



Burt Lazarin
Chair

Jesse Bodine
District Manager

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James Patchett
President and CEO
New York City Economic Development Corporation
110 William Street
New York, NY 10038

CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD FOUR
330 West 42nd Street, 26th floor New York, NY 10036
tel: 212-736-4536 fax: 212-947-9512
www.nyc.gov/mcb4

Re: Testimony on Scope of Work for the Environmental Impact Statement for the Affordable Housing Development Slaughterhouse Site 495 Eleventh Avenue (39th to 40th Streets)

Dear Mr. Patchett,

At its meeting on April 11, 2018 Clinton/Hell’s Kitchen Land Use Committee (C/HKLU) of Manhattan Community Board 4 (MCB4) approved¹ the following comments on the Draft Scope of Work for the preparation of the Environmental Impact Statement (EIS) for redevelopment of 495 Eleventh Avenue located on Block 685, Lot 38, aka Slaughterhouse site.

THE PROJECT

History of the Site

The New York Butchers’ Dressed Meat Company's “Slaughterhouse” was a block-long building built in two sections – the 39th Street corner in 1903-1905 and the 40th Street corner in 1917-1919. The New York Butchers' Company was formed by local butchers and provisioners to break the monopoly held by the mid-western “beef trust” which dictated meat prices. At that time, with its close proximity to water transport as well as to the freight rail yards, the West Side was an important industrial center for the City.

The original six-story Neo-Renaissance style building of steel and masonry was designed by Horgan & Slattery with lower floors faced with limestone and upper floors with dark orange brick and white terra cotta. It looked like an imposing civic building. But there was no mistaking its purpose: six giant sculptures of rams and steers jutted from the exterior of the sixth floor. A

¹ Approved by Executive Committee on April 23, 2108 and ratified at the Full Board on May 2, 2018 with a vote of 41 in favor, 1 against, 1 abstaining and 0 present but not eligible to vote.

"roof garden" for livestock was accessed by a seven-floor ramp visible only from the west. The killing floor was one floor down.

The Slaughterhouse remained in operation until the late 1950s. The City took title to the building in 1975 following a lengthy period of unpaid taxes by the owner. At that time, a private developer planned to erect an office building on the site but the vote to allow it was delayed by then Manhattan Borough President, David Dinkins.

MCB4 Efforts to Develop the Site

During the late 1980s MCB4 repeatedly urged the Landmarks Preservation Commission to designate the property as a landmark. The Commission was unwilling to do so, and the building proceeded to deteriorate from neglect until it was considered structurally unsound and finally demolished. It took 18 months to complete the demolition.

From the time of demolition until the late 1990s there was no plan put forth by the City to develop the site and the vacant land sat unused until it was subsequently turned into a car parking lot for the New York City Police Department.

In 2009, the site was again brought to the attention of the City by MCB4 as a possible affordable housing development during the Western Rail Yards rezoning negotiations. However, the site was not included in the Western Rail Yards Points of Agreement.

This publicly owned Site was identified as a Proposed Development in MCB4's 2014 Affordable Housing Plan. MCB4's preliminary analysis identified the Site as being able to provide 322 apartments, 100% of which would be affordable to a range of income bands. MCB4 still stands behind this analysis.

This site was brought to your attention by the leadership of MCB4 through the efforts of the then newly elected District 3 Council Member, now Council Speaker, Corey Johnson. Council Member Johnson arranged a meeting with you as the Chief of Staff to Deputy Mayor Alicia Glen and the late Peter Wertheim. MCB4 presented that the Site could, in part, satisfy the City's not yet fulfilled affordable housing commitments under the Hudson Yards and Western Rail Yards Points of Agreement, specifically, the 150 units from Site M (Tenth Avenue between 40th and 41st Streets) and 75 units from the West 20th Street site (now programmed as a park) on 20th Street in Chelsea. The administration was favorable to this proposed swap of sites

SPECIFIC COMMENTS ON THE PROJECT

Previously Communicated MCB4 Parameters²

100% Permanently Affordable

The site should be used in its entirety for permanently affordable housing with 225 of the 322 units meeting the Hudson Yards and Western Rail Yards Points of Agreement. MCB4 also

² [MCB4 Letter to K. Kimball dated May 20, 2015](#)

understood that there would be market rate commercial space to subsidize this affordable housing development. It was also agreed that no hotel use would be contemplated or allowed.

Range of Incomes

To sustain economic diversity in the District, a range of income bands for the affordable housing units for affordable housing (80%, 100%, 125%, 165% AMI³) would be the goal.

Family-Size Units

MCB4 and the community recommended that the majority of the units, 50%, be two-and three-bedroom apartments.

Commercial Space

The community suggested a few options for a commercial space at the ground level with a strong preference for an affordable supermarket or fresh market.

Design Considerations

Regarding height, bulk, and design considerations, the community's preferences have been clear and unchanging:

- A maximum building height of 450 feet and
- A residential Floor Area Ratio (FAR) of 12.
- The building's design should include façade articulation with a strong masonry base, in context with the Hell's Kitchen area, not a dystopian glass box often used by commercial developments
- A green building with a roof top deck accessible to all tenants

Environment and Surroundings

MCB4 also requested:

- Pedestrian safety and traffic management initiatives on the streets around the development
- The creation of a plaza or a playground by utilizing the remaining portion of the now dead-ended 39th Street, which has been closed off between Eleventh and Twelfth Avenues.⁴

Proposed Project not meeting MCB4 Project Parameters

At the April 11th presentation before the C/HKLU, the committee members were deeply disturbed by a project presentation which has significantly moved away from the parameters agreed on with EDC over past two years. The project now contains 717,443 square feet which break down as follows:

³ Area Median Income

⁴ The majority of West 39th Street between 11th and 12th Avenues has been permanently closed for Javits Center use.

Project Elements

Use	Floor Area (gsf)
NYPD Parking Lot	26,853
Commercial	275,538
Office Space	218,662
Retail (Supermarket)	11,327
Restaurant	14,176
Food Court	21,073
Fitness Center	10,300
Community Facility	140,232
Dormitory	140,232
Residential	224,123
Income-restricted DUs up to 80% of AMI	71
Income-restricted between 80% and 130% of AMI	179
Mechanical/ Support	50,697
Total	717,443

- Although all the proposed apartments are affordable, comprising 224,123 square feet, they make up only 32% of entire proposed FAR. This public site must be used in its majority for affordable housing.
- The proposed supermarket has shrunk to 11,237 square feet. That square footage represents a large convenience store, not a supermarket with a square footage ranging from 25,000 to 30,000 square feet.
- A food court, a project element never requested by nor disclosed to MCB4, has now appeared and occupies 21,073 square feet. MCB4 requests this element be removed from the proposed development.
- A fitness center (physical culture establishment), of 10,300 square feet open to the public, not as a residential amenity, has been included. MCB4 requests this element be removed from the proposed development.
- A 14,176 square foot restaurant located on the building setback and containing an outdoor terrace, has been included in the Project. At multiple briefing meetings with EDC, MCB4 noted its incompatibility with the proposed residential use and request it be removed from the project. MCB4 again requests this element be removed from the proposed development.
- The student dormitory component, which originally had been opposed by EDC as not being economically feasible, now has grown to 140,232 square feet comprising 800 beds. The number of dormitory beds is too great for this site and presents too much risk for project financing.

- The commercial space in 218,538 square feet

All of the above elements have reduced the floor area for affordable housing use. With a lot area of 24,688 square feet, the maximum residential square footage would be 296,250. The proposed 224,123 residential square footage is 72,127 less than maximum allowed. Based upon a 20% allowance for circulation, that square footage would be reduced to 57,701. With an average apartment size of 650 square feet, such square footage would yield a minimum of 88 additional affordable apartments.

Project Management

This is the third project team EDC has had on this project. Irrespective of change of staff, project parameters and agreements between EDC and MCB4 should have been clearly communicated. MCB4 cannot support the project in the form presented at the April 11th meeting.

However, the Board is committed to moving ahead with the environmental review for ULURP in order to avoid further delays on this critical affordable housing development.

Proposed Public Approvals

As presented, the Project requires the following discretionary approvals subject to review under the City's Uniform Land Use Review Procedure (ULURP) and CEQR process:

1. Zoning Map Amendment: A change to the zoning map to rezone the Project Site from M1-5 to C6-4.
2. Zoning Text Amendment: A Zoning Text Amendment to Section 93-00 of the Zoning Resolution (ZR) of the City of New York to establish a new "Subdistrict G" of the Special Hudson Yards District, which would permit up to 20 FAR.
3. Zoning Text Amendment to Appendix F (Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas): Zoning Text Amendment to Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas of the Zoning Resolution to designate the Project Site as a Mandatory Inclusionary Housing (MIH) area under Option 2, which requires that at least 30% of the residential floor area be affordable for residents with incomes averaging 80% of Area Median Income (AMI), and no greater than 130% AMI.
4. Site Selection Applications: Pursuant to Section 197(c) of the NYC Charter, an NYPD parking garage is to be incorporated in the Project.
5. Approval of Business Terms: Disposition approval pursuant to Section 384(b)(4) of the NYC Charter.
6. BSA Special Permit: BSA Special Permit for physical culture establishment, pursuant to ZR Section 73-36.

In addition, the Applicant may seek funding from the Dormitory Authority of the State of New York (DASNY) and the NYC Housing Development Corporation (HDC).

SPECIFIC COMMENTS ON THE DRAFT SCOPE OF WORK

Public Schools

The draft EIS estimates that the proposed development would result in the following additional students:

School Type	Threshold for Analysis	Estimated in EIS
Elementary	50	30
Intermediate	50	10
High School	150	15
Total:		55

MCB4 believes 55 students is too low of an estimate given that half, or 125, of the 250 units will be two or more bedrooms. Each of those 125 units would have at least one child, with some having more than one child. Furthermore, given its support for a development that includes a greater amount of residential units, the Board believes that an analysis will be required.

Publicly-Funded Group Child Care and Head Start Centers

Although the CEQR threshold of 20 children only takes into consideration children in households earning 80% AMI or below, all of the units in the Project will be income restricted, thereby exceeding the 20 children threshold. Therefore, an analysis of child care centers should therefore be included in the EIS.

Libraries

The local library would receive a significant increase—more than the 5 percent threshold—in the number of peoples it serves. The proposed number of 800 students should be included in the total number of individuals who will be served by the library, exceeding the threshold required for an analysis. The Board requests that an analysis of libraries be included in the EIS.

Chapter 1: Land Use, Zoning and Public Policy

The Project Site is located on Block 685, Lot 38 in Manhattan and has a street address of 495 Eleventh Avenue. It is bounded by West 40th Street to the north, Eleventh Avenue to the east, West 39th Street to the south, and Lot 42 of Block 685 to the west, with a lot area of approximately 24,687 square feet. The Project is immediately west of the Special Hudson Yards District, which has been undergoing significant private development activity and public infrastructure improvements, including the number 7-line subway extension and development of the Hudson Boulevard Park and Hudson Boulevard East and West.

The Project is currently mapped with an M1-5 zoning district. M1 zoning districts are often buffer districts between M2 and M3 districts and are located adjacent to residential or commercial districts. M1 districts typically include light industrial uses, such as woodworking

shops, repair shops, and wholesale service and storage facilities. Nearly all industrial uses are allowed in M1 districts if they meet the stringent M1 performance standards. Offices, hotels, and most retail uses are also permitted. The maximum floor area ratio (FAR) in M1-5 districts is 5.0 and building height and setbacks are controlled by a sky exposure plane, which begins 85 feet above the street line. Parking is not required for M1-5 districts.

The public policies that apply to the Project are: PlaNYC/One New York: The Plan for Strong and Just City (OneNYC), the Housing New York: A Five-Borough, Ten-Year Plan, the Hudson Yards/Hell's Kitchen Alliance Business Improvement District (BID), and the NYC Waterfront Revitalization Program (WRP) since the Project is located within the City's designated Coastal Zone Boundary (CZB). Neither the Project Site nor the surrounding areas are governed by 197-a plans.

Other public policies that should apply to this proposed development are:

- Hudson Yards Points of Agreement⁵
- Western Rail Yards Points of Agreement⁶
- MCB4 Affordable Housing Plan^{7 8}

Chapter 2: Socioeconomic Conditions

The Project does not support any active residential or business/institutional uses and, thus, would not result in the direct displacement of any residents, businesses, or institutions. In addition, the Project is site-specific. Therefore, assessments of direct residential or business/institutional displacement, or effects on specific industries, are not warranted.

Chapter 3: Open Space

The Project does not have a direct effect on open space resources since no open space resources are currently located on the Project's site. However, the Project generates hundreds of residents, a student population estimated at approximately 804 students, and over a thousand workers on the Project. Thus, the EIS should perform an analysis on creating a publicly accessible plaza or a playground by utilizing the eastern portion of 39th Street. The majority of West 39th Street between Eleventh and Twelfth Avenues has been permanently closed for Javits Center use.

Chapter 4: Shadows

The Project has the potential to cast new shadows on potentially sunlight-sensitive resources and a shadows analysis should be performed.

⁵ [Hudson Yards Points of Agreement](#)

⁶ [Western Rail Yards Points of Agreement](#)

⁷ [MCB4 Affordable Housing Plan](#)

⁸ The proposed rezoning to allow residential use is consistent with MCB4's affordable housing plan with a proposed density similar to the 11th Avenue Sites the north from West 35th to West 41st Streets in Subarea A.

Chapter 5: Historic and Cultural Resources

The Project sits directly north of 491 Eleventh Avenue—the Lincoln Tunnel Land Ventilation Structure—a significant and handsome contributing historic feature eligible on the State/National Register (S/NR) of Historic Places. Current renderings for the Project show no direct impact to the structure other than impeding North-to-South views of the Ventilation Structure from Eleventh Avenue. MCB4 requests that the design of the Project’s base contextually respond to that structure. MCB4 further requests that project massing continue to afford views of its northern elevation along the south side of West 39th Street and Eleventh Avenue.

Chapter 6: Urban Design and Visual Resources

The introduction of a tower along west-facing waterfronts is susceptible to high wind conditions. Therefore, an assessment of potential effects on urban design and visual resources and a preliminary assessment of pedestrian wind conditions must be performed

Chapter 7: Hazardous Materials

Soil disturbance during construction can lead to exposure to subsurface hazardous materials that pose a threat to the health of workers and the community during construction, and to future residents or employees.

This Project Site A Phase I Environmental Site Assessment (ESA) conducted in 2014 identified one Recognized Environmental Condition on the Project Site, which pertained to historical site operations. The Project Site was used for slaughterhouse operations from prior to 1890 to at least 1950 and it was also occupied by House of Pile Fabrics, Inc. in the 1970’s. Due to the duration of these industrial/manufacturing operations, as well as the potential use of heating oil underground storage tanks, it is possible that impacts to the soil and/or groundwater on the Project Site may have occurred. Therefore, a hazardous materials analysis should be performed.

Sites identified as likely to be contaminated requires that, prior to the issuance of any Department of Buildings permits, the property owner conduct a Phase I Environmental Site Assessment, complete any remediation determined to be necessary by the Office of Environmental Remediation (OER) and implement an OER-approved construction-related health and safety plan. Each projected and potential development site was assessed for the need for an E-designation. A review of current and past uses on each site found industrial, automotive and/or commercial uses, including several former manufacturing facilities and filling stations that have since been demolished. Since most were operated or abandoned before the advent of strict environmental regulation, it is likely that soil and ground water have been contaminated on these sites.

Chapter 8: Water and Sewer Infrastructure

This section deals with additions to existing and NYCDEP allowable storm water flows into the combined sewer system and then into the Hudson River. Storm water flows are proposed to be

based on flow rate calculations based on the “NYCDEP standard rain storm.” However, climate changes are affecting projections for rainfall and sea levels, and the City’s hurricane evacuation zones extend inland from the Hudson River as far as West 31st Street and Ninth Avenue. We are concerned that the “NYCDEP standard rain storm” may no longer be the relevant standard for evaluating the potential impact of development on storm water flows. This project should include both storm water retainage and retainage on site given its small footprint and large scale.

Chapter 9: Transportation

Pedestrians

MCB4 continues to call for "pedestrian safety and traffic management initiatives." Specifically, a study of turning movements and pedestrian volume at the intersections of Eleventh, Tenth, and Ninth Avenues with W. 39th, 40th and 41st Streets is needed. The study should factor at least 800 students crossing these intersections, as well as new residents and take in account crossing times and crossing lengths. The frequency and capacity of the M42 and M12 MTA buses ought to be studied as well.

NYPD Parking

Access to NYPD parking spaces will be through a dedicated entrance on West 40th Street. It appears that the total number of vehicles (55) was higher than previously stated. We understand that NYPD vehicles to be parked are a mix of cars, trucks, and buses; these vehicle dimensions and clearances appear to be reflected in the design of the parking area and its dedicated entrance. We ask that the study consider the original need of NYPD vehicles (41) and a scenario in which there will be no NYPD parking onsite.

Chapter 10: Air Quality

The proposed scope appears satisfactory.

Chapter 11: Greenhouse Gas Emissions and Climate Change

The proposed scope appears satisfactory.

Chapter 12: Noise

For this Project, there are two major areas of concern regarding mobile source noise: (1) the effect the Project would have on noise levels in the surrounding community; and (2) the level of building attenuation necessary to achieve interior noise levels that satisfy CEQR requirements. MCB4 would also like to note that an E designation will also require a heightened OITC designation for project windows and a need for mechanical ventilation.

Chapter 13: Public Health

In order to preserve air quality, restricting the placement of HVAC exhaust stacks must be at the highest roof level of the building. Further, the type of HVAC fuel used must be committed to prior to construction.

Chapter 14: Neighborhood Character

The proposed scope appears satisfactory.

Chapter 15: Construction

A construction task force must be formed to oversee the Project.

Further Study for Proposed Project

MCB4 request three additional project scenarios that should be studied and analyzed as part of this environmental scoping:

- 1) The square footage of proposed 800 dormitory beds component should be decreased and reprogrammed to accommodate an additional 200 affordable apartments instead
- 2) Homeless family housing⁹ and senior housing¹⁰ through existing Housing Preservation and Development Programs should be used to fund the additional affordable apartments. The senior citizen housing will be primarily studios and increase unit count.
- 3) At present the project only calls for 11,237 square feet for supermarket, eliminate the food court element for 21,073 to increase the supermarket component to 32,310 square feet.

Thank you for considering these comments to the environmental scope of work.

Sincerely,



Burt Lazarin
Chair
Manhattan Community Board 4



Jean Daniel Noland
Chair
Clinton/Hell's Kitchen Land Use Committee

Cc: Hon. Jerrold Nadler, U.S. Congressman
Hon. Brad Holyman, New York State Senate
Hon. Richard Gottfried, New York State Assembly

⁹ Supportive Housing for Families, requires a 60% homeless component

¹⁰ Senior Affordable Rental Apartments (SARA) requires a 30% homeless component

Hon. Linda B. Rosenthal, New York State Assembly
Hon. Gale Brewer, Manhattan Borough President
Hon. Corey Johnson, Council Speaker