CB4 to comment at this time given the delicate nature of the negotiations. Moreover, we do not have independent data or expertise to help resolve this discrepancy. We request that CB4 be continually apprised of all developments in these negotiations so that we can work to ensure that an accurate count is preserved for our district.

Thank you for the opportunity to submit comments on the proposed Amendment. We look forward to its successful implementation.

Sincerely,



John Weis, Chair
Manhattan Community Board 4



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



Sarah Desmond, Co-Chair
Clinton/Hell's Kitchen Land Use Committee

cc: DCP, David Karnovsky, Raju Mann
NYC Council Speaker Christine Quinn
NYC Council Land Use Division – Danielle DeCerbo
NYS Senator Thomas K. Duane
NYS Assemblyman Richard Gottfried
MBPO – Anthony Borelli, Deborah Morris