



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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October 14, 2008

New York City Planning Commission
Attention: Robert Dobruskin, AICP
Director EARD, NYCDCP
22 Reade Street, Room 4E
New York, New York 10007

Re: Western Rail Yard Environmental Impact Statement Draft Scope of Work

Dear Mr. Dobruskin:

Manhattan Community Board No. 4 is pleased to offer the following comments on the Draft Scope of Work for the Western Rail Yard Environmental Impact Statement.

With the Hudson Yards Community Advisory Committee (in which CB4 plays a leadership role) CB4 has been consistently engaged in the development process for the entire West Side Yard from the beginning of the current effort in July 2006. We have held four public forums and many smaller meetings, to solicit the community's participation, and endorsed the HYCAC's written comments to the MTA, the Hudson Yards Development Corporation and the development community on the Design Guidelines for the Western Rail Yard, the Requests for Proposals and the five proposals received by the MTA for development at the West Side Yard.

Proposed development at the Rail Yards.

We endorse the comments in the letter the HYCAC is providing to you on the Draft Scope of Work. We have participated actively in the preparation of those comments, and they should be considered comments of CB4 as well as the HYCAC.

The Additional Housing Sites.

In order to assist in the production of affordable housing, the Project Description in the Draft Scope also includes proposed development of affordable housing at two publicly-owned sites in Hell's Kitchen – the MTA/NYCT site on the east side of Ninth Avenue between 53rd and 54th Streets, and the Third Water Tunnel site on the west side of Tenth Avenue between 48th and 49th Streets. The balance of this letter concerns the Draft Scope as it relates to these sites.

The Ninth Avenue Additional Housing Site. The city proposes to make the MTA/NYCT site, on the east side of Ninth Avenue between 53rd and 54th Streets available for development pursuant to an RFP to be issued by HPD. The Draft Scope limits this site to the surface parking lot (which is gravel, not paved), adjacent to the NYCT facility completed in 1997. The site is owned by the city and leased to the MTA. The Draft Scope says only that “the bulk of the site would be made available for affordable housing development, with a portion of the site reserved for use by the MTA.” Much more must be known about the proposed development scenario before we can support any particular course of action. In the meantime, however, the MTA/NYCT has failed to articulate any kind of meaningful plan for the site, so its desire to reserve a portion of the site for an unspecified use rings hollow and should be disregarded for purposes of the EIS..

As first stated in our letter to HYDC dated May 23, 2007 in anticipation of the release of the RFPs for the Rail Yards, we would be delighted to see this site developed, since the gravel parking lot surrounded by cyclone fencing has been a neighborhood eyesore for years. However, this site is in the heart of the Preservation Area of the Special Clinton District, and must be developed consistent with the area’s lower density and building heights.

- Maximum FAR is 4.2, per Section 96-101 of the Zoning Resolution, not 6.02 as indicated in Item 18 of the EAS.
- Buildings should also conform to Section 96-104 of the Zoning Resolution (maximum heights of 85 feet on the avenue and 66 feet in the midblock), without resort to special permits for additional heights unless justified by a significant public benefit.
- For purposes of the WRY EIS, it should be assumed that the entire site will be developed as affordable housing, so that the environmental impacts of the maximum possible amount of affordable housing are analyzed, with groundfloor retail on the Ninth Avenue frontage. (This could be an ideal location for an affordable neighborhood grocery store.)

The Tenth Avenue Additional Housing Site

The city also proposes to make the Third Water Tunnel site, on the west side of Tenth Avenue between 48th and 49th Streets available for development pursuant to an RFP to be issued by HPD. The Draft Scope limits this site to the space over the Amtrak cut. The Environmental Assessment Statement/Environmental Assessment Form describes the site as all of Block 1077 lot 29, which includes the Third Water Tunnel site plus the space over the Amtrak cut (see Items 13B and 18), but shows the site in Figure 6 as being just the portion over the Amtrak cut. The Draft Scope indicates that the Proposed Actions include a “Text Amendment for a new special permit to allow for the modification of lot coverage and rear yard regulations, and application for such special permit,” but provides no details about what the text amendment would allow.

Block 1077 lot 29 was acquired by the New York City Department of Environmental Protection pursuant to a ULURP application for site selection in 1993. CB4 and the

community have been advocating for park/community open space on the site at least since DEP's 1993 ULURP application. Correspondence has been ongoing since then between DEP, DPR, CB4, local elected officials and the block association, all expressing a commitment that the site will be developed as a park when construction of the shaft is complete.

DEP will require a permanent easement for access to the shaft for maintenance. The 1993 Negative Declaration says that two 5 foot by 3 foot hatchways will be required to provide access to the underground valve chamber and a 14 inch diameter air vent will be required at the pavement level. This could easily be accommodated with surrounding park use.

When the idea of using the site for affordable housing was first raised in May 2007 in discussions relating to development of the WRY, it aroused alarm. However, in discussions between members of CB4 and the 47th/48th Street Block Association, it was recognized that a shared development scenario could in fact help to make the long hoped-for park a reality.

Hell's Kitchen Park, on the east side of Tenth Avenue, was recently rebuilt with facilities for smaller children. That park is now used beyond capacity and the needs of the various groups of park users often conflict.

The group reached consensus in June 2007 on the following points, and we are pleased to support development of the site, consistent with those points:

- The site should be developed with housing on the western portion of the site, over the rail cut, and park on the eastern portion of the site.
- Housing elements:
 - Building should run through the block on the western boundary, with arms pointing east toward Tenth Avenue.
 - After the rezoning completed 4/16/08 in connection with the Real Estate Industrials project, the entire site is zoned R8 and maximum FAR is 4.2 per ZR Sections 96-101 and 96-31.
 - Use special permit under ZR 96-104 for maximum height of 99 feet.
- Park elements:
 - The park should be mapped and developed as Hell's Kitchen Park West, with facilities for older children and teens (volleyball and basketball courts moved from Hell's Kitchen Park), adult seating areas and lots of green.
 - The park should include a comfort station, which could be in the adjacent housing development.
 - DPR should design, housing developer should build, City should fund
 - Fenced same as Hell's Kitchen Park
 - Full-time park attendant to be assigned to Hell's Kitchen Park and Hell's Kitchen Park West (not shared with other parks)

- To absorb growing neighborhood population, renovate eastern portion of Hell's Kitchen Park (where volleyball and basketball courts now are), as well as other nearby parks:
 - Raymon Aponte Playground on 47th Street between 8th and 9th Avenues is in serious need of renovation (last renovated by DPR in 1990)
 - May Matthews Park, 45th to 46th Streets between 9th and 10th Avenues – will check needs with 46th Street Block Ass'n
- Water tunnel easement:
 - Minimal amount required for hatchways and vent
 - Fenced and landscaped
 - Integrated element of the park

Development at this site should not assume any groundfloor retail use, since the Tenth Avenue frontage will be park and retail activity will not be appropriate on the mid-block frontages.

Housing Program

For both sites, housing should meet CB4's basic range of recommended affordability: 50% of the units should be affordable to households making up to 80% of Area Median Income, 30% of the units should be affordable to households making up to 125% of AMI and 20% should be affordable to households making up to 165% of AMI. In addition, both sites must include a substantial number of affordable family-sized units.

Timetable

Development of these sites is appropriately tied to the large amount of market rate development that will be allowed on the WRY once it has been rezoned. The RFP for the Ninth Avenue site should be issued upon completion of the WRY rezoning. The RFP for the Tenth Avenue site should be issued upon completion of the WRY rezoning and after completion of the Third Water Tunnel construction. Neither site should be dependent on the MTA's entering into a lease with Related for the Development Site.

Sincerely,



Jean-Daniel Noland
Chair



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

Cc: MTA – Elliott G. Sander, William Wheeler, Roco Krsulic, Hilary Ring, Jim Henley, Jeremy Soffin
HYDC – Ann Weisbrod, Wendy Leventer, Aaron Kirsch
DCP – Amanda Buden, Edith Hsu-Chen, Dominic Answini

Related Companies – Jay Cross, Jay Kriegel, Vishaan Chakrabarti, Michael Samuelian
HYCAC members
NYC Council Speaker Christine Quinn
Manhattan Borough President Scott Stringer
NYC Council Member Gale Brewer
Congressman Jerold Nadler
NYS Senator Thomas Duane
NYS Assemblyman Richard Gottfried