



CITY OF NEW YORK

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April 18, 2005

Robert Dobruskin, Director  
Environmental Assessment & Review Division  
New York City Department of City Planning  
22 Reade Street, Room 4E  
New York, NY 10007

**Re: Response to the Special West Chelsea District Rezoning and High Line Open Space Draft Environmental Impact Statement**

Dear Mr. Dobruskin,

The following is the response of Manhattan Community Board No. 4 to the Draft Environmental Impact Statement for the Special West Chelsea District Rezoning and the acquisition and site selection of the High Line Open Space. The Board has commented on those chapters that raised the greatest concerns, and with which it has the greatest expertise.

As we have stated previously, the Board supports development in western Chelsea that balances the needs of the community and the city. We welcome the conversion of the abandoned High Line rail line into a public open space and agree that parts of the area now zoned for low density industrial use should be rezoned to allow for residential and commercial use.

However, as you will see from what follows, we are particularly concerned with the effect of the proposed action on neighborhood character, the socioeconomic environment, the existing art gallery district, and local historic resources. We also believe that methodological flaws have led to an underestimate of the traffic likely to be caused by the action, and therefore to an underestimate of the air pollution and noise that will be generated by the traffic. The DEIS also both underestimates and minimizes the effect of the action on area open space, particularly active open space.

As we stated in our official response to the West Chelsea ULURP application, we believe that a change in subarea boundaries and creation of a historic district will go a long way towards relieving some of these problems. Others, such as those related to traffic and open space, will be harder to resolve. Throughout our response, we have generally recommended potential mitigation strategies at the end of our critique of each chapter.

We are generally disappointed in the failure of the DEIS to fully and frankly discuss the negative environmental impacts of the proposed action. Honest analysis is necessary to reasoned decision making. We hope that the flaws we point out on the following pages will be corrected in the Final Environmental Impact Statement.

## **CHAPTER 2 - LAND USE, ZONING, AND PUBLIC POLICY**

Although this section is largely a technical statement of the consistency of the proposed actions with public policy, there are a few problems with the description of current conditions. The impact of the rezoning on the art galleries needs to be more carefully studied rather than based on generalities. Another issue is the consistency of the proposed actions near Tenth Avenue with the Chelsea 197a Plan.

### **Art Galleries and Other Businesses**

On pages 2-5 and 2-6 the discussion of existing uses states accurately that “art galleries are the predominant commercial use, located both on the ground floor in converted garages and in the upper floors of converted loft buildings. Galleries are located on nearly every block.” Although this is currently true, we are concerned that the proposed rezoning threatens the expansion of the art gallery district, contrary to the stated goals of the action.

Rezoning much of the area for residential use will mean the loss of lower-priced upper floor spaces that have traditionally attracted smaller and more experimental galleries. These galleries give diversity and interest to the art gallery scene, and are also typically the pioneers that expand into new areas. Without the upper floor spaces, they may no longer be able to continue their expansion into areas surrounding the district’s core.

Although the action presumes that galleries will be able to locate in the ground floor commercial spaces that will be created by new residential developments, those created thus far have proved marginally attractive and quite expensive to galleries. In the rezoned area, galleries will have to compete with retail and service uses for these spaces.

The loss of inexpensive upper and ground floor space for galleries may mean that the rezoning will restrict the expansion of the gallery district. The impact of this restriction must be studied effectively and mitigation or alternatives proposed. This is not done in the discussion under the Future with the Proposed Action. The limitations of the area for the expansion of galleries set out on page 2-25 in the evaluation should be the starting point for this evaluation. Reducing the area to be rezoned by locating the boundary of Subarea E at the midline of 19<sup>th</sup> and 20<sup>th</sup> Street and limiting the width of the Eleventh Avenue corridor to 100 feet between this line and 22<sup>nd</sup> Street, as proposed by Community Board 4, should be evaluated as an alternative to reduce these impacts and those on Historic Resources as well.

The statement on pages 2-47 and 2-48 that the rezoning will “create significant opportunities for the growth of the art gallery district” is very unlikely, given the increased cost of space and the loss of the character that has proved attractive to galleries and is definitive of the art gallery district.

In addition to galleries, other existing businesses that serve both the local area and the central business district could be similarly threatened by the rezoning. Many will become non-conforming uses, some will conflict with residential uses, some could be driven out by higher rents. This too has not been adequately evaluated.

### **Technical Correction**

On page 2-39 it is incorrectly stated that C6-4 is to be mapped in Subareas A,B,C, and E. This is fortunately inaccurate: it is only to be mapped in Subareas A and G, as Figure 2-6 shows.

## Height, Density, and the Chelsea 197-a Plan

On pages 2-3 and 2-44, under Subarea C, it is stated that the “new development is consistent with the high street wall loft buildings on Tenth and Eleventh Avenues”. As can be seen in the pictures included in Chapter 8 on Urban Design, the street walls of Tenth and Eleventh Avenues are very different in character. While the description is largely accurate for Eleventh Avenue, it is quite inaccurate for Tenth Avenues, where tenements of five stories and less and commercial buildings largely comparable or lower in scale dominate except for perhaps two blocks in the entire length of the area to be rezoned (excluding parking lots). The maximum height of 145 feet is not consistent with the context of Tenth Avenue.

The situation along Tenth Avenue is similar in Subarea F (pages 2-44 and 2-45), where there are no “high street wall loft buildings” on either side of Tenth Avenue. A height of 120 feet is completely out of context in this area. Thus the statement on page 2-48 that the density and bulk regulations would relate to the existing built environment in West Chelsea and “compliment [*sic*] the existing varied street wall character along Tenth Avenue, including the row houses of the Chelsea Historic District” is inaccurate.

The discussion on page 2-50 of the Chelsea 197-a Plan modified and adopted in 1996 reconfirms this point. At that time it was promised to review M1-5 districts west of Tenth Avenue to see if residential uses could be mapped as part of the overall Neighborhood Planning Framework adopted for the original Plan area. As the DEIS states: “The Plan lowered allowable density for the area surrounding and including the Chelsea Historic District.” In the implementation the area east of Tenth Avenue was downzoned to R7-B in the Chelsea Historic District and between 24<sup>th</sup> and 25<sup>th</sup> Streets, a blockfront dominated by row houses. It is clear that rezoning on the west side of the Avenue in these locations was to be compatible with that on the east side, since maintaining the character of the avenues in the larger context of an urban form rising from the low point of Tenth Avenue was a principle of the plan and avenues were consistently mapped at the same bulk on both sides to preserve urban character and form. The west side of the Tenth Avenue in these places was, as it still is, built low. The same principles should apply north of 25<sup>th</sup> Street, where R8 at 6.02 FAR was preserved as fitting the context of Tenth Avenue in the Elliott Houses.

The DEIS is thus in error to regard the proposed rezoning immediately west of Tenth Avenue between north of the midline of 19<sup>th</sup> and 20<sup>th</sup> Streets as consistent with these established guidelines and alternatives must be set out that would actually be consistent. West of the High Line and south of the midline of 19<sup>th</sup> and 20<sup>th</sup> Streets the statements in this paragraph are reasonably accurate, but the generalities expressed here do not correspond with reality along most of Tenth Avenue. The frequent repetition of the description “loft buildings” in discussion of this context is misleading, as the common understanding of the words is a large building, often of twelve stories or more in midtown, rather than the reality here, similar in scale to the walkups they stand among. Looking at the area itself or of the pictures in the Chapter on Urban Design shows this reality..

We note that this chapter is not reflected under Mitigation, presumably because no adverse impacts or conflicts were found in this section. The omission must be corrected to reflect this discussion.

## CHAPTER 3 - SOCIOECONOMIC CONDITIONS

West Chelsea is that portion of Chelsea west of Tenth Avenue, adjacent to the Hudson River front. Historically, area residents lived east of Tenth Avenue and worked west of Tenth Avenue

in the area's transportation, warehousing and manufacturing businesses. While the primary study area is West Chelsea, it cannot be considered without reference to its traditional bedroom community to the east.

### **Existing Conditions**

Over the years West Chelsea developed a thriving auto repair and service business as well as parking for limousine and truck fleets. It also developed a modest residential population, largely in small-scale tenements along Tenth Avenue north of 23<sup>rd</sup> Street, and in the northern midblocks. It then became home to artists in live-in studios who were followed by art galleries that proliferated rapidly.

The 1996 Chelsea 197-a Plan led to the splitting of the West Chelsea manufacturing area in two by a luxury residential corridor centered on 23<sup>rd</sup> Street. The proposed action would continue this residential incursion by encircling the two remaining manufacturing areas with luxury residential buildings.

### **Residential Displacement**

Since the permitted uses of the 23<sup>rd</sup> Street corridor will not change under the proposed action, the proper framework for evaluating direct residential displacement is the effect on the residents living on Tenth Avenue and in the northern midblocks. By eliminating the recent, stable, relatively wealthy population in the 23<sup>rd</sup> Street corridor, it becomes clear that the proposed action will displace most, and eventually perhaps all, existing residents in the primary study area. It also is clear from recent population trends in Chelsea that the projected new residents will be far wealthier than those that will be displaced, changing the socioeconomic environment dramatically.

Since the future with the proposed action will see more than a doubling of the residential population in the primary study area (including the already densely populated 23<sup>rd</sup> Street corridor) over the future without the proposed action, the proposed action will exacerbate the trend that has transformed Chelsea into an increasingly expensive neighborhood that is no longer affordable to its traditional residents.

### **Adverse Effects on Specific Industries**

The DEIS confidently predicts that the proposed action will have no negative effects on the West Chelsea art gallery industry, and in fact will enhance it by providing additional space in the projected commercial floors of newly built buildings. As discussed above regarding Chapter 2, we are concerned that by encircling the manufacturing areas and further reducing them in size, the proposed action will greatly increase the pressure for residential development, thus increasing rents to the point where small galleries will no longer find West Chelsea attractive or even affordable.

The proposed action will displace auto repair and service businesses, and parking facilities. Even though these businesses may relocate to other sites in the city, their essential services will be lost to the local population.

The DEIS states that the newly created mixed-use community would provide a new neighborhood to support the nightclub/cabaret industry. It also notes that the proposed action area contains nine large capacity cabarets and that new ones would be allowed as-of-right in the entire study area in the future with the proposed action. Finally, the DEIS notes that

residential uses and large capacity cabarets are not highly compatible uses, but concludes that a properly operated cabaret should not be a nuisance to its surrounding neighborhood.

Our experience is that no matter how well run individual large capacity cabarets may be, they cause problems for the surrounding community because of the number of patrons they attract and their peak hours of operation. These problems are greatly exacerbated by multiple cabarets because traffic on the surrounding streets and avenues slows, or even stops, to the point where drivers express their frustrations with their horns. A street full of cars and taxis with blaring horns at 3 AM is most definitely a nuisance to its surrounding neighborhood.

We believe that continued, concentrated growth in the nightclub/cabaret industry in West Chelsea will intensify existing anti-club sentiment and lead to a full-scale community backlash.

#### **CHAPTER 4 - COMMUNITY FACILITIES**

The DEIS assumes that police and fire services will increase to meet the demand caused by the new development, but provides no analysis whatsoever of that increase. The 10<sup>th</sup> Precinct is already stretched thin, particularly given the necessity of policing the many nightclubs in the area. As residents move next door to clubs, the conflict between the two uses will increase, as will the need for police response. The new residents will also obviously bring with them additional needs for fire, police, and emergency medical services. We would like to see a serious analysis of the additional needs and how they will be met.

The DEIS also assumes that the existing libraries are adequate to serve the new residents. This conclusion is based on a footnote in the Hudson Yards EIS to the effect that the consultant who prepared the EIS placed a phone call to the New York Public Library (NYPL) Senior Vice President for Construction, Norman Holman, and was told that there would be no problem. We have since spoken to Mr. Holman, who does not recall that conversation. No one at NYPL has performed any kind of analysis regarding the capacity of the Muhlenberg and Jefferson Market Libraries (or the Columbus Library, for that matter) and their ability to serve the new residents. An actual analysis of the impact of the new development on the local libraries is required.

#### **CHAPTER 5: OPEN SPACE**

The open space analysis is unfairly slanted in favor of the proposed action. Even with this bias, the quantitative analysis reveals that the action would result in a serious decrease in the open space ratio, particularly in regards to active open space. The actual decrease will be even worse than predicted, because the analysis relies on an underestimate of existing population and an overestimate of future open space. The failure to adequately discuss this problem in the chapter on Mitigation and the Executive Summary is a policy decision that does not belong in the DEIS. As mitigation is difficult, alternatives must be explored.

##### **Understatement of Population and Use**

Pages 5-3 and 5-10: Year 2000 Census figures are used in this Section as elsewhere for the residential population. It is now 2005: updated data must be used. The population of the study area decreased between 1990 and 2000, but since then school populations and other data show that the number of young people, especially, has increased. The rate of increase stated on page 5-10 needs adjustment. Otherwise the evaluation of the impacts on open space from increased population expected from the development is skewed by the fact that the base population data are understated.

Page 5-5: The inventory of open space was taken in April and May 2003, with updates in May and June 2004. The period of heaviest use of active resources like playgrounds and playing fields is during the summer vacation period, which extends from the end of June to the beginning of September. The lower level of observed use will distort at least the qualitative observations of adequacy of resources. The pressure on the inadequate existing resources will be understated as a result of this choice.

### **Overstatement of Open Space Inventory**

Page 5-6, Table 5-2: Not all the Penn South active-use areas such as playgrounds are open to the general public. Do the figures in the entry for Penn South (#7) allow for this? From personal observation the play space north of 26<sup>th</sup> Street near Eighth Avenue called "Sandbox Park" is often heavily used while other spaces in the development vary in character and utilization.

Pages 5-12 to 5-14. The evaluation of the Hudson River Park (#3 in the Table) is incomplete. Because of problems encountered by the Department of Sanitation in relocating its vehicles and salt pile, the construction of the park in the Gansevoort area is unlikely before the evaluation date of 2013. It is unknown whether the park as constructed will match the park that is projected. There is no deadline for DSNY to evacuate and funding is not available for this portion of the park. In addition the Solid Waste Management Plan may well include a marine transfer station on the peninsula that is likely to reduce open space there.

Thus the figures showing over 4 acres of open space at Gansevoort in Table 5-4 on Page 5-13 must be treated as uncertain and not relied on in the evaluation of future open space. This is particularly important since this area represents over half the new active open space expected to be added in the study area (Table 5-4).

The lawn that constitutes most of the figure for open space at Gansevoort is designed to provide for passive uses as well, so that the figure of active space here should be reduced, or the use at least considered in the qualitative evaluation.

At Pier 57 the Leonardo proposal has received a contingent award of the pier. Like the other contender, it is to provide a considerable amount of almost exclusively passive public open space. These proposals are discussed on page 2- 22 of Chapter 2 of the DEIS without reference to the amount of open space proposed. The space offered by Leonardo should be obtained from the Hudson River Park Trust and evaluated both quantitatively and qualitatively.

The design of Segment 6 of the park roughly between 26<sup>th</sup> and 33<sup>rd</sup> Street treats it almost as a supplemental part of the Hudson River Sanctuary and provides minimal facilities for humans. This should be recognized in qualitative evaluation.

As a matter of formal accuracy Chelsea Waterside Park including the largely completed part east of Route 9A, treated separately on page 5-8, is defined by the Hudson Reiver Park Act as part of the Hudson River Park.

Although the ULURP for Hudson Yards has been approved, the open space on the rail yards and near the stadium (# 's 28, 29 and 30) in Table 5-4 must be also regarded as uncertain and should be so described. The block between 33<sup>rd</sup> and 34<sup>th</sup> Streets (#30) is unlikely to be fully open space: recent designs show retail and other uses for part of the block, making the figure of 3.60 acres unreliable. Since the future of the facility and the Olympics it is intended to serve are

uncertain, the final amount of open space in this area and its nature and quality must be carefully evaluated both for probability and quality.

### **Actual Decrease in Open Space Ratio; Inadequacy of Review**

In general the qualitative data are selected so as to minimize the impacts of the already understated increase in population. The considerations listed above should be included to give a more complete and objective picture. The tendency to offer in the qualitative evaluations only considerations that minimize impacts and maximize non-qualifying or unlikely options rather than evaluating issues objectively has a cumulative effect of loading environmental review in favor of the action. While noticeable throughout, it is especially clear in this chapter.

In the evaluation of the impacts on page 5-18, together with Table 5-6 on page 5-21, it is clear that the thresholds set by CEQR guidelines (page 3D-5 especially) have been crossed in the With Action case: total open space ratio will be reduced by 3% from the no-action conditions to 1.23, 18% below the standard of 1.5; and the active open space ratio will be reduced by 11% creating almost an inversion of the planning goal of 80%/20% for active/passive open space.

In the relatively unlikely case of the Base FAR Scenario the impact is clear, since without the open space of the High Line the decrease of 7% in the existing context of open space deficiency is unacceptable.

In the Mitigation section (pages 22-2 and 22-3) the dismissal of these impacts is improper. Indeed the failure to mitigate or provide alternatives (mitigation appears infeasible) on the ground that "such measures could tend to decrease the amount of housing developed within the proposed action, which would be inconsistent with the purpose and need for the proposed action" is inconsistent with the purpose of environmental review. The function of an EIS is to provide the basis for the evaluation of an action by policy makers on the basis of its environmental effects. The situation should be laid out, the alternatives proposed and evaluated, and the choice set out clearly in that section and the Executive Summary.

## **CHAPTER 6: SHADOWS**

The elaborate analysis includes many computer-generated shadow diagrams in color. The conclusion is of the common type that the only significant impacts are those on the stained-glass windows of two churches.

This result is attained by not fully discussing certain historic resources and by omitting or explicitly excluding significant open spaces that are relied on in the section on Open Space. Shadows on the High Line and spaces associated with it and the Hudson River Park are the principal omissions and these will pass the standard of duration of shadow.

The tally of shadow impacts should be updated to reflect the corrections made not only in this chapter but also in those on Open Space and Historic Resources.

The failure to present mitigation or reasonable alternatives for the resources identified as adversely impacted is, as in the preceding chapter, incorrect.

### **The High Line**

The omission of the High Line from the analysis is rationalized in several locations, first on page 6-2, where it correctly states that the conversion of the High Line to a park will not significantly

change the coverage of shadows cast. It will, however, shadow the plaza to be created on the eastern part of the block between Tenth and Eleventh Avenues and 17<sup>th</sup> and 18<sup>th</sup> Streets. This is an open space included in the Open Space tallies. This plaza will also be shadowed by the buildings that will be erected as a result of these actions to both the east and the west.

On pages 6-6 and 6-7 it is stated that the effect of shadows on the High Line considered as an historic resource will not be significant. This is not accurate. The High Line is visible not only from above and to walkers on it; it is also visible from the side and below along the streets. It is black or dark in color, and the details of the ornamental parapet wall of the High Line are the only ornamental portions of the structure and give it a special character that distinguishes it from other elevated rail or roadways. Seeing clearly this significant characteristic as the line crosses the narrow streets that are to become more heavily built up requires good light on the pillars or stanchions that support it. Its striking industrial undersurface also requires clear light. Thus shadows cast upon the High Line by the tall buildings close to it that the rezoning will produce directly and indirectly will make these distinctive views hard to make out and have a significant adverse impact.

On page 6-18 it is stated that the High Line considered as an open space is not included in the analysis since it is created as part of the action. This test is not found in the CEQR guidelines, and is invalid. First, the High Line is an existing open space that will become public as a result of its acquisition and conversion to a park. Second, the acquisition of the High Line is a separate ULURP action from the rezoning that will create lines of high structures along its length. This is recognized in the separate environmental analysis for the "Base FAR Scenario" (without the acquisition and conversion of the High Line) as well as in such facts that the acquisition was explicitly the only one of this group of actions that was reviewed by the Manhattan Borough Board. As a matter of reality, the impact of shadows on the High Line from the new structures will be massive both in size and duration; it is an evasion to say "the design of the High Line open space would consider the expected the *[sic]* shadows in its design." The issue is whether this can be mitigated.

### **Historic Resources**

While this is the most striking case of historic resources that are "sunlight sensitive," the text on page 6-6 declaring "the details of the features of the above mentioned historic resources...are not the primary historic characteristics resulting in their designation or potential designation as historic resources" is in error. This fit-all depreciation of the elaborate architectural details of many Nineteenth-Century structures has been used in other environmental reviews and ignores the fact the general form of buildings of this period was generally standardized, but the details deriving from Classical, Gothic, and Renaissance structures were the elements that distinguished one from another by design and craftsmanship and that give the styles their names. Direct sunlight may not be necessary, but clear light is. In the narrow streets of New York good light from the sun is usually required to perceive these features and the only way of evaluating this impact is shadow analysis.

### **Hudson River Park**

The Hudson River Park is another open space that is included in the tallies of open space in this DEIS; but it is not included in the analysis, except for the existing portion of the Chelsea Waterside Park east of the highway, which the enabling act declares an integral part of the Hudson River Park. The new structures that will be permitted along Route 9A (Eleventh Avenue) south of 22<sup>nd</sup> Street will shadow much of the Hudson River Park across Route 9A. While this will be little more than a green strip along the Chelsea Piers at this point, it will have a



real park-like largely passive presence just to the north and south of the piers in areas that will be affected by shadows from these buildings, which will extend as far south as 17<sup>th</sup> Street. The completion date for this segment of the Park is estimated to be well before 2013. The waterfront walkway around the Chelsea Piers is legal waterfront access and hence public open space that should also be considered. The fingers of Piers 60 and 61 are also on the Historic Register and were omitted in error from the tally of Historic Resources, and should be included in the analysis of shadows.

Pier 57 is also part of the Hudson River Park, and has been contingently awarded to a developer who will provide a good deal of public open space, mostly on the roof of the pier near Route 9A, and on walkways and balconies around the pier. There is a discussion of this in Section 2. Pier 57 is also on the Historic Register and was thus erroneously omitted from the tally of Historic Resources. Analysis must include the impacts of shadows on the Pier as an historic resource and also on the predominantly passive open space to be provided, which will probably include a community garden.

### **Other Open Spaces; General Theological Seminary**

There are a number of open spaces that form integral parts of historic resources that will be affected. In the Chelsea Historic District the campus of the General Theological Seminary and the "garden spaces" in the interiors of rowhouse blocks are specifically protected by the Landmarks Commission, as are the planted setbacks from the streets and the street trees required by Clement Clarke Moore. These are called out in the text of this chapter (pages 6-2 and 6-3). They must be specifically evaluated.

The campus of the General Theological Seminary is also a space regularly open to the public for part of the day, and includes a playground as well as passive areas and plantings. The campus and particularly the chapel of the Theological Seminary is a tourist attraction that is open to the public most of the day and is often the object of tours. The details of the architecture are especially important inside and out of the buildings, and sunlight through the stained-glass windows of the Chapel is especially important for this reason. The analysis must therefore include these features on the basis of greater importance and wider duration of sensitivity to adverse impact..

There is a considerable elderly population and sitting parks used by the elderly are particularly sensitive to shadows, especially in the cooler seasons. There has been no differential analysis on this basis, which would seem particularly appropriate in Chelsea Waterside Park, since shadows projected there have long duration.

### **Mitigation**

The Conclusion on page 6-19 of the Mitigation section that the shadow impact on resources near Tenth Avenue in and near the Seminary chapel and campus and the Church of the Guardian Angel are unmitigable is incorrect and unacceptable. An alternative, for example limiting the height of the buildings on the west side of Tenth Avenue as suggested by Community Board 4, would reduce these impacts without requiring removal from the rezoning area.

It must be stated here as in the comments on the previous section that calling such action unfeasible since it would decrease the amount of housing developed is improper. This is a policy decision that the EIS is intended to illuminate. The purpose of the EIS is to evaluate the

action for modification or withdrawal. It should set forth feasible alternatives here and in the chapter on Mitigation as well as in the Executive Summary.

## **CHAPTER 7 - HISTORIC RESOURCES**

### **Identification of Resources and Impacts**

The EIS for Hudson Yards made a serious effort at evaluation of historic resources and has clearly been a source for the resources identified in the northern part of the area to be rezoned. Insofar as the present chapter reflects this document, it is accurate, although the more summary entries for the various resources identified do not give so complete a picture of the value of the resources in the area. The fuller entries in the Hudson Yards EIS should be carried over to the resources identified in both documents, and the model of entries in the Hudson Yards EIS should be used for the other entries in this text.

Another valuable source for information and evaluation for the area is the draft report of the 2001 Studio of the Columbia University School of Architecture, Planning, and Historic Preservation, which made a study of the old West Chelsea industrial area. While not complete or consistent in the evaluation of historic buildings, it is a useful tool. It forms a useful start for approaching closer evaluation of the area. Such evaluation is essential for mitigation by New York City Landmarks designation or listing on the Historic Registers.

There are a number of actual errors in the text of this chapter that need to be corrected.

### **Architectural Resources: Existing Conditions**

The text of the section is confused or inaccurate about the status of some of the resources identified, as is Table 7-1. Typical is confusion about the judgment of the Landmarks Preservation Commission that a property is appropriate for designation as a landmark with actual designation as such, calling both by the term "listed" that is appropriate for the Historic Registers. These properties include:

- No.21: The Starrett Lehigh Building is actually listed on the Registers.
- No.27: 446-460 West 25<sup>th</sup> Street is incorrectly said to be "listed" on the Historic Registers and by the LPC. The word is presumably "eligible" for both.
- No. 28: 461 West 24<sup>th</sup> Street - the same error.
- No. 30: 461 West 18<sup>th</sup> Street - again the same error.
- No. 31: 445 West 18<sup>th</sup> Street - the same.

No 13, the Wolff Building on West 26<sup>th</sup> Street, shown with that number on the table and the map, has dropped out of the text. It is consistently misspelled as "Wolf."

North River Pier 64 (specially listed as number 35) is incorrectly listed as eligible for the State and National Historic Registers although previous action by the State Historic Preservation Office had determined the contrary. This has been confirmed by SHPO to the Hudson River Park Conservancy, which administers the property.

The error may be due to confusion with a pier actually listed on the Historic Registers, the float transfer bridge called Pier 66A, two blocks to the north, which served the Baltimore & Ohio railroad yard and warehouse (Number 26). This was one of a series of such bridges nearby that served the area and made it capable of being the center of industry that it became. It is so

important that it was raised and restored by the State Department of Transportation and the Hudson River Park Trust.

Clear omissions at least partially within the 400 foot affected area are the fingers of Piers 60 and 61 in the Chelsea Piers complex, which are listed on the Historic Registers, and Pier 57, also on the Historic Registers. These, like Pier 66A, are within the Hudson River Park.

### **Threats to Historic Resources**

In evaluating the impacts of the proposed action, demolition of historic resources is clearly the greatest threat. However, in evaluating the lesser threat of conversion of industrial buildings a distinction should be made between commercial conversion and residential conversion. Commercial conversion of the largely sound and clearly handsome industrial buildings in the area is likely not to involve major changes that will destroy the character of the buildings. On the other hand, residential conversion often entails the loss of significant features and even the character of the structure because of such requirements as rear yards and the desire for light, air, and views

On page 7-22 the conclusion that there are no significant indirect effects on historic resources is belied by the discussion immediately following.

The context and setting of the Charles P. Rogers Building would be utterly transformed, if indeed it survived the rezoning. Immediately behind it on 30<sup>th</sup> Street, residential buildings at 10 to 12 FAR would be erected, and buildings beside it and across the street would be erected rising to 145 feet. It is now prominent and its delicate details clearly visible on a low, attractive street.

A major resource cited, Seamen's House, which is likely to remain due to its use and ownership, would lose its conspicuous site on the river and the recently repainted mural on the south side, and would be out of scale with the considerably higher buildings proposed to its east and north. The proposals by Community Board No. 4 to locate the boundary of the rezoning to the south in the midblock of 19<sup>th</sup> to 20<sup>th</sup> Street and to reduce the rezoned corridor north of this boundary to 100 feet would form an alternative that would reduce these impacts and should be evaluated. It would also reduce impacts on the art galleries in the area and preserve the handsome streetscape of 20<sup>th</sup> Street.

The discussion of indirect impacts on the Chelsea Historic District is misleading in that it ignores the reality that the west side of Tenth Avenue opposite is mostly lined with low red brick structures, the Guardian Angel Church and low tenements. These form an appropriate environment for the Church and Historic District, and the height limit of 80 feet proposed by Board 4 would tend to protect these buildings and their environment. The change in character to a mix of old industrial buildings at a greater scale takes place at the High Line. This issue is discussed in Chapter 2 and elsewhere.

The same considerations apply to the discussion on page 7-26, which speaks misleadingly of "the avenue's large loft buildings" of which there is exactly one between 17<sup>th</sup> Street at the south edge of the rezoning and the Morgan Post Office at the north edge. The few large loft buildings on Tenth Avenue are at the ends of the area to be rezoned; the one exception is the 125-foot Williams Building north of 25<sup>th</sup> Street.

## Resources and Mitigation

It is clear from the discussion on page 7-14 that the only means of reliably ensuring that there will be minimal adverse effects on undesignated historic resources is to obtain designation by the New York City Landmarks Preservation Commission. While listing on the Historic Registers would not affect private actions, such listing would provide significant tax advantages if buildings were sympathetically converted.

The Board is following up on this indication. On the basis of the material available from the two EIS's, and from such other sources as the recent studio of the Columbia University School of Architecture, Planning, and Historic Preservation, Manhattan Community Board No. 4 formally requests timely action for New York City designation of the valuable and significantly threatened historic resources discussed below. The large number of structures declared eligible for the Historic Registers suggests that prompt parallel action to list them on the State/National Historic Registers should be undertaken by arranging for preparing nominations in all cases where the owner did not object.

The Board requests detailed investigation of identified and potential historic resources within a study area within the core of the major industrial area in western Chelsea that is linked to the combination of water and rail transportation with a view to designating a New York City historic district. Individual landmarks nearby that cannot be included in a unified district should receive individual designation. The Board suggests boundaries of such a study area as shown by a thick line on the attached maps. The boundaries are defined on the north by West 28<sup>th</sup> Street extended westward to the pierhead line of the Hudson River and extending east along 28<sup>th</sup> Street to the High Line; on the east by the High Line from West 28<sup>th</sup> Street south to West 26<sup>th</sup> Street, east on West 26<sup>th</sup> Street to Tenth Avenue, south on Tenth Avenue to West 25<sup>th</sup> Street, west on 25<sup>th</sup> Street to the High Line and south along the High Line to the midline of 24<sup>th</sup> and 25<sup>th</sup> Street; and on the south by the midline of West 25<sup>th</sup> and 24<sup>th</sup> Streets to Eleventh Avenue, north on Eleventh Avenue to the continuation of the south line of Block 670, Lot 70, and west in this south lot line to its western end, then north on the west lot line of this lot, west on 26<sup>th</sup> Street to Twelfth Avenue, south on Eleventh Avenue to the north line of the former West 25<sup>th</sup> Street extended, and then following this line west to the pierhead line of the Hudson River.

This area contains a number of notable structures associated with industry and transportation in the area. On the west are three major warehouse buildings once served by the float transfer bridges concentrated along the North River between 25<sup>th</sup> and 30<sup>th</sup> Streets. The Hudson River Park Trust and the State Department of Transportation have recently raised and restored the Baltimore & Ohio float bridge, officially called Pier 66A, which served yards containing the former B&O warehouse at Eleventh Avenue and 25<sup>th</sup> Street. At various times, tracks in Eleventh Avenue established connections among this float bridge, the other float bridges, the Starrett Lehigh Building, the Central Terminal Stores Warehouse, and even the 30<sup>th</sup> Street Yards of the New York Central. Pieces of track and other remnants of other float bridges survive in the park

East of Eleventh Avenue were many other industrial buildings historically served by tracks from the float bridges or from the freight railroad on Tenth Avenue that preceded the High Line. Offices of industrial companies were also built here for convenience. This area epitomizes the industrial history of Chelsea and much of the West Side. In the late 19<sup>th</sup> and early 20<sup>th</sup> centuries New York was the major industrial city in the country. The pride and wealth of the flourishing industrial firms of the period was expressed in the quality of the buildings that housed them and the ability of the architects that designed them, the best known of whom is Cass Gilbert, and of the craftsmen that built and ornamented them. Most of them are constructed of brick, with the then new reinforced concrete as an alternative.

Most of the study area is not planned for rezoning except along Eleventh and Tenth Avenues; indeed most of the midblocks are planned to be reserved for the art galleries and service industries that now dot the area and which it is declared City policy to encourage in this rezoning. The changes to the area the rezoning will bring will inevitably bring new pressures for development in other areas as well. Conversions for new uses must be regulated to ensure that the character of the area remains and will thus help reinforce the art gallery uses. Action must be taken to prevent demolition of contributing buildings of a type that is disappearing and that will not come again.

While the study area needs a more thorough evaluation for resources that may have been missed, the Board urgently recommends immediate designation of a Historic District comprising the area within the boundaries shown on Map 2. The most important resources within the proposed District are listed below from north to south within categories. There follows immediately afterwards a list of a few significant resources located within the study area that are sufficiently isolated from the core Historic District, mostly by vacant lots, that they are unlikely to be incorporated into the District.

### **Identified Resources in the Chelsea Waterfront Historic District**

#### **Warehouses directly served by railroads, the first three mainly by float bridges:**

**Terminal Warehouse Central Stores;** Block 673, Lot 1 (entire block).

This building was constructed between 1890 and 1892, eventually filling the entire block between Tenth and Eleventh Avenues, and 27<sup>th</sup> and 28<sup>th</sup> Streets. It offered the first large cold-storage facilities in New York. It is notable for its handsome avenue frontages with great arches that lead to the huge open space for railroad and wagon loading and unloading. The shape of the space reflects its direct connection to the New York Central Railroad at ground level.

**Starrett Lehigh Building;** Block 672, Lot 1 (entire block)

This huge building was originally constructed over the Lehigh Valley freight yards that were served by a float bridge just to the west. It is a New York City landmark because of its adventurous modern design with enormous alternating bands of windows and brick spandrels. The elevators were planned to lift loaded trucks and freight cars.

**Baltimore & Ohio Terminal Warehouse;** Block 670, Lot 70

This building was located in the Baltimore & Ohio freight yards served by the last operating float bridge in Manhattan at Pier 66A. It was the first large reinforced concrete building in New York City, dating from 1912-1914, and a rare witness to the development and decay of railway transportation on the New York waterfront.

**Williams Warehouse;** Block 697, Lot 31.

This handsome reinforced concrete building was built in 1928 and designed to be served by the coming High Line via a platform at the rear at railroad level. It was designed by the famous architect Cass Gilbert, the architect of the Woolworth Building and the old Customs House on Bowling Green, as well as many other buildings, industrial and other.

### **Other industrial buildings and office buildings of industrial companies:**

#### **Berlin and Jones Envelope Company building;** Block 699, Lot 5.

This handsome building, which served at one time as a warehouse, was built in 1889 - 1900. It is well proportioned and designed, and has striking ornamental iron wall ties that were very likely created by the nearby Cornell Ironworks. It is a 6-story through-block building between 27<sup>th</sup> and 28<sup>th</sup> Streets that is on a probable development site, very likely a conversion with a possible rooftop addition and other changes to make it legal for residential use. Such a conversion must be carefully monitored so as not to cause loss of the building's historic features and character.

#### **E. R. Merrill Spring Co. Building;** Block 699, Lot 49

This building was constructed over the long period of time between 1872 and 1920, so that the handsome 3-story brick façade on 28<sup>th</sup> Street is not reflected by the more utilitarian former loading docks on 27<sup>th</sup> street. It too is on a development site, and its low scale probably dooms it to demolition unless protected.

#### **Otis Elevator Building;** Block 698, Lot 1

This headquarters for the Otis Elevator Company, whose factories occupied a long stretch along the railroad in Yonkers, was built in 1911 on the blockfront of Eleventh Avenue between 26<sup>th</sup> and 27<sup>th</sup> Streets, and has a fine cornice and striking Art Deco derived wall ornament. It was designed by the well-known firm of Clinton & Russell. At 7 stories, it may not survive the upzoning of Eleventh Avenue, and an attempt to gain a residential variance not long ago suggests that it is possibly under long-term threat.

#### **Wolff Building and Annex;** Block 697, Lots 42 and 47 (adjacent)

The description of this handsome building on 26<sup>th</sup> Street did not make it into the DEIS, although it is eligible for the State/National Historic Registers. It shows the evolution of reinforced-concrete architecture towards simpler forms. After 1934, books published here were shipped via the High Line platform behind the Williams Warehouse. It has for some time housed artists' studios (as the Chelsea Arts Building) and has recently been altered to include galleries on the street floor. It is not being rezoned.

#### **Reynolds Metals Company Buildings;** Block 697, Lot 23

These two buildings were the early headquarters of the Reynolds Metal Company, known as a pioneer producer of aluminum that became a leading company in the business. A stack on the building, until recently visible from 26<sup>th</sup> Street, recalled that originally the buildings were used for actual production of metal foil, including the famous Reynolds Wrap.

### **Other contributing structures**

#### **Garage:** 537-47 West 26<sup>th</sup> Street; Block 698, Lot 10

This building consists of two striking side-by-side single-story open spaces with peaked roofs supported by large trusses. It was a pioneer automobile garage/showroom and is a rare survivor of the early days of automobiles. Its small size suggests that even in this un-rezoned area it is under potential threat.

#### **Baltimore & Ohio Float Transfer Bridge** in Hudson River Park (Pier 66A).

This restored wooden truss structure is listed on the State and National Historic Registers. Its relationship to the surviving buildings it served calls for its formal inclusion in the proposed Historic District.

## **Other significant buildings in the study area**

### **Cornell Iron Works (later Standard Oil Company);** Block 697, Lot 5

This handsome building of 1891 on 26<sup>th</sup> Street housed a company that produced decorative ironwork widely found in buildings in New York. It was later used by the Standard Oil Company. It is next to a projected development site on Eleventh that might eventually swallow it up.

### **Zinn Building (also Royal Paper Company Building),** Lot 696, block 65

This 12-story building at 25<sup>th</sup> Street and Eleventh Avenue housing arts-related uses is probably large enough to survive the rezoning, but an attempt to gain a variance for residential use not long ago suggests that it might yet be converted with possible loss of character.

There are a number of other buildings within the study area possessing sufficient character and quality to be contributing buildings to the streetscapes and the ensemble of the Historic District, even if they are not of sufficient significance to be selected for individual designation.

## **Resources outside the study area**

A number of significant buildings outside the core study area are also clearly threatened and should thus receive evaluation for calendaring and prompt hearing by the Landmarks Preservation Commission. Other resources in the affected area, some but not all identified by the two EIS's as worthy of preservation, are not included in the list for immediate action because they are not seriously threatened by the effects of this rezoning, and so the need for immediate action is not so urgent.

### **Significant buildings in the extreme north of the area proposed for rezoning**

Between 29<sup>th</sup> and 30<sup>th</sup> Streets, close to the old 30<sup>th</sup> Street Yards, is an area planned for considerable upzoning, mostly to allow residential or commercial buildings at an FAR of 10, bonusable to 12 if for residential use. Several important buildings here are on potential development sites or sites indirectly threatened by development, and a small community still survives on 29<sup>th</sup> Street between Tenth and Eleventh Avenues. The area is uneven in architectural and historic quality, but contains a few buildings of major architectural and historic interest called out in the EIS for the Hudson Yards as well as that for the West Chelsea rezoning. These buildings are significant reminders of the industrial character associated with the historic New York Central Yards just to the north at 30<sup>th</sup> Street and their predecessors over the years. The area should receive a more adequate evaluation, but we urgently recommend the following structures for immediate evaluation and for calendaring for hearing by the Landmarks Preservation Commission:

#### **Former Hess Brothers Confectionary Factory;** Block 701, Lot 43

This 7-story building on 30<sup>th</sup> Street is of idiosyncratic Romanesque design with interesting details such as the columns at the base. Its size implies that it is seriously threatened by the rezoning. Designed by Romeyn & Co. Its style identifies it as a relatively early pioneer of elaborate design in the industrial area near the rail yards and it makes a fine impression when seen across the yards.

#### **Former W. & J Sloane Warehouse and Garage,** Block 701, Lot 1

This large brick building, enfolding the corner of 29<sup>th</sup> Street and Eleventh Avenues, is an eye-catching structure of elaborate Renaissance design. It was built in 1909, roughly doubled in size in 1913, and incorporates a 4-story garage on 29<sup>th</sup> Street of similar style

and materials but with large, distinctive motifs. Designed in sections by James Baker and by John Snook its size suggests it is more likely to be converted than demolished, but it needs protection.

**Charles P. Rogers & Company Building**, Block 701, Lot 24

This is an exceptionally handsome building with a striking cornice and fine design. Built in 1903, it is one of the finest features of the interesting ensemble on 29<sup>th</sup> St. Its low 6-story size means that it is seriously threatened by building under the high new zoning proposed here.

**550 West 29<sup>th</sup> Street Building**, Block 700, Lot 61

This 3-story small building, very likely a stable, is typical of the scale of the buildings that house the community centered on the south side of 29<sup>th</sup> Street, but it is by far the most interesting architecturally. It has a beam projecting above the long central windows on each of the upper floors testifying to its earlier uses as a stable or small industrial building, and an iron beam above the ground floors testifies, surprisingly, to the date of 1843.

**Significant buildings in the far south of the affected area directly adjacent to the area proposed for rezoning**

On 18<sup>th</sup> Street, directly facing the half-block designated for significant upzoning as Subarea H, are the two charming and very small buildings listed below. Most of the buildings on this blockfront are well below the FAR of 6.02 that the current zoning of R8A would permit, so that possible assemblages that would lead to the destruction of these structures form a significant threat to their survival. This is a likely effect of the upgrading of the area that will follow on the major redevelopments already planned to follow on the considerable upzoning foreseen by this proposal,

**461 West 18<sup>th</sup> Street**: Block 716, Lot 2.

This small building, probably originally a stable, was the subject of a well-known photograph by Berenice Abbott, and has hardly changed since. There are attic windows both full-size and small, a small gable facing the street and stone window sills and lintels in the brick front. Its long survival only adds to its charm.

**445 West 18<sup>th</sup> Street**: Block 716, Lot 12.

This is an interesting early Greek Revival town house with an interesting doorway and well-preserved wrought-iron details at its stair and areaway. The paneled stone lintels suggest an early date. This house and the stable nearby are exceptional survivors of the varied past of the area, and should be preserved as witnesses to an earlier period in an area that is soon to undergo major change.

The statement on page 2-55 of the chapter on Mitigation offers as the only possible mitigation eliminating affected development sites. This is rejected as it "would decrease the amount of housing developed." This statement is improper: mitigation options or alternatives should be developed and a clear choice placed before the decision makers here and in the Executive Summary. To offer choices to decision makers, not to call such choices infeasible out of hand is the proper function of an EIS.

The Board is attempting to offer such a choice, and the mitigation should be incorporated in the document. This would replace the unrealistic alternative suggested in the text by a realistic



means that is consistent with the actions proposed. It would not eliminate development sites but would restrict actions taken on them.

## **CHAPTER 8 - URBAN DESIGN AND VISUAL RESOURCES**

The conclusion of this chapter that there will be no significant adverse impacts on urban design and visual resources does not take into account the visual and design qualities of some of the likely development brought on by the proposed action.

This Chapter is largely an inventory of the urban design and visual elements of the area. A useful element is the accurate description of the Tenth Avenue corridor, which should be used to correct erroneous implications that this corridor is dominated by loft buildings that are used to justify the proposed scale of development in other sections. However, the selection of significant visual elements is too limited to reflect reality and leads to erroneous conclusions about significant views and the impacts of new development in the rezoned area.

### **General Character; Tenth Avenue**

The descriptions of building types in the Northern Rezoning Area on pages 8-4 and 8-5 are realistic in stating that low buildings of one to six stories dominate in the area with the exception of Eleventh Avenue and the West 26<sup>th</sup> Street corridor. The second paragraph on page 8-5 stating: "Three-to-five story walkup buildings line the west side of Tenth Avenue..." and "The buildings along this corridor are of lower bulk than loft buildings..." as well as the pictures in Figures 8-4 and 8-6 reveal that statements in locations in Chapters 2, 7, and 9 and elsewhere that the context is one of loft buildings are in error and should be corrected and conclusions drawn from these assumptions should be revised.

A similar statement about the Southern Rezoning Area on page 8-8 is that buildings there "are predominantly composed of one- to five-story buildings, with the tallest buildings of this Area located on the mid-blocks..." This feature of low avenues with buildings in the midblocks of equal or lower in height is a typical feature of historic Chelsea called out in the Chelsea Plan.

Another feature that is called out on Page 8-6 is that the "High Line dramatically punctuates the east-west streetwalls, essentially dividing these blocks, visually, into two separate sections..." This emphasizes the fact that the felt boundary of West Chelsea is the High Line and that the Tenth Avenue corridor is visually part of eastern Chelsea. Thus the scale and character of the west side of Tenth Avenue should reflect the east side. The proposals of Community Board 4 to limit the scale of the west side would maintain neighborhood character and urban design: the higher scale proposed in this action requires that mitigation or alternatives be found.

### **Streetscape Analysis**

Streetscape elements cited do not include historic buildings, whether designated or declared eligible, but they are significant elements in the streetscapes of the Northern Rezoned Area. The large buildings cited along the 26<sup>th</sup> Street corridor on pages 8-4 and 8-5 are handsome historic buildings that form the streetscapes of a Historic District the Board is proposing. Their loss would impoverish the streetscape and should be considered an adverse impact that could be mitigated by the measures the Board proposes in Chapter 7.

The streetscape analysis does not include the art work of low rough stone pillars that the Dia Foundation is sponsoring along 22<sup>nd</sup> Street in the Southern Rezoning Area. This testifies to the character of the area as an art district and one that should be protected against such adverse

impacts as the wide development corridor proposed on the west end of the block by reducing the width as Community Board 4 proposes.

### **Waterfront Area**

In the Secondary Study Area the description of the West Chelsea Waterfront contains some errors on pages 8-11 and 8-12. North of the Starrett Lehigh Building there is only one significant building, the 7- to 9-story Central Terminal Stores Warehouse, and then a set of low structures used by Con Ed and others. The block to the south is not one complex but the Postal Service garage on 24<sup>th</sup> Street, the Department of Sanitation repair shop in the middle, and the old Baltimore & Ohio warehouse on 26<sup>th</sup> Street.

The Hudson River Park is as yet undeveloped in the area except for the bikeway, which is indeed planted and cared for, the important historic float transfer bridge at 26<sup>th</sup> Street, and the Chelsea Waterside Park, which is part of the larger entity.

### **Visual Resources**

In the description of Chelsea the most important visual resources omitted are the 220-foot towers of Fulton Houses, which dominate western Chelsea south of 23<sup>rd</sup> Street and are a signpost to the area. Since these are public buildings, they are a public resource and views of them are significant. The limitation of such resources to historic and architectural landmarks and public open spaces is a factual error.

A more general error is the failure to regard designated historic resources as the only ones of significance. In Chapter 7 impacts on designated and eligible Historic Resources were treated on the same footing. The same principles should be followed in all treatments of such resources. To do this would mean the map in figure 8-12 would resemble the one in Figures 7-1, 7-1b, and 7-1c. It would reveal that whole streetscapes in the Northern Rezoning Area would be eligible visual resources to be protected from adverse impacts.

The mitigation proposed in that chapter should be adopted. This would allow development to occur in a richer visual environment instead of the impoverished one the destruction of these resources would bring. It would also tend to preserve important characteristics of streetscapes in the area.

### **Scale of Development; Views**

The development proposed along the High Line in both the Northern and Southern Rezoning Areas is described without reference to the scale. This omission vitiates the conclusion that the development here will not have adverse impacts, including those on the Chelsea Historic District. As stated elsewhere, the alternative of lower scale should be adopted.

It is to be noted that the scale of development just to the east of the High Line will limit such current views as those of the Chelsea Historic District, of the designated or eligible features like London Terrace, the rowhouses on 24<sup>th</sup> and 25<sup>th</sup> Streets, Chelsea Park, and the Empire State Building, views of which are rightly recognized as iconic in Chelsea. This development will affect not only the views now possible from the High Line itself, but from streets to its west from which views are frequently possible in the area. The alternative will improve both environments.

The cumulative impact of the number of lofty towers proposed for the Southern and Southeastern Rezoning Areas, most of which would be considerably higher than the towers of

the Fulton Houses and would obscure views of these signature elements from the water is an adverse impact of significance. The urban design of the area would be transformed by a cluster of towers, and views of acknowledged resources like the Merchants Refrigerating Company Warehouse from Tenth Avenue would be severely limited by the structures to the north. Such adverse impacts should be mitigated by adopting the limitations of height and bulk in the area proposed by Community Board 4.

While it is true that much of the development follows on the actions proposed, mitigation and alternatives must be adopted for the adverse impacts that will occur.

## **CHAPTER 9 - NEIGHBORHOOD CHARACTER**

### **General considerations**

Since most of the potential effects on neighborhood character are separately treated in other chapters, the bulk of comments are included in those chapters and the discussion here is frequently summary to avoid repetition. It often refers explicitly or implicitly to the critique of the other chapters that are used as a basis for this chapter, most especially the repeated discussions under several headings of impacts of the rezoning along Tenth Avenue. These discussions must be taken into account in any evaluation of the relevant portions of the DEIS. Any relevant modifications in those chapters should be incorporated in the evaluation here.

### **Existing conditions**

On page 9-2 the discussion of the art galleries does not include the southern concentration bounded by West 20<sup>th</sup> to West 22<sup>nd</sup> Street near the Dia Art Foundation that was the first center of art galleries in western Chelsea, and that continues, reinforced by the museums on 22<sup>nd</sup> Street and a large gallery building on 20<sup>th</sup> Street, to be of primary importance to the art gallery scene.

On page 9-3 there is no mention of the mini-community on 29<sup>th</sup> Street between Tenth and Eleventh Avenues with a Pentecostal church and a number of residents of varying legality. There are also a number of grandfathered loft tenants, mostly connected with the arts, on or near 26<sup>th</sup> Street between the same avenues.

On page 9-5 the General Theological Seminary contains a chapel, not an independent church. The chapel is a part of a larger complex that has been associated with Chelsea from the founding of both by Clement Clarke Moore and is an essential element of neighborhood character.

On page 9-7 the situation of Pier 57 should be updated. On March 21 the Hudson River Park Trust conditionally awarded the pier to Leonardo, a proposal that intends to maintain the historic character of the pier without additions as well as its links to waterfront history.

### **Impacts on Art Galleries**

The impact of the direct displacement of nearly 10% of the art galleries in Western Chelsea cannot be dismissed by stating that the core will retain its existing zoning. A blow like that can quickly lead to the departure of a notoriously fickle industry. The art galleries have been rapidly expanding throughout the area because of the low rents and suitable spaces. The limitation to new ground floor spaces - and some second floors - in upscale residential buildings where galleries will be in competition with retail and service uses will affect above all the smaller, more

experimental galleries that are an essential part of the character of the area but that cannot pay high rents.

Owners will hold out for higher rents and shorter leases since new residential buildings will be seen as offering greater returns. Some owners have already rented to galleries only after attempts at residential conversions through variances have failed. The resulting difficulties in expansion will reduce the flexibility that has prevailed so long and risk stagnation. The funky character of the area, so desirable for fashion's sake, will be threatened. Pressures for residential use, already present in various applications for variances, will increase. Alternatives that limit these adverse impacts must be explored.

A first step to reducing the impacts on the block of 22<sup>nd</sup> Street and those directly to the south that are essential to the art galley district and to the visual character of these streets as well would be to accept the proposal of Community Board 4 to relocate the north boundary of Subarea E at the midline of 19<sup>th</sup> and 20<sup>th</sup> Streets and so continue westward the line that forms the southern boundary of the Chelsea Historic District and the low contextual zoning that protects it east of Tenth Avenue. Reinforcing this dividing line would also help maintain a consistent community character in the area to its north. The associated proposal to reduce the width of the rezoned corridor of Subarea D to 100' between this line and 22<sup>nd</sup> Street would also reduce the impacts on these gallery blocks both in use and visual character. These alternatives should be evaluated.

In the long run measures should be explored for maintaining the hoped-for mixed use character of the area through such means as special mixed-use districts carefully designed to promote desired uses. The loss of the art galleries otherwise would have a major cultural and economic effect.

### **Impacts on the Nightlife Industry**

The loss or reduction of the nightlife industry might actually be an improvement to the character of the area and contribute to its residential success. As the controversy over the Ladies' Mile rezoning has shown, residential uses do not drive out such high-paying establishments and co-exist only with difficulty and conflict. The statement on page 9-12 that "a properly operated cabaret should not be a nuisance to its neighbors" is wishful thinking that has not proved realistic in Chelsea or elsewhere over the last twenty years. The files of Community Boards 4 and 5 bear this out. This discussion is unrealistically optimistic, especially given the large size and intense concentration of nightclubs in this area.

Nightlife uses also compete with the galleries for the large open spaces desirable by both. The proposals for restrictions on big-box retail and large-scale night clubs put forward by Community Board 4 should be evaluated as mitigation of the adverse effects of expansion of these establishments on neighborhood character.

### **Impacts on Historic Resources**

The direct and indirect impacts on historic resources will have a considerable adverse effect on neighborhood character. The critique of Chapter 7 and other chapters need not be repeated here. To summarize, 120-foot high buildings across Tenth Avenue from the Chelsea Historic District and the General Theological Seminary will have major adverse impacts on the "look and feel" of these resources that in many ways are a core defining element of the character of the community. The buildings will also produce shadows and affect urban views as discussed in Chapters 6 and 8. North of 24<sup>th</sup> Street, similar concerns arise: a row of new buildings along the

High Line and nearby at a scale inconsistent with the neighborhood directly to the east will have an adverse impact on neighborhood character there.

The statement at the bottom of page 9-12 that the loss or diminution of the historic buildings in the northern end of the rezoning listed on this page “would not result in significant impacts to neighborhood character, as these eligible historic structures are not representative of the neighborhood character of the area” is incompatible with the listing of approximately 20 resources of this type north of 24<sup>th</sup> Street in the “affected area,” and the fact that the block between 29<sup>th</sup> and 30<sup>th</sup> Street on which two of the three are located has identifiable resources covering over a third of its area (fig 7-1a). Such historic buildings, as the critique of Chapter 7 shows, are a defining character of the area and this enclave in particular, and these structures and their environment should be preserved to the extent feasible. The mitigation proposed by Board 4 in the critique of that chapter would address many of these impacts.

### **Impacts on Residents and Businesses**

Although in quantitative terms displacement of existing residents, whether direct or indirect, may perhaps not be as large as general experience suggests, it would come at the expense of a loss of the historic mixed residential and commercial strip along Tenth Avenue that is compatible with existing character on both sides of the avenue and the historic environment of the High Line. A number of loft residents associated with the arts near 26<sup>th</sup> Street as well as the mini-community on 29<sup>th</sup> Street are threatened. This last block is a striking and rare component of the character of this part of Chelsea and its loss would be a major adverse impact of the action.

It will also lead to loss of traditional service and other businesses. Many of these serve residents and businesses not only nearby but also in Midtown and the Central Business District. The increased costs and difficulties are also adverse impacts, not only on the neighborhood but far more widely. The proposals put forward by Community Board 4 for restrictions on harassment and demolition that are part of the follow-up actions in Hudson Yards as well as for relocation of displaced businesses in the area should be evaluated for their effect in reducing adverse impacts on many aspects of neighborhood character.

The issues of traffic, parking, and noise are evaluated under other chapters. It will only be said here that a change that requires creating a closed-window domestic environment in order to enjoy a livable one has a major adverse effect on community character. Mitigation by these methods entails a changed and more limited way of living. Residents of a neighborhood know that traffic levels are a major part of neighborhood character.

### **Summary**

While the Conclusion is justified in saying (Page 9-16) that the proposed actions will have many beneficial effects on neighborhood character, to state that significant adverse impacts are not expected is clearly not justified, and mitigation and alternatives should be explored in this EIS. Tradeoffs are inevitable in rezoning and redevelopment, but the losses should be as accurately and honestly stated and evaluated as the gains.

As in the majority of EIS's, this has not been done here.

## **CHAPTER 11 - NATURAL RESOURCES**

We are concerned primarily about the effect of increased combined sewer overflows on local wildlife. Shortnose sturgeon, winter flounder, loggerhead sea turtles, green sea turtles, leatherback sea turtles, hawksbill sea turtles and Kemp's Ridley sea turtles, are all found in the Hudson River and could be affected by this action, as could bald eagles and a breeding pair of peregrine falcons that nests nearby. The Lower Hudson Reach is considered to be an essential fish habitat. New York State is already under court order to decrease the sewage overflows to this environment. Instead, this project would increase the severity of those overflows. The DEIS dismisses these species as "transient" and the CSOs as not as bad as those created by the Hudson Yards development. This is inadequate. The environmental effects of this action should be studied seriously and thoroughly.

## **CHAPTERS 16, 18, 19 and 21 - TRAFFIC, NOISE, AIR QUALITY and HEALTH**

We believe that the traffic generated by the proposed action will be significantly worse than predicted by the DEIS. Therefore, noise pollution and mobile source air pollution will also be significantly worse than predicted.

The DEIS does not reflect what really happens when traffic gets backed up. The main methodological flaws are:

- It does not acknowledge that congestion at one intersection creates a domino effect that clogs intersections behind it.
- It does not acknowledge that traffic jams lead to idling and horn honking. Therefore, cars caught in traffic are significantly noisier than cars whizzing by.
- It does not acknowledge that cars caught in traffic also pollute the surrounding air more than those same cars driving by at normal speeds.
- It is overly optimistic regarding the pace of emissions improvement in the fleet of privately owned vehicles.
- It is overly optimistic about the ability of signal timing changes to mitigate major traffic jams.

For example, the DEIS predicts that someone driving south at mid-day on Route 9a will encounter a 95.4 second delay at 20<sup>th</sup> Street, a 67.2 second delay at 18<sup>th</sup> Street, a 94.3 second delay at 17<sup>th</sup> Street, a 132.1 second delay at 16<sup>th</sup> Street, a 106.5 second delay at 15<sup>th</sup> Street, and an 80.2 second delay at 14<sup>th</sup> Street. That's over 9 ½ minutes total to go 6 blocks. Nonetheless, the DEIS predicts only ten seconds of delay at 9a and 26<sup>th</sup> Street. It is simply not possible that major traffic congestion from 20<sup>th</sup> to 14<sup>th</sup> Streets isn't going to affect the blocks upstream.

Were the traffic system considered as a whole, with the interactions between intersections studied, the DEIS would show significantly worse traffic. We cannot even begin to imagine, therefore, how long it will really take to get from 20<sup>th</sup> Street to 14<sup>th</sup> Street.

As New Yorkers, we know that the cars caught in that traffic jam are going to be noisy. They're going to idle and they're going to lean on their horns. They're going to make things worse by causing gridlock. We know that there will never be sufficient enforcement to prevent this. This is all exactly in the location where a large amount of residential development is likely to occur. Therefore, the buildings will have to be designed to handle greater noise levels than predicted.

The people most affected by the noise though, will be the ones outside trying to enjoy Hudson River Park, Chelsea Waterside Park and the High Line. Because the noise analysis dismissed the impact of new traffic, the noise impact on existing park users was not studied. It should be. The DEIS should also do a more thorough analysis of noise on the High Line. It is not sufficient to simply dismiss the problem by saying that City parks are often noisy.

Existing residents in buildings without adequate soundproofing will also be negatively affected. The congestion problem on Route 9a and the methodological flaws also apply to the area's crosstown streets (see for example, the 5.6 minutes of delay on 26<sup>th</sup> Street eastbound at 9<sup>th</sup> and 10<sup>th</sup> Aves at mid-day that somehow has no effect on 26<sup>th</sup> and 11<sup>th</sup>). The DEIS must analyze the noise impact on existing residents, and consider adequate mitigation.

The air pollution analysis was also flawed because of the failure to adequately account for traffic congestion. Because there will be many more cars idling on congested streets, carbon monoxide and particulate mater will be worse than predicted. The analysis also assumes an unrealistically quick turnover of the City's fleet to less polluting vehicles, and assumes that the 2003 vehicle mix will remain constant, despite the continuing growth in the market for light trucks. The DEIS does not study the health impacts of the project-generated mobile source air pollution. It must. In particular, it should study the impacts on people who are working or recreating out of doors, especially users of Hudson River Park and Chelsea Waterside Park. It should also look specifically at the effects on sensitive residents - children, the elderly, and those with respiratory illnesses.

The air and noise analyses are also compromised by the choice of monitoring locations. Air quality and noise should of course be studied within the existing parks. They should also be studied at the most congested intersections - particularly at West 17<sup>th</sup> Street and Route 9a, which is predicted to be the worst of the bunch. Although air quality was measured at most of the busy intersections, noise seems to have been measured only at projected development sites rather than at locations likely to be the noisiest due to increased traffic. Noise should be measured at the intersection of West 23<sup>rd</sup> Street and Eleventh Avenue, which is a major intersection and next to a park. It should also be measured at Tenth Avenue between 29<sup>th</sup> and 30<sup>th</sup> Streets, because the post office loading bays over there are likely to be more intensively used after post office services are relocated from the Farley Post Office to the Morgan Annex.

Despite its tendency to underestimate likely problems, the DEIS did reveal a likelihood of substantial traffic congestion, particularly in the northern half of the rezoning area, and all along Route 9a. The DEIS predicts that minor changes in signal timing will alleviate almost all of the congestion caused by the action. Although we don't doubt that signal changes can be helpful, this is overly optimistic, especially given that the traffic will be far worse than predicted by the DEIS.

According to the DEIS, the intersection likely to suffer the most will be West 17<sup>th</sup> Street and Route 9a. The DEIS predicts that without mitigation, it will take almost 8 minutes to turn left onto 9a from 17<sup>th</sup> at midday (oddly, this delay will have no effect whatsoever on westbound traffic at 17<sup>th</sup> and 10<sup>th</sup>). This is an unusual intersection, as it is also where almost all of the traffic from Chelsea Piers exits the complex, and where there is a major pedestrian highway crossing. As it now stands, Chelsea Piers and West 17<sup>th</sup> Street both have separate green time to avoid conflicts between drivers. The DEIS suggests that 17<sup>th</sup> Street and Chelsea Piers share green time, which will presumably reduce the 8 minute delay to a mere 40 seconds. Putting aside for a moment the fact that this is ludicrous, it is also extremely unsafe for drivers and pedestrians, and likely to cause severe gridlock to boot, especially considering that 17<sup>th</sup> Street is actually slightly north of the Chelsea Piers exit. Furthermore, given the congestion along 9a, it is far from

clear that the cars will have any space to turn into. We urge you to perform a closer study of this intersection and to come up with a better solution.

This intersection and many others will of course also be affected by the development of Pier 57. Now that a developer has been selected, the plans for Pier 57 must of course be included in the final DEIS as a part of the future without the proposed action, and the traffic, noise, air quality and public health analyses must be amended to reflect this.

The DEIS should also pay closer attention to the existing nightlife businesses in this neighborhood. These businesses are clustered between West 27<sup>th</sup> and West 29<sup>th</sup> Streets, 10<sup>th</sup> - 11<sup>th</sup> Avenues. They draw thousands of people to those three blocks every weekend night. They have already caused significant traffic congestion that can be felt along the avenues and several blocks to the east. The clubs generate significant demand for late night parking, late night patron noise and horn honking on the streets, and occasional police activity. Over the past two years parking has been changed on these blocks to provide nightclub loading zones and to create taxi stands, and the local police precinct is proposing further changes. For crowd control purposes, the precinct also occasionally closes these blocks to all traffic.

The DEIS does not reflect these conditions at all. Traffic, noise, and parking should all be measured on these blocks during a Friday or Saturday night. The nightclubs tend to get most of their arrivals between 11pm and midnight, and their departures between 3am and 4am. Please do your monitoring at these times.

## **CHAPTER 23 - ALTERNATIVES**

The DEIS correctly notes that the alternative proposed by CB4 generates many of the same impacts as the proposed plan, including impacts related to and emanating from new density that CB4 finds undesirable. It is worth reiterating, therefore, that, in addition to recognizing the variety of factors making it appropriate to rezone this area to allow for new development, CB4 has repeatedly and clearly noted that it is only willing to accept the scale of change proposed in exchange for desperately needed affordable housing. The DEIS cites the requirement for “a significant amount” but the Board has actually voted to support a specific goal of 30% affordable housing.

We support the recommendation incorporated in the “Affordable Housing” alternative to allow a portion of the increment between the base and the maximum FAR to be obtained in exchange for providing affordable housing. However, overall, we do not yet see sufficient mechanisms in place to achieve the goal of 30% affordable units. We suggest that the specifics of this proposal, as well as other mechanisms continue to be explored to achieve our goal.

We question the statement in the “Affordable Housing” alternative that this approach does not differ significantly from the proposed plan in terms of socio-economic impacts. It has been precisely the intent of CB 4 to acknowledge and work to retain Chelsea as a diverse community by many measures, including income. The more balanced mix of income levels within the new residential development projected in the Affordable Housing alternative clearly helps to achieve that goal, both directly and indirectly – e.g. in sustaining the viability of local retail and business services directed towards a more extensively mixed income community.

The CB4 plan does likely result in somewhat fewer new residential units. We see this as a positive alternative – balancing the reasonable and appropriate needs for new and different land uses for this area with good urban planning goals of fostering healthy and vibrant communities with a balanced and mixed physical scale as well as a mix of uses.



See also our discussion of the CB4 alternative throughout our critique of the chapters on Shadows, Historic Resources, Urban Design, and Neighborhood Character.

## CHAPTER 25 - GROWTH INDUCING ASPECTS

The DEIS assumes the proposed development plan will have a positive effect on the city and state economy, noting jobs that will be created as a result of the new residential and retail development. However, this assumption neglects the negative impact on employment of the loss of significant amounts of office, commercial, and light manufacturing uses. At issue is not just the net change in numbers of jobs but the need for an analysis of the relative nature and quality of the jobs gained and lost. In addition, the DEIS projects that the largest residential increase will be in the market-rate population and thus reasonably projects that new uses will address the needs of this population. However, important existing services, now available to the very diverse surrounding population will likely be lost, placing an economic burden on that population. The argument that the scale of development proposed will not have significant "spillover" or secondary effects in nearby areas, neglects the almost certain pressure toward increased prices for both residential and commercial services in that surrounding area.

Thank you for this opportunity to provide comments and to submit recommendations on this very important study. We look forward to a final EIS document that addresses the concerns raised herein.

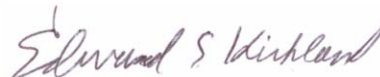
Sincerely,



Walter Mankoff  
Chair



Lee Compton  
Co-Chair  
Chelsea Preservation & Planning Committee



Edward S. Kirkland  
Co-Chair  
Chelsea Preservation & Planning Committee

Attachment: proposed West Chelsea historic areas

cc: Elected officials  
Jeff Mulligan, DCP  
Glenn Price, DCP

# PROPOSED HISTORIC AREAS

## WEST CHELSEA REZONING

-  Historic Building
-  Proposed Historic District
-  Proposed Study Area
-  West Chelsea Rezoning Area

