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October 25, 2012

Hon. Amanda M. Burden, FAICP
Chair, NYC Department of City Planning
22 Reade Street New York, NY 10007

Re: Hudson Square Rezoning; ULURP Application Nos. 120380 ZMM, 120381 ZRM

Dear Chair Burden:

At the recommendation of its Hudson Square Working Group, Manhattan Community Board No. 2 ("CB2"), having held a duly noticed public hearing on the above-referenced ULURP application numbers, adopted the following resolution at its meeting on October 18, 2012 by a vote of 41 in favor, 0 opposed, 1 recusal, 0 abstentions.

The resolution recommends that the applications be **denied unless** the actions, mitigations and requests specified in the following Community Board Response are included. CB2 has identified its highest priorities for this application as:

- height reductions, from those proposed in the application in the main district and Subdistrict A, to the minimum heights needed to ensure inclusionary housing
- provision of active recreation space and community facilities
- landmarking of the proposed South Village Historic District
- traffic mitigations

PROJECT DESCRIPTION:

The Applicant: the Rector, Church-Wardens and Vestrymen of Trinity Church in the City of New York, is proposing a zoning text amendment and zoning map amendment to create a Special Purpose zoning district, the Special Hudson Square District (the "Special District"), over an underlying M1-6 District. The Proposed Action would create a mixed-use district by allowing for residential development and expanded community facility uses, requiring ground-floor retail, providing incentives for inclusionary housing, and limiting as-of-right hotel development, while at the same time ensuring that commercial and manufacturing uses are retained. The proposal also includes height limits and set-back regulations that will help to preserve the unique identity of the district.

The area proposed encompasses an approximately 18-block area (the “Rezoning Area”), generally bounded by West Houston and Vandam Streets to the north, Avenue of the Americas and approximately 100 feet east of Varick Street to the east, Canal and Spring Streets to the south, and Hudson and Greenwich Streets to the west. The Applicant owns approximately 39 percent of the lot area within the proposed Rezoning Area.

The Special District would contain two subdistricts: Subdistrict A and Subdistrict B. Subdistrict A is bounded by Grand Street, Avenue of the Americas, Canal Street, and Varick Street and includes all of tax block 227. Subdistrict B is bounded roughly by Dominick Street to the north, midblock between Varick Street and Avenue of the Americas to the east, Watts Street to the South, and the Holland Tunnel entrance to the west, and includes portions of tax blocks 477, 491, and 578.

PROPOSED ACTIONS:

Specifically, the proposed Special Hudson Square District would include the following zoning controls.

1. In the proposed Special District, the following would apply (except where modified within subdistricts):
 - a) Use—Residential, commercial, community facility, and light manufacturing uses permitted;
 - b) FAR—10 FAR for non-residential use; 9 FAR (bonusable to 12 FAR pursuant to the Inclusionary Housing Program) for residential use;
 - c) Building Height—Maximum 320 ft (wide street); maximum 185 ft (narrow street); and
 - d) Base Height and Setback—
 - On wide streets: base height minimum 125 ft and maximum 150 ft; streetwall required to be located at street line, with exceptions for vertical enlargements to existing buildings; above base height, setback minimum 10 ft; and
 - On narrow streets: base height minimum 60 ft and maximum 125 ft; streetwall required to be located at street line, with exceptions for vertical enlargements to existing buildings; above base height, setback minimum 15 ft.
2. For development sites containing existing buildings with 70,000 zoning square feet (zsf) or more, new residential floor area would be permitted only upon certification by the Chairperson of the CPC that the amount of non-residential floor area in the existing building would be replaced at a one-to-one ratio with future non-residential uses on the zoning lot.
3. Ground floor retail would be permitted throughout the entire district, but to restrict so-called “big box” stores, retail would be limited to 10,000 zsf of floor area per establishment on the ground floor. Food stores would be permitted with no floor area limitation. Eating and drinking establishments with dancing would be permitted only by BSA special permit.

4. A special permit would be required for hotels with more than 100 sleeping units, whether created through new construction or change of use in existing qualifying buildings. (For new hotel construction, hotels with more than 100 sleeping units would be permitted as-of-right upon certification by the Chairperson of the CPC to the Commissioner of Buildings that at least 75 percent of the new dwelling units projected in the With-Action condition—the “residential development goal” (i.e., 2,233 new residential units)—have been constructed and issued certificates of occupancy.)
5. Buildings containing residential uses would have a sliding scale base FAR from 9 FAR to 10 FAR depending on the extent of non-residential use, allowing an additional 0.25 total FAR for each 1.0 FAR of non-residential use (e.g., 9 FAR maximum for 0 FAR non-residential use, 9.25 FAR for 1 FAR non-residential use, 9.5 for 2 FAR non-residential use, 9.75 for 3 FAR non-residential use, 10 FAR for 4 FAR non-residential use).

Subdistrict A:

Subdistrict A is bounded by Grand Street, Avenue of the Americas, Canal Street, and Varick Street and includes all of tax block 227. The following zoning controls would apply:

- a) Use—Special Hudson Square District regulations (noted above) apply;
- b) FAR—Maximum 9.0 FAR residential, 10 FAR non-residential. Floor space used by a public school exempt from definition of floor area;
- c) Building Height—Maximum building height 430 ft;
- d) Lot Coverage—below a height of 290 ft at least 30 percent required; above a height of 290 ft at least 20 percent required; and
- e) Streetwall—Special Hudson Square District regulations (noted above) apply, with exceptions for lot lines coinciding with the boundary of a public park.

Subdistrict B:

Subdistrict B is bounded roughly by Dominick Street to the north, midblock between Varick Street and Avenue of the Americas to the east, Watts Street to the South, and the Holland Tunnel entrance to the west, and includes portions of tax blocks 477, 491, and 578. The following zoning controls would apply:

- a) Use—Special Hudson Square District regulations (noted above) apply;
- b) FAR—6.0 FAR for commercial use and manufacturing use, 6.5 FAR for community facility use, and 5.4 FAR for residential use (bonusable to 7.2 FAR with Inclusionary Housing); and
- c) Building Height and Setback—C6-2A regulations apply: maximum building height 120 ft; base height minimum 60 ft and maximum 85 ft; above 85 ft, setback minimum 10 ft on a wide street or 15 ft on a narrow street.

OTHER ACTIONS:

1. Inclusionary Housing - It is expected that the Applicant and future developers of sites in the Rezoning Area not under the Applicant’s control may seek financing from city or state agencies for the affordable housing component of the Proposed Action. However, no specific program has been selected by the Applicant or by owners of sites in the Rezoning Area not controlled by the Applicant and, therefore, the Proposed Action will not undergo coordinated review with agencies responsible for affordable housing financing programs.

2. Public School - It is anticipated that the Proposed Action would include provision for a new public school (prekindergarten through fifth grades). Development of a new school would be subject to the approvals and requirements of the New York City School Construction Authority (SCA), including site selection for the school by SCA and site plan approval by the Mayor and City Council pursuant to the requirements of the New York City School Construction Authority Act. SCA will be an involved agency in this environmental review.

BACKGROUND

CB2's Hudson Square Working Group and individual committees held six public hearings directly related to the certified application. The official presentation and public hearing for the purposes of this ULURP was held on September 6, 2012, and further public hearings were held through mid-October, 2012. Several hundred people came out to the official hearing and committee discussions to provide their concerns and opinions.

A vast majority of those attending these meetings stated that the applicant's requested building heights were too high in the main Special District and Subdistrict A, that there was insufficient Open Space – especially active recreation opportunities – in the proposed Special District; that the extreme volume of traffic was a serious problem, especially near the Holland Tunnel and in light of a recent tragedy immediately adjacent to the area; that the proposed school would be too small to accommodate both the increase in residents and to alleviate overcrowding in the CB2 area; and that adjacent areas require protection from the overdevelopment that this rezoning would cause.

MANHATTAN COMMUNITY BOARD 2 RESPONSE

CB2 has extensively analyzed the application in detail, and provided its response divided into six major sections. Each section offers mitigations necessary to make the prospective Special District area a safe, vibrant, successful mixed-use neighborhood.

I: LAND USE

CB2 believes there is broad support among residents and property owners in the community for the goals of the application to create a diverse and vibrant mixed-use community with new and enlarged buildings that conform to the context of the characteristic buildings in the area.

FAR

CB2 supports the density necessary to achieve these goals. The proposed FAR of 9 for mixed use without inclusionary housing and 12 FAR with affordable housing is acceptable. CB2 believes that the 9 FAR should be the maximum FAR for commercial-only development as well.

Height Limits

CB2 prefers mandatory affordable housing, but if it remains only an incentive, it must be linked to height limits to assure that inclusionary housing is provided.

The most frequent comments at public hearing were objections to the 320 foot height limit. This overly high limit would allow buildings that overwhelm the buildings that now create the character on the wide streets, thereby undermining the goals of the project related to supporting the existing built character. The taller buildings in the district, except for the out-of-character Trump SoHo hotel and 101 Avenue of the Americas, are in the 250-foot range. CB2 recommends a maximum building height in the district of 250 feet, and that is only for buildings that fully develop the affordable housing incentive. To assure the success of the affordable housing incentive, the wide-street height limit for residential buildings that do not provide the full component of affordable housing should be 210 feet. A similar differential should also be established for narrow streets, with 185 feet available if affordable housing is provided and a lower limit of 165 feet if not. We request that DCP and the Borough President's office re-examine other bulk controls enumerated in the ULURP in order to lower the heights.

Subdistrict A

With respect to Subdistrict A, CB2 believes that this site can accept more height without undermining the existing built character, but the differential between this site and the rest should be based on the additional height attributable to space provided for a school that does not count for FAR. Therefore, with the proposed school, CB2 would not object to a building taller than 250 feet here. Because we consider an unmitigated open space negative impact entirely unacceptable, CB2 would support additional height (but less than 430 ft) as well as an FAR exclusion if a recreation center is developed at the site as described in the Open Space section.

CB2 asks that the DCP and the Borough President's office continue to work with the Community Board and use their professional architectural and engineering staff to advise what minimum height would be necessary in order to accommodate a 50,000 sq ft recreational/community facility and the aforementioned school while retaining a 9 FAR atop of those proposed facilities.

Subdistrict B

Extensive comment was heard on this proposal at public hearings, including from many of the property owners in the Subdistrict, and written testimony was received as well. CB2 supports in concept the idea of preservation of special neighborhood character within a zoning district, but the board does not believe the proposed Subdistrict B achieves its intended goals. Therefore, CB2 does not support the establishment of Subdistrict B.

Hotels

The application allows hotels over 100 rooms by special permit if the hotel development does not conflict with the goals of preserving existing commercial uses, creating a vibrant community, and encouraging residential uses and affordable housing. But the application does not identify locations or situations where such a finding could occur, and CB2 does not believe there would

be any. CB2 believes that hotels with more than 100 rooms should not be allowed in the district.

For new hotel construction, hotels with more than 100 rooms would be permitted as-of-right upon certification by the Chairperson of the CPC to the Commissioner of Buildings that at least 75 percent of the new dwelling units projected in the With-Action condition have been constructed and issued certificates of occupancy. CB2 believes that even upon completion of 75 percent of the dwelling units, a change in demand could trigger the development of too many larger hotels. If the provision for a special permit for hotels is not eliminated, CB2 strongly favors the elimination of this sunset clause for the important limitation of hotels in the district.

Non-Trinity-Owned Sites with Special Conditions

During the hearings and via submitted documentation, CB2 heard from some property owners in the proposed district that they have identified possible unique site conditions. These are traditionally considered at the Board of Standards and Appeals under Section 72-21 of the NYC Zoning Resolution. CB2 believes the proposed zoning should move forward subject to the mitigations and modifications mentioned in this document. If any such property conditions warrant consideration for a variance, CB2 will review the issue at that time.

Dormitories

Dormitory development may be likely in the proposed district because of its proximity to New York University. Like hotel development, this represents a threat to the achievement of the goals for residential use. Development of dormitories should not be allowed in the district.

II: OPEN SPACE

CB2 is very near the bottom in the ranking of all districts in the city in open space, both active and passive. The Hudson Square Rezoning DEIS identifies the Proposed Action of new residential development in Hudson Square on open space resources as an unmitigated negative impact. Though the Proposed Action would not directly displace any existing public open space, the introduction of the planned 3300+ new residential units would create extra demands on such resources and result in a significant adverse impact -- both a decrease in the total open space ratio and active open space ratio -- and does not meet the required CEQR standards needed for this proposed action.

CB2 adamantly believes that it is not acceptable to allow an unmitigated negative impact for open space, especially in a park-starved area. We note that Trinity is several acres short of the required open space. The following proposals from the applicant are not realistic attempts to mitigate the situation, but only vague wishful exercises at best.

CB2 supports the efforts of the Hudson Square Connection (BID) to improve the zone's streetscapes, but their proposed sidewalk improvements and vest pocket plazas do not address the need for active recreation space and should not be counted in such calculations

There are five potential locations proposed by Trinity for improvement of open space:

1. Duarte Square: this space was already part of an agreement by Trinity to build out and maintain the park as part of a street demapping some 10 years ago
2. SoHo Square: this is a centrally located small strip of property that can be somewhat expanded with an adjoining street demapping. It is not part of the actual ULURP proposal, but is being brought forward by the BID
3. Freeman Plaza at entrance to the Holland Tunnel: this is an open area integrated into the entrance to the Holland Tunnel. As it stands now, it is not a realistic public space and certainly not an active public space and will require a massive investment to create useable open space, safe from the intense tunnel traffic
4. A Port Authority-owned parking lot above the entrance to the Holland Tunnel just north of Dominick St. and on Spring Street: (see item #5 which incorporates this lot). There has not been any indication that the Port Authority is giving up these lots in any way whatsoever
5. Enhancement of Spring St.: this is not attractive, viable or meaningful (and even if developed would still come short of mitigating the impact). More significantly, Trinity has not offered to clear or re-purpose any built space that they own

Mitigations Needed

Because the anticipated new residential development will have a negative impact on open space in an area where sufficient public land is not available to mitigate this effect, attention must be focused on other ways to improve access to active recreation. In addition to these active recreation areas, CB2 calls upon Trinity to consider designating spaces for community facilities such as senior centers and affordable fine arts studio space, rehearsal space, theatre space, and cultural office space in this area.

CB2 has identified five opportunities, which, were they to be financed through a combination of public and private resources, we would consider a reasonable partial mitigation.

1. The district is severely underserved for open space—both for active outdoor recreation and for indoor sports and recreation, especially in the southern part of the district. CB2 believes the best opportunity to mitigate part of the open space impact would be Trinity's construction of a new recreation center at the Duarte Park building in Subdistrict A. CB2 believes that although the 420-foot height limit proposal for this building is far higher than required or appropriate, and recommends a much-reduced height, that recommendation could be ameliorated if a built-out center with gymnasium, pool, exercise space and community rooms, including a small theater, were included. The facility could be operated by a non-profit provider as long as affordable rates are guaranteed. The facility could also provide after-school programming for the adjacent public school. We recommend that this community center include amenities necessary to a well-functioning mixed-use area such as childcare facilities, a public library a Senior Center offering lunch programs, activities and classes for seniors, as well as evening programs for youth and toddlers, and Arts programs.
2. Lack of funding for open space improvement and programming limits the active recreational use of available open space. Currently, there is a BID that serves the district, but its goals are appropriately business oriented. CB2 would support a change in the goals of this group and application of its funding authority to include a 10 cent per foot

charge to residential property if the funds were directed predominantly for mitigation of the active recreation impacts. The total funding would increase as residential development takes hold and the unmitigated negative impact increases. However the BID covering this area states that a solid mixed-use zone is good for business, so we believe it could charge the commercial entities for anything within its boundaries that enhances that concept if charging residential tenants under a BID mandate proves too difficult to achieve. If charging residential properties can not move forward, the Friends of HRPT would be free to pursue this area for inclusion into its NID proposal.

3. Just outside the district but within the impacted area are opportunities for mitigations. Of highest priority is a thorough, much-needed rehabilitation of the Tony Dapolito Center. Additionally, DEP has committed to the use of the water tunnel shaft site between West Houston St. and Clarkson St. for public open space when work there is completed in the near future. Located near schools and important existing active recreation resources, this is a potential site for active recreation.
4. A pedestrian crossing to Hudson River Park at Spring Street would be an excellent way to improve access to active recreation within the district. CB2 encourages the applicant, city and state to work together to create a safe crossing at this location.
5. CB2 approved a design for reconstruction of Duarte Park more than a decade ago when no rezoning was under consideration. The location is a challenging one for active recreation, but if this area were to be considered for possible mitigation, a concept for the reconstruction should be brought to the CB2 Parks & Open Space committee prior to CPC's action on the ULURP application.

NOTE: To the extent that properties owned by the Port Authority or NYC DOT are used for mitigation, these must be predominantly for active recreation.

If any provision to allow special permits for non-conforming building envelopes in exchange for providing new open space is made, this should be done only if the promised open space is predominantly for active recreation; maintenance and public access should be guaranteed through an appropriate agreement.

III: TRAFFIC & TRANSPORTATION

Although the major goal of the Proposed Action is to allow new residential development to occur in the Rezoning Area and foster a mixed use district, the scale of what's proposed would result in severely adverse transportation impacts unfavorable to creating a truly habitable residential neighborhood and well-functioning mixed use environment.

Adverse Vehicular Traffic Impacts

1. 17 of 22 intersections studied would suffer significant adverse vehicular traffic impacts during weekday am, midday and pm and Saturday midday peak hours, affecting large

segments of streets already overburdened with excessive congestion, such as Canal, Varick, Broome, Hudson, Spring and West Streets.

2. Small vulnerable thoroughfares with low-rise, historic buildings, such as Charlton, King and Vandam Streets, would endure similar adverse impacts as they cross the larger streets, experiencing traffic backups and increases that would overwhelm these sensitive blocks, threatening their infrastructure and their old-time, residential character.
3. Many of the intersections in the district are especially difficult and dangerous for pedestrians because the narrow streets cross the wide streets on an angle; as a result, pedestrians often have their backs to turning cars and trucks.
4. Added vehicular congestion would interfere with timely and efficient emergency vehicle access for the increased residential population.
5. Since hotels are known to be excessively high traffic generators, and the DEIS concurs that the hotel development scenario would result in increased vehicle, pedestrian and transit trips during several peak hours, the proposal to require a special permit for hotels with over 100 sleeping units until the “residential development goal” of at least 75% of new dwelling units is met will only intensify adverse traffic impacts in an area already highly saturated with hotels.
6. Suggested measures cited in the DEIS to mitigate operational traffic impacts, such as signal timing adjustments to increase green time and installation of No Standing or No Parking signs, would be limited in offsetting adverse effects and might even exacerbate negative conditions, e.g. more green time could endanger crossing pedestrians, and daylighting might attract more traffic. Several intersections would have completely unmitigated adverse impacts.

School Students’/Children’s Safety

1. Currently, the proposed rezoning area hasn’t many children, but will if the rezoning is approved, demanding increased safety measures. Several schools already in the area include those at The Door and the Chelsea Vocational School building, Elizabeth Irwin and nearby schools like PS 3 and PS 41 that require many families to cross Avenue of the Americas and Varick Street to reach them.
2. The proposed new 75,000-gsf public school is welcomed, however its location at the dangerous convergence of Avenue of the Americas, Canal and Varick Streets will necessitate extensive mitigation to ensure the students’ safety.

Parking

1. With approximately 809 parking spaces displaced, not all offset by 640 new off-street accessory parking spaces, a frequent parking shortfall is expected within ¼ mile of the rezoning boundaries. This would lead to increased circling for spaces, causing added congestion, less street safety and more pollution.

2. The DEIS claim that sufficient parking is available within ½ mile assumes drivers would walk the extra distance, unlikely, and ignores the negative impact that the additional vehicular traffic would have on nearby areas such as the proposed South Village Historic District.
3. The *CEQR Technical Manual* asserts that “a parking shortfall resulting from a project located in Manhattan doesn’t constitute a significant adverse parking impact due to the magnitude of available alternative modes of transportation.” This implies a modal switch, a welcome action that would not necessarily happen and could itself create unmitigated transit impacts, like overcrowding.

Mitigations Needed

Addressing transportation mitigation, the DEIS states that many of the impacted lane groups/movements already operate at congested levels (mid-LOS D or worse) under existing conditions and are expected to operate under such levels under No-Action conditions, implying that the adverse impacts that would result from the Proposed Action would not make a significant difference. It also refers to vehicles and pedestrians being “generally acclimated to the prevailing condition during peak periods of heavy traffic.”

Since the major goal is to create a new, livable mixed use area, mitigation must address approaches to improve both current and future traffic conditions that would hinder the attainment of community-building streets and a comfortable, appealing, safe place.

Adverse Vehicular Traffic Impacts

1. The prospect of significant adverse impacts from automotive traffic points to the pressing need to increase and accommodate alternative transportation options, such as walking, bicycling and public transportation.
 - The Hudson Square Connection Streetscape Improvement Plan outlines ideas for sidewalk widening, greening, seating and lighting to create an appealing pedestrian precinct encouraging walking and commanding drivers’ respect and care. This needs serious consideration.
 - Protected bike lanes on Hudson and Varick Streets, as well as bicycle parking and other facilities both indoors and out, are key to promoting and accommodating safe and convenient bicycle transportation.
 - Enhancement of public transportation, such as attractive bus shelters and seating at bus stops, and eye-catching signage identifying and leading to subway stations, would increase their appeal and usage. This desirable increased use will necessitate additional mitigation, such as widened platforms, better lighting and added trips.
2. Ideas for channeling traffic in the Hudson Square Connection’s Streetscape Plan must also be considered, such as the proposed planted median on Varick Street (in balance

with the long anticipated protected bicycle lane), reduced travel lane widths, parking re-allocation, and clearer, more visible signage.

3. Angle crossings should be eliminated using curb changes, paint and signs.
4. Private traffic managers should be funded for stationing throughout the newly zoned area to ensure safer crossings and smoother traffic flow and facilitate emergency vehicle access.
5. High visibility widened crosswalks with distinctive graphics, as proposed by the Hudson Square Connection plan, are highly desirable to hold back vehicular traffic from pedestrians and ensure pedestrians a modicum of safety.
6. At the least, the special permit requirement for hotels with over 100 sleeping units should be retained indefinitely, or no hotels with more than 100 sleeping units should be allowed, with consideration given to reducing the number of sleeping units allowed.
7. Adverse pedestrian safety impacts, like those expected at already dangerous intersections like Houston Street/Avenue of the Americas, Houston Street/Varick Street, and crossings at Avenue of the Americas, Varick and Hudson Streets at Canal and Watts Streets where Holland Tunnel traffic will impact residents, will require mitigations beyond Yield to Pedestrian signs, crosswalk striping and countdown signals, e.g. at Houston Street/Avenue of the Americas CB2 is requesting a red light camera, re-staggered traffic lights, a pedestrians-only green light phase, neckdowns, island barriers, and intensive enforcement activities.

School Students'/Children's Safety

1. Diligent enforcement by traffic enforcement agents, as well as the presence of crossing guards, are minimum requirements for students' safety at the proposed new 75,000-gsf public school.
2. As proposed in the CATS study, the Canal Street station underpass provides safe access across that hazardous thoroughfare, and it should be used for across-the-street access, being refurbished as an attractive and safe public space for both pedestrians and subway riders with enhancements like public art, extra lighting and commercial activities, e.g., a newspaper stand and florist. Wayfinding signage and markings should be established above ground to show the availability of this underground crossing. An elevator for disabled access should also be there.
3. Clear, attractive signage should be installed on sidewalks and painted on the street to clarify directional paths.
4. Space must be set aside for safe, accessible school bus parking.

Parking

1. To offset the parking shortfall, at least one public parking lot is required, with “green walls” like those proposed by the Hudson Square Connection plan as well as other plantings within to offset vehicular emissions.
2. Curb cuts leading to accessory parking should be minimized to protect pedestrians on the sidewalk and ensure their access.
3. Curbside parking needs to be maintained to provide sufficient commercial delivery dropoffs/pickups.
4. A metered-parking program for both private and commercial vehicles should be employed, especially the DOT Park Smart program, to ensure parking turnover.
5. Reduction of accessory parking and re-apportionment with public parking should be considered.

Additional Mitigations

1. CB2 favors rerouting commuter buses out of the district. Buses to the Holland Tunnel should use Canal Street. While this would not eliminate the buses’ impact on pedestrians, it will reduce the impact on the proposed Duarte Square building.
2. New York City should create and implement a district-wide pedestrian safety plan as part of this ULURP application, not only for the commercial neighborhood as done by the Hudson Square BID, but also for residents and visitors.
3. CB2 supports both congestion pricing and East River bridge tolls. Considering the regional nature of traffic impacts in relation to the Holland Tunnel, efforts toward effecting the incorporation of such tolling approaches that will discourage excess vehicular traffic are very much encouraged.

IV: ENVIRONMENT

Because the stated goal of the rezoning of Hudson Square is to revitalize a commercial district into a 24-hour mixed use district, with residential development, it is clear that the requested changes will result in significant adverse impacts to the area from new construction. As a result, forms of mitigation to prevent these adverse impacts on the community from this new construction are extremely important and a significant concern for this Community Board.

Construction Impacts

Construction projects create noise, traffic, dust, dirt, vibration, vermin and other health and safety challenges for residents and businesses in the impacted area. This Community Board is very concerned about the potential negative impacts of construction in Hudson Square if the area is rezoned to permit residential development. While the current rezoning plan attempts to limit the amount of residential development in the area, other developers in the same area are already looking for exceptions to build large residential buildings currently not permitted under the

current rezoning plan. Consequently, consideration of the potential for further residential development and construction projects beyond what is predicted in the current DEIS is essential for reaching an informed rezoning plan.

Construction Practices

In addition to the rules, regulations from the State of New York and City of New York as they relate to construction practices, this Community Board also requests that the development of any property in the rezoned area must accept, declare and adhere to the following construction practices before any construction project can occur:

- 1) Owners of all sites under construction must incorporate all recommendations for construction practices, mitigation methods and controls designated herein in their written contracts with all developers, construction managers and prime contractors working at any construction project within this area.
- 2) There must be a field representative designated to serve as contact point for the community and CB2 on a 24-hour basis. The representative should be able to discuss:
 - a) Overall Status and Schedule
 - b) Construction issues having area-wide impact
 - c) Community Quality of Life and Environmental Issues
 - d) Local business related issues
 - e) Conduct outreach to the affected community regarding irregular work times, use and location of cranes, scheduled work that is excessively loud, including but not limited to certain activities, such as pile driving, concrete pumps, excavators, generators, concrete trucks, wrecking balls or other large machinery used in demolition of existing building stock.
 - f) Implement a web site & e-mail notification system: the Construction manager should establish and manage a web site and an e-mail list. CB2 could help accumulate a list to facilitate timely announcements/communications. Such announcements or notifications would include, but not be limited to: Pile Driving Schedules, Blasting Schedules, Hazardous Waste Removal and Protocols; water and utility interruptions or emergencies; any detected damage from monitoring devices or inspections of surrounding buildings. Appropriate signage should also be posted to notify affected buildings and businesses within 100' of the construction zone.
- 3) Material deliveries to the construction site would be controlled and scheduled.
- 4) After normal work hours and on weekends, the site should be secured, locked and security personnel would be required to patrol the area on a 24-hour basis.
- 5) Weekend work should be limited to emergent situations, defined as a dangerous condition and should not include monetary or scheduling considerations, and will be coordinated, to the extent permitted, with the affected surrounding community.
- 6) Noise Receptor Sites should be utilized that would be the most likely affected by elevated noise, vibration and other construction related activities.

Construction Mitigation and Noise/Vibration Reduction Methods

- 1) Electrical powered equipment, such as welders, water pumps, bench saws and electric saws should be used in place of diesel and/or gas powered equipment.
- 2) Sites should be configured and designed to minimize back-up alarm noise.
- 3) All trucks entering the site should not be allowed to idle more than three minutes.
- 4) Contractors and subcontractors should be required to maintain their equipment and mufflers so as to reduce emissions and conserve energy consumption.
- 5) All noise receptor sites within a two block radius of the construction site must be identified with the surrounding residential community and businesses.
- 6) Noisy equipment such as cranes, concrete pumps, and concrete and delivery trucks would be located away from and shielded from sensitive receptor locations.
- 7) Noise barriers with a minimum of 15 feet should be built at the construction site to provide shielding to identify sensitive receptor sites.
- 8) Portable noise barriers should also be utilized for certain dominant noise equipment, including asphalt pavers, drill rigs, excavators, back hoes, hoists, impact wrenches, jackhammers, power trowels, rivet busters, rock drills, concrete saws, and sledge hammers.
- 9) Quieter pile-driving methods must be used and pile foundations should be drilled with alternative hydraulic pile pushing methods and not hammered. Impact cushions must also be used unless otherwise identified and thoroughly discussed with the surrounding community.

Air Quality and Emission Control Methods During Construction

To ensure that the construction in the area results in the lowest possible diesel particulate matter emissions, the owner and its contractor should implement the following measures:

- 1) Minimize use of diesel engines and diesel generators.
- 2) Apply for a grid power connection early on to reduce use of generators at the work site.
- 3) Use of clean fuel.
- 4) Utilize the best available tailpipe reduction technologies.
- 5) Utilize newer equipment.
- 6) Propose dust control plans such as washing wheels of construction trucks leaving the work site.
- 7) Use of water sprays.

Hazardous Materials

Considering the history and former commercial uses and sites in the area to be rezoned, significant impacts with respect to hazardous material during excavation and construction must be anticipated. To reduce the potential for adverse impacts associated with the projected and potential new construction in the area, all owners should be required to conduct environmental investigations and E-designations should be placed and posted at each work site. In addition to E-designations being posted, the owner should be required to notify the Community Board of any oil spills, oil tank leaks, PCB soil or ground water contamination and the release of any significant quantity of toxic fumes into the atmosphere.

Construction Traffic Mitigation

To ensure that the construction and construction activities in the area result in the lowest possible impact in an area already burdened by unusually high traffic congestion due to the entrance of the Holland Tunnel, the owner and/or contractor should implement the following measures:

- 1) Employ pedestrian traffic managers with a minimum of five or more years of law enforcement and/or traffic control who must have flagger certification.
- 2) Traffic plans in mitigation for roadway closures and displacement of existing parking facilities and spaces must be discussed with the DOT and this Community Board.
- 3) The numbers of construction vehicles parked, idling or used at any particular site must be minimized at all times.
- 4) Dedicated gates, driveways or ramps should be used for delivery vehicle access.
- 5) Fully trained and certified flag persons must be used at all active driveways.
- 6) Pedestrian flow around the work site should be maintained at all times.

Environmental Sustainability of New Construction

To ensure that all newly built, altered, reused or expansions of existing buildings in the area result in the lowest possible impact on greenhouse gas emissions in the atmosphere, the following measures should be implemented, to the extent practicable, to limit those emissions:

- 1) All owners must declare and design their new buildings and/or redesign their existing building to meet the current standards for at least LEED Silver certification or equivalent.
- 2) Optimize daylighting, heat loss and solar heat gain.
- 3) Utilize water-conserving fixtures exceeding currently building code requirements.
- 4) Use high-efficiency heating and cooling systems with barriers, silencers and other exterior noise controls.
- 5) Use clean power and reuse of renewable energy credits.
- 6) Use building materials that are recycled, rapidly renewable materials, and certified sustainable wood products with low carbon intensity.

Other measures that are encouraged to be incorporated include green roofs, motion sensors and lighting/climate control, efficiency lighting and elevators, energy star appliances, directed exterior lighting and water-efficient landscaping.

Other Environmental Impact Concerns To Be Addressed

- **Public Health and Safety:** Adding a large new population has the potential to overburden medical infrastructure diminished by the closing of St. Vincent's Hospital and local police precincts.
- **Water and Sewer Infrastructure:** Thousands of new residents from new residential development would tax the City's already aging water and sewer infrastructure. Water main breaks and sewer overflows are already an issue, and the added structures would further stress these systems. Less absorption of rainwater and increased storm water runoff also present unmitigated negative impacts.
- **Solid Waste and Sanitation:** The proposed increase in residences as well as other uses will greatly increase the pressure on solid waste collection and disposal.

V: SCHOOL & SOCIAL SERVICES

CB2 is concerned that the proposed elementary school has fewer seats than will be needed in a community that is already over capacity, and emphasizes that this school must contain certain elements to assure that it will serve the needs of residents in the Special District and the CB2 area. In addition, creating a vibrant community requires amenities for the full range of residents and businesses. Therefore, CB2 calls upon Trinity to allocate space for facilities that serve seniors, families, and -- considering the Special District's location and history -- artists and art-related facilities.

1. The DEIS states, "As the proposed new elementary school would increase the capacity of the sub-district by 444 seats (to a total of 3,770 seats), the Proposed Action would decrease the utilization rate of the sub-district by five percent, and the deficit of seats would decrease from 1,025 under the No Action condition to 980." It is clear that a 444-seat capacity school is insufficient, as it will only slightly ameliorate what is already a large deficit of seats. Therefore, CB2 calls upon Trinity Real Estate to commit to building the core and shell for an additional floor for the school upon SCA approval.
2. This core and shell must have adequate space to accommodate facilities such as a gymnasium, auditorium, urban farm garden, cafeteria, science and art classrooms, computer lab, cooking classroom, and other spaces found in state of the art elementary schools. This school must adhere to the most up-to-date ADA mandates at the time that the school is constructed, including one classroom for each grade/cohort that is fully handicap accessible. This means not only can a wheelchair-bound child enter the classroom, but also navigate around the room, and have access to materials at sitting height.
3. The building housing the school must incorporate some form of architecturally designed overhang or canopy above the school yard that protects the children from the adjacent edifice and also permits light to stream through to the play yard. The play yard should also have a heated surface and be protected from the elements due to the considerable shadows of the building with only northeast exposure.
4. The school must be zoned school serving to reduce overcrowded conditions in CB2 before accommodating children of other areas. The school must not be a Charter School.
5. The school playground must be ADA compliant and contain handicap accessible playground structures such as appendages good for climbing, monkey bars, a zipline, ramps and slides, and open areas, all allowing for safe, accessible and inclusive play for wheelchair-bound students.
6. As the school playground is part of Trinity Real Estate's Open Space Requirement, Trinity must guarantee proper maintenance of the school playground space, especially as the space will regularly be open to the public during non-school hours, and, therefore, endure additional wear and tear. Appropriate safety features must be included to protect users of this space.

Senior services as outlined in the Open Space section are also an essential part of a well-functioning mixed-use area, and space for these services should be provided either in the proposed Duarte Square Building or another appropriate space within the proposed Special District.

As the Hudson Square area has a rich history of arts and currently includes many creative businesses, CB2 requests that a portion of the inclusionary housing be designated Joint Live/Work Quarters for Artists (JLWQA).

VI: EFFECT ON ADJACENT NEIGHBORHOODS WITHIN CB2

A rezoning can have an immediate and dramatic effect on adjacent districts, changing property values, increasing development pressure, and imperiling the character of historic areas if no controls are put in place before the proposed area is rezoned.

This rezoning will encourage development in the South Village, directly to the east. In 2007, this area was determined eligible for the State and National Registers of Historic Places. The Landmark Preservation Commission determined the area “landmark eligible” in the current DEIS as well as in the adopted EIS for NYU 2031. This re-zoning represents an immediate threat to the historic character of the adjacent area which can only be protected by historic district designation.

The area has been suggested for landmark designation since the earliest days of the New York City landmarks law. In 2002, CB2 and neighborhood groups met with the LPC, and in 2006 the Greenwich Village Society for Historic Preservation submitted a detailed report regarding the district’s significance, documenting the history of each of its 750 buildings. The proposal was endorsed by CB2. One third of the district was designated in 2010, but LPC has stated it has insufficient resources to continue.

Fulfillment of the commitment to designate the rest of the district is essential now because of the increasing development pressure this re-zoning will bring to the area. Significant changes to the area have already occurred in recent years affecting the Circle in the Square Playhouse, the Sullivan Street Playhouse, the Provincetown Playhouse, the Tunnel Garage, the 1861 row house on Bleecker Street, the 1824 house at 186 Spring Street, and the Children’s Aid Society. A 14-story apartment building will soon rise on Sixth Avenue where 19th century buildings were demolished. The rezoning’s stated purpose is to spur development and turn Hudson Square into a vibrant 24/7 mixed-use neighborhood, increase foot traffic, and the desirability of local retail. Models for the district include the Flatiron and Madison Square areas. The area will also be under pressure from new development to the north under the NYU 2031 plan. The impact on the South Village of the proposed action is likely to be swift and far-reaching.

The DEIS identifies the proposed South Village Historic District as an affected historic resource upon which the rezoning will have “significant adverse impact.” The only way to mitigate this impact will be to designate the proposed South Village district. In recent years, New York City has coupled rezoning actions with landmark designations for adjacent areas to protect them from development pressure created by the rezoning, including the Prospect Heights Historic District

adjacent to Atlantic Yards, and the West Chelsea Industrial District adjacent to West Chelsea rezoning.

The impact of the proposed rezoning on the South Village is potentially the single most far-reaching and harmful of all. It is also one for which successful mitigation is available. CB2 calls on Mayor Bloomberg, Speaker Quinn, Borough President Stringer, the Landmarks Preservation Commission, and the City Planning Commission to assure that this important rezoning is accompanied by an equally important action to achieve balance and protect our city's history.

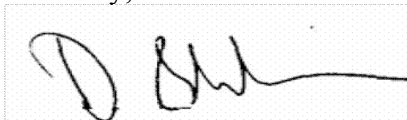
CONCLUSION

CB2 agrees with the goals of the proposed Special District, and welcomes the benefits of a mixed-use neighborhood with a zoned public school. However, a significant rezoning of this densely built environment with very few opportunities for open space and community facilities, and the attendant pressure that an additional several thousand new residents and workers will bring, will cause negative effects on both the proposed area and the adjacent neighborhood. These effects must be mitigated in order for the proposal to be acceptable.

For the reasons outlined above, CB2 recommends denial of this ULURP application as it does not meet the CEQR standards for open space. If the required open space mitigation is provided and Subdistrict B is removed, CB2 supports this rezoning but emphasizes that the other mitigations outlined in this resolution are also critically important, including our recommended height restrictions and the landmarking of the proposed South Village Historic District, and must be enacted.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'D Gruber', is enclosed in a rectangular box with a dotted border.

David Gruber, Chair
Community Board No. 2, Manhattan

c: Rep. Jerrold Nadler
State Senator Thomas Duane
Assemblymember Deborah Glick
Manhattan Borough President Scott Stringer
Council Speaker Christine C. Quinn