



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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March 4, 2011

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

Re: CEQR No. 11DCP068M
ULURP No. 110177ZMM : Zoning Map Amendment
ULURP No. N110176ZRM: Zoning Text Amendment
West Clinton Rezoning

Dear Director Dobruskin:

Manhattan Community Board 4 ("CB4") is pleased to provide the following comments on the Environmental Assessment Statement ("EAS") prepared in conjunction with the proposed West Clinton Rezoning. The Board received a Negative Declaration with supporting statements dated January 3, 2011.

CB4 and the Department of City Planning ("DCP") are co-applicants on the two related ULURP Actions ("Proposed Actions") referenced above for the West Clinton Rezoning. The Proposed Actions contemplate zoning map and text amendments that will affect all or portions of 18 blocks in and around the Eleventh Avenue corridor in the Special Clinton District ("SCD"). The rezoning area, in the western part of the Clinton neighborhood, is generally bounded by West 55th Street to the north, West 43rd Street to the south, a variable line between Tenth and Eleventh Avenues to the east, and Twelfth Avenue to the west. Under the Proposed Actions, all of portions of the 18 blocks currently zoned M1-5, M2-3, and M3-2 would be rezoned to R8, R8A, R9, and M2-4. The Proposed Actions present a zoning map amendment that roughly extends the residential designation to the east side of Eleventh Avenue, overlays a C2-5 district along the east side of Eleventh Avenue and rezones the west side of Eleventh Avenue to Twelfth Avenue as M2-4 to permit manufacturing compatible uses.

DCP has developed a reasonable worst-case development scenario (RWCDs) to assess the environmental impacts of the development that could occur under the Proposed

Actions. This RWCDS identifies 14 projected and 12 potential development sites that, for purposes of this analysis, are assumed to be developed under the Proposed Actions. As defined by DCP, projected development sites are sites that are more likely to develop as a result of the Proposed Actions. DCP has also defined potential development sites, which are sites that could be developed but are assumed to have less development potential than the projected development sites. Assuming all 26 projected and potential sites are developed, the RWCDS projects that the Proposed Actions could result in a net increase of 1,623 residential units, 252 of which would be affordable, and net loss of 719,045 square foot (s.f.) of commercial space compared to conditions in the future without the Proposed Actions.

THE ENVIRONMENTAL ASSESMENT STATEMENT (EAS)

The EAS is, generally, very thorough. The following are specific comments on several of the individual sections discussed in the EAS.

LAND USE, ZONING, AND PUBLIC POLICY

The rezoning of West Clinton/Eleventh Avenue corridor represents not only the culmination of three years of engagement with DCP, but the end of a longer internal CB4 planning process that began shortly after the rezoning of the Hudson Yards District in 2005. While most areas of CD4 had undergone extensive rezoning, the Eleventh Avenue corridor remained primarily zoned for manufacturing. Although few, if any, new manufacturing uses were introduced, other uses, such as small hotels, incompatible to the historic residential community, were taking advantage of the outdated zoning. Sites located in the Excluded Areas of the SCD, including the Clinton Urban Renewal Area (CURA) and Studio City/P.S.51 site were being rezoned for residential projects; however, residential projects were not permitted elsewhere in the corridor.

Concerned that the area was being steadily developed without a comprehensive plan, the Clinton/Hell's Kitchen Land Use (C/HKLU) committee developed its proposed framework for the rezoning of the Eleventh Avenue corridor through a series of public discussions. Many of the elements of CB4's proposed framework are incorporated in the Proposed Actions. On the whole, we are extremely pleased with the results of this collaborative process, and in particular, that the Proposed Actions:

- Permit residential development on the east side of Eleventh Avenue, roughly between 45th and 52nd Streets, by creating a R8A zoning district with maximum building heights of 120 feet;
- Extend the existing R8 district and the Preservation Area of the Special Clinton District (SCD) boundaries west to meet the new R8A district;

- Rezone most of the block between 43rd and 44th Streets on the east side of Eleventh Avenue as a R9 district, with a commercial overlay on the Eleventh Avenue frontage with district text creating maximum building heights of 145 feet;
- Replace the M1-5, M2-3, and M3-2 districts west of Eleventh Avenue and at 636 Eleventh Avenue with an M2-4 district, thus excluding hotel use with district text creating maximum building heights of 135 feet;
- Create an Inclusionary Housing Designated Area in the new R8A and R9 districts to facilitate the development of affordable housing.
- Require street walls to be at the street line on narrow streets in the Preservation Area of the SCD; and,
- Amend ZR Section 14-44 to prohibit enclosed sidewalks cafes in the SCD.

As with any collaborative process, there are items which CB4 had hoped to see in the rezoning but which are not included at this time. In particular, CB4 feels strongly that the following omissions should be incorporated into the Proposed Actions:

Extend the Anti-Harassment and Demolition Restrictions

The failure to extend the Demolition Restrictions, Alterations of Buildings and Harassment and Cure provisions (*ZR Sections 96-108, 96-109 and 96-110*) to the western-most boundary of the SCD to Twelfth Avenue into the new Western Subarea C2 of the Other Area is perceived as the largest omission of the proposed Actions and is discussed in more detail under Socioeconomic Conditions Section below.

Extend the 20% two bedroom requirement to the new Western Subarea C2 of the Other Area. Given the community's need for larger, family-sized units in our community, the failure to extend *ZR Section 96-105 Dwelling Unit Distribution* requirement to create 20% of the units as family-sized two bedroom units will unfortunately result in a disproportionate number of studio and one bedroom units.

Require that units developed under the Inclusionary Housing Program be built in the SCD. CB4 had requested that all Inclusionary Housing units be required be built within the SCD as is currently required for the Perimeter Area B. Furthermore, if the affordable units are built on-site, they must be distributed fully throughout all floors of the building.

Restrict large venue bar and club use west of Eleventh Avenue

CB4 is concerned that the area west of Eleventh Avenue is emerging as the next location for a proliferation of large venue/nightclub use and asks that such use be restricted.

Permit residential use on the west side of Eleventh Avenue

CB4 is disappointed that the Proposed Actions do not permit residential development on the west side of Eleventh Avenue and areas west. While CB4 prefers and supports the proposed M2-4 designation over the existing M1-5 zoning, we firmly believe that

residential use represents the future of this area and would further enhance our community by providing a user friendly access to the waterfront. The existing industrial uses west of Eleventh create block long frontages on the side streets with no active street life, generating concerns about safety. Integrating active residential uses along the western-most blocks would create a more welcoming gateway to the waterfront.

Furthermore, residents gave voice to their concerns that the building heights to the west of Eleventh Avenue exceed those on the eastern side, thereby creating a “wall effect” and effectively blocking off the waterfront.

Permit Community Facilities in the M2-4 Zone

The Board was unaware that Community Facilities, such as not-for-profits arts organizations and theatres would be prohibited in an M2-4 zone. The Board requests follow up corrective action (FUCA) to amend the SCD text to allow such uses.

Street Trees

Finally, CB4 seeks to address a recurring problem in our district and ensure that it is not repeated in the Proposed Actions. While *ZR 26-41 Street Tree Planting* requires that developers plant one tree for each 25 feet of street frontage, the installation of Con Edison sidewalk vaults and traps severely limit, and in some cases, entirely prevent, the planting of any trees. Each newly constructed or altered building must be required to provide the space necessary to house Con Edison utility vaults inside the building and make accessible to Con Edison as needed. Suggested means of access include entry by a universal key to a side door, similar to that used by the Postal Service.

SOCIOECONOMIC CONDITIONS

Historically, auto dealerships and related automotive uses, with residential buildings dotted along Eleventh Avenue and west, have been the predominant use in the area’s remaining manufacturing zoning districts, but recent market trends have displaced or threaten to displace such uses.

Business/Institutional Displacement

With the Proposed Actions, the study area is expected to be developed as residential on the east side of Eleventh Avenue and the areas immediately east and manufacturing on the west side of Eleventh Avenue extending west to Twelfth Avenue. As stated in the EAS, “while there is expected to be a decrease in commercial space overall compared to the future without the Proposed Actions, there would be an increase in auto repair space and office space.” We agree that particular emphasis should be placed on economic activity in the automotive sector.

Residential Displacement

The analysis of indirect residential displacement considers whether the Proposed Actions would affect property values to the degree that existing area residents would not be able to stay in their homes and further if the Proposed Actions will introduce a more costly type of housing to the area. The Proposed Actions anticipate introducing approximately 1,371 market-rate housing units to the area, only balanced by 252 low income units.

CB4 firmly believes that anytime public action, such as the West Clinton Rezoning, creates opportunities for development, public action must always be taken to balance community preservation and tenant protection. CB4 shares the concern expressed by residents that the proposed rezoning will increase the incentive for their landlords to harass them and demolish their homes.

We are deeply concerned that the provisions of ZR Sections 96-108, 96-109 and 96-110 that govern Anti-Harassment (including Demolition of Buildings, Alterations of Buildings and Harassment and Cure) stops 100 feet east of Eleventh Avenue and do not extend to the western-most boundary of the SCD. ***The Harassment and Cure, Alterations of Buildings and Demolition Restrictions must be extended to the new Western Subarea C2 of the Other Area to protect the 316 apartments in 15 existing buildings that are not currently protected under the Proposed Actions.***

Furthermore, CB4 celebrates its economic diversity and is therefore pleased that the R8A and R9 districts will be Inclusionary Housing Designated Areas under the Proposed Actions. However, market-rate housing in CD4 has been disproportionately developed as studio and one bedroom units. Because existing affordable housing programs, including HFA's 421-a program, require that affordable units mirror market-rate units in apartment size, the weight toward smaller units extends to the affordable units as well. This is unfortunate, as CD4 is desperate for affordable family-sized units. ***CB4 therefore requests that Section 96-105 Dwelling Unit regulations that requires that 20% of the units developed be two bedroom or larger, be applied to the Western Subarea C2 of the Other Area.***

CB4 has furthermore requested that all Inclusionary Housing units be required be built within the SCD as required for Perimeter Area B of the SCD.

COMMUNITY FACILITIES

Elementary, Intermediate and High Schools:

The EAS concludes that there will be no significant impact on Elementary, Intermediate and High Schools due to the Proposed Actions. However, such conclusion assumes the completion of a 750 seat P.S./I.S. in the Hudson Yards district, the construction of a new 630 seat P.S. 51, and the increased physical capacity and utilization of P.S. 33. The progress of each of these projects must be closely monitored to ensure timely completion.

Furthermore, the EAS references a commitment by the NYC Department of Education (“DOE”) in a letter addressed to the City Planning Commission dated November 1, 2010 to monitor school enrollment in this area. CD4’s rapid and continued growth has placed an undue strain on our public school infrastructure. In fact, the EAS forecasts a 40% growth in student population by 2020 even without the Proposed Actions. The cumulative impacts of the Proposed Action must therefore be closely monitored and coordinated with CB4. We ask that DOE include CB4 in its planning for the future school seat allocation in our community and that its findings be timely shared with CB4.

Libraries:

While the EAS states there will be no significant impact on Library Services, the Proposed Actions underscore the need to expedite the O’Donnell Library renovations.

Affordable Day Care:

The Proposed Actions will directly introduce an additional 29 children under the age of 6 eligible for publicly funded day care, in addition to an anticipated increase of 328 eligible children who would need to be accommodated without the Proposed Actions, thus creating a shortage of 275 new day care slots. Although this study avoided meeting the threshold for further review, it underscores the need for affordable daycare in our district. We request that the City work with CB4 to identify a suitable location for day care facilities, including a review of projects slated for the Clinton Urban Renewal Area, to find resources to house the deficit of daycare facilities.

Fire and Police:

The EAS says that the addition of new fire and police services to serve the new population can only be decided by internal Fire and Police Department review. While we understand that it is standard policy for NYPD and FDNY, we respectfully suggest that waiting until the population has increased, and response times declined, is the wrong approach to planning for these critical public facilities. An assessment should be made by these agencies of the impact that this and other planned developments will have on police and fire protection.

Community Facility Use in M2-4 Districts:

Community Facility use is not currently permitted in zoned M2-4 areas. Since the building layout and typical floor-to-ceiling heights for manufacturing uses (i.e. high ceilings, widely spaced columns, etc.), are well suited for cultural use, and in particular for new not for profit theater spaces, CB4 supports a follow up corrective action (FUCA) to amend the SCD text to allow such cultural uses by not-for-profit organizations in the Proposed M2-4 District.

Community Facility Usage Database:

In most cases, Community Facilities are built by developers to earn additional floor area bonuses. However, there is no current system in place for the public, community boards or elected officials to readily identify Community Facility spaces and to ensure that the space is actually used and leased by a not-for-profit organization as is required.

CB4 therefore strongly recommends that DCP create a comprehensive and publicly accessible database that lists all Community Facilities uses that have been developed through requirements of the Zoning Resolution or through the Special Permit process within CD4. Such Community Facility uses should be listed in one central database and include:

- Building address, building owner and contract information for owner/landlord or managing agent
- Restrictive covenants for type, if any, of community facility use
- Required square footage of the community facility, physical dimensions and layout including all exits and entrances, and HVAC and/or other mechanical system information if required to be installed as a condition of the zoning action
- Current use and user, with length of current lease, or vacancy.

OPEN SPACE

As CB4 ranks 56 out of the 59 community districts in terms of open space, we therefore need to capitalize on what resources currently exist. Matthews-Palmer Playground, located in the study area on West 46th Street, is underutilized as it is in gross disrepair and its play equipment outdated.

The restoration of the Matthews-Palmer Playground is vital to the community. During the construction of the new P.S. 51, the school children will use Matthews-Palmer playground during the day. The renovation of Matthews-Palmer must be scheduled to coincide with the completion of P.S.51 and be as immediate a priority as possible.

SHADOWS

Actions that propose buildings 50 feet or higher must be evaluated as new construction could result in an increase in shadows falling on nearby sun-sensitive resources. The proposed changes will result in the construction of new buildings that would range in height between 66 and 145 feet. Accordingly, the study evaluates the impact on vegetation, uses of open space, impact upon historic resources including stained glass windows, façade ornamentation and historic landscapes.

For purposes of this study, natural resources include the Hudson River; open spaces include the Hudson River Park promenade between Pier 84 and Pier 86 in addition to the

Hudson River Park bikeway, and De Witt Clinton Park; future open spaces include the P.S. 51 playground (street level); and historic resources include the Saints Kyril & Metodi Bulgarian Eastern Orthodox Diocesan Cathedral. However, the study fails to examine the impacts on the future rooftop playground planned for the new P.S. 51.

While each area will be impacted by construction, the impact is significantly less than if the current zoning (with few if any actual height limits) is allowed to remain. That said, the promenade will have a shadow impact each morning that will last for less than one hour. The bikeway will have shadow impact throughout the year ranging from 1½ to 2½ hours each day. DeWitt Clinton Park will have significant shadow impact in most afternoons throughout the year. P.S. 51 playground will also have shadows in the afternoon in all four seasons; however, it is not yet determined whether the playground will be in use during the time of the day when the shadow impacts are greatest.

The EAS indicates that more analysis is necessary to determine the true impact on bikeway, the Hudson River, and De Witt Clinton Park. Any additional analysis prepared must be shared with CB4 and steps taken to minimize reduction of sunlight in these important and all too rare areas.

HISTORIC RESOURCES

The Historic Resources section of the EAS identifies an abundance of resources in or near the rezoning area. The physical fabric of the Clinton/Hell's Kitchen community presents a unique opportunity to preserve elements of the residential and industrial history of the neighborhood. The buildings identified in the EAS embody the neighborhood's transformation from a low-rise, working class immigrant area of tenements to the growth of industry along 11th Avenue in the late 19th and early 20th centuries.

In the mid-19th century, immigrants from Ireland, many whom were refugees from the Great Famine, began settling on the west side of Manhattan in shantytowns along the Hudson River. Many of these immigrants found work on the docks nearby, or along the newly built Hudson River railroad that carried freight into the city, at grade, along 11th Avenue. After the Civil War the population increased dramatically and tenements were erected. During prohibition, many of the warehouses in Hell's Kitchen served as illegal breweries.

CB4 requests review by the Landmarks Commission and the landmark designation of certain historic resources identified in the West Clinton EAS. The physical fabric of the Clinton/Hell's Kitchen community represents a unique opportunity to preserve elements of the neighborhoods residential and industrial history. The buildings presented in the EAS embody the neighborhoods transformation from a low-rise, working class immigrant area of tenements to the growth of industry along Eleventh Avenue in the late 19th and early 20th centuries. Photographs of the proposed buildings are attached as

Appendix B. We therefore urge the individual landmark designation of the following historic resources cited in the EAS:

Historic Resources identified the prior PS 51/Gotham EIS:

Industrial

- ***E&J Burke Company Warehouse, 616-620 West 46th Street – (S/NR eligible)***
Built in 1912-1913 for the E & J Burke company, an importer and seller of beer and whiskey, the warehouse was designed by Thomas J. Duff. The building's four bay-wide façade has street level loading docks, two end bays that project slightly forward from the two center bays, and regular fenestration and retains the historic two-over-two double-hung sash and copper window frames. Two copper finials extend above the roof. A stone panel inscribed with the words "E & J. Burke" spans the top of the center bays.
- ***Acker, Merrall & Condit Company Warehouse, 536 West 46th Street - S/NR eligible***
Built circa 1907 for the former wholesale grocery business, the five-story Romanesque Revival warehouse, presently occupied by the Salvation Army Thrift Store, is faced in patterned orange and brown brick with terra cotta stringcourses. The ground floor has three tall arched garage entrances. The building's most distinctive components are its three expansive triple-height arched window bays extending from the second through the fourth floors.
- ***Houbigant Company Building, 539 West 45th Street –S/NR-eligible***
This 11-story warehouse was built for a perfume and cosmetics manufacturer, the Houbigant Company, by Lockwood Greene & Company in 1924. The tan brick faced building has a granite and limestone base, copper spandrel panels below the tripartite window bays, and setbacks above the seventh and ninth floors. The word "Houbigant" is inscribed in the limestone panel above the second floor.

Residential

- ***626 Eleventh Avenue, the Landmark Tavern***
The Board requests the reconsideration of 626 Eleventh Avenue, the site of the Landmark Tavern, as eligible for designation. The 1868 three-story, red brick building with three window bays across and an Italianate cornice is among the last buildings of its kind along Eleventh Avenue. The building, which has been continually occupied as a bar, retains original interior fittings. The Landmark Tavern significantly contributes to the story of Hell's Kitchen's immigrant and industrial past.

Educational

- ***P.S. 51, 520 West 45th Street – S/NR eligible***
This 1905 Renaissance-style school designed by C.B.J. Snyder marks the proliferation of school construction following the consolidation of New York City. Its five-story, red-brick façade with stone base features a tripartite design,

with a base, shaft, and capital. The conversion of the C.B.J. Snyder building into residential use and construction of a new, five-story school building immediately to the south reinstates the original use of the new school site, as it is the location of the original P.S. 51 school built in 1855.

Historic Resources identified in the West Clinton EAS include:

Industrial

- ***Kohler & Campbell Piano Factory, 601-613 West 50th Street***
This six-story brick building completed circa 1909 was originally the office and factory of the Kohler & Campbell piano manufacturer. It was designed by Ross and McNeil and is articulated with recessed window bays on the upper floors and recessed arched opening on the ground floor that correspond to the bays above. A stone belt court and frieze of projecting brick headers runs between the first and second floors. A projecting cornice runs above the fifth floor.

Institutional

- ***Former Department of Street Cleaning Stable B, 618 West 52nd Street***
The three-story brick Stable B building dates to before 1896. After its creation the Department of Street Cleaning established stables throughout Manhattan and the Bronx. By 1934, the building was being used as a private garage and an illegal distillery producing 2,000 gallons of alcohol a day before it was raided by the federal government. It is a Romanesque Revival design with arched, corbelled window lintels, heavy piers, recessed decorative panels, recessed window bays, and arched windows.

Residential

- ***Tenement at 605 West 47th Street***
This five-story brick tenement was constructed circa 1895. The upper floors feature arched windows with arched stone lintels, a corbelled stone cornice above the third floor, and an ornate, bracketed metal cornice at the roofline. The company sign above the ground floor dates to the 1930s.

Religious

- ***Saints Kiril and Methodi Bulgarian Eastern Orthodox Diocesan Cathedral, 552 West 50th Street***
From 1915 until 1974 this three-story brick church was occupied by the Croatian Catholic Church of Saints Cyril and Methodius. The church supported the Croatian independence movement and opposition to the post-1945 communist government of Yugoslavia. Gothic-style details on the church façade include a large, central pointed arch stained glass window flanked by two smaller pointed

arch stained glass windows, a pointed arch entrance with stained glass below the arch, eared lintels, niches, and pinnacles. A squat, square tower and spire tops the building.

- ***Centro Maria, 539 West 54th Street – S/NR Eligible***
This four-story neo-Gothic building was designed by John V. Van Pelt for the Roman Catholic parish church of St. Ambrose in 1911. Neo-gothic design elements include three pointed-arch entrances with limestone enframements and thin half columns, quatrefoil and trefoil motifs, three niches with statuary, and a limestone parapet with a blind arcade.
- ***Former Rectory of the Church of St. Ambrose, 513 West 45th Street***
This 3 1/2-story building is the former rectory of the original (non-extant) Roman Catholic parish church of St. Ambrose, which was constructed in 1898. After the church and rectory relocated, this building became a convent. By 1951, it was used for offices and it now houses a television studio. The building has a modest Romanesque appearance with a rusticated base, arched windows with arched lintels, recessed plans, a bracketed stone cornice between the first and second floors, and a bracketed metal cornice at the roofline.

The following buildings are controlled by a local not-for-profit group and CB4 requests that this not-for-profit voluntarily pursue landmark status on these buildings:

- ***Factory, 556 West 52nd Street***
This five-story brick building was built circa 1889 and originally housed the Travers Brothers' twine, cord, and hammock factory.
- ***Tenement, 562 West 52nd Street***
This intact five-story tenement dates to before 1896.
- ***Tenements, 730-736 Eleventh Avenue***
These four four-story Italianate tenements were built sometime before 1896.
- ***Tenement, 724 Eleventh Avenue***
This five-story brownstone tenement dates to 1887, as identified on the ornate, bracketed metal cornice at the roofline.

All of the buildings noted above are subject to demolition and alteration. There are currently no controls in place to protect these important historic resources. Both the resources already identified in the PS51 Draft Environmental Impact Statement (DEIS) and those newly identified in the West Clinton EAS need to be protected in a manner similar to those identified during the West Chelsea Rezoning. CB4 is committed to the preservation of these historic resources which tell an important story about the history of Hell's Kitchen, its residents, and its transition from an immigrant neighborhood to an industrial neighborhood.

NEIGHBORHOOD CHARACTER

CB4 is generally pleased with the Proposed Actions to rezone the Eleventh Avenue corridor in that they proactively plan for the development of our community, protect the larger residential community through height restrictions, further extends the anti-harassment provisions and demolition restrictions of the SCD and include Inclusionary Housing bonuses to incentivize low income housing.

The EAS examines the impact of the Proposed Actions on both the Primary Study Area (the area to be rezoned) and the Secondary Study area (within ½ miles from the Primary Study Area boundary) and concludes that they will cause "no adverse impacts on neighborhood character," a conclusion that, for the most part, is shared by CB4. However, we have three concerns:

Night Club and Large Venue Use

While the EAS gives a fairly detailed listing of the commercial and light industrial uses along 11th Avenue, including mention of the Ink 48 Hotel, the Daily Show, and "a number of adult establishments," it fails to note the large club venues (i.e., Pacha, Hudson Terrace on West 46th between Eleventh and Twelfth Avenues) that are becoming increasingly common in this M zone.

It has been the experience of CB4 in West Chelsea that large bar and club use (200+ capacity) is prevalent in manufacturing districts. CB4 is concerned that the area west of Eleventh Avenue has started to become the next location for a proliferation of large venue/nightclub use. The Board's West Chelsea experience teaches us that with such uses in this area, club goers will pass through the historic residential Clinton neighborhood in order to access public transportation to the east, and the attendant noise and loitering will have serious negative repercussions on neighborhood character. We understand that clubs cannot be restricted from one area without ensuring that a viable alternate location is made available, so while CB4 enjoys its venues that are well-operated now, we seek to discourage oversaturation of such uses near residential neighborhoods, and are actively investigating solutions that would permit large venue and nightclub use adjacent to public transportation.

Open Space

Contrary to the EAS implication, there is no "linear park" from 45th to 55th along the waterfront. There is a bike/walkway artery fronting the Passenger Ship Terminals. But it is not a "greenway." CB4 strongly believes it is important to keep in mind that from West 44th Street to West 52nd Street, between Tenth to Twelfth Avenues, there is no open public space.

Socioeconomic Conditions

Given the lamentable tenant harassment record of Hell's Kitchen property owners, the potential for landlord intimidation and the City's current refusal to extend to all residents of the Primary Study Area the tenant harassment protections enjoyed by residents in the Secondary Study Area, this conclusion is unwarranted. CB4 strongly believes in these tenant protections and is terribly concerned that without them, there may very well be significant residential displacement. And any such displacement would significantly disfigure the neighborhood's character. And indeed, its *raison d'etre*.

NATURAL RESOURCES

No comments on this section.

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. Sites identified as likely to be contaminated are assigned an “E-designation” on the city zoning map to ensure that potentially hazardous conditions are identified and handled properly at the time of construction. The E-designation 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 of the 14 projected and 12 potential development sites were 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. In addition, several properties likely contain polychlorinated biphenyls. CB4 supports the list of Sites Recommended for E-Designation presented in Table 3.10-1.

WATERFRONT REVITALIZATION PROGRAM

In general, CB4 is in agreement with the EAS with respect to the Waterfront Revitalization Program.

CB4 likes the idea of “activating” the east side of 9A, especially in the area of the passenger ship terminal (“PST”). The PST looks forlorn, unfriendly and much like an

outdated airport – few amenities, and not friendly to the neighborhood. Other cities, including San Diego, Tampa and Sydney to name a few, celebrate their facilities, where the ships are viewable and in active areas. In Sydney and Tampa, you can eat lunch or have coffee or drinks yards away from ships. Even beyond that, in Sydney, within an hour of a ship’s departure, 4-5 large restaurants and cafes open up on the quay. A few years ago CB4 lobbied EDC to make the front of the PST more transparent and eliminate the ugly, tall security fences erected after 9/11. While not eliminated, EDC agreed to a much more transparent design. CB4 support the activation of the waterfront.

Also, two of the main entrances to the Hudson River Park are just north and south of the area being rezoned: 42nd Street and 57th Street. However two other secondary paths exist as well – 46th Street (in front of the Intrepid Museum) and 54th Street (northern edge of DeWitt Clinton Park – leading to Pier 92/94 and Clinton Cove Park). There is an existing pedestrian overpass at the Intrepid and one is planned (potentially) for DeWitt Clinton Park. CB4 and Friends of Hudson River Park are interested in strengthening the connections between Hudson River Park and the neighborhood. Should the Proposed Actions activate residential and commercial uses in the area, it would also help to enliven the waterfront.

Finally, while the EAS states pursuant to *Policy 5.4, Protect the quality and quantity of groundwater, streams, and the sources of water for wetlands*, that there are no streams, we believe that there is an underground stream in the Secondary Study Area that runs under the new Related LLC development at West 41st to 42nd, Streets just east of Tenth Avenue and under a new development further west on Tenth Avenue between 42nd and 43rd Streets.

INFRASTRUCTURE

The discussion relating to infrastructure is limited to water and sewer usage. Given the full scope of proposed development in this area, the EAS lacks any meaningful analysis of future needs with respect to its impact upon future police, health and fire services.

SOLID WASTE / SANITATION

No comments on this section.

ENERGY

No comments on this section.

TRAFFIC AND PARKING AND TRANSIT AND PEDESTRIAN

The EAS estimates that more than one-half of the residents and office workers will use public transit and that the majority of remaining people will walk. CB4 disagrees with this analysis, as there are few immediate and reliable public transportation options in the rezoned area. There are only three (3) bus lines (the M31, the M50 and the M11) that serve the area; none of the bus lines run late at night, and the M50 bus does not run on weekends. The nearest two subway stops are between one-half to one mile from various sites in the rezoned area, a more substantial distance than most people typically walk.

Our experience suggests that an alternative not considered in the EAS is likely to provide a substantial percentage of the transit needs, particularly during peak traffic hours. Each of the new and renovated high-rises in the study area along the entire Eleventh Avenue corridor from 42nd Street to Riverside Towers, as well as new office uses like Ogilvy and Mather on at West 46th Street and Eleventh Avenue, have each implemented its own private fleet of shuttles buses, that typically run every 15 minutes during rush hour. These shuttle buses create major congestion and clean air hazards, particularly at their drop-off points near Columbus Circle. In addition, we have seen long wait lines for taxis at new high rise and office developments, suggesting a higher taxi and car usage than that assumed in the EAS (6% for residential and 2.4% for office space).

CB4, therefore recommends the following improvements to mass transit to help meet the anticipated transit needs:

- *Make Eleventh Avenue pedestrian friendly:* Given the anticipated increase in residents and office workers in this area, we propose that traffic light signals be extended to enable sufficient pedestrian cross time. In addition, CB4 recommends that DOT investigate an enclosed bicycle lane and landscaped center median (possibly shared with a BRT, as is done in other cities) that will also serve as a pedestrian refuge area between the east and west sidewalks.
- *Improved service on existing bus lines:* None of the three (3) bus lines in the district (M31, M50 and M11) run between 1:00 am and 5:30 am and all have limited service (every 20 minutes) between 7:00 pm to 9:00 pm. The nearest overnight buses are the M42 to the south, the M79 to the north and the M104 to the east. Furthermore, as part of its budget cuts last year, the MTA stopped weekend service on the M50. Knowing the MTA's dire financial situation and the need for all districts to accept reductions in service, CB4 did not object to those cuts at that time. However, in response to the Proposed Actions, we now request that the MTA reinstate weekend service on the M50 and make one of the three bus lines (M31, M50 or M11) operate overnight.
- *Creation of an Eleventh Avenue Bus Rapid Transit (BRT) line:* CB4 is on record requesting that Eleventh Avenue become fully southbound from West 44th to West 59th Streets and that DOT install a Bus Rapid Transit line, including a segregated bus lane with express stops during peak hours. The Eleventh Avenue

BRT could start further north at West 59th Street, to serve the substantial Riverside South residential development and continue further south to include the expected Western Rail Yards development and the development anticipated due to West Chelsea rezoning. The proposed residential development along Eleventh Avenue, both in the rezoned area and to its north and south, suggest that Eleventh Avenue should no longer be the only Avenue in Manhattan without a bus line.

- *Accessory Parking:* The Proposed Actions would permit, as of right, accessory parking for up to 20% of the residential units and parking spaces based on lot size in the manufacturing/office area. The EAS projects that 424 additional spaces are likely to be developed as a result. CB4 instead recommends that accessory parking be permitted only by Special Permit, as it is in the Preservation Area of the SCD, and even then, not to exceed 20% of the residential units.
- *Prohibit non-accessory parking in the rezoned area east of Eleventh Avenue:* The EAS notes that the occupancy rate of the 5,214 parking spaces within ¼ mile of the rezoned area are between 72% (evening) and 84% (peak am hours) occupied – with between 865 and 1,515 unoccupied spaces. The Proposed Actions., under the RWCDs would displace two parking lots containing less than 300 spaces combined. However, additional parking lots – most notably the 1,800 additional spaces in the Riverside South project between West 59th Street and West 61st Street alone – will substantially increase parking capacity in the study area. Additional parking is not needed in the rezoned area.
- *Create a Tenth Avenue/West 41st Street stop on the No. 7 subway extension:* CB4 reiterates its request to include a stop on the No. 7 line extension at Tenth Avenue and West 41st Street. The Proposed Actions further amplifies the necessity for this stop in that nine of the fourteen projected development sites identified in the EAS fall within one-third of a mile from that Tenth Avenue/West 41st Street stop. Without easy subway access, we anticipate increased private shuttle uses and substantial taxi/car service.
- *Commuter and Charter Bus Layover Garage:* Parked or idling charter buses clogging our neighborhood streets is an overwhelming problem. The Port Authority charter bus layover garage identified in the Hudson Yards EIS in 2004 must be, sited, planned, funded and built. Planning for the layover garage must comprehensively address:
 - Current needs of commuter bus layovers;
 - Charter bus use of on-street parking for layovers; and
 - An additional site must be identified to accommodate the relocation of the 52 Greyhound Buses that will be displaced as a result of the Western Rail Yards.

AIR QUALITY

The EAS concludes that the Proposed Actions would not result in any significant adverse air quality impacts on sensitive land use in the surrounding community and that the Proposed Actions would not be adversely affected by existing sources of air emissions in the study area. However, the analysis was conducted by examining the impact of stationary sources only, and did not include impacts from mobile source emissions, as the resultant changes to traffic patterns and traffic volumes were determined to be insignificant. Given the already high volume of vehicular traffic and its impacts on our air quality, CB4 disagrees with the decision to exclude vehicular impacts.

Due to the potential for air quality impacts from HVAC systems, the HVAC Source analysis concluded that a number of projected and potential development sites require an E-designation to be mapped in the rezoning action to restrict type of fuels used. The E-designation requirement of the following sites must be incorporated in the rezoning:

- Site 3 restrict to natural gas;
- Site 7, 11 and 16: restrict to natural gas or No. 2 oil;
- Site 19: restrict to using natural gas only;
- Sites 2, 10 and 18: restrict to natural gas only and HVAC stack be setback at least 20 feet from building edge;
- Sites 9 and 26: restrict to using No. 2 oil or natural gas;
- Sites 5, 8, 12, 13,14, 17, 20, 21, 23 & 24: restrict to using natural gas only; and,
- Sites 8, 9, 10: restrict to No. 2 oil or natural gas.

We must note that the language set forth in the EAS for the proposed E-designation restriction is only for “residential and commercial” development at these sites. As many of the sites are located in the proposed M2-4 zone west of Eleventh Avenue, the restriction should therefore apply to all developments, including industrial and/or manufacturing uses.

NOISE

CB4 raises two main concerns regarding the impact on noise as a result of the Proposed Actions: 1) during construction and 2) from large venue club and bar use. I

Construction Impacts

Please see comments in the following section “Construction Impacts.”

Large Venue Club and Bar Use

As discussed above, it has been the experience of CB4 in West Chelsea that large bar and club use (200 plus capacity) is prevalent in manufacturing districts. CB4 is concerned that the area west of Eleventh Avenue is emerging as the next location for a proliferation

of large venue/nightclub use. The Board's West Chelsea experience teaches us that with such uses in this area, club goers will pass through the historic residential Clinton neighborhood in order to access public transportation to the east, and the attendant noise and loitering will have serious negative repercussions on neighborhood character. We understand that clubs cannot be restricted from one area without ensuring that a viable alternate location is made available, so while CB4 enjoys its venues that are well-operated now, we seek to discourage oversaturation of such uses near residential neighborhoods, and are actively investigating solutions that would permit large venue and nightclub use adjacent to public transportation.

CONSTRUCTION IMPACTS

When any construction occurs, all steps necessary to minimize disruptions, lessen health impacts, and ensure regular communications with the community must be taken.

Construction significantly impacts nearby residents, particularly with respect to Air Quality, Hazardous Materials and Noise. In particular, the history of the rezoning area as a manufacturing and transportation route is include identified soil pollutants and likely those not yet discovered or documented. On-going monitoring of the sites with E-designations is critical.

PUBLIC HEALTH

In meeting the City Environmental Quality Review (CEQR) Technical Manual requirement for a public health assessment, the safety of the existing residential tenants in the study area must be ensured.

Furthermore, we note that with the closure of both St. Vincent's Midtown and Downtown, our community is desperately underserved by medical services. The Proposed Actions will result in a significant increase in residents who will also need access to emergency and medical services. Careful planning must be dedicated to siting of a new Health Care Facility.

Thank you for considering these comments.

Sincerely,



John Weis, Chair
Manhattan Community Board 4



Elisa Gerontianos, Co-Chair
Clinton/Hell's Kitchen Land Use Committee



Sarah Desmond, Co-Chair
Clinton/Hell's Kitchen Land Use Committee

cc: City Planning Commission
DCP – Edith Hsu-Chen, Erika Sellke
MBPO – Brian Cook, Deborah Morris
NYC Council Speaker Christine Quinn
NYC Council Speaker Quinn's Office – Melanie LaRocca, Amanda Younger
NYC Council Land Use Division – Danielle DeCerbo
NYS Senator Thomas K. Duane
NYS Assemblyman Richard Gottfried
Congressman Jerrold Nadler
NYC Council Member Gale Brewer
NYS Assemblymember Linda Rosenthal