

The Hudson Yards Community Advisory Committee

c/o Manhattan Community Board No. 4
330 West 42nd Street, 26th Floor
New York, NY 10036

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October 14th, 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:

The Hudson Yards Community Advisory Committee is pleased to offer the following comments on the Draft Scope of Work for the Western Rail Yard Environmental Impact Statement. These comments have also been endorsed by Manhattan Community Board No. 4.

With CB4, the committee 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 have provided 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. The comments in this letter draw heavily from our letter to the MTA dated January 8, 2008 concerning the five development proposals, and also from our letter to HYDC and the MTA dated May 23, 2007 in response to the public forum on May 8, 2007 in anticipation of the release of the Requests for Proposals (RFPs) for the Eastern Rail Yards (ERY) and the Western Rail Yards (WRY).

On September 15, 2008 we and CB4 hosted a public forum with Related Companies, at which Related presented its initial plans for the Western Rail Yards. Approximately 200 people attended, including representatives of Related, the Hudson Yards Development Corporation and the Department of City Planning. It was disappointing to note that MTA representatives were not in evidence.

Before commenting on the Draft Scope, we must note that we continue to believe, as we have for some time, that the fundamentals of this project remain deeply flawed. Asking a single developer to assume the entire risk of this project is not wise. The Rail Yards should be developed by the public sector over time, in a process more akin to the development process at Battery Park City. Such a process would result in a master plan that could respond to the city's

The Hudson Yards Community Advisory Committee was formed pursuant to the agreement between the Administration and the City Council with respect to the Hudson Yards rezoning in January 2005 to advise the Hudson Yards Development Corporation regarding the financing, planning, design and construction of the Hudson Yards redevelopment area from a neighborhood perspective. Its members include representatives of Manhattan Community Board 4, the area's local elected officials and several local organizations. For more information, see <http://www.manhattancb4.org/HKHY/docs/HYCACstructure.htm>.

development needs over time, and, by reducing the risk for the private developer, would maximize value for the MTA. It makes little sense to dispose of an asset with such potential to a single developer in a single transaction, as the current proposal contemplates. It's a short-term solution when a longer-term approach is required.

Our detailed comments on the proposed Scope of Work follow our general comments on the Project Description.

COMMENTS ON THE PROJECT DESCRIPTION

The Development Site at the WRY

The Eastern Rail Yards must be included. It is impossible to understand or evaluate the proposed development on the WRY without any details about the proposed development on the ERY, yet the Draft Scope of Work is devoid of such information. Though the zoning for the ERY was determined in 2005, and the ERY and the WRY were the subject of formally separate RFP processes, the reality is that the two parcels are being developed – as they should be – as part of a single, comprehensive plan. The design of each is dependent on the other. The Project Description must include details about the proposed development program for the ERY.

There is too much density for a successful environment. The scale of the proposed buildings on the WRY is overwhelming. While the base floor area ratio (FAR) is a reasonable-sounding 10 FAR, it is calculated across the entire WRY, including streets and open space. As a result, the effective density of the proposal is closer to 25 FAR if you exclude streets and open space in its calculation, as is commonly done (as streets and parks are excluded elsewhere in the City). In comparison For example, the waterfront residential development at Battery Park City and Riverside South have FARs of 10, excluding streets and open space.

The density planned for the ERY and the WRY is, to our knowledge, an unprecedented density over such a large area anywhere in the City, and far exceeds what can be considered good planning for the future of the City or the local community. To develop successfully, the Rail Yards must be a place where people will want to live, work and visit. That is unlikely to happen in a dystopian environment dominated by monumental and intimidating buildings, no matter how much open space there is or how carefully it is designed.

The density allowed on the WRY should be reduced by – at a minimum – excluding the streets from the calculation of the 10 FAR.

There is no plan for affordable housing. We have consistently advocated that 30% of the residential development on this public site must be allocated to permanent affordable housing for low-, moderate- and middle-income families. This message was strongly reinforced by the community's comments at the public forum on September 15. There should be 1,680 units of permanent affordable housing on the WRY (30% of 1,345,800 sq. ft. of residential space in the maximum residential scenario = 1,680 units).

At present, however, Yet there is no guarantee that ANY affordable housing will be built on the WRY. The RFP's requirement is that 20% of all rental units must be affordable, but no rental development is required. The Draft Scope indicates that at most only 413 or 7.6% of the residential units would be affordable (20% of 2,066 rental units under the "maximum residential scenario"). The "maximum commercial scenario" is even worse: only 309 or 6.75% of the

residential units would be affordable (20% of 1,547 rental units). (See Table 2, p. 13) In addition, it is proposed that ~~a 5% floor area bonus would be created~~ to make those units permanently affordable a 5% floor area bonus would be created. These results are simply not acceptable.

The extent to which the use of the Additional Housing Sites for affordable housing improves the situation cannot be determined since the Draft Scope contains no information about the number of units those sites would produce. We do welcome, however the city's commitment of \$40 million in subsidy for the construction of affordable housing at these sites.

Public land is one of the few places where government can require that development address the housing needs of a broad range of New Yorkers, and this is the largest publicly owned development site left in Manhattan. Moreover, this new neighborhood will not be a healthy neighborhood unless it includes the broadly diverse population that is the hallmark of this City, and particularly of the neighborhoods of Chelsea and Hell's Kitchen. The State and the City must get together and figure out how to solve this problem.

While the MTA has a corporate responsibility to maximize the value it gets for the property, it is also a public entity; it is appropriate that the MTA's drive for financial gain be tempered by standards of public responsibility that might not apply to a private owner.

-Possible solutions include:

- A mortgage subsidy program, as was used in the Mitchell Lama program
- Battery Park City Authority excess revenues and unused bonding capacity
- Union-supported financing
- Pension fund financing
- The City's New HOP program
- Limited-equity coops

Whatever the method, the bottom line is that the State and the City must ensure that development of the West Side Yard creates permanent affordable housing opportunities far greater than the unacceptably small amount currently contemplated.

~~**Preservation of the High Line** This section to come. It will be based on our January letter, emphasize retention of the Spur, question the need for removing and restoring portions along 12th Ave., and raise alarm about the buildings proposed to straddle the High Line.~~

~~**From the January letter, included here for reference:**~~

~~"The entire High Line can and must be preserved. The High Line is a beloved historic structure and, as the Draft Scope of Work, indicates, the **ONLY** only ~~Underlined rather than capitalized~~—consistent with rest of document—historic resource on the site and eligible for listing on the S/NR register. It is critical, therefore, that the entire historic structure, including the 10th Ave Tenth Avenue Spur on the ERY, be preserved and integrated into the open space network on the site.~~

~~More specifically, the following principles towards the High Line's development on the site should be adopted,~~

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~~“The Brookfield, Extell and Related proposals, which preserve the entire historic High Line structure on the site, including the spur over Tenth Avenue, demonstrate that full preservation is both feasible and preferred. Given this response, the MTA should make full preservation of the High Line, including the spur, a requirement of any development of the rail yards. Anything less than full preservation is unacceptable.~~

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~~“More specifically, the proposals demonstrate the following principles, which should be adopted for future development of the High Line on the rail yards sit. Te, many of whichhese principles are consistent with how the High Line is treated in the City-owned sections south of 30th Street:~~

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- ~~the High Line should have a consistent identity along its entire length, incorporating the basic design treatment from the southern sections, so that the entire High Line is experienced as a consistent park environment;~~
- ~~the High Line structure should be distinct from adjacent structures;~~
- ~~the 30th Street view corridor should be open and unobstructed by buildings - at any height - along its entire length;~~
- ~~connections to the High Line should be made at multiple but discrete points, both from grade and to the platform over the rail yards.~~

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~~Preservation of the High Line must also be extended to the sites on either side of the WRY. On the Eastern Rail Yards, the High Line is the original, historic structure. Therefore, it is critical that the entire High Line on this site, including the Spur to 40th Ave. Tenth Avenue be preserved. These sections are integral to the historic character of the High Line. On the 33/34 block to the north, the structure is not historic, but the easement should be anticipated to be used as public open space, continuing to the current terminus of the High Line at grade at 34th Street.~~

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~~“In addition, the continuation of the High Line on the 33-34 Street block should be anticipated, so that the High Line can be fully preserved all the way to its current terminus at grade at 34th Street.” Regarding construction sequencing, the Draft Scope of Work indicates that “portions of the High Line on the Development Site may be temporarily removed during construction. These portions of the High Line would be restored in place after construction.” This strategy is not acceptable. Given the High Line’s historic construction, it is not feasible that a demolished portion of the High Line could be restored to its original condition. Previous studies of construction access by Friends of the High Line have demonstrated that it is possible to access the WRY construction site without demolishing pieces of the High Line. At a minimum, therefore, the EIS must study alternative construction sequences that do not involve demolition of the High Line, in order to prove that it is impossible to build the WRY platform without demolishing selected sections of the High Line.~~

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Street Grid and Open Space - the site planning is significantly improved from the WRY Design Guidelines. The current plans propose two-way roadways into the WRY aligned with 31st Street and 32nd Street and ending in turnarounds for access to the residential buildings on the western portion of the WRY. A residential building is proposed on the west side of Eleventh Avenue between “31st Street” and “32nd Street.” While it is impossible to fully assess without knowing about the site plan for the ERY, this reintroduction of the street grid is pleasantly consistent with the recommendations in our January letter. The streets must be planned and

operated as real city streets, with full public access, parking regulations, sidewalks and street-level retail uses.

The required ~~5~~-five acres of public open space is now proposed to be provided in distinct but linked areas throughout the site, consisting of a large waterfront lawn for active and passive recreation; a central open space with rolling hills, playgrounds, pathways and benches, surrounded by residential buildings; and a tiered open space leading down to street level on West 30th Street and Twelfth Avenue. This revised open space plan ~~is also~~ is pleasantly consistent ~~[two "pleasantly consistent with" is one too many]~~ with the recommendations in our January letter. We look forward to a more detailed presentation of Related's open space plan as it evolves, including plans for management and maintenance, but are pleased to support the broad outlines included in the Draft Scope. (It is also impossible to tell from the Draft Scope whether an adequate amount of open space is being provided. There is ~~a lot~~much more green on Related's RFP plan than on the revised plan. We look forward to understanding the details.)

A connection to Hudson River Park is still important. The current plans have omitted the pedestrian bridge to Hudson River Park that was required by the RFP. We continue to believe that the bridge will be needed to successfully connect the elevated portion of the Development Site to the waterfront, allowing pedestrians to easily get down and into the park. The connection should be aligned with 31st or 32nd Streets.

"Yes" to the school, ~~and the possible outpatient health care facility.~~ We are pleased that the plans still include 120,000 square feet for a "PS/IS" public school. This school was included in the RFP requirements at our request, based on the analysis in the Hudson Yards FGEIS as well as our daily experience of overcrowded conditions in our neighborhoods' schools. ~~(see further discussion below in detailed EIS comments [discuss in that bit the number of seats in the school. Related said 800 but the EAS says 923, based on 130 sq ft per student.]~~ The school will be appropriately located in the base of two residential towers at 30th Street and Eleventh Avenue. It must be a locally zoned school, available to all neighborhood students. The Draft Scope makes no mention of an ~~an outdoor -separate~~ school playground. There should be one, though it should be available for public use when not being used by the school. The school must also include separate dedicated spaces for a gymnasium, a cafeteria and a library. In addition, the school must include at least one science lab that meets state specifications for the elementary and middle school levels.

We are confused about the number of seats to be provided in the new school. At the presentation to the West Side community in May 2007, shortly before the WRY RFP was released, the school was to be a 630-seat PS/IS. The RFP required that 120,000 square feet of zoning floor area be reserved for the school, but said nothing about capacity. In its presentation to us on September 15, 2008, Related said the school would have approximately 800 seats. The Environmental Assessment Statement says that the school will have 923 seats, based on a calculation of 130 square feet per student. What is the real capacity of this school? Is it really proposed that 923 students will be accommodated in a school originally planned for 630 students? We are strongly in favor of greater school capacity, but not if overcrowded conditions are being built into the plans.

"Yes to the possible outpatient health care facility. We are also pleased that the commercial development scenario includes 200,000 gsf of outpatient health care space. With the closing of St. Clare's Hospital, the closest health care facilities are St. Vincent's Hospital and Roosevelt Hospital, and a frequent comment at public meetings is the lack of adequate health care facilities

in Hell’s Kitchen and northern Chelsea. We encourage further consideration of an outpatient health care facility on the WRY. ~~[more, perhaps in the EIS Tasks section.]~~

Commitment to sustainability. The Draft Scope states (p. 8) that the Developer proposes a number of sustainable, green components for the development on the WRY to promote water and energy conservation, including stormwater recapture, use of green roof technology, water conserving appliances and other measures. We do not possess the technical expertise to provide a comprehensive response to this aspect of the proposal, but are encouraged by Related’s initial proposals for sustainability. They indicate that a high level of sustainability is feasible and should be required. We wonder whether alternate forms of energy could be generated at the site. The Draft Scope indicates that an on-site energy generating facility will be considered as an alternative. In addition, wind and sun will be abundant at the site, and could be harnessed to help supply the site’s energy needs. Development at the Rail Yards provides a unique opportunity to create a model of sustainability across an entire new district.

Local laws must apply. Though the MTA, a state agency, intends to retain ownership of the Rail Yards, all development activities must comply with local laws, including the New York City Building Code.

Additional Housing Sites

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. Since these sites are ~~beyond outside of~~ the area for which the HYCAC is responsible, we defer to CB4 for comments on the Draft Scope as it relates to these sites.

COMMENTS ON THE FRAMEWORK FOR ENVIRONMENTAL REVIEW

The EIS will analyze the proposed development at the WRY against a “baseline condition” called the “Future without the Proposed Actions,” which will include “projects that are currently in construction, expected, or proposed to be in place by the analysis year.” The Draft Scope makes no mention of the important issue of how the 2004 Hudson Yards FGEIS will be used in the analysis.

We raise three concerns:

- **A Supplement to the Hudson Yards FGEIS is required.** Development of the ERY and the rest of the Hudson Yards development must be considered part of the Future with the Proposed Actions so that the cumulative environmental impacts of the entire Hudson Yards project are comprehensively understood. This is required by common sense and by the applicable environmental regulations. Since the Hudson Yards FGEIS included a different development proposal, the stadium, on the WRY, the current proposal is a “subsequent proposed action [that] was not addressed . . . in the generic EIS,” for which a supplement must be prepared under the SEQR regulations. 6 NYCRR Section 617.10(d)(4).
- **Development Realities.** Data in the Hudson Yards FGEIS must be updated to reflect changes in the surrounding area. For example, Block 675 was intended in the FGEIS to

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become a combination of tow pound, SDNY garage and active recreation park; instead, those plans have been abandoned and building permits have been issued for a hotel 828 feet tall with more than 1 million square feet. The stadium and the planned convention center expansion are no longer part of the plan.

- **Missing Mitigations.** The FGEIS identified the need for a number of facilities and services that, with the exception of the school planned for the WRY, have yet to be provided for. These include a new firehouse, additional school capacity, a new day care center, two ConEd substations and a new transmission substation. The EIS must acknowledge that there is no plan for providing those facilities and must cumulatively analyze demand so that all unmet needs are identified.

Defining the Action for Environmental Analysis. Within the Maximum Commercial Scenario, the office option and the hotel option must be separately analyzed, since the traffic and transit impacts of those scenarios differ substantially.

Analysis Years. The EIS proposes to assume that all development at the WRY will be complete by 2018. ~~While~~ This optimism ignores the realities of absorption rates and other dictates of

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real estate development¹, and will prevent a comprehensive understanding of the environmental impacts development in the Special Hudson Yards District, including the WRY, it will conservatively telescope the environmental impacts of the project, which is appropriate.

The EIS will analyze the proposed development at the WRY against a “baseline condition” called the “Future without the Proposed Actions,” which will include “projects that are currently in construction, expected, or proposed to be in place by the analysis year.” The Draft Scope makes no mention of the important issue of how the 2004 Hudson Yards FGEIS will be used in the analysis. We raise two concerns

- The analysis year should be 2025, not 2018. The Hudson Yards FGEIS assumed that development of the ERY and the rest of Hudson Yards would not be completed until 2025, which would mean it “won’t count” for an analysis year of 2018. That’s an absurd result. Though separated for zoning and public action, the ERY and the WRY are part of the same overall development plan. The WRY won’t develop without the ERY and vice versa. It is not realistic to assume an earlier year of completion for the WRY than the ERY. The two parcels are inextricably linked, and their environmental impacts must be comprehensively analyzed as one project, within the context of the other development anticipated under the Hudson Yards plan. {maybe more?}

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- Since the Hudson Yards FGEIS included a different development proposal, the stadium, on the WRY, the current proposal is a “subsequent proposed action [that] was not addressed . . . in the generic EIS,” for which a supplement must be prepared under the SEQR regulations. 6 NYCRR Section 617.10(d)(4).

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- Development Realities. Data in the Hudson Yards FGEIS must be updated to reflect changes in the surrounding area. For example, Block 675 was intended in the FGEIS to become a combination of tow pound, SDNY garage and active recreation park; instead, those plans have been abandoned and building permits have been issued for a hotel 828 feet tall with more than 1 million square feet. The stadium and the planned convention

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¹ Riverside South is perhaps an appropriate model for comparison. The plan, which includes 12 sites for development of 5.8 million square feet of residential development (plus additional sites for commercial development) was approved in 1993. The first buildings were completed in 1999. To date, 15 years after development began, 10 buildings have been completed and 2 sites remain.

~~center expansion are no longer part of the plan. [others? Quill Bus Depot relocation, 5 million of private development]~~

- ~~**Missing Mitigations.** The FGEIS identified the need for a number of facilities and services that, with the exception of the school planned for the WRY, have yet to be provided for. These include a new firehouse, additional school capacity, a new day care center, two ConEd substations and a new transmission substation. The EIS must acknowledge that there is no plan for providing those facilities and must cumulatively analyze demand so that all unmet needs are identified.~~

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COMMENTS ON THE SCOPE OF WORK

~~[This section to come — we have input from many C/HKLU and other volunteers.~~

Task 1 – Project Description

Task 2 – Framework for Analysis

We are not commenting further on these tasks; see above.

Task 3 - Land Use, Zoning & Public Policy

- Include the 23rd Street corridor as a specific subarea.
- Analyze future land use patterns and trends by 2025; as discussed above under -Comments on the Framework for Environmental Review, 2016 and 2018, as proposed, are poor choices because they would fail to include the impact of the development of the entire Special Hudson Yards District, the Special West Chelsea District or of Moynihan Station, each of which will affect the Development Site significantly.

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Task 4 - Socioeconomic Conditions

Study Area

- Expand the study area to the north to include the Special Clinton District with a northern boundary of 57th Street and to the south to include the West Chelsea Special District with 14th Street as its southern boundary;
- Determine the current population of the expanded study area by income band (low, moderate and middle), ethnicity and family/household size.
- Include anticipated changes in socioeconomic conditions for Hudson Yards, Eastern Rail Yards and West Chelsea when analyzing the impacts of the Western Rail Yards development; i.e. compare existing demographics today to those projected as a result of all recent rezonings.

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The Western Rail Yards action itself is of sufficient scale to alter community demographics, but considered together with the Hudson Yards and West Chelsea rezonings, the rezonings cover half of Community District 4. The potential impact on the surrounding communities is staggering.

Indirect Residential Displacement

Alteration of Existing Socioeconomic Characteristics

- Study the effect of the Proposed Actions, using both the Maximum Residential and Maximum Commercial Scenarios, on the overall community district demographic by low-, moderate—and middle – income bands. Compare the existing demographics to the anticipated demographics, by income band, after the development of the Proposed Actions and the Hudson Yards, including the Eastern Rail Yards.
- Extend the study period to 35 years, to evaluate the effect of expiring restrictions on the affordable component. In the alternative, consider as affordable only those units with permanent income restrictions; assume that any units not permanently restricted will be market rate in the long-term and should be disregarded.
- Evaluate varying models for unit size distribution in the Proposed Actions and in the Hudson Yards and evaluate the effect on community demographics by household size.
- Evaluate changes to financing regulatory agreements, such as the 421-a Program, to permit the proportionate amount of affordable housing to be determined by square footage, not by unit count, thereby permitting flexibility in unit size by community preference.

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Community District 4 is a vibrant, mixed-income community with a current population of 91,000. According to estimates based on the 2000 census, roughly 70% of CB4’s residents had very low, low and moderate and middle incomes, with 30% earning below 80% of AMI, an additional 20% below 120% of the AMI and 20% had incomes below 200% (\$76,586 in 2000) of AMI. The Proposed Actions will create between 4,573-5,407 residential units, but only 310-413 affordable units. This will significantly alter the overall demographics and character of our community district and introduce a significant component of more costly housing.

Assessment of Indirect Displacement

- Conduct a detailed assessment of indirect residential displacement; a preliminary assessment alone will not be sufficient.
- Study the expected permanent loss of rent regulated housing in CD4 as a result of the Proposed Actions and indirect displacement within the expanded study area
- Analyze the effects of the expiring affordability restrictions imposed via tax abatement and exemption programs, and the ability to opt out of Mitchell-Lama, Section 8, and other subsidy programs.

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Rental housing is not as stable as homeownership and is vulnerable to market changes. Because 80% are renters, Hell’s Kitchen and Chelsea residents are especially vulnerable to displacement; the majority of those renters live in private housing and rely on rent regulation to guarantee continued affordability. Rising market rents and New York’s vacancy decontrol regulations combine to accelerate displacement of low-, moderate- and middle-income renters and the loss of affordable housing.

Indirect Business and Institutional Displacement

- Conduct a detailed assessment of indirect business displacement; a preliminary assessment alone will not be sufficient.

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The Proposed Actions will contribute significantly to the commercial displacement already occurring from the creation of the Special Hudson Yards District. The businesses and jobs likely to be lost because of the Proposed Actions define the character of the neighborhood, and many of these businesses cannot relocate elsewhere on the West Side because of restrictive zoning or increasingly unaffordable rents. Their loss will constitute a significant adverse impact.

Adverse Effects on Specific Industries

- Assess the impact of the Proposed Actions on the Garment and Theater industries.

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Many of the businesses in the area are small businesses that create a significant number of blue-collar jobs supporting the Garment and Theater industries. Off-Broadway Theaters are concentrated in the expanded study area. CB4 has already seen displacement of these Theater groups along 42nd Street and 8th Avenue north of 42nd Street. The analysis must include a more thorough examination of the jobs likely to be lost and the characteristics of those job-holders, including their average salaries, their places of residence, and their ethnicity.

Task 5 - Community Facilities & Services

Schools, Libraries, Health Care Facilities and Day Care Facilities

The assumptions underlying the Proposed Actions result in impacts that exceed the preliminary thresholds established by the CEQR Technical Manual for public schools, libraries, health care facilities and day care facilities, and thus establish the obligation to conduct detailed analyses in these areas. This part of the task seems to be appropriate.

We note again that the Proposed Actions is one part of a far larger development that is transforming Hell's Kitchen and Chelsea, and that the serial assessment of the impacts of the individual components of this greater development is a flawed approach, ill-suited to the objective of creating functioning, livable communities with appropriate community facilities and services. The assessment of the need for community facilities and services must at the very least include the impacts of both the Proposed Actions and those of the other half of this project, the Eastern Rail Yards.

Fire and Police Facilities

The need for the assessment of the joint impacts of the two halves of the Rail Yards development is especially acute for fire and police facilities. The greatly increased density that will be created by the development of the Rail Yards and the surrounding area both increases the need for fire and police services and reduces the ability of existing facilities to service the Rail Yards by increasing traffic and, as a direct result, response times.

For the safety of all future residents and workers of both the Western and Eastern Rail Yards, as well as those of the newly-rezoned Hell's Kitchen and West Chelsea, an honest, comprehensive

assessment of the impacts of the two halves of the Rail Yards must be conducted, and any mitigation found to be necessary must be incorporated into the development at this stage of planning.

Not-For-Profit Cultural and Community-Based Organizations

The Proposed Actions will have significant adverse impacts on the many small not-for-profits in the immediate surrounding areas by causing inflation of market rental rates, increases in property values and physical displacement. Although these cultural and community based organizations are not formally considered to be community facilities, most of them receive significant public funding, have provided appreciable benefit to the surrounding communities, and are an integral part of the fabric of the surrounding Chelsea/Clinton/Garment Center neighborhoods. We note in particular that more than 40% of all non-profit theaters in NYC are located within Community District 4 (Demographic study completed by NYITA and Columbia University, Fall 2008). We consider these non-profit organizations, theaters and other arts organization that receive public funding to be community facilities and do provide community services. The impact of the Proposed Actions on these non-profit organizations must be assessed.

Task 6 - Open Space

We welcome the new open space to be created by the proposed development, and believe it will be an important contribution to the area's inventory.

- Include in the study area the entire length of the High Line to Gansevoort Street in the south, and an equivalent length of Hudson River Park to the south and to 54th Street in the north.

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The three principal open spaces that will exist in the immediate vicinity of the Development Site are the Hudson River Park, the High Line Park and the Hudson Boulevard Park, each of which will be a linear space and thus will invite a walk along its length. Where a normal lunchtime or after dinner stroll might follow a path both cross-town and up-and downtown, enjoying these three open spaces will confine the walker to a relatively constrained path and lead farther away from the Development Site. In the specific case of the High Line, the 14th Street/Gansevoort Street area already is a shopping and dining destination that will invite walking from the study area.

- Preserve the old Post Office spur of the High Line where it crosses Tenth Avenue at 30th Street. The High Line is a crucial component of the open space in the Proposed Actions: it extends through the site and is inextricable from its design. The preservation and incorporation of the spur would increase significantly both the quantity and quality of open space provided by the High Line.

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Task 7 – Shadows

The Draft Scope of Work places the focus where it should. In addition to outlined tasks, we urge particular attention to the stained glass windows in St. Raphael’s Church and other resources with special windows and light needs, and on the potential shadows of a building shown spanning the High Line.

Task 8 - Historic Resources

- Extend the principal study area to include the area within an 800-foot radius surrounding the combined Western and Eastern Rail yards, not just the Development Site.

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The principal sources for historic resources affected by the development are the previous environmental reviews for the Hudson Yards and the West Chelsea Rezoning. These documents should be checked and updated to ensure that all historic resources are included. The careful procedure followed in the environmental review for Route 9A in which every building was given at least a preliminary review should be followed. The West Chelsea Studio of the Columbia School for Architecture, Planning, and Historic Preservation prepared in anticipation of the West Chelsea Rezoning is another valuable source of possible resources and the resources indicated should be given at least preliminary review for significance. Finally, the Landmarks Preservation Commission should be consulted as the Draft Scope indicates it will be.

- Include potential historic districts in the analysis, in addition to individual resources. A potential historic district was listed in the FEIS for the West Chelsea project and the ensuing process led to the designation of the West Chelsea Historic District.

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- Devise a clear procedure for mitigation for any resource found to be threatened by adverse impacts from the Proposed Actions. In the case of a resource listed as eligible for the National Historic Register, a nomination for the State/National Register should be prepared unless the owner objects; in the case of eligibility for New York City Landmarks designation, the listing as significant should be considered as equivalent to a Request for Evaluation and pursued as such.

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- Analyze the role the High Line broadly. The High Line is a crucial resource, eligible for the State/National Register and extending through the site and inextricable from its design. The treatment of the High Line, the impact on it of the buildings and immediate surroundings, its visibility, short and long views from it -- indeed even whether it will be continuous throughout the site and connectible to the north are major issues that need to be treated in full.

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Task 9 - Urban Design & Visual Resources

- Extend the principal study area to include the area within an 800-foot radius surrounding the combined Western and Eastern Rail yards, not just the Development Site.

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- Assess the impact of the scale of the proposed development on its surroundings, especially the contrasts with the lower scale around it that will make it, together with the development on the Eastern Yards, a high density island.

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- Assess the adequacy of the proposed “drives approximately on the line of” 31st and 32nd Streets to reflect the city grid.
- Assess problems of visual and physical connections with the surrounding areas due to changes of level largely due to the deck.
- Assess the impacts on Hudson Boulevard.
- Assess the impacts on the High Line, a major visual resource, including views of the High Line and views from the High Line, on the Development Site, on the Eastern Rail Yards and on adjacent sites to the north and on the High Line as a whole.
- Consult Hudson Boulevard and Park landscape designers who have studied the wind effects of the proposed tall buildings adjacent to the boulevard on the park.

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Although this seems to be an odd place to put wind studies, the impact of wind will be an important consideration in the design of a successful development and we are glad that it is included.

Task 10 - Neighborhood Character

- As stated above under Task 4 – Socioeconomic Conditions, expand the study area to the north to include the Special Clinton District with a northern boundary of 57th Street and to the south to include the West Chelsea Special District with 14th Street as its southern
- Incorporate the findings of the Hudson Yards FGEIS on the impacts on neighborhood character.
- Assess the impact of a significant number of new white collar jobs in the Development Site and the Eastern Rail Yards on neighborhood character.

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The neighborhoods now surrounding the Development Site include the mixed-income and smaller-scale neighborhoods of Hell’s Kitchen to the northwest and Chelsea to the south. The impacts that the Proposed Actions will have on the developing neighborhoods of Hell’s Kitchen and Chelsea in light of the Hudson Yards and West Chelsea rezonings must be considered. The commercial white collar jobs that will be attracted by this kind of development differ significantly from those presently available in our community, and could well undermine our racial and economic diversity.

Task 11 - Natural Resources

- In the study of the health of the Hudson River, include the impact of shadows cast by the buildings on the Development Site on riverine and estuarial life.
- In the study of the projected future floodplain, incorporate revisions reflecting probable rising sea level and changes in the paths and severity of hurricanes due to the global melting of ice reservoirs and changes in weather patterns.

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- Provide information on the New York State DEC State Pollutant Discharge Elimination System included in Item 10 under Project Approvals and Actions.

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Task 12 - Hazardous Materials

- Include the 1994 Route 9A FGEIS in the documents used for the analysis of the potential for hazardous materials contamination in addition to the cited No. 7 Subway Extension – Hudson Yards Rezoning and Development Program FGEIS. Since the Development Site is located between the Eastern Rail Yards and Route 9A, this will ensure a comprehensive analysis of potential hazards.

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Task 13 - Waterfront Revitalization Program

For consistency with the City’s Local Waterfront Revitalization Program the analysis should include:

- Revisions reflecting probable rising sea level and changes in the paths and severity of hurricanes due to the global melting of ice reservoirs and changes in weather patterns.
- The particular sensitivities of the WRY to flooding.

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Task 14 - Infrastructure

We look forward to seeing the results of the assessment of the additional demands made by the Proposed Development on the water supply, sanitary sewage and stormwater runoff systems, and are particularly interested in seeing the proposed sustainable design measures to reduce water consumption and sewage generation, and manage stormwater runoff.

- Assess the amount of water available for the WRY with the knowledge that the amount is not infinite and that all development within the area draws from the same supply.

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The CEQR Technical Manual requires that the study area for the water supply impact assessment “includes the entire area serviced by the Croton gravity system in addition to pressure regulators from the Catskill/Delaware System.” Therefore, the assessment must include all existing and potential developments in New York City that would have an impact (downtown Manhattan; LIC and Willets Point, Queens; and downtown Brooklyn) as well as all existing and potential development in the Hudson Valley, in addition to simply whether the present system servicing the area can handle the WRY impact.

- As part of the proposal to study the potential reductions in water demand from water conservation and sustainability measures, assess how successful Local Law 29 of 1989 and its water conservation rules have been, and whether, with the on-going and proposed development in the surrounding area, it has been sufficient to satisfy the water supply needs of the Hudson Yards.

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- There should be a thorough analysis of where to place separate storm water systems, not just combined sewers. Projected rising sea and Hudson River levels and increases in the severity of hurricanes make it probable that the Western Rail Yards will be subjected to more

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frequent flooding, which would be best handled through storm water systems without adding to the load on the combined sewers.

- On water usage, assess the projected savings from conservation and sustainability measures compared with the numbers assumed in the CEQR Technical Manual.

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Task 15 - Solid Waste & Sanitation Services

- The Development Site is currently used for DSNY parking. Relocation of this capacity must be analyzed as an additional demand that the Proposed Actions would place on sanitation services.
- Analyze the potential for removing solid waste from the Development Site by rail or water.

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Task 16 - Energy

- Assess the cumulative demands of the Proposed Actions and the Hudson Yards development on the current energy infrastructure.
- Assess the impact of the failure to provide the Consolidated Edison substation and transmission facilities found necessary in the Hudson Yards FGEIS.
- On electricity usage, assess the projected savings from conservation and sustainability measures compared with the numbers assumed in the CEQR Technical Manual.

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Task 17 - Traffic & Parking

- As discussed above under Comments on the Framework for Environmental Review, traffic impacts must be analyzed at 2025.
- Analyze the effects of alternative means of transportation from the Development Site to other areas – especially transportation hubs such as Penn Station – including light rail and people movers on traffic and parking impacts.
- Include impacts on bicyclists and bicycle traffic; the Proposed Actions include new bicycle lanes and LEED points for bicycle parking.

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A. Define traffic study area

- Expand the study area north to 47th Street and south to 15th Street to include the impact on vehicular accumulation at the Lincoln Tunnel approaches from the north and the south.
- The proposed intersections in Figure 10 should include the intersections of the proposed roadways at the level of 31st and 32nd Streets on the west side of Eleventh Avenue and an intersection on Tenth Avenue at the level of 32nd Street.
- Include in the study area the proposed roadways within the Development Site, so that traffic within the Development Site is analyzed, including autos, taxis and trucks servicing buildings that have no vehicular access on city streets.

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B. Develop baseline traffic networks

- Expand the definition of evening peak traffic hours to 3 to 8 p.m. during weekday evenings and 4 to 8 p.m. on Saturday and Sunday to reflect actual Lincoln Tunnel congestion.
- Perform both weekday and weekend analyses during an average size consumer show at the Javits Convention Center.

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C. Determine base year parking supply and usage characteristics

- Increase the off-street parking study area to a 1/2-mile radius to reflect the average distance parkers walk to their destinations in major cities.
- The analysis should rely on actual on-street parking occupancy rather than regulations because agencies such as the postal service, NYPD and Port Authority PD, and charter buses do not respect the regulations.
- Perform both weekday and weekend analyses during an average size convention center consumer show at the Javits Convention Center.

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D. Conduct travel demand projections

- Include travel projections from the ARC SDEIS.
- Include transportation modes popular with the New Jersey workers, including Port Authority commuter buses, private charter buses and shuttles.
- Assess the impact of the renovated Javits Convention Center.
- Constrain the parking demand to Clean Air Act mandated CBD cap.

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E. Analyze baseline traffic operations

- In order for the analysis to be meaningful in this highly congested area, in addition to analysis available in the Hudson Yards EIS and ARC SDEIS, include in the baseline cumulative analysis at various intersections.
- Measure Lincoln Tunnel queues separately from local traffic because they occupy portions of both avenues and streets.

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F. Analyze No Build traffic operations and parking conditions

- An analysis of year 2025 is required to enable direct comparison with the Hudson yards EIS.
- In the parking analysis, separate data for transient and monthly parking, and for commercial and residential uses, and include vacancy rates.

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- Include buses and commuter vans in the trip analysis, and include details on peak hours for truck utilization.

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G. Analyze Build traffic operations and parking conditions

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- Measure Lincoln Tunnel queues separately from local traffic because they occupy portions of both avenues and streets.

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- In the parking analysis, separate data for transient and monthly parking, and for commercial and residential uses, and include vacancy rates.

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- Include buses and commuter vans in the trip analysis, and include details on peak hours for truck utilization.

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- Analyze the displacement of Greyhound buses from the existing bus storage (Section 4, Existing Parking, Environmental Assessment Statement/Form); displacing these buses will have a significant impact - in 2004 Port Authority said that 180 Greyhound buses were parked on the site; they cannot simply be moved to city streets.

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The “Build” traffic network should include

- Traffic on 33rd Street intersections and its impact on the existing street network;

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- Traffic and turning movements on 31st and 32nd service lanes;

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- Bicycle, charter buses, and shuttle buses trips in addition to auto trucks and taxis trips;

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- The traffic and parking scheme for school buses;

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- The delivery trucks movement and parking for the retail area;

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- The traffic impact the 500-850 parking capacity envisioned in the project, combined with the cumulative traffic impact of each new off street parking constructed in the study areas, during normal days and convention days;

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- The cars, taxis, and access-a-ride trips, queuing and parking needs generated by the outpatient facility;

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- Additional fire truck trips and parking requirements for fire personnel, including the effects combined with the Hudson Yards rezoning;

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- Additional trips in police cars from precinct and traffic, additional police car parking and police personnel parking at the precinct and cumulative effect with Hudson yards rezoning;

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- Garbage trucks servicing the area.

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Task 18 - Transit & Pedestrians

A. Conduct transit and pedestrian data collection and analyses

- Study all intersections on Ninth Avenue between 34th and 41st Streets. Many workers will come from New Jersey by bus and shuttle and rather than walking underground will come up to the surface and walk the two blocks west to their destination.
- Evaluate the intersections of the 31st and 32nd Street service lanes with Eleventh Avenue.
- Evaluate the impact of increased pedestrian volume at the new High Line terminus on the 31st and 32nd Street service lanes as well as subway or taxi access.

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B. Assess to transit conditions

- Include the impact of the ARC project in the analysis of subway stations.
- Analyze the effects of alternative means of transportation from the Development Site to other areas – especially transportation hubs such as Penn Station – including light rail and people movers on traffic and parking impacts.

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C. Assess pedestrian conditions

- The volume of pedestrians from the school, the out patient facility, the High Line and the renovated convention center should be included in the future build.
- The impact of the ARC project must be included in the sidewalk analysis.
- Analyze the impact of alternatives designed to create freer pedestrian flow, including minimum open sidewalk widths of 12-15 feet and the prohibition of sidewalk cafes.

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Task 19 - Air Quality

- In the proposed analysis of the impact of venting the emissions arising from current and projected rail yard operations, analyze the impact of venting in a limited number of discrete locations as opposed to the current “open air” venting.
- Use the appropriate benchmarks and criteria: Short-term small particles (PM2.5) concentrations should be measured against the 35 µg/m³ standard; Use the 0.3 µg/m³ criterion as well.
- Distinguish between impacts on public health and impacts on transportation conformity requirements.

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Task 20 - Noise

- List the 15 potential noise monitoring and impact assessment locations for public review and suggestion of alternative or additional sites.

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Task 21 - Construction

- The assessment of the cumulative effects of the Proposed Actions with other construction projects near the project site should include those from the extension of the #7 subway, ARC, the Eastern Rail Yards, Moynihan Station, the renovation of the Javits Convention Center, the northern portion of West Chelsea and the buildout of the Special Hudson Yards District.
- Study construction sequencing alternatives in order to select the sequence that minimizes the impact on the High Line, both on the Development Site and on adjacent sites.
- The management of construction impacts should include participation in a Manhattan Construction Task Force constituted to bring all parties together to mitigate construction impacts and resolve problems.

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Task 22 - Public Health

We are not commenting on this task.

Task 23 – Environmental Justice

Assess the potential for disproportionately high impacts on minority and low-income populations by suing an accurate count within the expanded study area; too often the surrounding neighborhoods are dismissed as being all but devoid of residents, when in fact they are mixed, vibrant communities with significant numbers of minority and low-income residents.

Task 24 – Mitigation

All adverse impacts found to require mitigation must be presented along with similar adverse impacts listed in the Hudson Yards FGEIS, and any suggested mitigation must be based on the combined adverse impacts of the two projects.

Task 25 - Alternatives

We request that an alternative be examined that includes the following elements:

- Reduced density that excludes the extensions of 31st and 32nd Streets from the calculation of floor area;
- A maximum residential scenario that assumes that 30% of all residential space is permanently affordable to low-, moderate- and middle-income families;
- Alternative construction sequences that do not involve temporary removal and reconstruction of portions of the High Line; and

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- A transit connection to Penn Station by light rail (as proposed by Bombardier) or “People Mover” (as proposed by DMJM).

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Sincerely,



Anna Hayes Levin, Chair

Sincerely,

JD, Anna

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

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Alternatives:

~~———— In the maximum residential scenario, assume that 30% of all residential space is affordable — that’s 1,345,800 sq. ft., or 1,680 units.~~

~~———— The Draft Scope says they will study a Reduced Density Alternative, without saying what that is. It should, at a minimum, be an alternative that excludes the streets from the calculation of FAR, as we recommend above.]~~