

October 9, 2003

Mr. Robert Dobruskin, Director
Environmental Assessment and Review Division
New York City Planning Commission
22 Reade Street, Room 4E
New York, New York 10007

Re: Draft Scoping Document for the Proposed West Chelsea Special District Rezoning (CEQR NO. 03DCP069M).

Dear Mr. Dobruskin:

At its meeting on October 1, 2003, Manhattan Community Board No. 4 approved the following comments on the Draft Scoping Document for the Proposed West Chelsea Special District Rezoning (CEQR NO. 03DCP069M). These comments supplement the Board's letter of June 6, 2003 (attached) in which it set forth its detailed position on the rezoning of West Chelsea.

CB4 shares the Department of City Planning's (DCP) general goals for West Chelsea in this rezoning: an open corridor and appropriate environment for a High Line park; opportunities for new residential development; and the protection of the core of the art gallery district that has grown in West Chelsea. The Board has worked actively with DCP to develop a plan that will achieve these objectives and wishes to emphasize the following two points.

- CB4 strongly supports a High Line park, including the concept of the transfer of development rights from the High Line corridor to the avenues and to areas in the north and south; the Board notes that virtually every element of the proposed West Chelsea rezoning is based on the underlying assumption that the High Line will be retained and successfully converted into a park.
- CB4 is strongly committed to providing housing in West Chelsea for people with a broad range of incomes, and has accepted greater bulk and density than it would prefer with the explicit expectation that its housing goals would be supported by provisions for the creation of significant amounts of housing for low-, moderate- and middle-income people.

The Board wishes to stress that its approval of the proposed rezoning is contingent on ensuring that these two goals are realized as part of the proposed West Chelsea Special District rezoning.

The Board has organized its comments on the DCP proposal and the Draft Scoping document in five sections:

- I. General Zoning Issues
- II. Responses to Specific DCP Proposals
- III. Housing
- IV. Draft EIS Scope - General Considerations
- V. Draft EIS Scope - Detailed Comments

I. General Zoning Issues

- **West Chelsea Special District Boundaries**

DCP proposes that the area bounded by 24th and 28th streets and Eleventh and Twelfth avenues be excluded from the proposed West Chelsea rezoning. Board 4 believes this position is unsound and proposes that this area be included in the West Chelsea Special District (WCSD) and that the current M1-5 zoning be retained.

DCP argues that the large buildings in this area - two vehicle maintenance facilities, the B&O building, the Starrett-Lehigh building and the Terminal Stores building - are stable and will not be subject to development pressures for the foreseeable future, and that there is no compelling reason to include the area in the WCSD.

The Board believes that the DCP position is overly optimistic. We have received information that the B&O building and the Terminal Stores building have already attracted the attention of residential developers. The Board believes that the exclusion of this area indirectly encourages undesirable residential conversion of these important buildings and that DCP should take this opportunity to include it in the WCSD.

The Board feels that including this area in the West Chelsea Rezoning would signal that it had been considered and that definitive planning had taken place. In contrast, leaving a small, isolated area sandwiched between two special districts would suggest an absence of planning and could lead to the "zoning by variance" that both the Board and DCP seek to avoid. Such action would also open the buildings in the area to museums, for which the interesting spaces and light would make them attractive.

- **Residential Zones**

CB4 believes that the best development for West Chelsea centers on residential uses, and in the course of our responses to the West Chelsea rezoning has advocated residential rezoning in selected areas with commercial uses permitted on the ground floor and up to the level of the High Line in areas adjacent to the High Line.

The Board believes that DCP's proposed commercial zoning would lead to development that is more appropriate for areas that are not close to traditional residential communities. Residential, rather than commercial zoning of West Chelsea, would also make impossible the potential spread of uses incompatible with a healthy community.

M Zones

CB4 welcomes DCP's support for retaining the current M1-5 zoning in midblocks between Tenth and Eleventh avenues but disagrees with DCP's proposed southern boundary at 20th Street.

The Board believes that setting the boundary at 20th Street, as DCP proposes, risks leaving an M zone too small to be viable and removes one of the few remaining opportunities for traditional gallery expansion through adapting existing buildings. In addition, the change to the ambiance of this important gallery street would have a significant effect on gallery-goers' experience. The Board believes that its proposal for the southern boundary at the midline between 19th and 20th streets would produce a stronger district, and one that would benefit the flourishing arts community and desirable future uses.

CB4 notes that there are residential tenants in the current West Chelsea M zone whose units converted to residential use after 1982. The Board believes that these nonconforming residential uses should be permitted, even if they remain in an M zone, through a West Chelsea Special District provision or other mechanism, as long as the units were residential before [e.g., January 1, 2003].

- **Uses**

CB4 believes that at least some of the adverse consequences of the proposed rezoning can be mitigated by specifying permitted and excluded uses. The Board has made specific proposals regarding C6 use groups, square foot limitations on retail uses, art galleries, museums, and liquor-licensed premises (see attached letter of June 6, 2003) and awaits details of DCP's position on this issue. The close proximity of M zones to the residential uses proposed by both CB4 and DCP without the more normal commercial buffer zones requires use limitation. Failure by DCP to include such controls would seriously undermine its plan.

II. Responses to Specific DCP Proposals

- **High Line Adjacency Controls**

CB4 welcomes DCP's proposed controls for buildings adjacent to the High Line, and commends them as thoughtful, effective solutions to the problem of how to prevent buildings from intruding on the light and air of the anticipated High Line Park.

In particular, the Board agrees with DCP's proposal that no more than 85% of avenue frontage should be higher than 45'. The schematic that DCP uses to illustrate this proposal shows a low, 30' wide (15% of a 200' block) section adjacent to a cross street, which gives a great sense of openness. The Board requests that DCP formalize this relationship and require the positioning of mandated low sections adjacent to cross streets.

- **Inappropriate Towers**

DCP proposes FAR 7.5/10 for the blocks bounded by 17th and 18th streets and Tenth and Eleventh avenues and expects two towers to be built, one 290' and one 390'.

CB4 strongly opposes buildings of such unreasonable scale in West Chelsea. A 390' building would be nearly twice the height of the Robert Fulton House towers and would be by far the tallest building along the far West Side between the American Express tower in Tribeca and the residential towers of West 42nd Street. The Board has proposed and continues to support an FAR 5/7.5 and a height limit of 280' for this site, which is consistent with the scale of the Robert Fulton Houses and the Board's proposed 220' height limits on buildings in the two adjacent half blocks east of Tenth Avenue.

The extraordinary size of the buildings proposed by DCP is predicated on the owner of the site building a major High Line access plaza on the northeast corner of the block, referred to as a "Spanish Steps" entrance. This unreasonable height limit is too steep a price to pay for the proposed "High Line amenity," and the extraordinary bulk is a giveaway to the owner rather than responsible planning.

- **Cumulative Effect of High Line Transfers and Bonuses**

In presenting its rezoning proposal, DCP emphasizes that one million square feet of floor area are eligible for transfer from the High Line while the designated receiving sites can accommodate a total of one and one-half million square feet. They conclude that their schematics represent an unattainable upper limit; while individual sites may be built out to the maximum permitted FAR, it is not possible for every site to be built to the proposed limit.

CB4 is concerned that this calculation ignores proposed bonuses for providing High Line amenities such as access and believes the actual result may be considerably closer to DCP's "unattainable" maximum FAR. The Board supports the conversion of the High Line to a park, but just as it is opposed to the extraordinary bulk proposed to be given away in exchange for the "Spanish Steps" plaza, it opposes gaining High Line amenities at the cost of additional bulk that will have a negative impact on the visual quality of the community, and if used near Tenth Avenue, of the High Line itself.

- **Chelsea Historic District Area**

CB4 believes that the scale of the Chelsea Historic District should be reflected in the buildings on the west side of Tenth Avenue and proposes FAR 5 and a height limit of 80' between the midline between 19th and 20th streets and the midline between 22nd and 23rd streets. The Board believes that this area should not be a receiving site for transferred High Line bulk.

DCP's proposed FAR 5/6 and height limit of 120' are better than those for other sections of Tenth Avenue, but are still too high for this important historic resource.

- **Robert Fulton Houses Area**

CB4 proposes FAR 5/7.5 and a height limit of 220' for the two half blocks east of Tenth Avenue between 16th and 18th streets. This area is sandwiched between the 225' towers of the Robert Fulton Houses on the east ends of the blocks, and the DEA building between 16th and 17th streets and the Edison/DEA parking lot between 17th and 18th streets on the west.

DCP proposes FAR 5/7.5 and a height limit of 220' for the half block between 16th and 17th streets, but a lower FAR 5/6 and a height limit of 120' for the half block between 17th and 18th streets.

The Board believes that its proposal is more consistent with the scale of the Robert Fulton Houses and the proposed buildings on the site of the Edison/DEA parking lot. It believes that the narrow half block between 17th and 18th streets does not form an effective transition to the lower buildings on blocks to the north, and that it is better used as a receiving site for bulk transferred away from the west side of Tenth Avenue directly across from the Chelsea Historic District.

- **Eleventh Avenue Between 18th and 22nd Streets**

CB4 welcomes DCP's shared concern over walling off Chelsea from the river with large buildings but disagrees with the proposed compromise.

DCP proposes FAR 6/7.5 with no height limit, expecting a required minimum tower coverage of 30 percent to result in buildings between 185' and 255'. DCP expects buildings that would be built to be slender, thus minimizing shadow and the loss of views to the east.

The Board believes that even a tall, porous wall formed by relatively slender buildings will still form a barrier to the waterfront and opposes buildings of this height. A building occupying all or most of a blockfront could even form a tall slab under the proposed controls. The Board continues to propose height limits of 160', and, in addition, now proposes a maximum tower coverage of 40 percent.

- **West Chelsea - Hudson Yards Border Area**

CB4 and DCP propose comparable increases in overall FAR in the northernmost part of West Chelsea adjacent to the Hudson Yards but distribute it differently.

The Board's proposal would create uniformly high zoning for the entire block between 29th and 30th streets, while DCP's proposal would wrap a lower core with very high buildings extending down to 28th Street on both Tenth and Eleventh avenues.

The Board believes that there is no good reason to split the block between 29th and 30th streets, and that extending the very high buildings south along the avenues to 28th Street would damage the lower midblock area and push shadows and other effects of very tall buildings farther into the lower rise portions of Chelsea and West Chelsea. Chelsea Park just to the east, now under rehabilitation, would be particularly affected.

III. Housing

- **CB4 Policy: Housing for Individuals and Families at Low-, Moderate- and Middle-Income**

CB4 is committed to maintaining and strengthening Chelsea as a community with a broad diversity of people in terms of age, income, ethnic and cultural background, family circumstances and lifestyle. An important part of this commitment is providing housing for people with a broad range of incomes; Chelsea is not, and the community does not wish it to be, a homogeneous community. This policy has shaped the Board's West Chelsea proposals.

Working with DCP, the Board has accepted greater bulk and density in West Chelsea than it believes optimal for the area with the explicit expectation that its housing goals would be supported by provisions for the creation of significant amounts of housing for low-, moderate- and middle-income people. The Board would not be able to support the bulk and density proposed for West Chelsea if the West Chelsea Rezoning did not entail such provisions.

- **West Chelsea Housing Opportunity**

Supported by public investment in parks, transportation, sewers and other public infrastructure, the rezoning of West Chelsea will create significant private wealth, as well as higher tax revenues for the City from increased property values. CB4 believes that the City should leverage this increase in value to achieve its stated goal of creating affordable housing.

- **DCP Housing Proposals**

DCP's draft scoping document anticipates the creation of approximately 4,174 new units of housing by 2013, none of which would be low- to moderate-income units. For reasons set forth elsewhere in this document, CB4 believes that this number understates probable development over the next ten years; the Board believes that 6,000 to 8,000 new housing units is a more likely scenario.

In a public presentation to CB4, DCP and the Department Housing Preservation and Development (HPD) outlined three mechanisms that could generate affordable housing in or near West Chelsea:

- Extension of the exclusion area for as of right 421(a) real estate tax exemption for new construction to the full boundaries of West Chelsea, which would provide a strong financial incentive for developers to use 80/20 financing in building a housing development;
- Limiting bonuses in the FAR 10 area in the northern area to Inclusionary Housing only;

- Proceeding with development of housing on government-owned land at two NYCHA sites in Chelsea, and continuing to explore the use of two other government-owned sites.

While the Board welcomes any mechanism for the creation of affordable rate housing in West Chelsea, it believes that, even if all three of these programs were implemented fully, the quantity and type of housing would not fulfill the Board's housing objectives. The Board notes these specific issues:

- The 80/20 housing enabled by the 421(a) exclusion is voluntary in that the developer can choose whether to seek the tax exempt financing and thus be required to provide 80/20 housing; the affordability eventually expires; and the low-income housing is available only to people with the lowest incomes, those households making less than 50% of the area median income;
- The Board is aware of difficulties in filling the low-income portion of recently built 80/20 housing because of the problems low-income households have found encountered with credit background checks;
- The Inclusionary Housing Bonus permits the transfer of the bonus away from the qualifying site, even outside of the West Chelsea area itself, contrary to the Board's interest in promoting diversity in West Chelsea;
- The four government-owned sites identified for possible development are in Chelsea rather than West Chelsea; the number and type of units to be developed is unclear, as is the timing; and the sites are subject to alternative uses by their owners.

Whether 4,000, 6,000 or 8,000 new units are built, these existing programs are inadequate, especially for the housing problems faced by a broad range of civil servants - including police and firefighters - para-professionals, blue-collar workers, teachers, librarians and other people of moderate- and middle-incomes.

- **CB4 Housing Proposals**

CB4 strongly encourages the retention of existing housing and the full use of existing affordable housing programs.

- The Board has proposed that the West Chelsea Special District include zoning provisions to prohibit the demolition of existing residential buildings, by including zoning text similar to Article IX, Chapter 6, Section 96-108 of the NYC Zoning resolution (Special Clinton District).
- The Board has proposed anti-harassment provisions to prevent tenant harassment by including zoning text similar to Article IX, Chapter 6, Section 96-109 and 96-110 of the NYC Zoning resolution (Special Clinton District).

- The Board also believes that any Inclusionary Bonus included in a West Chelsea rezoning plan should be for housing alone, as DCP and HPD have proposed, and should require that the bonus housing be designated for households with 80% of area median income, and should be built in West Chelsea.

- **CB4 General Housing Policy**

CB4 believes strongly that, in addition to the mitigation measures cited by DCP and HPD, the West Chelsea Special District must utilize novel mechanisms to achieve the Board's housing objectives, including requiring affordable housing. The Board notes that the rezoning of West Chelsea proposed by DCP will establish a series of requirements designed to enable the City to achieve various land use objectives. The Board believes that the West Chelsea Special District rezoning should also require affordable housing, and in particular affordable housing that does not expire and convert to market-rate. Only in this way can the long-term goals of maintaining diversity in the area and contributing to the solution of housing needs in the city be attained.

The Board urges the study of alternate rezoning for the West Chelsea Special District that requires developers to construct units for rents affordable to people with moderate- and middle-incomes. DCP should work with HPD/HDC to seek and consider the broadest possible range of zoning, financing and policy mechanisms to achieve the Board's housing policy. The extension of the NewHOP program below 96th Street, is one example; a second is a sliding-scale program proposed by Assemblyman Richard Gottfried that would require developers to offer a percentage of their units to people at different income levels between 50 and 150% of Median Area Income. The impacts of these alternatives should be studied in the EIS, with special attention paid to Task 2 - Land Use, Zoning and Public Policy; Task 3 - Socioeconomic Conditions; and Task 4 - and Community Facilities and Services.

The Board wants housing in West Chelsea for a broad range of incomes, the longest possible term of affordability - preferably permanent - specific goals for types of housing and numbers of units, and tracking and follow-up procedures.

Most importantly, CB4 wants a commitment from the City to achieve these goals even if individual mechanisms fail.

IV. Draft EIS Scope - General Considerations

- **Conduct the environmental review of the West Chelsea Rezoning in full conjunction with that of Hudson Yards.**

General environmental principles and the close association of the two actions during their development require the combined assessment. In general principle it is clear that the massive scale of the Hudson Yards development will have comparable or greater impacts on the parts of northern Chelsea than the development, small by comparison, foreseen in this action. The introductory paragraph of Task 16, Transportation, on page 22 of the Draft Scope for West Chelsea Rezoning, makes explicit the intimate linkage between the roughly simultaneous reviews of the two actions. Such linkage must form part of every section of both reviews.

The two actions have been closely connected since early in the planning and the collection of data. The original study area for Hudson Yards and the later review by Cooper and Eckstut covered the northern half of the area of West Chelsea Rezoning. The proposed study areas for various tasks in each EIS overlap irregularly. Many of them include most of the area directly affected by the other action. The two blocks between 28th and 30th Streets and Tenth and Eleventh Avenues, originally included in Hudson Yards, have now been transferred to the West Chelsea Rezoning. The northern part of the High Line, the preservation of which the West Chelsea Rezoning is designed to promote, lies within the Hudson Yards proposal, and the promenade planned for the High Line forms part of the green connections planned to shape Hudson Yards.

Storage yards for the extended No. 7 line will be constructed under Eleventh Avenue in the area of West Chelsea Rezoning, an action properly studied under SEQRA and CEQR in the Hudson Yards. This state action alone should force a larger and completely comprehensive review.

The effective northern boundary of Chelsea has fluctuated over the years and has never coincided with the boundary set by the current demarcation of the two actions. Separation of these simultaneous environmental reviews by an irregular boundary that has no historical and little physical basis endangers adequate review for both.

Environmental review of the West Chelsea Rezoning will come to an end and the ULURP is scheduled to be underway before completion of even the DEIS for Hudson Yards. This makes inclusion of the final data and expected impacts from the Hudson Yards proposal unavailable for the review of the EIS in West Chelsea Rezoning. This raises serious issues of environmental review.

- **Reasonable Worst-Case Development Scenario**

In constructing its RWCDs DCP has identified 53 development sites in the proposed WCSD and has classified 20 (38%) of them as likely to be developed by 2013 ("projected" sites) and the remaining 33 as less likely to be developed by 2013 ("possible" sites).

CB4 believes that a combination of the following factors makes DCP's RWCDs too conservative:

- CB4 believes that West Chelsea will prove to be a vibrant, highly desirable neighborhood. The board bases this on several characteristics unique to West Chelsea: a) proximity to the Chelsea Historic District; b) proximity to the Hudson River; c) development of the Hudson River Park; d) probable development of the High Line Park; e) a flourishing arts community and a general atmosphere of vitality and trendiness. Based on its public presentations, DCP clearly shares the Board's enthusiasm and optimism about West Chelsea, and yet has chosen to assume a very slow rate of development
- Development tends to occur in surges related to general economic conditions, as evidenced by the sudden build-out along Sixth Avenue and along 23rd Street as the economy improved. CB4 expects developers to take advantage of improving conditions as the economy emerges from the recent recession, leading to earlier and more extensive development than would be expected at other points in the economic cycle. Once development starts in an area perceived as desirable, a momentum is created that can rapidly carry development well beyond what was expected earlier.
- CB4 believes that the effective number of projected and potential developable sites is greater than 53. The board has received information that the B&O and Terminal Stores buildings located west of Eleventh Avenue in the board's designated Area F3 (see attached letter of June 6, 2003 and Section I of this document) have already attracted the attention of residential developers. Expanding the boundaries of the WCSD to incorporate this area, as CB4 advocates, would support continuation of this area as an M zone; but if developers successfully apply for variances, this would increase the number of projected developable sites and add significantly to the potential residential impact on West Chelsea. Although such applications would require environmental reviews of their own, their impacts would be studied in isolation from the major action that will have in reality led to the separate applications and reviews.

CB4 believes that a more inclusive RWCDs must be studied. There are two possible approaches, which should be combined. The result must be that a clear majority of probable impacts are included in the environmental review of this action.

One approach is to reclassify more of the potential development sites as projected ones, taking into account the factors we have listed as making major development more probable. This review should be conducted with the awareness of the real possibility of successful variances that would add to the momentum of development and the impacts to be projected.

The other is to use a build date likely to include the impacts of the major thrust of development. The Draft Scope predicts that only 20 of the 53 "projected and potential development sites" are likely to be developed in 2013. Thus the EIS will explicitly not assess the major portion of likely impacts. Adequate review requires a build date that is likely to include a clear majority of foreseeable impacts rather than the routine acceptance of ten years out. A possible lack of acceptably updated data cannot justify the absence of

full review. 2025, the outer build date set for Hudson Yards, would contribute to a reasonable likelihood of fulfilling this standard and to the alignment of review of this action with the larger one occurring next door.

V. Draft EIS Scope - Detailed Comments

- **Description of the Proposed Action**

Project purpose and need

Page 4, second paragraph.

Revise the assertion of “the area’s context of high streetwall buildings” in view of the discussion under Task 8, Urban Design/Visual Resources.

Add row houses to the residential land uses to the east of the directly affected area. Row houses are a frequent land use east of Tenth Avenue between 20th and 25th Street and this use is a dominant one in the Chelsea Historic District at the heart of traditional Chelsea.

Page 5, second paragraph.

Review the effectiveness of the retention of existing uses, especially art galleries, in the midblock cores. The significant reduction of the midblock space remaining as M1-5, especially south of 23rd Street, risks excessive pressure on the heart of the art gallery district located here. The change in character of the immediate neighborhood and the increase and change in character of automobile and pedestrian traffic will bring a different “feel” to the neighborhood and are likely to lead to higher rents for ground floor spaces and conflicts with galleries. The details of the analysis required are found under individual tasks.

- **Task 1. Project Description**

CB4 is not commenting on this task.

- **Task 2. Land Use, Zoning, and Public Policy**

Page 13. The description of standard methodology lacks reference to significant items specific to this area.

Assess the compatibility of the rezoning action of the proposed action with the Chelsea 197a Plan. The plan is an important public policy document covering much of the area immediately to the east within the study area and beyond. Actions in the southern part of the rezoning area in particular should be generally compatible with the plan. Examine the extent of compatibility of the current actions with such goals of the plan as preserving the ambience of the Chelsea Historic District, preserving the urban form of Chelsea, and minimizing displacement.

Include in the study of the loss of manufacturing zoning the effects on the art gallery district. A stated goal of the proposed action is the preservation and enhancement of the art gallery district, which the representatives of DCP have declared it is public policy to support. The rezoning will reduce considerably the area zoned for manufacturing and support the erection of tall, largely market-rate residential buildings on the ends of the remaining midblocks with this zoning. Assess realistically the impacts of this change.

Include compatibility of the proposed rezoning with public policy in favor of providing affordable housing. Providing adequate affordable housing is declared City policy. The proposed rezoning will create considerable market-rate housing while making only minimal provisions for inclusionary housing in the northern blocks. DCP and HPD have made oral presentations of parallel actions that are presumed to create significant amounts of affordable housing. The EIS must record and assess these actions as mitigation for the lack of significant provisions for affordable housing in the zoning action. For further discussion see Section III of this document.

- **Task 3. Socioeconomic conditions**

Pages 14-15. The general statement of methodology is lacking in detailed provisions related to conditions in the area.

Page 14. Residential displacement

Include in the study of direct residential displacement the tenants in the row of old walkup buildings along and just west of Tenth Avenue. Seven projected and potential development sites are foreseen on full blockfronts containing one or more such buildings. These developments are predicted to be market-rate, creating incentives for displacement by legal or illegal means. A list of residential units is attached. Include the more scattered residents, often artists or artisans, of the midblocks scheduled for residential rezoning for similar reasons. There is a significant number of such live-work residents between Tenth and Eleventh Avenues, especially on 26th Street. Further data are available from the Live-Work Coalition, which has already been in touch with the Department.

Study indirect residential displacement in the full study area, including existing tenants where the zoning will not be changed, such as midblocks of the directly affected area. The creation of a large number of market-rate units will increase the desirability of the area for legal uses of many types. Even conforming or grandfathered tenants will be under indirect pressure in many locations from the larger buildings allowed by the present zoning or by higher-rent uses from new tenants attracted by the transformation of the area.

Provide mitigation for expected displacement by such means as provisions against harassment and displacement based on those in place for the Clinton Special District. Such protection has proved effective and is within city policy in a Special District. It is discussed in detail in Section III of this document.

Provide mitigation for probable displacement by grandfathering residential units in the M-zones not to be rezoned to allow new residential uses, Extending effective

protection to residential units existing in these midblocks at the effective date of this action will avoid displacing a population that adds to the diversity and character of the area. Many of these residents are artists and artisans and thus contribute to the health of the arts district.

Provide significant amounts of affordable housing to maintain the traditional Chelsea working-class community of which the area near Tenth Avenue was the heart. The historic Chelsea working class population typically worked on or near the waterfront and lived within close walking distance of work. Its descendents often remain near Tenth Avenue in public housing or walkup apartments. The probable loss of much of this population and the low-rent buildings that house it us will diminish the diversity of the area that it is the declared purpose of this action to preserve. Their replacement by a population of a different income range and background will change the character of West Chelsea and of the larger Chelsea community.

Preserving this population and the diversity and tradition that it brings to the community requires the permanent provision of a significant amount of low, moderate, and middle-income housing. This action provides only a very limited amount of inclusionary housing in the northern end of the Special District. This is inadequate environmentally and also is not in accordance with declared city policy to increase the supply of housing and in particular affordable housing. Further, it is inconsistent with the wider goals of the Chelsea 197-a Plan. For further discussion see Section II of this document.

Page 14. Non-residential displacement

Assess direct business displacement from similar pressures throughout the affected area. The conversion of commercial buildings to residential uses in the area to be rezoned will directly displace the businesses within them. So will the replacement of commercial buildings by new residential ones in rezoned areas. This impact includes the small retail or other business on the lower floors of walkups along Tenth Avenue as well as those in commercial buildings throughout the area to be rezoned. Special concern must be given to displacement of galleries, which are typically in ground floor spaces of several types.

Assess indirect displacement of businesses from pressures of gentrification. The new residential population will prefer more varied and upscale stores and businesses. The ability of these establishments to pay higher rents and the change in character of the neighborhood will displace existing businesses. This will affect the existing art galleries, most of which rent space in such buildings.

Relocate businesses displaced by this action in the immediate area, especially local service or retail enterprises. Traditional ties and propinquity are typically necessary to the survival of such businesses. Their survival provides needed services to their traditional customers and thus reduces pressures toward indirect residential displacement. It preserves existing jobs, community ties, and community character

Assess adverse effects on specific industries/businesses important in the area.

Art galleries. In addition to the general factors discussed under displacement, the change in ambiance and street traffic as well as the spread of retail uses will, on the example of SoHo, threaten the continued well-being of the district. Mitigation will be required.

Relocate art galleries affected at reasonable rents within the gallery area. Such relocation is essential to preserve and enhance the gallery district. It is of course important to the survival of individual galleries. This measure may not be sufficient

Devise further measures to protect the health of the art gallery district. Preservation and enhancement of the art gallery district is an explicit goal of West Chelsea Rezoning. Most of the art galleries rent their space; many came in at low rents before the area became fashionable. Knowledgeable persons in the field state that many leases will soon be up for renewal and that the expectation of the rezoning will lead major increases. Although other factors are involved, this situation adds urgency to the need for mitigation of displacement pressures on the integrity of the gallery district.

Service industries. Board 4 has long been concerned about the importance of businesses in this area to the Central Business District as well as businesses and residents throughout Manhattan.

Assess the economic effect of loss of service businesses in the study area. The loss of quick and easy access to services will add to the difficulties and costs of businesses and even of life in Manhattan. Two types of such businesses are strongly represented in West Chelsea and are particularly subject to the displacement pressures discussed previously.

Warehousing and Storage. Such businesses typically occupy large buildings and pay low rents. Such buildings are particularly attractive for conversion to residential and other higher-paying uses.

Many serve as distribution centers associated with companies located in the city. Others serve theatrical, television, or the performing or visual arts. In some repair and even some light manufacturing take place. The increased costs and other pressures are likely to have adverse impacts on the businesses they serve.

Automotive uses. Uses such as parking, vehicle repair and maintenance, and vehicle sales and rental serve both the businesses and the residents of Manhattan. The accessibility of such services adds to the attractiveness of Manhattan for businesses and residents alike. On the other hand they are offensive to eye, ear, and sometimes nose, and often block streets and sidewalks.

Higher-paying uses have driven them from many areas of Manhattan, and the added pressures from rezoning will almost certainly have the same effect in West Chelsea. Studies of this and similar areas must include evaluation of the negative impacts involved and assess the economic effects of their displacement.

- **Task 4. Community Facilities and Services**

Page 19. Carry out a detailed analysis of health care facilities and day care centers.

The related and supporting changes associated with this rezoning will create low-to-moderate units in excess of the 600-unit threshold within the directly affected area and others within the study area.

- **Task 5. Open Space**

Page 16. Analyze planned open space, especially the Hudson River Park, with attention to its availability on schedule and its appropriateness for active recreation.

Funding for the section of the Hudson River Park near the rezoning area is uncertain.

The designs adopted for the portion north of the Chelsea Piers provide for limited active recreation. In the Chelsea Waterside Park near 23rd Street ball fields are in place, a playground is under development, and there will be a rink of some kind. North of here the Park is narrow and boating at 26th Street is the only other active recreation. North of this point the designs show a kind of bird-friendly reserve, with limited provisions even for passive recreation up to 34th Street.

South of Chelsea Piers the Park in the study area is a narrow strip with a few piers of uncertain future. The recently issued RFEI for Pier 57 listed only “recreational maritime” among uses relevant to this issue. Pier 54 will be largely unplanned open space. The Gansevoort peninsula, while designated for park uses in the long run, is now under study for a marine transfer station under the Mayor’s waste-removal plan.

Evaluate the actual availability and usefulness of the open space planned directly to the north of 30th Street in the Hudson Yards proposal. The function of this space and its availability to workers and residents is uncertain. Assess its usefulness under the pressure of shadows from the tall buildings planned in this rezoning just to the south and the contention from users of the multi-use facility. Include such projected uses as a kind of “tailgating” for football spectators and assembly space for events in the “multi-use facility” and the Olympics.

Provide mitigation by such means as speeding up the construction of planned open space, as in the Hudson River Park or elsewhere, reviewing *plans* for such space to provide more useful resources, or committing such resources as the Gansevoort peninsula to the Hudson River Park.

- **Task 6. Shadows**

Page 17. The list of areas to be evaluated is incomplete.

Evaluation of the high buildings (FAR 10) planned for portions in the extreme northern and southern portions of the rezoning.

Include in the review such public resources as the playgrounds and sitting areas of public projects like Fulton and Elliott-Chelsea Houses.

Review shadows cast by buildings planned in this development on the open spaces north of 30th Street in the Hudson Yard proposals. These shadows will affect the quality of these spaces and the adequacy of their function. The impacts of the two proposals must be cumulated.

Review shadows on the Chelsea Historic District (including its Extension). The seminary grounds and the front gardens and interior spaces of residential blocks are historic features of the area planned by Clement Clarke Moore and are protected historic features of the Historic District

- **Task 7. Historic Resources**

Pages 17 and 18. Supplement the methodology proposed for identifying historic resources by involving the State Historic Preservation Office in the evaluation of properties for eligibility for the State/National Historic Register.

The example of the EAS for this action and the previous reviews of this area for the Chelsea Plan and the Chelsea Rezoning indicate that the methodology proposed for this Task is insufficient to identify historic properties. The EAS for this action stated on page 4 that there were no properties on or eligible for the Historic Register in or directly facing the affected area. At a minimum there are five: the former Seaman's House YMCA (now Bayview Prison) and the former Terminal Hotel at the west end of 23rd Street in the area to be rezoned, as well as the group directly facing the rezoned area on Eleventh Avenue formed by the Starrett Lehigh Building (which is also a New York City Landmark) and of the adjacent Terminal Stores Warehouse and former Baltimore & Ohio Railroad Warehouse. The former Merchants Refrigerating Company Warehouse now largely occupied by the DEA faces the rezoned area across 17th Street. There are also eligible waterfront structures close by that may be affected like Pier 57, the roof of which, suitable for sports, is likely to be shadowed by the building to be erected on the DEA parking lot, the piersheds of Piers 60 and 61, and the Baltimore & Ohio Float Transfer Bridge. Copies of the relevant pages of Appendix C of the Route 9A EIS are attached.

Previous CEQR environmental reviews for the Chelsea Plan and Chelsea Rezoning failed to detect two significant buildings in the 500 block of 23rd Street in the affected area that SHPO recently declared eligible for the Historic Register. A private owner has since demolished them in order to build on the lots made available for residential use by a rezoning thus approved in the absence of adequate review. This regrettable situation is partially the result of the chronically inadequate staffing of the Landmarks Preservation Commission.

Follow a procedure comparable to that of the Route 9A EIS in order to evaluate properly existing historic resources. Only the collaboration of the State Historic Preservation Office, which is to participate in the evaluation of Hudson Yards, can provide adequate review. The consultants performing the 9A review submitted evaluation requests to SHPO and City Landmarks for all likely properties. Another possibility is suggested by the Draft Scope of the Hudson Yards action, which clearly indicated SHPO participation.

A starting point for such action might be the draft study report of the area produced by the 2002 preservation studio of the Columbia University School of Architecture, Planning, and Historic Preservation (see attachment). It pointed to a large number of interesting industrial buildings, often with waterfront or historical connections. The report suggested the suitability of Historic District designation for portions of the area, a judgment in which Community Board has concurred.

Submit documentation of historic resources in the area to SHPO and New York City Landmarks so that they may recommend mitigation. This should include designation of individual properties or historic district.

Page 18. Include the Route 9A EIS among the sources for possible archeological sites in the study area. The extensive Route 9A EIS contained an elaborate study of archeological resources on and near its route that could be used as a base and model for study of this area.

- **Task 8. Urban Design/Visual Resources**

Page 18. Establish diversity as an essential element of the description of the urban design and built form of the area. The presentations by DCP have consistently presented diversity as a fundamental element of western Chelsea, including the built form. Preservation and enhancement of this form has been set forward as one goal of the action. The flat statement of Page 4 of the Draft Scope of Work asserting “the area’s context of high streetwall loft buildings” is inconsistent with these statements and with reality.

While almost all buildings maintain the streetwall, the “high streetwall buildings” cited in the document as the dominant form dominate only on some streets in the area. The height is purely relative and far from high in the general context of Manhattan. Only a handful of the buildings in West Chelsea reach the 140 feet anticipated along much of Tenth and Eleventh Avenues. The maximum height of buildings in Chelsea is approximately 225 feet and is not found in the area directly affected by the rezoning. North of 26th Street and south of 21st Street especially, low buildings interspersed with parking and other vacant areas dominate, and even in the more central streets most blocks between Tenth and Eleventh Avenues are mixtures of buildings of different heights.

Study the affected area in the larger context of the Chelsea community of which it has always been a part. The study area includes a significant part of the larger Chelsea community, including most of the Chelsea Historic District. This is the symbolic heart of traditional Chelsea. Tenth Avenue represents the original shoreline from which the built form of Chelsea rises eastward.

The long narrow wedge between the waterfront and Tenth Avenue formed by the area of the West Chelsea Rezoning was and is an inextricable part of Chelsea and shares in the diversity of the community as a whole. The North River piers and the manufacturing area located just to the east were the place where the residents of all Chelsea worked. Tenth Avenue was the center of the working population that worked on the waterfront and in industry nearby. The urban form of West Chelsea cannot be studied in isolation from the rest of the community.

In this context the bulk and the design guidelines of the new buildings to be erected along Tenth Avenue, although carefully and ingeniously planned, threaten to support creation of a psychological barrier reinforced by the bridges of the High Line. At almost all points on the Avenue the height and bulk of the buildings on the west side are greater than that on the east. Full-blockfront buildings are foreseen in many places, it is necessary to evaluate this row for its compatibility with the built form of the community directly to the east and the visual unity of Chelsea sought by the Chelsea 197-a Plan. It will have a cumulative impact when viewed from across Tenth Avenue, even if attempts are made to break up its effect. Principles of design generally call for comparable bulk and form on the two sides of a thoroughfare unless it is to serve as a boundary.

The description on page 6 of the EAS of land uses to the east of the area to be rezoned omits the row houses (many of them single-family) that are strongly represented in the traditional "brownstone" core between 20th and 25th Streets directly to the east of the rezoning. This may lead to underestimation of the contrast between the two sides of Tenth Avenue in this section.

Use the urban form of Chelsea used as a basis for the Chelsea 197-a Plan as an approach for evaluating the current proposals. The goals and principles of the adopted Plan and the Rezoning are relevant to this area, implicitly in some parts, and explicitly in the southern part of the area affected.

The urban form of Chelsea rises irregularly eastward from a low point on Tenth Avenue, the original shoreline eastward toward the Manhattan spine near Fifth Avenue. West of Tenth Avenue there has historically been a mixture of buildings of various heights, moderately high near 23rd Street in the area near 23rd and generally lower to the north and south except for the anomalous Starrett Lehigh Building at 26th Street and warehouses near 14th Street.

The tallest buildings in Chelsea rise not much above 200 feet, and even at this height stand out in a largely low to mid-rise area. They are mostly found in subsidized housing developments and along 23rd Street. Buildings beyond this scale threaten neighborhood character. The towers planned for the DEA parking lot block between 17th and 18th Streets, one of them over twice that height, cannot be reconciled with the character of the immediate area or Chelsea as a whole.

Evaluate views to the water as the major visual resource. Views toward the river and New Jersey have historically been one of the major attractions of Chelsea, although from points on Tenth Avenue and eastward they have been limited by the presence of the High Line. The relatively high buildings planned along Tenth Avenue and to some extent the towers planned for Eleventh Avenue south of 23rd Street threaten to reinforce this obstacle.

Analyze the loss of view of the Empire State Building and Midtown. The frequent views of the Empire State Building are almost an iconic feature of Chelsea. A frequent question is whether you can see the Empire State Building from your street. The higher buildings planned on and west of Tenth Avenue in area to be rezoned will limit the views of the higher buildings of Midtown from Route 9A and the Hudson River Park. Some cross

streets in West Chelsea as well as portions of the High Line itself will also lose such views from development, whether from this rezoning or the Hudson Yards.

- **Task 9. Neighborhood Character**

Page 19. Include in the evaluation of impacts here the comments on Socioeconomic Conditions, Historic Resources, and Urban Design /Visual Resources. These are the principal considerations in the review of a historic community such as Chelsea.

- **Task 10. Hazardous Materials**

Page 19. Western Chelsea is an old industrial area where previous reviews have shown many polluted sites.

Include the extensive Route 9A EIS in the documents used for approaching this problem. This very extensive EIS performed many tests on and near its route and gives an effective overview. The area is almost entirely old landfill from varied unknown sources and has a long industrial history.

Include examination of the full implications of the probable restrictions on excavation such as limiting underground parking. The many sites likely to be too problematic for extensive excavation and the other problems of construction in the old landfill of the area may have significant impacts on the availability of parking in the study area.

- **Task 11. Natural Resources**

Page 20. Include in the evaluation of the health of the Hudson River the impacts from Shadows, discussed in Task 6, and from Sewage and Stormwater, under Task13, Infrastructure. Both shadows from taller buildings and the drainage into from Combined Sewer Outlets caused by increased loads on the Intercepting Sewer must be added to the possible impacts listed under this task.

- **Task 12. Waterfront Revitalization Program**

CB4 is not commenting on this task.

- **Task 13. Infrastructure**

Page 21. Water Supply

Evaluate the adequacy of the water supply. Water in the area comes from the Croton System. In recent dry seasons there have been frequent complaints about water quality. Official announcements about water quality and the necessity of treatment as well as the controversies over filtration make it clear that the system is somewhat compromised and may well be severely so during much of the period of study. Planned long-range mitigation will take years. It is necessary to consider the increase of demand due to the cumulative

effects of development on the West Side and in the Hudson Yards and Chelsea areas in performing this review.

Sewage and Stormwater

Evaluate the severe local problems involving sewage backup and overflow. At times of heavy rainfall that coincide with flood tides the tide gates on the Combined Sewer Outlets sometimes remain closed for some time. Serious sewage backup and overflow have repeatedly occurred in the area of the Chelsea Rezoning. This has affected not only residents but also businesses and led to the loss of materials, including the art objects of galleries, in basements or even on ground floors. Local officials have attempted to find solutions without success. Combined sewer outlets are not scheduled for replacement in any definite future.

The area is served by the North River Pollution Control Plant. The limited capacity of the plant and of the Interceptor Sewer that leads to it are the basic cause of the sewage backup. The adequacy of the plant itself has frequently been challenged.

Evaluate the capacity of this system before approving such major increases in demand as the West Chelsea Rezoning and the Hudson Yards Proposals. Among the issues are possible impacts of the plant on its neighborhood, since it frequently gives off odors. This evaluation must take into account the recent major developments on the West Side, continuing development in rest of the plant catchment area, and the continuing rise in ocean levels.

Evaluate separation of storm and sewage outfalls as mitigation for sewage backup. This may be in the long run the only solution. It would improve the environment in general and water quality in the Hudson River in particular.

- **Task 14. Solid Waste and Sanitation Services**

CB4 is not commenting on this task.

- **Task 15. Energy**

CB4 is not commenting on this task.

- **Task 16. Transportation**

Page 22. The introductory statement discussing the relationship of the Hudson Yards and the West Chelsea rezonings is excellent. It should be a model for the review of impacts throughout the EIS.

- **Task 16A. Traffic**

Analyze all traffic impacts of West Chelsea Rezoning and Hudson Yards together.

The two rezonings are adjacent. As stated in the Draft Scope, the main avenues are shared by the two proposals and congestion on cross streets affect parallel ones in the two areas.

Route 9A, which was designed to relieve some of this burden on local avenues, is already clogged a few years after opening. The long-term effect of the developments deriving from both actions need accurate evaluation. Traffic studies of the area must be fully up to date and make realistic estimates of future long-term increases in order to measure the impact of West Chelsea rezoning and that of the adjacent Hudson Yards.

Evaluate the validity of the “annual background growth rate of 0.5%” cited in the CEQR manual. This figure is widely regarded as outdated and not corresponding to the reality of the last few years. Studies should be made to check this rate against reality.

Avoid mitigating for motor traffic by street widenings in built-up and especially residential areas. As discussed in Task 16C, pedestrian traffic is already a major problem in the area. Increased development in an area far from public transportation will put a severe burden on sidewalks, many of which have already been narrowed to ease motor traffic.

Study mitigating traffic on narrow streets near the waterfront by street reversals.

One case is 24th Street east of Eleventh Avenue. It carries considerable traffic, including truck traffic that the shape of the intersection at this avenue tends to divert onto this street and away from 23rd Street. This moves traffic to a narrow street and away from a main crosstown street and designated truck route. East of Tenth Avenue 24th street passes through residential streets, with landmarked rowhouses between Tenth and Ninth Avenues, a dangerous curve between Ninth and Eighth, and a school in the next block east. As traffic increases from the rezoned area along Eleventh Avenue to the north these impacts may increase.

Reversal of appropriate blocks between Route 9A and Tenth Avenue may be appropriate on other impacted streets.

Evaluate effects of *increasing* bicycle usage as mitigation for increased traffic volumes. Many residents in the proposed Special District will be situated near the major bicycle route in the Hudson River Park. Many will want to—and should be encouraged to—travel by bicycle. Study possible mitigation of impacts from automotive traffic though facilitating bicycle travel through additional on-street bicycle parking facilities; additional bike lanes, and the mandatory inclusion of indoor bicycle parking facilities in new developments.

- **Task 16B. Parking**

Page 23. Evaluate the ability to provide parking to replace the resources projected to be lost to new development. This analysis must take into account the difficulties and expense of excavation of underground garages in often polluted and typically soft landfill.

- **Task 16C. Transit and Pedestrians**

Exclude widening sidewalks within the building line in built-up areas as mitigation of pedestrian congestion. Many sidewalks in the area or leading to it from the subway have already been narrowed to promote motor traffic and therefore cannot carry heavy pedestrian loads. Thirtieth Street between Ninth and Eighth Avenue is such a block. The sidewalks should not be further narrowed, or widened beyond the traditional building line to the detriment of the character of the block. In addition partially widened sidewalks invite sitting or sleeping in the recesses thus provided.

Evaluate “bulb-outs” and similar sidewalk modifications as mitigation for increased pedestrian traffic. 10th and 11th Avenue and their sidewalk configurations are currently designed only with vehicular movement in mind. The impacts on pedestrian traffic of significant new residential population are likely to be significant. Study mitigation through sidewalk reconstruction, including appropriate widenings and bulb-outs, to enhance pedestrian safety and to allow higher levels of pedestrian use.

- **Task 17. Air Quality**

CB4 is not commenting on this task.

- **Task 18. Noise**

CB4 is not commenting on this task.

- **Task 19. Construction Impacts.**

Page 23. Restrict and monitor construction in this area of polluted 19th-century landfill. Almost all the directly affected area is old industrial landfill, as discussed under Task 18, Hazardous Materials. Previous reviews and 19th–century records as well as the materials cited under that task indicate general conditions and specific locations.

Evaluate the mutual impacts of the construction of the No. 7 line along the rezoned section of Eleventh Avenue in northern part of West Chelsea and projected development sites under the rezoning. Construction of subway storage yard under an avenue in old landfill with large existing building and sites projected for development in the same time period raises serious practical and environmental issues.

- **Task 20. Public Health**

CB4 is not commenting on this task.

- **Task 21. Mitigation**

Page 28. Mitigation for the various tasks is discussed under the headings of each task.

- **Task 22. Alternatives**

Page 29. A lesser density alternative must be fully evaluated. Rather than simply reducing bulk throughout in order to reduce presumed impacts in a general way, this alternative should be crafted so as to include such reductions as will reduce the specific impacts that this document has indicated in such sections as shadows, urban design, and neighborhood character.

- **Task 23. Summary EIS Chapters**

CB4 is not commenting on this task.

- **Task 24. Executive Summary**

CB4 is not commenting on this task.

Sincerely,



Walter Mankoff
Chair
Manhattan Community Board No. 4



Lee Compton
Co-Chair
Chelsea Preservation & Planning Committee

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

On October 1, 2003, Manhattan Community Board No. 4 voted to approve this letter.

Encl.

- CB4 Letter of June 6, 2003 to DCP
- List of residential units on and near Tenth Avenue under displacement pressure from the Rezoning
- Pages of Appendix C of Route 9A EIS listing Historic Register structures in the neighborhood of the Rezoning
- Relevant portions of the Columbia University School of Architecture, Planning, and Historic Preservation 2002 preservation studio

cc: Hon. Michael Bloomberg, Mayor
Hon. C. Virginia Fields, Manhattan Borough President
Local Elected Officials
Jeff Mulligan, DCP