

**New York State Urban Development Corporation
d/b/a Empire State Development
High Line Moynihan Connector Civic Project
General Project Plan
Adopted – September 14, 2021
Affirmed as Modified – December 16, 2021**

A. INTRODUCTION

New York State Urban Development Corporation d/b/a Empire State Development ("ESD") adopts this General Project Plan ("GPP") for the High Line Moynihan Connector Civic Project (the "Project") in accordance with the New York State Urban Development Corporation Act (the "UDC Act"). This GPP sets out ESD's plan and findings for the Project.

The High Line is a 1.45-mile elevated public pathway created on a former New York Central Railroad spur on the west side of Manhattan in New York City (the "City"). Opened in June of 2009, the High Line provides walkable connections to various parts of the City via an unused elevated train overpass that has been transformed into a "living system" drawing from landscape architecture, urban design, and ecology. The High Line has become an icon of contemporary landscape architecture and a model many other cities worldwide have attempted to replicate.

The Project involves the design and construction of two new elevated bridges connecting the present terminus of the High Line Spur at West 30th Street and Tenth Avenue to the privately owned public open space at Manhattan West, a privately owned mixed-use development located north of West 31st Street between Ninth and Tenth Avenues. The Project would create an improved and safer pedestrian connection from Moynihan Train Hall to destinations on the Far West Side of Midtown, including Hudson Yards, the Javits Center and the Hudson River waterfront.

B. PROJECT LOCATION

The Project would be located primarily on property owned by the Port Authority of New York and New Jersey ("PANYNJ") on Manhattan Tax Block 728, Lot 1 in Community District 4, and portions of the Project would extend over West 30th Street and West 31st Street, which are City-owned streets (the "Project Site"). The Project area is centrally located in Manhattan, near Hudson Yards, Manhattan West, the Javits Center and the Midtown Central Business District. **See Figure A – Project Location Map.**

C. PROJECT DESCRIPTION

The Project would provide a new elevated public connection from the present terminus of the High Line Spur at West 30th Street and Tenth Avenue, extending eastward parallel to West 30th Street across property owned by PANYNJ along the east-west portion of Dyer Avenue, then turning north at the midblock between Tenth and Ninth Avenues, continuing on Dyer Avenue and over West 31st Street to the existing privately owned public space known as Magnolia Court in the Manhattan West development. From here, pedestrians would have access to the existing publicly accessible path through Manhattan West to the midblock of Ninth Avenue between 31st and 33rd Streets, directly across from the Farley Office Building and Moynihan Train Hall. **See Figure B – Site Plans.**

The Project would be designed and built through a public-private partnership among ESD, the PANYNJ, Friends of the High Line (“FHL” or “Grantee”) and a Brookfield Properties affiliate (“Brookfield” or “Developer”). FHL, which will act as the grantee of the Project, is a nonprofit organization that maintains, operates, and programs the High Line pursuant to a contract with the City by and through the New York City Department of Parks and Recreation (“City Parks”), and engages with the surrounding community. FHL is devoted to reimagining the role public spaces play in creating connected, healthy neighborhoods and cities. Brookfield, which will act as developer of the Project, is a global commercial real estate firm and developer and the owner of Manhattan West. Brookfield would manage the design and construction of the Project.

D. PURPOSE AND NEED

The purpose of the proposed Project is to provide a new public amenity to improve public access, connectivity and pedestrian safety between Penn Station – North America’s largest transportation hub – and destinations on Manhattan’s Far West Side. In recent decades, Manhattan’s Far West Side in the vicinity of the Project Site has been reshaped by a series of transformative public and private investments, including the High Line, Hudson River Park, the Javits Convention Center expansion, Hudson Yards, Manhattan West, and Moynihan Train Hall, among others. Despite the success of these projects, access for residents, workers, and visitors to public spaces, businesses, cultural institutions, and transportation hubs on the Far West Side is hindered by a disconnected and uninviting pedestrian realm, particularly around the Project Site. Along West 30th Street between Ninth and Tenth Avenues, the pedestrian environment is characterized by loading docks for the Morgan Annex General Mail Facility along the south side of the street, surface parking lots on the north side, and vacant lots with chain link fencing. Along Dyer Avenue between West 30th and West 31st Streets, pedestrians must navigate narrow sidewalks and a confusing road layout, with heavy vehicle traffic entering and exiting the Lincoln Tunnel.

The proposed Project would create two connected public bridges linking the High Line to publicly accessible open space at Manhattan West, providing an ADA-accessible passage from the High Line Spur to Ninth Avenue directly across from the Farley Office Building and Moynihan Train Hall. This new elevated pathway would provide a safer and inviting connection for pedestrians through a heavily trafficked and uninviting area, and would improve public access, pedestrian safety and pedestrian mobility for residents, commuters, and visitors between transportation hubs to the east (Moynihan Train Hall and Pennsylvania Station) and Hudson Yards, the High Line, and Manhattan’s Far West Side. In doing so, the proposed Project would also complement and support the recent public and private investments that are transforming the Manhattan’s Far West Side. Any connection to the High Line would be pursuant to an agreement with the City.

E. CIVIC PROJECT AND OTHER FINDINGS

1. Civic Project Findings: UDC Act Section 10(d)

- (1) There exists in the area in which the Project is to be located, a need for the educational, cultural, recreational, community, municipal, public service or other civic facility to be included in the project.***

There exists within the Project area in Midtown Manhattan in New York City a need for the Project. Sidewalks and streets are congested throughout the Project area, particularly during peak hours. Current conditions are particularly challenging for pedestrians seeking to travel along West 30th Street between Ninth and Tenth Avenues, a corridor characterized by loading docks serving the Morgan Annex General Mail Facility on the south side of the street and an entrance to the Lincoln Tunnel via Dyer Avenue between West 30th and West 31st Streets. The proposed Project would provide residents, commuters and other pedestrians seeking to travel between the recently completed Moynihan Train Hall and points west and south with an attractive and safer alternative to surface-level movement, enabling them to connect more easily and safely to the High Line, Hudson Yards, the Javits Convention Center and other points in Midtown West. In doing so, it would complement and support recent and future public and private investments in the burgeoning Far West Side of Manhattan. The Project, with lush landscaping and architecture, would also provide an additional open space amenity in an underserved part of Manhattan.

(2) *The Project consists of a building or buildings or other facilities which are suitable for educational, cultural, recreational, community, municipal, public service or other civic purpose.*

The Project would include the construction of two connector bridges totaling approximately 600 linear-feet on two connected bridges from the original spur of the High Line rail structure at Tenth Avenue & 30th Street to the existing privately owned public space known as Magnolia Court in Manhattan West. The Project would connect to the High Line, which already serves a vital civic and public purpose, and also serve a valuable community, municipal and recreational purpose, allowing pedestrians access to various amenities in the Project area without traversing congested streets and sidewalks.

(3) *The Project will be leased to or owned by the state or an agency or instrumentality thereof, a municipality or an agency or instrumentality thereof, a public corporation, or any other entity which is carrying out a community, municipal, public service or other civic purpose, and adequate provision has been, or will be, made for the payment of the cost of the acquisition, construction, operation, maintenance and upkeep of the Project.*

The Project would be funded with a combination of public and private sources. Upon completion of construction, the Project would be owned by ESD.

(4) *The plans and specifications assure or will assure adequate light, air, sanitation and fire protection.*

The plans and specifications would assure that adequate light, air, sanitation and fire protection are provided in the Project. The construction of the Project would conform to all applicable New York City Building Code requirements concerning public health and safety.

2. Findings for all ESD Projects

That there is a feasible method for the relocation of families and individuals displaced from the Project area into decent, safe and sanitary dwellings, which are or will be provided in the Project area or in other areas not generally less desirable in regard to public utilities and

public and commercial facilities, at rents or prices within the financial means of such families or individuals, and reasonably accessible to their places of employment.

There are no families or individuals living or located on the Project site, and no families or individuals would be displaced from the Project area.

F. ESSENTIAL TRANSACTION TERMS

FHL would act as Project grantee and would contract with Brookfield for the administration of the design and construction of the Project. Through a grant disbursement agreement with FHL, ESD would provide \$20 million of State funding for a portion of the costs associated with the design and construction of the Project. Brookfield would contribute \$20 million to the Project, and FHL would contribute \$10 million. Upon completion of construction, the Project would be owned by ESD.

G. PROJECT FUNDING

<u>Financing Uses</u>	<u>Amount</u>
Construction (Direct Work)	\$29,257,711
Construction Other Costs (Indirect Work)	\$12,184,270
Soft Costs (Environmental Review, Design, Legal, and Marketing)	\$7,789,696
Maintenance/Operational Costs	\$768,323
Total Project Costs	<u>\$50,000,000</u>

All or a portion of cost savings realized from direct construction work and/or unused contingency, estimated to be up to \$768,323, would be used by FHL to cover costs of operation and maintenance for a period of time, which would coincide with the term of FHL’s agreement with NYC, to be outlined in a separate maintenance and operations agreement.

<u>Financing Sources</u>	<u>Amount</u>	<u>Percent</u>
ESD-Grant	\$20,000,000	40%
Friends of the High Line Contribution	\$10,000,000	20%
Brookfield Contribution	<u>\$20,000,000</u>	<u>40%</u>
Total Project Financing	<u>\$50,000,000</u>	<u>100%</u>

H. LOCAL LAW AND REGULATION OVERRIDES AND DESIGN GUIDELINES

The new elevated bridges, which would extend over City-owned streets and connect to the High Line, would require compliance with local laws pursuant to New York City Charter Chapter 14 regarding the grant of a revocable consent as to the use or improvements involving the City’s streets or sidewalks and an agreement with the City to connect to the High Line. It is not feasible or practicable to construct the Project in accordance with such applicable local laws.

In lieu of the process required said Chapter 14 and Title 34, Chapter 7 of the Rules and Regulations of the City of New York for the granting of a revocable consent by the City to allow the Project to extend over the City right-of-way and connect to the High Line, ESD will: (i) enter into an agreement(s) with the City

Department of Transportation and City Parks as to the technical review that will be required and other terms and conditions for the extension over City-owned streets and connection to the High Line, including maintenance, egress, and construction coordination; (ii) consult with other affected City departments and agencies with respect to the design and construction of the Project; (iii) consult with the Manhattan Borough President concerning the Project; (iv) publish or cause to be published in the City Record in addition to a newspaper of general circulation notice of ESD's public hearing for the Project and notice of the proposed issuance of a revocable consent with respect to the Project; (v) hold a public hearing under the UDC Act, in lieu of hearings required under the City rules and regulations, and accept written comments for thirty (30) days after the date of the public hearing on the Project, the GPP and the proposed issuance of a revocable consent for the Project; and (vi) reconcile with the City regarding any substantive negative comments received by ESD regarding the granting of the revocable consent.

The new elevated bridges would require compliance with certain New York City Zoning Resolution ("Zoning Resolution") requirements applicable to buildings or other structures. It is not feasible or practicable to construct the Project in accordance with all such applicable zoning and local law requirements. In order to effectuate the Project, ESD will override the requirements of the Uniform Land Use Review Procedure insofar as it otherwise would be applicable to the Project, the Public Design Commission review of the Project, and the following sections of the Zoning Resolution:

- 12-10 definition of Building
- 93-42 requiring minimum setback distances
- 32-00, 32-13, 93-10, 93-122 building use
- 32-41, 32-412 Enclosure

ESD has not identified other applicable requirements of the Zoning Resolution with which it would be infeasible or impractical to comply. Based on the current preliminary design of the Project, and because of the nature of the Project as an open elevated public pathway connecting the High Line with privately owned public space, which will improve pedestrian safety on Manhattan's Far West Side and public access to major transportation hubs, the City Department of City Planning ("DCP") has indicated its willingness to agree to a less specific override than is typical. Consistent with that, ESD will override any other requirements of the Zoning Resolution that are applicable to the new elevated bridges as "buildings or other structures" as defined by the Zoning Resolution to the extent such requirements are inconsistent with the Project. Before overriding any such other Zoning Resolution requirements, ESD shall consult with the DCP with respect to such override.

In addition, the GPP will require the Developer to construct the Project in accordance with the design and specifications depicted and described in the Design Guidelines. Subject to these overrides and the Design Guidelines, the New York City Construction Codes, including the New York City Building Code, and other local laws will apply, including with respect to all construction, structures and infrastructure on the Project Site.

I. ENVIRONMENTAL REVIEW

ESD, as lead agency, has completed a coordinated environmental review of the proposed Project, pursuant to the requirements of the State Environmental Quality Review Act and the implementing regulations of the New York State Department of Environmental Conservation. This review, for which the Directors made a Determination of No Significant Effect at the September 16, 2021 ESD Board meeting, addressed all aspects of the Project. Accordingly, no further environmental review is necessary in connection with this authorization.

J. NON-DISCRIMINATION AND CONTRACTOR AND SUPPLIER DIVERSITY REQUIREMENTS

ESD's Non-Discrimination & Contractor and Supplier Diversity policy will apply to the ESD grant for the Project. The Grantee shall be required to include minorities and women in any job opportunities created, to solicit and utilize Minority and Women-owned Business Enterprises ("MWBEs") for any contractual opportunities generated in connection with the Project, and to use Good Faith Efforts (pursuant to 5 NYCRR §142.8) to achieve an overall MWBE participation goal of 30% (\$6,000,000). The overall MWBE participation goal shall consist of a Minority-owned Business Enterprise ("MBE") participation goal of 15% (\$3,000,000) and a Women-owned Business Enterprise ("WBE") participation goal of 15% (\$3,000,000) related to the total value of ESD's funding.

The Recipient shall also be required to use Good Faith Efforts (pursuant to 9 NYCRR§ 252.2(m)) to achieve a Service-Disabled-Veteran-owned Business Enterprise ("SDVOB") participation goal of 6% (\$1,200,000).

Attachments

Figure A – Project Location Map

Figure B – Site Plans

Figure A – Project Location Map

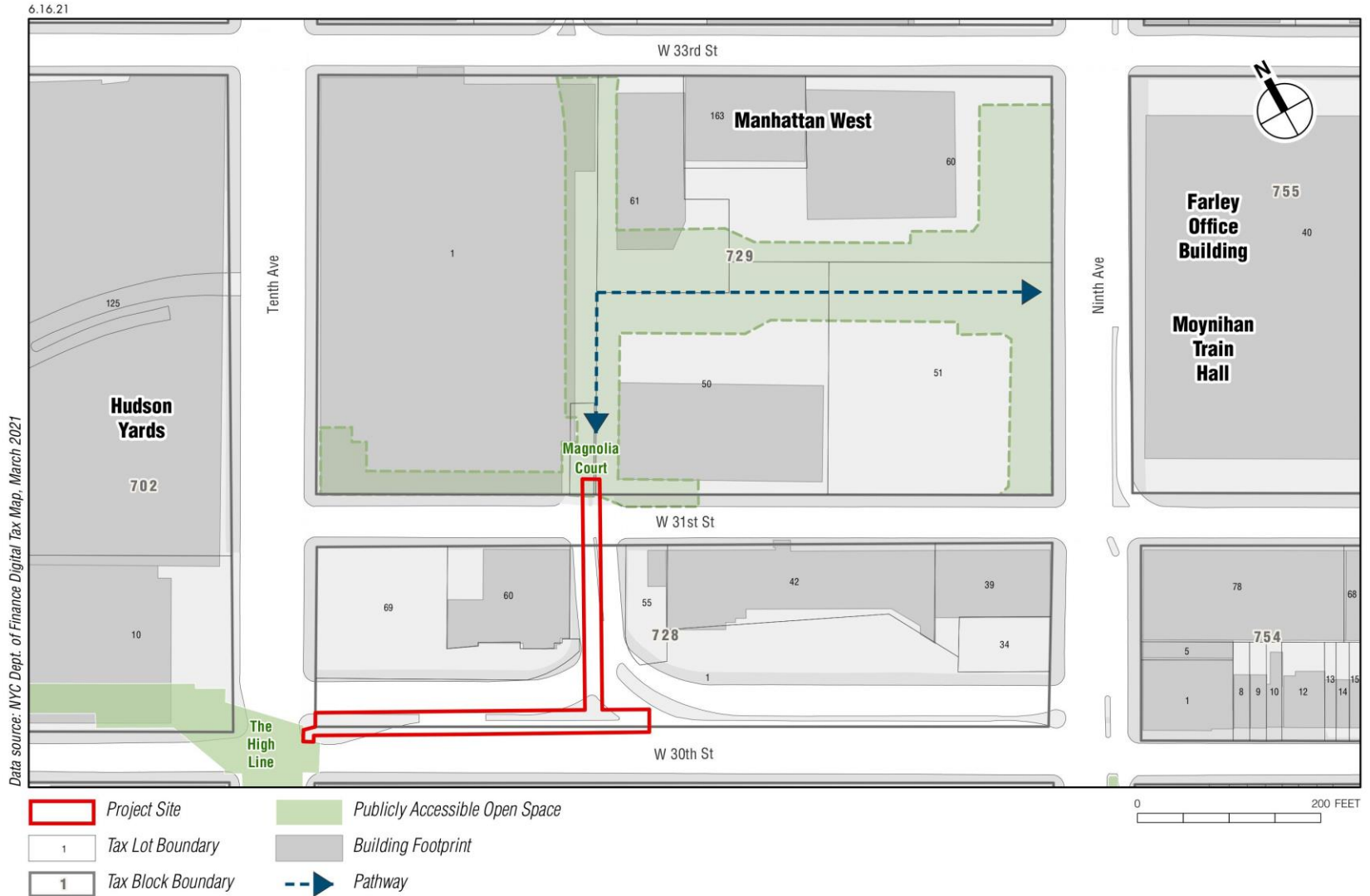
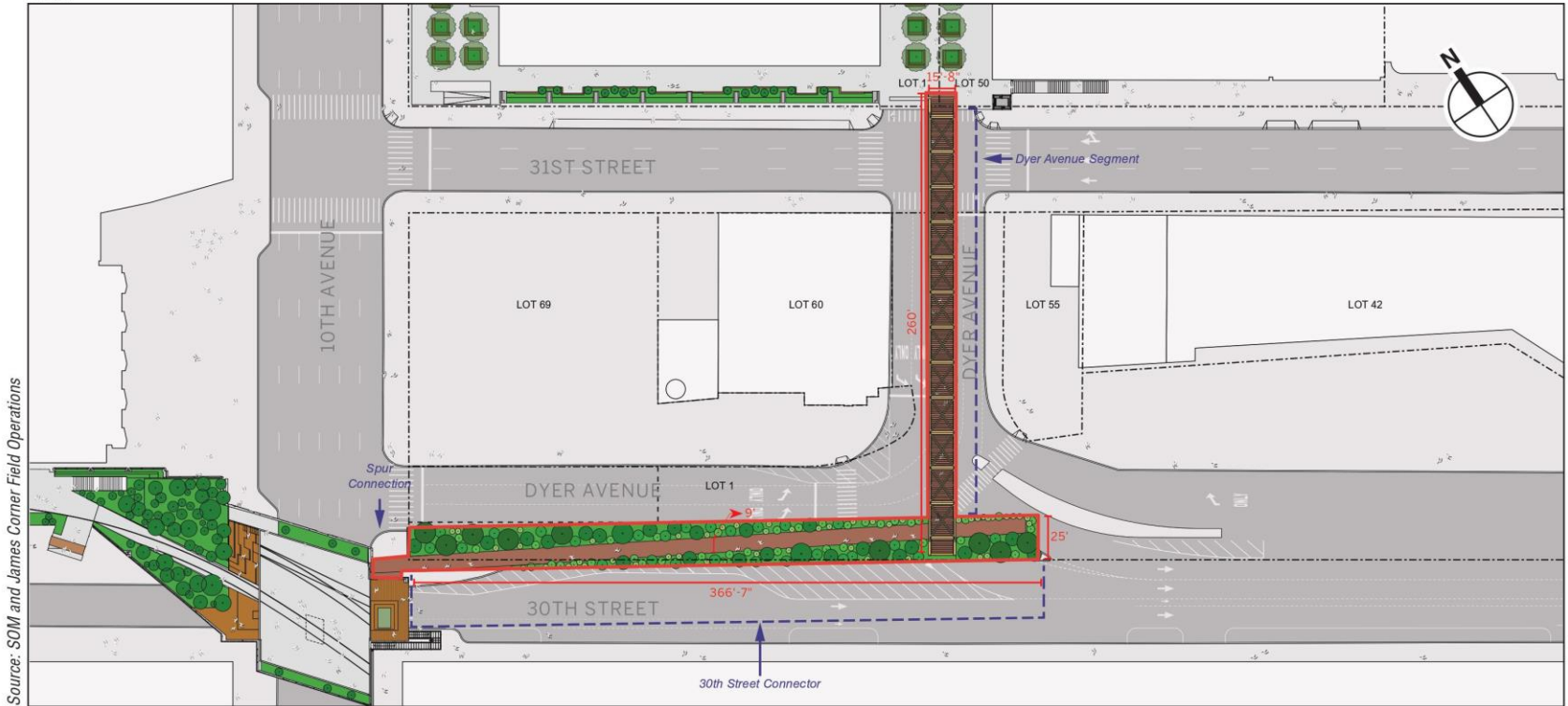


Figure B – Site Plans

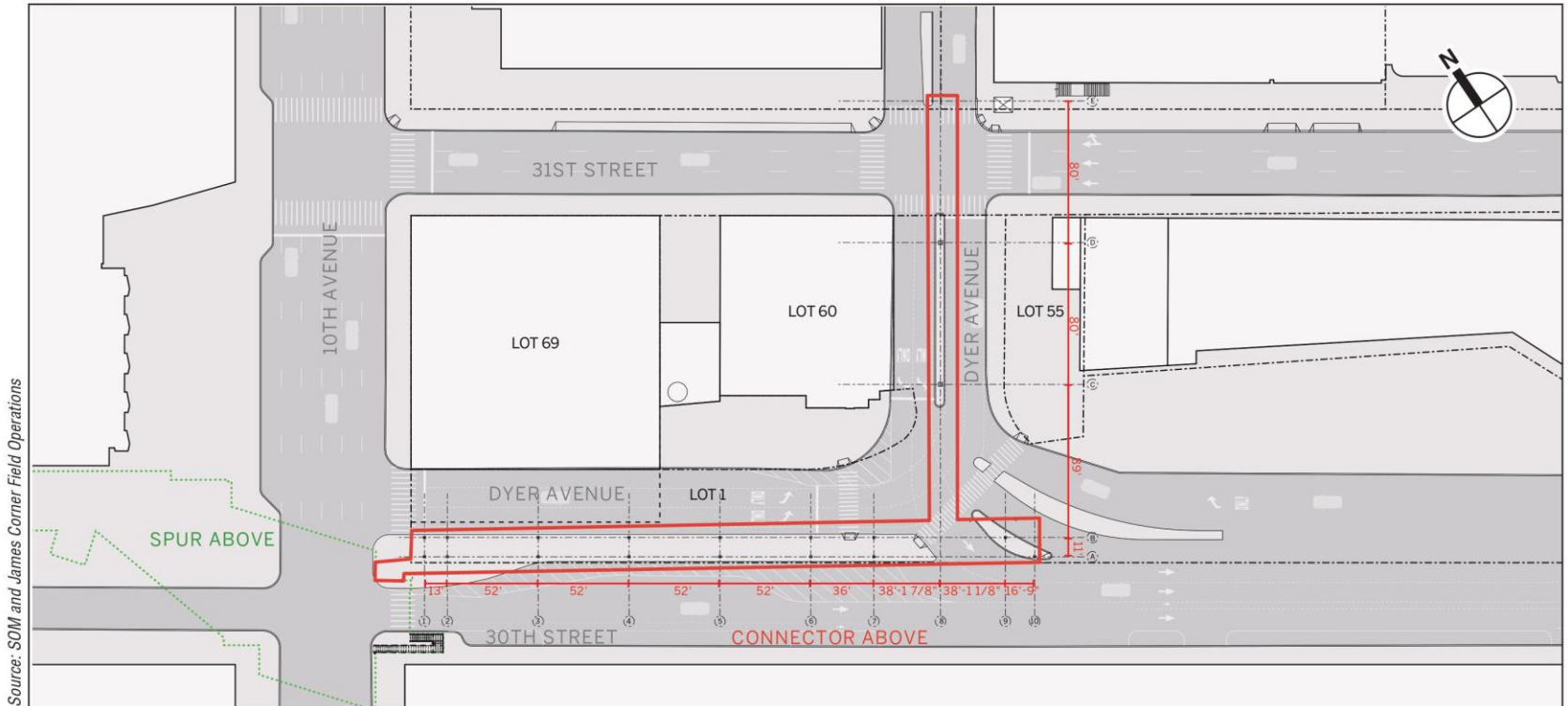
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 Project Site

Figure B – Site Plans

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Source: SOM and James Corner Field Operations

 Project Site