



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

330 West 42nd Street, 26th floor New York, NY 10036
tel: 212-736-4536 fax: 212-947-9512
www.ManhattanCB4.org

JEAN-DANIEL NOLAND
Chair

ROBERT J. BENFATTO, JR., ESQ.
District Manager

November 26, 2007

Mr. Robert Dobruskin, AICP, Director
Environmental Assessment and Review Division
NYC Department of City Planning
22 Reade Street, Room 4E
New York, New York 10007-1216

Re: **770 Eleventh Avenue Mixed Use Development Rezoning**
CEQR Nos. 07DCP071M
ULURP Nos. 080008ZMM, N080009ZRM, 080010ZSM, 080011ZSM, 080012PCM
Comments on Draft Scope of Work

Dear Mr. Dobruskin:

At its meeting on November 25, 2007 and at the recommendation of its Clinton/Hell's Kitchen Land Use Committee, the Executive Committee of Manhattan Community Board No. 4 approved the following comments on the Draft Scope of Work for an Environmental Impact Statement for the 770 Eleventh Avenue Mixed Use Development Rezoning. This letter is being sent today, to meet the November 26 deadline for comments, but is subject to approval by the full Board at its next meeting on December 5, 2007.

THE PROPOSED ACTION

The applicant proposes to construct an S-shaped stepped tower rising to 32 stories (340 feet) at 770 Eleventh Avenue, on a site, formerly owned by Verizon, that occupies more than half of the block between 53rd and 54th Streets across Eleventh Avenue from De Witt Clinton Park. (The rest of the block is occupied by the uniquely ugly white brick 457 ft AT&T Switching Center Building.) Applicant's project would include 900 rental apartments, a retail food market, an auto dealership, health club space, an NYPD Mounted Unit stable and 225 accessory parking spaces.

The project would be financed through the NY State Housing Finance Authority's 80/20 affordable housing program, and 20% of the apartments would be permanently reserved for low income tenants through an inclusionary housing bonus. The Board is gratified that the applicant promises to locate low-income units on every floor of the building, and not just on the lower floors as many developers do.

The requested approvals include a zoning map amendment from M1-5 (Special Clinton District) to C6-3X (Special Clinton District), zoning text amendments to allow an inclusionary housing bonus from 7.0 FAR to 9.0 FAR and to permit the auto dealership and the stable (both Use Group 16A) within the project site, site selection for the NYPD Mounted Unit, a Special Permit for General Large Scale Development to modify height, setback, location of uses and signage requirements, and a BSA special permit for the health club.

The Draft Scope of Work is generally very thorough. We have the following comments on the several of the individual tasks:

Task 2. Land Use, Zoning and Public Policy

The project site is in the Clinton Urban Renewal Area, but was never acquired by the City. As such, this property is not subject to the development restrictions of the Clinton Urban Renewal Plan, but it is also excluded from the height and bulk restrictions of the Special Clinton District. CB4's long-held public position has been that density on this site should be limited to what is allowed in R8A zoning district – namely 6.02 FAR.

Yet, Two Trees is seeking a zoning designation of C6-3X, with an FAR of 9.0. This is significantly out of scale with the existing area context and would set an unfortunate precedent for zoning on the four remaining private development sites in the CURA¹ and in the 11th Ave. corridor to the south.

The predominant zoning designation in the portion of the CURA that has been redeveloped is R8 or R8A, with a floor area ratio of 6.02. Recent exceptions are the Foundry, Westport and Clinton Green projects with residential FARs of 7.52. Two of those were projects sponsored by HPD with substantial public benefits² provided in exchange for the additional bulk.

Thus, we are extremely concerned about the effects the proposed action will have on land use, zoning and public policy. These effects must be carefully studied and thoroughly assessed, especially with respect to consistency with zoning and other public policy and the effect of the project on ongoing development trends and conditions in the area.

Two Trees seeks to dazzle with a marvelously creative building from a world-renowned architect, and the design has been guided by some principles we strongly support – keeping building heights lower on 11th Ave. opposite DeWitt Clinton Park, and concentrating height on the eastern portion of the site, next to the AT&T tower. But fancy architecture is no substitute for good planning.

¹ These sites are the Triangle building at 525 West 52nd Street; 706-716 Eleventh Avenue (between 50th and 51st Streets); 802 Eleventh Avenue (between 55th and 56th Streets); and the Clinton Manor Parking Lot at 535 West 51st Street.

² The Foundry project, completed in 2000, included the preservation and rehabilitation of the Site 5 HDPC. The Clinton Green project, now nearing completion, includes 60,000 square feet of not-for-profit theater space, 21,700 square feet of public open space, preservation of the Oasis Community Garden and the City's commitment to make the remaining City-owned sites on blocks 1080 and 1081 available for affordable housing and not-for-profit uses.

The land use study area shown in Figure 10 should be elongated to include the areas where land use and zoning is most likely to be affected by this action, which is south along Eleventh Ave. to 43rd St.

Task 3. Socioeconomic Conditions – Economic Characteristics

Historically, auto dealerships and related automotive uses have been the predominant use in the area's remaining manufacturing zoning districts, but recent market trends have displaced or threaten to displace many automotive uses. While the Scope of Work identifies a thorough methodology for study of economic characteristics, particular emphasis should be placed on economic activity in the automotive sector.

Task 4. Community Facilities and Services – Police and Fire

The Draft Scope of Work states that “the Police and Fire Departments routinely evaluate the need for changes in personnel, equipment, or facilities based on population, response times, crime levels, or other local factors,” so that a detailed assessment is not warranted. Waiting until the population has increased and response times have declined is an inadequate approach to planning for these critical public facilities. An assessment must be made now of the impact this and other planned developments will have on police and fire protection. If additional facilities are needed to serve the area, planning for them must begin now.

Task 7. Historic Resources

The map of the Historic Resources Study Area in Figure 14 omits the Flats building at 53rd Street and Eleventh Avenue, which is listed on the National and State Registers of Historic Places.

Tasks 8 and 9. Urban Design/Visual Resources and Neighborhood Character

The studies of urban design and neighborhood character must recognize that while this striking design presents a varied façade from the west, from the north and south it will be a high-density modern slab in a medium- and low- density brick and industrial landscape.

If the building will be clad in glass as shown in the current renderings, the potential for solar heat gain through reflection and for impacts on migrating bird populations should be assessed.

Task 13C: Transit and Pedestrians

The study of subway impacts should also include the 50th St. station of the A&C lines.

Task 14. Air Quality – Odor Analysis

The NYPD Mounted Unit stable is being included in this project at our suggestion, and we are pleased that the applicant has been willing to take up the unusual challenge of including this important public facility in a residential building. However, as the Draft Scope of Work indicates, the effects of odors from the stable must be carefully studied. Further, the study must

examine mitigation measures as necessary, including the degree of building attenuation to be provided by mechanical systems, building materials and operations requirements.

Task 19. Alternatives

We are pleased that the alternatives to be studied include a No Impact Alternative and a Lesser Density Alternative. However, the Draft Scope of Work does not indicate which lower density will be studied. We request that this lesser density alternative be an R8A zoning designation (6.02 FAR) with ground floor commercial use, which this Board has long supported for this site.

The Clinton/Hell's Kitchen Land Use Committee also discussed the possibility of allowing big box retail uses at this site, in order to improve the project's finances and therefore reduce its overall density. On reflection, we are concerned that the parking demanded and traffic generated by such retail use would be unacceptable, and that it would accelerate undesirable market trends in the area. The Board is therefore not requesting that big box retail use be studied as an alternative.

Appendix A - Transportation Planning Assumptions Memorandum

Table 2 indicates that the Truck trip Generation data for the retail space is based on the 2004 Clinton Green Mixed Use Development EAS. While that development included an identical amount of retail space, it never contemplated a food market as the applicant plans here. Since food markets require an intensive turnover of inventory, the truck trip generation data should be based on a source specific to a food market.

Thank you for considering these comments.

Sincerely,



Jean-Daniel Noland
Chair



Anna Hayes Levin, Chair
Clinton/Hell's Kitchen Land Use Committee

Cc: Applicant
Electeds