



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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District Manager

November 14, 2009

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

**Re: ULURP Applications No. 100051 ZMM, N100052 ZRM, 100053 ZSM,
100054 ZSM and 100055 HAM - Gotham West, West 44th Street, between
Tenth and Eleventh Avenues; 592 – 608 11th Ave; 507-553 W. 44th Street,
508-558 W. 45th Street**

Dear Mr. Blanchfield:

Manhattan Community Board 4 (“CB4”) is pleased to provide the following comments on the Draft Environmental Impact Statement for preparation of an Environmental Impact Statement for the West 44th Street and Eleventh Avenue Rezoning, commonly referred to as P.S. 51 / Gotham West.

The proposal involves an application by the New York City Department of Housing Preservation and Development (“Applicant”), on behalf of the project sponsor, 44th St Development LLC, for a new residential development with limited ground-floor commercial use. The proposed development encompasses almost an entire city block between West 44th and 45th Streets, between Tenth and Eleventh Avenues (“Project Site”). The only portion of the block that is not included in the Project Site is the existing Hess station on 10th Avenue. Specifically, the proposed project will result in the addition of approximately 1,210 residential units, of which 600 will be permanently affordable, and the construction of a new 630 seat public school that will replace the existing P.S. 51 (collectively referred to as “Proposed Project”). The Proposed Project will also add retail space of approximately 10,000 square feet (s.f.) at street level, and 7,000 s.f. below grade. There will also be up to 204 accessory parking spaces, predominantly for the residential units. Ultimately, the Proposed Project will realize several of the promises made to this community in connection with the 2005 Hudson Yards Rezoning.

THE PROJECT: AN OVERVIEW

Proposed Buildings' Siting and Massing

As proposed in the applications, the residential component of the Project would involve construction of a 7 story "C" shaped base with frontage on West 44th and West 45th Street and 11th Avenue, above which several residential buildings will rise to varying heights ranging from 7 and 14 stories on the mid blocks, to 31 stories on the northwest corner of the Project Site at 45th Street and 11th Avenue and up to 30 stories on the corner of 44th Street and 11th Avenue. Upon completion of a new P.S. 51 facility on West 44th Street, the current P.S. 51 facility will be converted to accommodate market-rate residential units. Finally, a platform will be built over the existing railroad cut right-of-way located on the eastern portion of the Project Site in order to facilitate the construction of two 14-story residential buildings, one on West 44th Street and one on West 45th Street. The Project's retail space would be located on the ground- and cellar-levels of the Eleventh Avenue frontage, and the below-grade parking garage would be accessible from West 45th Street. The residential buildings would be developed by 44th St Development LLC, an affiliate of the Gotham Organization ("Gotham").

Affordable and Market Rate Housing Program

The residential buildings include up to 1,210 units available to a range of incomes. The two buildings constructed over the railroad right-of-way (Building C North and South) and the mid block building located immediately west of the P.S.51 facility (Building B) will include a combined 540 units and be 100% affordable in perpetuity. The additional 670 housing units will be located on the western portion of the Project Site (Building A, including Towers 1, 2, and 3) and will be developed under the NYS Housing Finance Agency's (HFA) 80/20 program, with 80% market-rate housing and 20% low-income housing (for families earning less than 50% Area Median Income (AMI)). Only 60 of the low-income units in this component will be affordable in perpetuity and count toward the Hudson Yards commitment of 600 permanently affordable units; the balance of 75 low-income units in the Towers will be affordable only for a limited length of time, as governed by the 80/20 bond financing.

A detailed breakdown of the permanently affordable units by building and by Area Median Income (AMI) is attached as Exhibit A and is summarized below:

Permanently affordable units:

| <u>Income Range</u> | <u>No. of Units</u> |
|---------------------|---------------------|
| <40% AMI | 44 |
| >40%, but <50% AMI | 124 |
| >50%, but <135% AMI | 216 |
| >135% but <165% AMI | 216 |

In addition, the project will also include:

| | |
|------------------------------------------------------------------|-----|
| Market-rate units | 535 |
| 80/20 low-income* units (<50% AMI) | 75 |
| <i>*affordable only for the life of the bond, i.e., 30 years</i> | |

New P.S. 51

The new school is sited on West 44th Street, immediately west of the railroad cut. The five-story building will seat 630 students and include a 12,658-square foot school yard located between the school building and the residential building on West 45th Street. The public school and school yard will be constructed by the New York City School Construction Authority (SCA) and maintained by the New York City Department of Education (DOE).

OVERALL COMMUNITY CONCERNS

CB4 acknowledges the multiple conflicting goals involved in this Proposed Project and continues to appreciate the willingness of the Gotham Organization to engage in substantive discussions concerning all aspects of the Proposed Project. Over the last four years there have been numerous community meetings and workshops, as well as several public forums wherein Gotham, SCA, Department of City Planning (DCP) and HPD presented the Proposed Project to the community, listened and responded to the community's concerns.

Gotham has presented a complex project that balances conflicting community concerns about building height, the affordable housing commitments of the Hudson Yards rezoning, a new expanded P.S.51, and construction over the railroad cut right-of-way, while negotiating a highly volatile economic climate.

While CB4 is pleased to finally see this project moving forward, we seek to reconcile the remaining concerns of the stakeholders to create a project that better meets the community's needs, best uses scarce public resources and better integrates the project as a whole.

Affordable Housing

Affordable Housing Program

Realizing the promised affordable housing plan, targeted predominantly to the hard-to-reach moderate- and middle- income residents, is of utmost importance to CB4. The 2005 Hudson Yards Points of Agreement outlines the housing program for the Project Site as follows:

“The Administration anticipates that this site will generate 600 affordable housing units, including 120 low-income units (up to 60% of AMI), 240 moderate-income units (up to 135% of AMI), and 240 middle-income units (up to 165% of AMI).”

The Proposed Project generates 675 affordable units. CB4 requests that the proposed affordable housing program be modified as a condition of the CB4's approval:

- 600 of these are permanently affordable as a condition of previous Hudson Yards Points of Agreement. CB4 is appreciative of the efforts of the Mayor's Office and Gotham to meet the goals of the Hudson Yards commitments.
- The remaining 75 affordable units generated under the 80/20 program must also be affordable *in perpetuity*. In consideration of scarce resources and limited publicly-owned sites, any affordable units created through this Proposed Project must be permanent.
- 50% of all affordable units must be family-sized units, i.e. two-bedroom or larger. We appreciate that Gotham has modified its housing program so that 40% of the units are two-bedroom or larger. We request that an additional 10% of the units be made larger to offset the disproportionate number of studio and one-bedroom units that are being constructed in our community.

In addition, HPD and Gotham have already committed to the following condition:

- Residents of CD4 should be given preference in 50% of prospective tenant selection.

These conditions must be included in the Land Disposition Agreement (LDA) to ensure that the housing program better meets the community's long term needs, best uses public resources, and better integrates the project as a whole.

Affordable Housing Fund

As described in the Hudson Yards Points of Agreement:

“The Administration agrees to create an affordable housing fund of up to \$45 million – to be managed by HPD – using the proceeds received from the disposition of the Studio City site for affordable moderate- and middle-income housing in the Hudson Yards area and citywide. The fund also may be used to augment funding for construction and renovation at P.S. 51 on the Studio City site.”

Given the funding structure of PS 51, the affordable housing fund has been adjusted to generate an additional \$20,000,000 of affordable housing in the city. There are a number of already planned affordable projects located in CD4 that flow from mayoral commitments and the Hudson Yards and West Chelsea rezonings, which have yet to proceed due to gaps in funding. Those projects include the NYCHA parking lot sites at Fulton, Elliott-Chelsea and Harborview Houses. We therefore request that the affordable housing fund first be applied to the proposed affordable housing on publicly-owned sites as described in the Hudson Yards and West Chelsea rezoning Points of Agreement before being applied to citywide needs.

Height/Bulk

Reconciling height and bulk with affordable housing commitments

The site plan represents a balance of conflicting needs to accommodate the Proposed Project's component parts. We appreciate the site plan's contextual design with lower, broader buildings. This is consistent with the area's immediate surroundings, which feature a mix of industrial loft buildings and lower-rise residential buildings. The 8.5 FAR, the 31-story tower and the mid-block buildings of up to 14-stories add more density and height than desired, but this is an acceptable compromise in light of the inclusion of affordable housing and construction of the new school. We take comfort in knowing that, together with the proposed Eleventh Avenue Rezoning, this rezoning should not be a precedent for any other site.

Off-site Development Rights Transfers

The Proposed Project may generate more inclusionary housing development rights than are needed for the on-site inclusionary bonus. To minimize any additional impact on neighborhood character, Gotham has already agreed not to transfer the excess development rights off-site. The Land Disposition Agreement (LDA) must contain provisions to include Gotham's agreement not to transfer development rights off-site. Further, the LDA must include limits on height, massing and set-backs of the Proposed Project.

Commercial Uses

CB4 is particularly concerned about the proposed C2-5 overlay that would permit commercial use across the entire site at an FAR of 2. Commercial uses along our residential side streets do not reinforce residential character and exacerbate an already problematic bar/club use on residential blocks. Gotham development plans indicate that there will be no commercial and/or retail use on the residential side streets under the proposed rezoning, commercial use must be limited to the Avenue and then only at 1 FAR, consistent with the rest of the district. CB4 understands that a C2-5 zoning is necessary to trigger the General Large Scale Development. CB4 looks forward to working with DCP to find a means by which zoning would limit commercial use to a maximum of 1 FAR and minimize the area covered by the overlay that also permits a General Large Scale Development. A similar resolution was proposed by the DCP in the recent ULURP related to the Western Rail Yard development for the off-site affordable housing project on the MTA site at 806 Ninth Avenue.

Design and Façade Treatment

Gotham's proposed design responds effectively to CB4's request to modify bulk, include punched windows, articulate façade treatments and break up the continuous street wall. Long street walls on the side streets must be designed to reflect the area's context:

- using traditional building materials like brick;
- repeating fenestration to harmonize with surrounding streets; and
- varying street walls and façade treatments to diminish the effect of the portions of the buildings above the 7-story bases.

CB4 appreciates that the eastern façade of the building over the railroad cut will be finished with the same materials as the street wall façades, and punctuated with windows.

Requests regarding the Land Disposition Agreement (LDA)

In summary, the conditions that must be included in the LDA are:

- The remaining 75 affordable units generated under the 80/20 program must also be affordable *in perpetuity*.
- 50% of all affordable units must be family-sized units, i.e. two-bedroom or larger.
- 50% of tenant selection must be allocated to residents of CD4.
- Excess inclusionary housing development rights must not be transferred off-site.
- Regulations regarding limits on height, massing and set-backs of the Proposed Project.

THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

CB4 has carefully reviewed each section of the DEIS; the remainder of the letter presents our comments.

Chapter 2: Land Use, Zoning and Public Policy

After thirty years of unrealized plans, CB4 is pleased to finally see a proposal for the Project Site that reaffirms the residential and school uses for which the site was originally condemned in 1975. The introduction of residential use, particularly with a strong component of permanently affordable housing, satisfies CB4's housing objectives for this site.

CB4 is particularly concerned about the proposed C2-5 overlay that would permit commercial use across the entire site at an FAR of 2. The Board understands that a C2-5 zoning is necessary to trigger the General Large Scale Development. However, commercial uses along our residential side streets do not reinforce residential character and exacerbate an already problematic bar/club use on residential blocks. While Gotham's site plan indicates that there will be no commercial and/or retail use on the residential side streets, the proposed rezoning must limit commercial use to the Avenue and then only at 1 FAR, consistent with the rest of the district. Therefore, we urge that the language in the text amendment clearly state that the commercial FAR will be restricted to 1 FAR and minimize the area covered by the overlay, while also permitting a General Large Scale Development.

Chapter 3: Socioeconomic Conditions

Business

The two businesses which would be displaced are a public parking lot, with an estimated 10 employees and a horse stable, with an estimated 10 employees. Area businesses and consumers are not dependent upon the potentially displaced businesses. The two potentially displaced businesses located on the Project Site represent two different

industries and their employees account for only a small fraction of the total employment within their employment sectors. There is additional horse stable capacity within Community District 4.

Residents

As there is no residential use currently on the Project Site, there is no direct displacement of residents resulting from this Proposed Project.

The analysis of indirect residential displacement considers whether the Proposed Project would affect property values to the degree that existing area residents would not be able to stay in their homes. The supply of adequate affordable housing is fundamental to CB4. CB4's previous experience suggests that developments involving a large portion of market-rate units have a cumulative impact of raising the cost of housing and related living expenses. While CB4 is appreciative of the efforts of the Mayor's Office and Gotham to meet the goals of the Hudson Yards commitments and provide 600 affordable units in this Proposed Project, 535 new market-rate units create a considerable impact. In addition to the 1,210 residential units introduced by the Proposed Project, the DEIS projects that an additional 3,380 units will be built within the ¼ mile radius from the Project Site by 2013¹ – this constitutes a substantial new population that existing residents must be prepared to receive. In consideration of scarce resources and limited public land, the remaining 75 affordable units generated under the 80/20 program must also be affordable *in perpetuity*.

Further, 50% of all affordable units must be family-sized units (two-bedroom or larger) and 50% of tenant selection must be allocated to residents of CD4.

Chapter 4: Community Facilities and Services

New School

After thirty years of unrealized plans, CB4 is delighted to see concrete plans for a new school that will relieve overcrowding, provide up-to-date facilities and serve our expanding community.

The current P.S. 51 operates at 121% capacity, indicating the need for additional elementary level seats. Resolving P.S. 51's current overcrowding and increasing its capacity to accommodate new elementary school students is our first priority. Residential development on the Project Site alone will add 162 new elementary students. In addition, development that is in construction, proposed or part of a recent rezoning, is projected to add more than 900 new elementary students to the school zone. The school must be for grades pre-K through 5, not pre-K through 8. (Exhibit B)

¹ New York City Department of Housing Preservation and Development, "West 44th Street and Eleventh Avenue Rezoning Draft Environmental Impact Statement," August 2009, pg. 3-14

Summary:

Projected number of elementary school students resulting from residential developments in P.S. 51 School Zone

| | |
|------------------------------------------------------|------------|
| Number additional students from active developments | 685 |
| Number additional students from developments on hold | 300 |
| TOTAL | 985 |

School Playground

The existing school yard measures 16,250 square feet and benefits from plentiful amounts of sunlight. The proposed school yard is smaller at 12,658 s.f., will need to accommodate more students, and is projected by the DEIS to be in full or partial shadow during every part of the day, all year long. While the ample indoor play space included in the school design is greatly appreciated, it is not a substitute for outdoor space. There must be adequate sunlit play space included in the design of the school. As a result of the diminished outdoor playground and projected shadow over the school yard, the outdoor school play space is insufficient. The Board originally requested that play space be accommodated on the roof; in response, the SCA explained the need to house mechanical equipment. The Board appreciates the expert analysis the SCA has shared, however, believes that as the school building is in the design stage, space for both mechanical equipment and sufficient play area can be balanced. CB4 therefore requests that the mechanical equipment be located to leave 50% of roof space for play space at the western side of the building to maximize sunlight and compensate for the projected shadows in the proposed school yard.

Community Cultural Use

Making space in P.S. 51 available to certain community groups for meetings, athletics and artistic performance opportunities could effectively mitigate some of the residents' concerns and more positively integrate this proposed development into the daily lives of members of our community.

The Mayor's Office recently announced plans to give nonprofit cultural groups access to gallery and theater space in city-owned buildings and parks. PS 51 is an ideal space suitable for these types of community based activities, which would not interfere with the educational mission of the facility itself. Funding can be made available through a portion of the ten million (\$10,000,000.00) dollars being provided by Gotham to cover the administrative, custodial, supervisory and other associated costs of making this facility available for use by the entire community on a year round basis.

Day Care

The introduction of 56 children below the age of six who would be eligible for publicly funded day care will exacerbate already oversubscribed day care facilities in the future.

The additional children from the Proposed Project constitute 18% of the capacity of existing day care centers; this figure is substantially higher than the CEQR threshold of 5%. The City must work with CB4 to identify a suitable location for day care facilities. HPD should review the multiple projects proposed in the Clinton Urban Renewal Area to find resources to house the deficit of daycare facilities. Additionally, mitigation should incorporate funding measures for day care similar to the school seats mechanism approved by the City Planning Commission as a requirement of the rezoning approval of “Clinton Park” at 770 11th Avenue developed by Two Trees Management LLC.

Chapter 5: Open Space

As is noted in the DEIS², open space in Clinton/Hell’s Kitchen is woefully inadequate. The study area of ½ mile from the project site currently falls well below DCP guidelines for park accessibility.

Open space ratios within ½-mile radius of project site³

| | Total open space* | Active open space* | Passive open space* |
|--------------------|-------------------|--------------------|---------------------|
| Current | 0.44 acres | 0.22 acres | 0.08 acres |
| Future with Action | 0.36 acres | 0.19 acres | 0.07 acres |

* per 1,000 residents

The renovation of baseball fields and areas surrounding DeWitt Clinton Park are the only anticipated improvements or additions to the study area inventory of open space, an addition of three acres. With the projected growth of residential population attributed to developments in the study area, the ratio of open space will further decrease in the ½ mile radius. In CB4’s view, this is a tremendous detriment to the area, however, this decline in open space does not meet DEIS thresholds as a significant adverse impact.

In light of the deficiency of open space in the area, CB4 requests the school yard be opened to the public as a public playground, consistent with PlaNYC’s top open space initiative, to mitigate the insufficiency of open space. CD4 has less publicly-accessible open space than all but one other community district in the City. This Proposed Project presents a unique opportunity to address that shortcoming by designing a school yard that could serve as a school yard and a neighborhood playground when it is not being used as part of the school program.

Chapter 6: Shadows

While mitigation is not required for project-generated open space, the projection that the proposed school yard will be in full or partial shadow during every part of the day all year long is unacceptable. Technical manual aside, there must be adequate sunlit play

² New York City Department of Housing Preservation and Development, “West 44th Street and Eleventh Avenue Rezoning Draft Environmental Impact Statement,” August 2009, pg. 5-4

³ New York City Department of Housing Preservation and Development, “West 44th Street and Eleventh Avenue Rezoning Draft Environmental Impact Statement,” August 2009, pgs. 5-4, 5-12

space included in the design of the new school. As a result of the diminished outdoor playground and projected shadow over the school yard, the outdoor school play space is insufficient. This deficiency must be mitigated by including a rooftop play space at the western side of the building that would maximize sunlight and compensate for the projected shadows in the proposed school yard.

Chapter 7: Historic Resources

CB4 requests the landmark designation of certain historic resources identified in the DEIS. The current physical fabric of the Clinton/Hell's Kitchen community presents a unique landscape and, therefore, an excellent opportunity to preserve elements of the neighborhood's residential and manufacturing history. The buildings presented in the DEIS embody the neighborhood's transformation from a low-rise, working-class, immigrant area of tenements to the growth of industry along Tenth and Eleventh Avenues in the late 19th and early 20th centuries. We therefore request the individual landmark designation of the following historic resources cited in the DEIS, listed here in order of CB4's priority: (Exhibit C)

- *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.

- *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 with 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.

- CB4 requests the reconsideration of *626 Eleventh Avenue*, the site of *The Landmark Tavern* as eligible for designation. This building has been cited in the DEIS Appendix A as not eligible for listing on the National Register of Historic Places. 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.
- *Houbigant Company Building, 539 West 45th Street –S/NR-eligible*
Lockwood Greene & Company built this 11-story warehouse in 1924 for a perfume and cosmetics manufacturer, the Houbigant Company. 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.

It has been determined in the DEIS that historic-period archaeological resources may exist within the Project Site and investigation in the form of Phase 1B archaeological testing is recommended in the rear yards of historic Lots 8-11, 54-57, 61A, 61, 61-½, 63, and 64 and in the original P.S. 51 building’s side yard areas in order to further assess the site’s potential to yield archaeological resources.

- CB4 requests that archaeological testing be completed before the start of construction, is compliant with New York State Office of Parks, Recreation and Historic Preservation and Landmarks Preservation Commission directives and that the results of this test be made available to CB4.

Chapter 8: Urban Design and Visual Resources

CB4 and Gotham have had several discussions over the past two years to ensure that the Proposed Project reflects the built character of the Project Site’s surrounding area. CB4’s overall goal is that the Proposed Project is physically integrated into the neighborhood rather than be a prominent element. CB4 is satisfied with the proposed design by Gotham as it responds to this objective.

The proposed school design contrasts too dramatically with the character of the surrounding neighborhood or adjacent housing development. Given CB4’s work with Gotham, the school building can be modern in design but must reflect the architectural rhythm of Clinton’s mid-blocks, which are largely dominated by low-rise buildings on narrow lots and brick and stone façades embellished with appropriately scaled, horizontal elements. In view of these qualities, CB4 requests that the façade be redesigned to be brick, in a color that is consistent with adjacent buildings, reflect the horizontal rhythm characteristic of surrounding buildings, incorporate vertical elements and punched windows to break up the western portion of the façade and be consistent in style with the rest of the Development.

Chapter 9: Neighborhood Character

Land Use

After thirty years of unrealized plans, CB4 is pleased to finally see a proposal for the Project Site that reaffirms the residential and school uses for which the site was originally condemned in 1975. The introduction of residential use, particularly with a strong component of permanently affordable housing, satisfies CB4's housing objectives for this site. CB4 is particularly concerned about the proposed C2-5 overlay that would permit commercial use across the entire site at an FAR of 2. The Board understands that a C2-5 zoning is necessary to trigger the General Large Scale Development. However, commercial uses along our residential side streets do not reinforce residential character and exacerbate an already problematic bar/club use on residential blocks. While Gotham's site plan indicates that there will be no commercial and/or retail use on the residential side streets, the proposed rezoning must limit commercial use to the Avenue and then only at 1 FAR, consistent with the rest of the district. Therefore, we urge that the language in the text amendment clearly state that the commercial FAR will be restricted to 1 FAR and minimize the area covered by the overlay, while also permitting a General Large Scale Development.

Socioeconomic Conditions

The DEIS finds that there is no significant adverse residential impact because the Proposed Project is consistent with area development trends. This assertion does not consider the cumulative impact of all of the residential development in the district. The supply of adequate affordable housing is fundamental to CB4. CB4's previous experience suggests that developments involving a large portion of market-rate units have a cumulative impact of raising the cost of housing and related living expenses. While CB4 is appreciative of the efforts of the Mayor's Office and Gotham to meet the goals of the Hudson Yards commitments and provide 600 affordable units in this Proposed Project, 535 new market-rate units create a considerable impact. In addition to the 1,210 residential units introduced by the Proposed Project, the DEIS projects a further 3,380 units will be built within the ¼ mile radius from the Project Site by 2013 – this constitutes a substantial new population that existing residents must be prepared to receive. In consideration of scarce resources and limited public land, the remaining 75 affordable units generated under the 80/20 program must also be affordable in perpetuity.

Historic Resources

The conversion of the C.B.J. Snyder building to residential accommodation is an appropriate use of this architecturally valuable structure. Further, the 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. CB4 also requests the designation of individual landmarks outlined in the Historic Resources section beginning on page 8.

Urban Design

New Residential Development Design

The Proposed Project has been the subject of regular discussion between the developer and CB4 to ensure building heights balance the needs of the Proposed Project while respecting the low-rise nature of the surrounding Special Clinton District including the low-rise, mid-block housing, the limited height of the residential tower on Eleventh Avenue and the school footprint.

We appreciate the site plan's contextual design with lower, broader buildings. This is consistent with the Project Site's immediate surroundings, which feature a mix of industrial loft buildings and lower-rise residential buildings. CB4's overall goal is that the Proposed Project is physically integrated into the neighborhood rather than be prominent. CB4 is satisfied with the proposed design by Gotham as it responds to this objective.

New School Design

The architectural rhythm of Clinton's mid-blocks is largely dominated by low-rise buildings on narrow lots and brick and stone façades embellished with appropriately scaled, horizontal elements. In this regard, the proposed school design contrasts too dramatically with the character of the surrounding neighborhood or adjacent housing development. CB4 requests that the façade be redesigned to be brick, in a color that is consistent with adjacent buildings, reflect the horizontal rhythm characteristic of surrounding buildings, incorporate vertical elements and punched windows to break up the western portion of the façade and be consistent in style with the rest of the Development.

Transportation

Traffic and Parking

CB4 supports the proposed mitigation, as described in the DEIS, for significant adverse traffic impacts at four intersections during the AM, midday and PM peak hours. Additionally, CB4 recommends the reduction of on-site parking to further mitigate anticipated traffic impacts. We request that the police department consider parallel, rather than perpendicular parking for its precinct on the south side of West 42nd Street, at a minimum of 100 feet west from 10th Avenue and West 42nd Street.

Transit and Pedestrians

CB4 requests increased pedestrian crossing time at 10th Avenue and West 42nd Street as well as pedestrian-only crossing time at the east-west crossing on the north side of the intersection. To further support the use of public transit in the area, CB4 requests the study of an 11th Avenue bus line. The residential and commercial space that will be generated by the development of Hudson Yards and large residential developments projected along 11th Avenue by 2019 demand a new 11th Avenue bus line.

Noise

The Applicant surveyed noise levels at four sites surrounding the Project Site and found all of them to be in the “marginally unacceptable” category, with traffic noise being the dominant noise source. The practical implications of these findings are specific window-wall attenuation requirements for facades on the different streets and avenues. We note, however, that in order to achieve the required dB levels in the new buildings the windows must be closed, and residents must rely on “alternative means of ventilation.” We regret that opening one’s window for fresh air would expose a resident to unacceptable traffic noise.

Chapter 10: Natural Resources

No Comments

Chapter 11: Hazardous Materials

A Phase I Environmental Assessment identified multiple conditions involving hazardous materials, including underground gasoline and oil storage tanks, lead and mercury waste, various asbestos-containing materials, lead paint, and electrical equipment likely to contain PCBs or mercury.

In order to avoid adverse impacts on human health from demolition activities and site preparation the applicant will perform a Phase II subsurface investigation and then treat each identified hazardous conditions in an appropriate manner. All aspects of the Phase II investigation and subsequent treatments would be governed by Health and Safety Plans, Remedial Action Plans and Construction Health and Safety Plans submitted to and approved by the NYC Department of Environmental Protection. We note that the SCA is required to follow these same steps for the construction of the new P.S. 51.

We request that copies of the findings of the Phase II investigation and the DEP-approved plans be submitted to the CB4 prior to initiation of remediation.

Chapter 12: Infrastructure

The discussion relating to infrastructure is limited to water and sewer usage. Given the full scope of proposed future development in this area, the DEIS lacks any meaningful analysis of future needs with regard to its impact upon future police, health and fire services. The collective impact of all proposed development within the district must be evaluated.

Chapter 13: Solid Waste and Sanitation Services

No comments.

Chapter 14: Energy

No Comments

Chapter 15: Traffic and Parking

CB4 supports the proposed mitigation, as described in the DEIS, for significant adverse traffic impacts at four intersections (at the Tenth Avenue intersections with West 42nd and West 45th Streets, and at the Eleventh Avenue intersections with West 44th and West 45th Streets) during the AM, midday and PM peak hours.

Additionally, CB4 recommends the reduction of on-site parking to further mitigate anticipated traffic impacts. Based on the DEIS quantitative analysis, the parking supply within a ¼-mile radius of the Project Site will be underutilized in the Build scenario, with the exception of weekday midday use. The analysis of midday availability of midday availability, which indicates a shortage in the Build scenario, uses an unlikely assumption that vehicles displaced from parking lots on the Project Site will need to park with ¼-mile of this location. Among the vehicles currently parked at the Project Site are long-term vehicles that could find an alternative location.

As indicated in the DEIS, the left turn from West 42nd Street to 10th Avenue will be at an "F" LOS. This is caused by the single, east-bound traffic lane on West 42nd Street between 11th and 10th Avenues. We request that the police department consider parallel, rather than perpendicular parking for its precinct on the south side of West 42nd Street, at a minimum of 100 feet west from 10th Avenue and West 42nd Street.

Chapter 16: Transit and Pedestrians

CB4 requests increased pedestrian crossing time at 10th Avenue and West 42nd Street as well as pedestrian-only crossing time at the east-west crossing on the north side of the intersection.

To further support the use of public transit in the area, CB4 requests the study of an 11th Avenue bus line. Extensive development is projected along 11th Avenue both North and South of the proposed project. Community District 4 has seen the construction of over 5,000 residential units within ½ block of 11th Avenue since 2000, including the recently completed, 1,359-unit Silver Towers between 41st and 42nd Streets⁴. The Western Rail Yard FEIS includes projections of growth by 2019: combined, the Eastern and Western Rail Yards are expected to generate as many as 7,660 residential units and 6.7 million s.f. of commercial space. The FEIS forecasts an additional 5,680 residential units and 3.2 million s.f. within a ½ block of 11th Avenue in Community District by 2019⁵. We believe these developments provide sufficient demand for a new bus line. HPD, in

⁴ Manhattan Borough President's Office, "School Daze: Fuzzy Numbers Mean Overcrowded Schools," September 2009

⁵ Metropolitan Transportation Authority and New York City Department of City Planning, "Western Rail Yard Final Environmental Impact Statement," October 2009, pg. 2-1 – 2-18

conjunction with CB4 and Gotham, should work to establish a dialogue with the MTA and Project Site tenants/visitors as new phases of the site are constructed to ensure transit needs are being met, in particular, mitigating the impact on the bus system through a new 11th Avenue bus line.

Chapter 17: Air Quality

Based on an analysis of existing and projected air quality, the applicant concludes that the pollutant concentrations and concentration increments resulting from the Proposed Project are all below applicable criteria and that there would be no significant adverse air quality impacts.

We note the following:

- The SCA will incorporate specifications on fuel use and stack placement in order to preclude the potential for significant adverse air quality impacts from the HVAC system of the new P.S. 51 on the new residential buildings. We request a presentation of these specifications and placements when plans have been prepared.
- While below the applicable threshold level of 19 truck trip equivalents for PM_{2.5}, the 15 truck trip equivalents generated by the Proposed Project is close to requiring a formal analysis and underscores the crucial need to consider the cumulative effects of all such “negligible” increases. New York City has been classified as a Non-Attainment Area for PM_{2.5}. Any increase, even if below the statutory threshold, worsens a recognized hazardous condition and delays attaining compliance.
- Table 17-2, Maximum Background Pollutant Concentrations, presents background concentrations for the area of the development parcels. We request an explanation of why P.S. 59, the Beekman Hill International School on E63rd Street, was used for these determinations rather than P.S. 51, which is a component of the Proposed Project. We also would have liked to have seen data from the P.S. 51 site included in Table 17-4 for comparison with the data from P.S. 59, P.S. 19, JHS 126 and IS 52.

Chapter 18: Noise

The Applicant surveyed noise levels at four sites surrounding the Project Site and found all of them to be in the “marginally unacceptable” category, with traffic noise being the dominant noise source. The practical implications of these findings are specific window-wall attenuation requirements for facades on the different streets and avenues. We note, however, that in order to achieve the required dB levels in the new buildings the windows must be closed, and that residents must rely on “alternative means of ventilation.” We regret that opening one’s window for fresh air would expose a resident to unacceptable traffic noise.

Chapter 19: Construction Impacts

The sheer scope of this project, which will encompass the demolition and reconstruction of almost an entire city block, will have an unavoidable impact on local businesses, residents and especially students given the fact that P.S. 51 will remain operational throughout the duration of this project.

All steps necessary to minimize disruption, lessen health impacts and ensure regular communication with the community must be taken, including, but not limited to:

Minimal disruption to P.S. 51:

- Assurance that demolition and hazardous material removal will be completed during the summer months when school is not in session, particularly given the fact that the DEIS states that construction activities may exceed certain safety thresholds set forth by CEQR.
- Students must have access to a playground while school is in session. An interim outdoor play space within three blocks of P.S.51 must be identified. Access to the existing P.S.51 playground will be unavailable during the construction period, meaning the school would be without both indoor and outdoor play space during this time.
- All deliveries or debris removal for the project should be made on W 44th Street or Eleventh Avenue entrances to minimize any noise disruptions and health concerns to PS 51.

Health and safety:

- In light of the fact that Hell's Kitchen/ Clinton has one of the highest asthma rates⁶ in New York City, a firm commitment must be made to protecting air quality. All precautionary measures must be taken to minimize emissions from construction activity. One form of mitigation is the installation of an insulated window system on all windows at PS51.
- The electrical system must be evaluated to ensure that air conditioning units can run effectively so that windows can remain closed throughout the duration of the construction period. Air conditioners must be installed throughout to reduce particle dust, as recommended by the P.S.51 Administration in its September 21, 2009 letter.

Traffic:

- Department of Transportation "No Standing Anytime" signs should be installed on both W 44th & 45th Streets between Tenth and Eleventh Avenues. This will help to alleviate congestion and minimize the traffic impact on neighborhood residents, businesses and PS 51.

Construction Task Force:

- A construction task force must be formed to oversee the Proposed Project. This task force should include members of Gotham, the Block Association, local businesses, P.S.51 Administrators, P.S.51 PTA members and CB4.

⁶ New York City Department of Health and Mental Hygiene, "Community Health Profiles: Take Care, Chelsea and Clinton, Manhattan", 2006

Chapter 20: Public Health

In order to preserve air quality, restricting the placement of HVAC exhaust stacks and the type of HVAC fuel used must be committed to prior to construction.

CB4 would like to be apprised of the results of the comprehensive asbestos survey that will be done by Gotham prior to demolition and be advised as to what protocols and procedures will be followed to remove any asbestos from the site.

Chapter 21: Mitigation

With regard to the significant adverse impact anticipated on day care facilities, CB4 requests that the City work with CB4 to identify a suitable location for day care facilities. HPD should review the multiple projects proposed in the Clinton Urban Renewal Area to find resources to house the deficit of daycare facilities. Additionally, mitigation should incorporate funding measures similar to the mechanism approved by the City Planning Commission as a requirement of the rezoning approval of “Clinton Park” at 770 11th Avenue developed by Two Trees Management LLC.

As stated above, CB4 supports the proposed mitigation, as described in the DEIS, for significant adverse traffic impacts at four intersections (at the Tenth Avenue intersections with West 42nd and West 45th Streets, and at the Eleventh Avenue intersections with West 44th and West 45th Streets) during the AM, midday and PM peak hours. Additionally, CB4 recommends the reduction of on-site parking to further mitigate anticipated traffic impacts. Based on the DEIS quantitative analysis, the parking supply within a ¼-mile radius of the Project Site will be underutilized in the Build scenario, with the exception of weekday midday use. The analysis of midday availability of midday availability, which indicates a shortage in the Build scenario, uses an unlikely assumption that vehicles displaced from parking lots on the Project Site will need to park with ¼-mile of this location. Among the vehicles currently parked at the Project Site are long-term vehicles that could find an alternative location.

Chapter 22: Unavoidable Significant Adverse Impacts

No comments

Chapter 23: Alternatives

No comments

Chapter 24: Growth-Inducing Aspects of the Proposed Actions

No comments

Chapter 25: Irreversible and Irretrievable Commitment of Resources

No comments

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
HPD – Sara Levenson
MBPO – Anthony Borelli, Deborah Morris
NYC Council Speaker Christine Quinn
NYC Council Speaker Quinn's Office – Kate Seeley-Kirk, Melanie Larocca
NYC Council Land Use Division – Danielle DeCerbo
NYS Senator Thomas K. Duane
NYS Assemblyman Richard Gottfried
The Gotham Organization (Melissa Pianko) & Attorneys
NYS HFA
P.S. 51 - Nancy Sing-Bock,
P.S. 51 Parent Teacher Association - President