



CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD FOUR

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Manhattan Community Board 4 (MCB4) writes to respond to the Draft Scope of Work for the proposed Western Rail Yard Modifications. However, at the outset, MCB4 must note it cannot support the proposed project's drastic shift from residential to commercial use designed around casino use.¹

MCB4 raises the following question to both the Related Companies and the City of New York. **Why should communities around the City of New York work with the real estate industry and the City government to respond and agree to zoning changes with detailed site plans and Points of Agreement when such plans and agreements can be discarded at later date?**

Notwithstanding our position as detailed above, MCB4, in its role to provide comments in this DEIS Scoping Process, details its comments below. In the coming months, it will also act in similar fashion as this proposal proceeds to the Uniform Land Use Review Procedure (ULURP).

History

The existing plan, exhaustively negotiated in 2009, is a predominately residential plan with approximately 5,700 apartments and one commercial building integrated into the

¹ Due to the deadline for comment of the Draft Scope of Work this letter will be ratified at the following Full Board on Wednesday, April 3rd, 2024.

neighborhood, centered around a carefully crafted public open space, complementing, and visually connecting the Highline Park surrounding the site. Those negotiated changes were embodied in the Hudson Yards Special District (HYSD) zoning text. Both on and off-site community benefits agreements are further detailed in the 2009 Western Rail Yard Points of Agreement (WRY POA), executed on December 9, 2009, by Jay Cross for RGWRY LLC (Related Companies' ownership entity for the Western Railyards) and Deputy Mayor Robert Leiber for the City of New York.

At the core of our concerns is the proposed modification of the plan currently reflected in the HYSD zoning text. That site plan laid out a dense residential neighborhood with small residential footprints to maximize light, air and views to and from the public open spaces. Building height stepped down toward the Hudson River, street walls and setbacks were required all to frame new major park open space. Streets were reintroduced to connect the WRY and the park to the surrounding blocks. The WRY site plan was the result of a thoughtful and collaborative process, painstakingly negotiated among the City, the Related Companies, MCB4 and the Hell's Kitchen community 15 years ago.

Now, the applicant, Related Companies, **solely in pursuit of casino dollars as a means to fund the platform over the WRY, proposes to amend that plan out of existence** in favor 2 oversize commercial towers, one of a hotel with 1,750 keys, sitting on the equivalent of a 20-story base containing a casino. Streets connecting the community will be eliminated. The varied, crafted open spaces will be consolidated into one bounded by the 20-story casino wall to the North and shadowed by a 1,366-foot-tall commercial tower to the south. Lastly, West 33rd Street will be elevated to act as a dead end servicing a covered porte cochere for casino guests arriving by car or car service. The result will be an inward looking, protected enclave for an inward focused casino, disconnected from the surrounding community.

The agreed upon zoning and development plan intentionally targeted the development of a vibrant neighborhood that combined commercial, retail, residential, and community space. The Eastern Rail Yards was predominately commercial, the WRY predominately residential. Now that the eastern section has been fully built, it is incumbent upon the City and the developers to fulfill the WRY POA by building the residential portion critical to balanced development along the Middle West Side.

The City of New York came to Hell's Kitchen community in 2001 proposing major use and density changes to manufacturing zones along the West Side from West 14th to West 57th Streets, from 10th Avenue, west to the Hudson River. Over 8 years, the community and City along with real estate developers, such as the Related Companies, forged working relationships with MCB4 and community stakeholders to accomplish multiple rezonings, transforming the Middle West Side. The result has been the construction of millions square feet of office space in Hudson Yards and over 7,000 residential units in Chelsea, Hudson Yards and Hell's Kitchen. Many of those apartments are affordable, over 1,700 to date. These efforts need to be respected and honored.

Fundamental Issues with the Draft Scope of Work

In review of the Draft Scope of Work, MCB4 identifies four fundamental issues with the draft scope.

- The developer correctly states that the Proposed Action will not have greater density than what is currently planned by zoning. Yet the “No Action” plan does not incorporate full build-out of that plan. The developer claims that because residential development takes longer than commercial development, that the “No Action” proposal is only what could be built by 2030. For an accurate comparison of “No Action” to “Proposed Action”, full build-out using the current allowable zoning must be considered. MCB4 recommends that the No Action comparison use allowable zoning square footage rather than what can be built by 2030.
- The timeline for the analysis is considered the end of the build-out through 2030. Given that the Eastern Rail Yards has taken approximately 15 years to reach a point of full use of that area, it is inconsistent to say that the development of the Western Rail Yards will take less time. The analysis of impacts should use a realistic and experienced timeline which would mean increasing the study of impacts to be through the actual expected timeline. MCB4 recommends that the scope study impacts through 2040.
- The impact area is limited to ¼ mile. The largest commuter hub that includes the terminus of LIRR and NJ Transit, plus the intersection of multiple subway lines is at Penn Station/Moynihan Hall. That transit hub is ½ mile from the Eastern Rail Yards. It would be expected that most commuters travelling to 6M square feet of commercial space will be commuting through a site that is farther than the ¼ mile radius of the impact study area. MCB4 recommends the study area increase to ½ mile to accurately analyze the true impact of this large-scale development on our community.
- The draft scope recognizes that the site is within the 100-year floodplain map and will make considerations based on its location. Unfortunately, the City has experienced many more flood incidents over the past 30 years that would indicate that our global climate crisis is having a greater impact than was anticipated in 1991 when the CEQR Manual was last updated. The 500-year flood plan maps include the blocks immediately to the south of this site in Chelsea. MCB4 recommends the scope analyze the .2% floodplain impacts.

DEIS--DRAFT SCOPE OF WORK

Project Alternatives

- Please study impact of an alternative development scenario of financial feasibility of development with public funding of the WRY platform, including the development of public assisted middle-income housing in this scenario

- Please study an alternative development scenario with one hotel tower with the balance of proposed development to be residential
- Please study an alternative development scenario with both a smaller footprint and height of the proposed casino portion

LAND USE, ZONING, AND PUBLIC POLICY

Changing proposed land use from predominantly residential to commercial will have a serious impact on the Midtown office market.

- MCB4 requests an analysis of current vacancy rates and occupancy rates of commercial buildings within the Hudson Yards, Garment Center, Midtown Special Districts to justify the applicant's proposal to eliminate residential units in favor of commercial towers.
- The proposed project reduces the number of planned dwelling units from 5,762 in the Western Rail Yards Points of Agreement to 1,507 in the proposal. The Related Companies have made extensive use of housing finance mechanism and real estate tax exemptions to build both rental and ownership housing. With those real estate tools, the majority of Related Companies housing developments have produced between 20% to 25% affordable housing in its developments. In 2009, it was discussed and expected those real estate tools would be used in developing the residential buildings on the WRY. Please quantify and study the prospective loss of that affordable housing under this current proposal.
- MCB4 requests an analysis of the demand for housing units in MCD4, as well as across the City needs to be conducted, with the effect of eliminating approximately two thirds of the currently planned 5,762 dwelling units.
- Current development efforts and rezoning proposals call for adding 6M square feet of commercial space in the areas adjacent to the Hudson Yards Special District and the Garment Center Special District. Please study the impact of an increase of 6M commercial square feet of development will have on commercial development in those areas.

SOCIOECONOMIC CONDITIONS

- There will be no on-site residential displacement, however secondary off-site displacement must be studied.
- Study impacts and analyze impact on local businesses.

COMMUNITY FACILITIES AND SERVICES

- **FDNY & NYPD**--As noted by MCB4 in its responses to both in the 2005 Hudson Yards Rezoning and 2009 Western Railyards rezoning, sites need to be designated both for FDNY and NYPD to provide basic public safety services to for the millions of commercial and residential square feet to be constructed. Please provide a study of on-site and off-site options.
- **Emergency Medical Services (EMS)**—Please study impact on current EMS catchment area and its EMS station ability to provide emergency services.
- **Day Care**—Please reaffirm Day Care commitments from the WRYPOA.
- **Community and Cultural Space**-- Please reaffirm Community and Cultural commitments from the WRYPOA.

OPEN SPACE

The open space is squeezed between an office building and 20-story casino base with 1,189-foot-high hotel. This park space has been relegated to land left from development requiring large building footprints and floor plates. It is not integrated into a full site plan.

- Please study redesign of the open space into multiple open spaces, bounded by multiple lower height residential buildings
- Please provide both views from the Highline Park and from the open spaces to the Highline Park to enable analysis of and maintenance of open view corridors between each public green space.
- The analysis of the use of open space should not be limited to weekday use only but also include weekend use analysis.
- The study should encompass all users of open space including local residents, and not just the residents and tenants of the proposed buildings.
- The classification of Open Space must look at both Open Space and Open Green Space.
- Any proposed plans must design for and plant a robust street and site tree canopy with pedestrian-oriented connectivity to create vibrant, safe, and well-connected open outdoor spaces.
- Open space design must be included to avoid encroachments onto open space in the future through the expansion of sidewalk cafés and fire and emergency lanes.
- Any proposed buildings should incorporate green and cool roofs, now the minimum standard in sustainable building.

SHADOWS

- MCB4 appreciates the comprehensive shadow analysis proposed in the scope of work (SOW). MCB4 will have further comments after a shadow assessment is produced. The shadow assessment should extend beyond the ¼ mile mentioned in the SOW to ½ mile.
- Shadow impacts should pay special attention to Bella Abzug Park and the estuary of Hudson River.

URBAN DESIGN AND VISUAL RESOURCES

- Sight line analysis should be from the High Line to the Empire State Building, and from the existing open space to the Hudson River.

HAZARDOUS MATERIALS

- An asbestos and other hazardous materials remediation plan should be instituted, and an emergency exposure plan should be prepared for all residences within the 1/2-mile radius. This should go beyond merely developing measures to “minimize potential exposure.”

WATER AND SEWER INFRASTRUCTURE

- The DSOW already has a comprehensive proposal for the effects on the management of stormwater.
- Please study the option to use a combination of permeable pavement and bio-swales to reduce runoff volumes of rainwater and melting snow, especially since the project will be constructed over an impermeable deck. This low cost, less labor intensive and environmentally friendly approach will help alleviate street drainage systems and aid in stormwater separation from sewage.
- Please study the longer-term issue of piping stormwater directly into the estuary. Dual piping for stormwater, separated from sewage, in a development of this scale, should pipe stormwater directly into local water bodies. This change is a vital environmental issue for the future of the city.
- Study methodologies for trapping and capturing street trash, as part of storm drainage.

- Please analyze the management of stormwater in the current site compared to that of the site when fully developed.
- In addition, there should be a study of the minimization of sewage coming from the project analyzing and using the latest technologies of sewage mitigation. This new sewage should be directed to the North River Sewage Treatment Plant without the addition of stormwater.

SOLID WASTE AND SANITATION SERVICES

Irrespective of the expected increase of municipal solid waste (residential and commercial) is less than or more than 50 tons per week, there should be a study of solid waste management.

- The DEIS must include:
 - Current and anticipated waste generation.
 - Mitigation measures to minimize waste at the point of generation, increasing the amount of waste that will be recycled, mandatory onsite composting, also increasing the capacity of the local waste management infrastructure that will likely be overburdened by this project, not limited to carting services, timing of pick-ups and sealed trash containers to minimize rodent control.
 - Enhance recycling and composting beyond what is required. This is a development of a largely unpopulated, urban area which is an optimal opportunity to install the latest waste removal methods.
- Please study the placement of all waste management and storage inside buildings, large scale compacting, pneumatic tubes, enhanced recycling tactics, and waste monitors throughout the development.
- Please study the option for all trash, including residential, being picked up exclusively from waterfront loading docks.

ENERGY

MCB4 appreciates the proposed energy study even though it may not be required by CEQR. Energy use requires a description of alternative energy availability, including solar, geothermal, and best energy building operation practices beyond what is required by law.

- Please provide consideration and specific calculations on the anticipated increased use, and burden on the current infrastructure as well as the proposed infrastructure. This study should include a detailed assessment of the estimated amount of energy that would be consumed annually because of the day-to-day operation of the proposed buildings, including all supporting infrastructure and their uses as well as the proposed open spaces.

- Please study the overall projected energy consumption during long-term construction, and the final overall long term daily use of this operation, based on real examples of similar projects.
- Please study all alternative energy options including solar voltaic, wind, and geothermal.
- Depending on sunlight based on the building and open space plan, please study fully solar lighting on the outdoor pathways.

TRANSPORTATION

- Bus transportation analysis needs to include not only the M23 and M34 but also the M11 and the M12 bus lines.
- Please study all transportation sections based on completion year of 2040. A 15-year timeline is unrealistic. The Eastern Rail Yards took 15 years to finish – many sites in the Hudson Yards Special District have not yet been developed yet.
- Please expand the transportation study area for traffic to include Canal Street, 42nd Street and the east side, as many casino patrons will be coming from downtown, regional or airport destinations.
- Please expand the transportation study for pedestrians and transit to include the Port Authority Bus Terminal and Penn Station (Washington, Boston, Long Island patrons).
- Please study peak hours of Thursday, Friday, and Saturday from 5 pm to midnight. These are currently the most popular periods for New Yorkers and regional visitors attending visiting or attending events or the City.
- Please study the effects of highly promoted live streamed events from the casino and hotel building on passenger trips.
- Please study the number of customers who will arrive by charter bus, at what times, the number of buses that will need parking and where Charter Bus Parking will be located. Charter bus movement is a major consideration in all casino operations (e.g. Atlantic City makes buses pay to enter the city). Private parking spaces for Charter Buses will have to be provided, as public street parking is not an available option.
- Please study the number of buses and jitneys that will operate between the Casino, rail stations, bus station, airports, at what times, the number of buses that will need parking and where this parking will be located. Their movements are a major consideration in all casino operations (such as Atlantic City). Private parking spaces for such buses and jitneys will have to be provided, as public street parking is not an available option.

- Please study the volume/size of trucks that will serve the various retail, casino, and commercial buildings and their arrival times.
- Please study an alternate location for the proposed 11th Avenue loading dock curb cut located between two pedestrian crossings. With a casino and large stores being serviced we can expect a long line of trucks on 11th Avenue waiting to be screened inside the loading dock and blocking the widened sidewalk and the entrance to West 33rd Street and the Casino, based on our experience at Columbus Circle. This location does not make basic transportation planning sense.
- Please study an alternate design of curb cuts with 4 curb cuts total – there should be no porte-cocheres with entrances and exits on the street. This design is dangerous for pedestrians and very atypical of New York City hotels. All drop-off and pick-up should be done at curb side – this change would remove four curb cuts (two on West 33rd Street and two on West 30th Street).
- Please study and explore an alternate configuration for West 33rd Street. Please study a lower-level access from 12th Avenue to allow trucks queuing on 12th Avenue and access to a loading dock close to 11th Avenue, and access at a higher grade from 11th Avenue to allow cars and pedestrians to reach the doors.
- Please study traffic delays on West 30th Street when AM and PM traffic will conflict with school buses.
- Please study an alternate option in which the school entrance is located on 11th Avenue, not adjacent to a loading dock, so school buses will not interfere with West 30th Street traffic to the Lincoln Tunnel.
- Please study an option in which commercial tower users will not add to parking demand if arrive via subway or Uber. This method has proven viable in the Eastern Rail Yards and there is significant parking capacity surrounding the area – the commercial parking would be limited to 225 spaces for the hotel/ resort as permitted by zoning.
- Please study providing EV charging at all parking spaces and the provision of bike share and bike charging in your commercial and residential garages.
- Please confirm in the pedestrian analysis that there will be no roads in the green space except for modest pedestrian paths.
- Please confirm that there will be no direct pedestrian access from the resort, casino, and hotel into the park.

AIR QUALITY

MCD4 is especially sensitive to the impact of the existing mobile sources of air pollutants and the additional sources resultant from construction. The rail operation beneath the project is its own source of air emissions.

- Please include an Air Quality analysis needs with filtration of air from the LIRR platforms/rail lines and not only the ventilation of the air from those lines.
- Please study filtering emissions in parking garages, not only ventilating to the ambient air with up-to-date air emissions scrubbing technology. Vehicles servicing buildings to enclosed loading dock to have their emissions filtered.
- Please study the effect of idling in the proposed ports cochere on air quality.
- The SOW mentions natural gas. Please study fuel use with lower emissions.
- Please study all new buildings themselves to have a zero-carbon footprint. Emergency generators should use fuel with the lowest possible local emissions.
- Building materials should also use low carbon steel and cement.
- The proposed plan includes a school. Air quality effects both inside and outside of the school on children should be evaluated.

GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

MCB4 appreciates the comprehensive statement contained in the DSOW for this section. We note that the DSOW's language mostly uses words like "consistent with" city or CEQR regulations or "to the extent practicable." MCB4 requests the project sustainability design go beyond what is legally required. The proposed physical infrastructure will be in place well beyond 2050, the year GHGs are expected to be net zero. Therefore, the project should be designed to expected future environmental standards now.

- According to the Draft Scope of Work (p. 32), the planned analysis will include 'Consistency with City's GHG Reduction Goal' and then offers a caveat- "While the City's overall goal is to reduce GHG emissions by 30 percent below 2005 levels by 2025, individual project consistency is evaluated based on [a variety of factors.]" Due to the scale of this proposed project, and the above air quality issues, MCB4 requests a GHG reduction goal of 30 percent below 2005 levels by 2030.

PUBLIC HEALTH

- Please conduct an analysis of health care demands and the use of emergency rooms must be conducted, please include the impact of recent closure of the Beth Israel Emergency Room.

NEIGHBORHOOD CHARACTER

Large casinos have significant impacts on communities in terms of government revenues, public safety issues, addiction issues, and traffic issues.

- Please study a 10-year forecast of the impacts of an operational casino on the community addressing these four areas, not only on the first year of operation.

CONSTRUCTION

- Please study the use of on-site generation of renewable energy.

Conclusion

MCB4 does not support this wholesale revision to the WRY Site Plan, Hudson Yards Special District Zoning Text and the WRYPOA. MCB4 remains mystified how the Department and Commission of City Planning could review and consider such a plan which erases years of sound city planning and community efforts to replace it with such an anti-urban and anti-New York vision.

Notwithstanding, in this DEIS process and upcoming ULURP public review process, MCB4 will continue to discuss, engage and negotiate with the Related Companies and the City of New York to protect and meet the goals of the Hell's Kitchen community.

Sincerely,



Jessica Chait
Chair,
Manhattan Community Board 4



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



Paul Devlin, Co-Chair, Clinton/Hell's
Kitchen Land Use Committee

cc: Hon. Charles Schumer, United States Senator
Hon. Kirsten Gillibrand, United States Senator
Hon. Jerrold Nadler, United States Congress
Hon. Kathy Hochul, New York State Governor
Hon. Brad Hoylman, New York State Senator
Hon. Liz Krueger, New York State Senator
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