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May 30, 2017

Mr. Robert Dobruskin, AICP, Director
Environmental Assessment and Review Division
New York City Planning Commission
120 Broadway - 31st Floor
New York, New York 10271

Re: Draft Scoping Document for the Development of a Draft Environmental Impact Statement for the Proposed “675 East Rezoning” (CEQR No. 17DCP159M)

Dear Mr. Dobruskin:

At its meeting on May 15, 2017, Manhattan Community Board No. 4’s (CB4) Chelsea Land Use Committee approved the following comments on the Draft Scoping Document for the Proposed “675 East Rezoning” (CEQR No. 17DCP159M). These comments are subject to ratification by the full board at its June 7, 2017 meeting, and supplement the Board’s letter of May 4, 2017 on the Proposed Framework for Development on Manhattan Block 675 (attached).

I. General Background

CB4 advocated strongly, but unsuccessfully, for the western boundary of the Special West Chelsea District (SWCD) to be the West Side Highway along the entire length of the district. Since the district’s creation in 2005 we have sought the expansion of the SWCD to include the blocks between Eleventh and Twelfth Avenues between West 24th and 30th Streets, including Block 675 (West 29th to 30th Streets).

In 2016, the Department of City Planning (DCP) met with members of CB4 to discuss their plans for a Planning Framework for Block 675 rather than a rezoning incorporating it into the SWCD. We agreed with DCP that a policy for the coordinated development of the entire block is essential. Three developers intend to develop at least three different parcels on Block 675, and the development of the block has become more complicated with the permitted transfer of development rights from Hudson River Piers to the block as provided for under ZR 89 (Special Hudson River Park District).

Each individual developer will be required to submit applications for zoning map and text changes, special permits and chairperson’s certifications that will go through the ULURP process. “675 East Rezoning” is a set of proposed actions by two of the three Block 675 property owners for two separate projects. Project Site A includes Lots 12, 29 and 36. Project Site B is Lot 39. Lot 38 is located between Project Site A and Project Site B and is owned by the third property owner; it will be included in the rezoning but will not be developed at this time.

II. Draft EIS Scope – General Considerations

- **Building Heights**

CB4 supports the rezoning of the eastern portion of Block 675 from M2-3 to C6-4X to permit a mix of residential and commercial uses. The block is situated immediately west of SWCD Subarea A and immediately south of the Special Hudson Yards District, both of which permit those uses.

The Board does not support the building height proposed for Project Site A. DCP speaks of Block 675 as a “transitional” area – from the very tall Hudson Yards buildings to the north to the lower scale West Chelsea buildings. The Board views Block 675 from the opposite and more modest perspective, as a transitional area from the lower scale West Chelsea to the massive buildings of Hudson Yards.

Our preference has always been for a 450’ height limit on Block 675, matching that of Subarea A directly to the east. Recognizing the need to accommodate development rights to be transferred from the Hudson River piers, we now support a 20% increase to a maximum building height of 550’. The 666’ height of Project A reflects the heights of the buildings to the north on the rail yards rather than the smaller, shorter buildings to the south in West Chelsea and should be reduced.

- **Purchase of Hudson Pier Development Rights**

CB4 supports the purchase of development rights by the developers as provided by the Special Hudson River Park District. However, since the purchases are designed to support the Hudson River Park Trust (the Trust), we would prefer that the developers be required to purchase more than the currently permitted 20% of base FAR to reach maximum FAR. For the two projects under consideration the developers start with the 2 FAR of the current M2-3 zoning, receive 8 FAR from the rezoning, including participation in the Mandatory Inclusionary Housing (MIH) program, and then are permitted to purchase an additional 2 FAR from the Trust to reach the maximum FAR of 12. We recommend that the amount the developers receive from the rezoning be reduced and that they then be permitted to purchase more than the currently permitted 2 FAR from the Trust to reach the 12 FAR maximum.

- **Affordable Housing**

CB4 has a long history of supporting affordable housing in CD4, consistently advocating for 30% affordable units accommodating people with widely varying incomes to maintain the vitality of the district. Participation in MIH will require that 20 % of the new housing units be affordable housing for lower income people. We ask that another 10 % of the residential units be affordable housing, for a total of 30%, available for moderate/middle income people who urgently need housing at reasonable rents. Consistent with our long-standing policy, we also request that the fixtures and finishes be required to be the same in the affordable and market rate units, and that the affordable units be distributed throughout the entire building, not concentrated in less desirable portions of the building.

- **Cumulative Environmental Impact Statements**

CB4 has extensive experience with the Environmental Impact Statement (EIS) process. The Special Hudson Yards District and the Special West Chelsea District were created five months apart in 2005, following several years of planning and review. As required by the New York City Charter, CB4 was active at all stages of these land use processes, including separate EISs for each rezoning. Although the two special districts were going through the ULURP process at nearly the same time, the cumulative environmental impacts of the two rezonings were not evaluated. The Board considered this separation short-sighted and liable to lead to faulty decisions that will be difficult and expensive to rectify after-the-

fact. We have argued forcefully for changes to the environmental review regulations that would mandate the consideration of cumulative impacts, giving planners a better basis for making decisions.

The proposed developments on Project Sites A and B are being considered together for the purposes of environmental review, which means the EIS will examine the cumulative impacts of the two projects. While we are grateful to the two developers for this cost-saving collaboration, we are dismayed that the impacts of the Hudson Tunnel Project (HTP) and the future development of Block 675 Lot 1 are not being taken into consideration at the same time. Both of those projects involve the western half of Block 675, which means we are proceeding under the fiction that the environmental impacts of Project Sites A and B, even when considered together, can be usefully evaluated without taking into account two other large projects on the block. As with the Hudson Yards and West Chelsea rezonings, this is likely to lead to suboptimal decisions.

The EIS for the 675 East Rezoning should be halted until the EIS for the HTP is available, and it should then incorporate the HTP EIS findings into its analysis.

III. Draft EIS Scope – Detailed Comments

- **Task 1. Project Description**

CB4 is not commenting on this task.

- **Task 2. Land Use, Zoning, and Public Policy**

The creation of affordable housing and the financial support for the Hudson River Park Trust (the Trust) are important elements of public policy affecting Block 675. Both of these are supported by FAR granted during the proposed rezoning or FAR from the Hudson River Park granting sites purchased from the Trust.

Rezoning the project sites from M2-3 to C6-4X increases the permitted FAR from 2 to 10, exclusive of bonuses, while requiring affordable housing under the Mandatory Inclusionary Housing programs. We request that the impact of reducing the permitted FAR exclusive of bonuses and increasing the FAR permitted to be transferred from the Piers to achieve the 12 FAR maximum be studied. For example, study reducing the permitted FAR from 10 to 9 while increasing the purchased FAR to 3; or reducing the permitted FAR to 8 and increasing the purchased FAR to 4. Such changes would increase the financial support for the Trust while retaining the production of affordable housing, thus furthering public policy goals.

- **Task 3. Socioeconomic conditions**

As with the earlier West Chelsea rezoning, the proposed projects have the potential to displace businesses such as auto repair shops that are important to the community but have difficulty finding suitable locations. We ask that the impacts of the loss of these businesses be given special consideration.

- **Task 4. Community Facilities and Services**

The plan for Project Site A includes a FDNY EMS station. If the site is not selected by the city for an EMS station, we ask that the 12,500 gsf currently designated for an EMS station be reserved for a community facility. Evaluate the use of the 12,500 gsf designated for the EMS station for other appropriate community facilities, including child care facilities and an library.

- **Task 5. Open Space**

Evaluate the impact of the two projects on crowding on the High Line, and in Hudson River and Chelsea Parks.

- **Task 6. Shadows**

Evaluate the differences in shadow impacts between Project Site A's proposed 666' building and the Board's preferred 550' height limit.

- **Task 7. Historic Resources**

Include the Baltimore & Ohio Float Bridge (Pier 66) in the analysis.

- **Task 8. Urban Design/Visual Resources**

Since there is no question but that the scale of the proposed buildings is vastly greater than that of the existing buildings, a detailed examination of the impacts on urban design and visual resources is warranted.

- **Task 9. Hazardous Materials**

Since West Chelsea has long been an industrial area, the analysis and mitigation of hazardous materials is especially important. The project sites have a long history of industrial and auto uses, currently including a gas station with the attendant problems with underground tanks, and an artist studio with people working with metals and paints. The sites may also include former coal gas plant sites, of which West Chelsea had several.

- **Task 10. Water and Sewer Infrastructure**

Evaluate the severe local problems involving sewage backup and overflow. At times of heavy rainfall that coincides with flood tides, the tide gates on the Combined Sewer Outlets sometimes remain closed for extended periods. Serious sewage backup and overflow have repeatedly occurred in West Chelsea. This has affected not only residents but also businesses and led to the loss of materials, including the art objects of galleries, in basements or even on ground floors.

Evaluate the capacity of the North River Pollution Control Plant and the sewer mains and intercepts leading to the plant to handle the additional effluent.

Evaluate the separation of storm and sewage outfalls as mitigation for sewage backup. This may be in the long run the only solution. It would improve the environment in general and water quality in the Hudson River in particular.

- **Task 11. Solid Waste and Sanitation Services**

While an assessment of Solid Waste is already required in the forthcoming EIS, if the impact is to be greater than 50 tons per week, CB4 is particularly concerned that the proposed projects include facilities and procedures to minimize the impact of the project's solid waste generation.

We request that the impact of facilities to minimize solid waste generation and maximize the capture of paper, glass, plastic, metal, electronics, hazardous and organic materials for recycling and beneficial reuse be studied.

- **Task 12. Energy**

While an assessment of energy impact is required in the forthcoming EIS, CB4 is especially concerned about any additional energy drain on local supply infrastructure. We request that the impacts of cogeneration capacity and solar energy collection be studied.

- **Task 13. Transportation**

CB4 is not commenting on this task.

- **Task 14. Air Quality**

See Task 15.

- **Task 15. Climate Change Resiliency and GHG Emissions**

While assessments of Green House Gas emissions and Air Quality are required in the forthcoming EIS, CB4 expects the project developers to minimize those emissions by including a very efficient set of energy consumption and energy generation equipment within the project, meeting the highest of a selected recognized national standard such as LEED certification.

- **Task 16. Noise**

CB4 is not commenting on this task.

- **Task 17. Public Health**

CB4 is not commenting on this task.

- **Task 18. Neighborhood Character**

Include in the evaluation of impacts here the comments under Task 3, Socioeconomic Conditions; Task 7, Historic Resources; and Task 8, Urban Design/Visual Resources.

- **Task 19. Construction Impacts**

CB4 is not commenting on this task.

- **Task 20. Mitigation**

CB4 is not commenting on this task.

- **Task 21. Analysis of Project Permutations**

CB4 is not commenting on this task.

- **Task 22. Alternatives**

- Study the alternative where building heights are limited to 550’.
- Study alternatives where the upzoning from M2-3 to C6-4X results in an FAR lower than that currently permitted.
- Study alternatives where the amount of FAR permitted to be purchased from the Hudson River Park Trust is greater than the current 20%

- **Task 23. EIS Summary Chapters**

CB4 is not commenting on this task.

Sincerely,



Delores Rubin
Chair
Manhattan Community Board 4



John Lee Compton, Co-Chair
Chelsea Land Use Committee



Betty Mackintosh, Co-Chair
Chelsea Land Use Committee

Enclosure

- cc: Hon. Gale A. Brewer, Manhattan Borough President
Hon. Corey Johnson, City Council
Hon. Brad Hoylman, State Senate
Hon. Richard Gottfried, State Assembly



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May 4, 2017

Marisa Lago, Chair
New York City Planning Commission
120 Broadway
31st Floor
New York, NY 10271

RE: Proposed Planning Framework for Manhattan Block 675

Dear Chair Lago:

Manhattan CB4 (CB4) is pleased that the Department of City Planning (DCP) is proposing a Planning Framework for the development of Block 675, and that the Chelsea Land Use Committee had the opportunity to discuss the proposed Framework at its April 17th, 2017 meeting. We support many of the proposed features of the Framework but disagree with some important assumptions and elements of the proposal.

Background

CB4 has long sought the inclusion of Block 675 (West 29th to 30th Streets, Eleventh to Twelfth Avenues) and the blocks immediately to the south in the Special West Chelsea District (SWCD). DCP has consistently declined to do so, beginning with the original boundaries of the SWCD and continuing through two expansions of the district. In 2016, DCP met with members of CB4 to discuss their plans for a Planning Framework for Block 675 rather than a rezoning incorporating it into the SWCD.

Because three developers intend to develop three different parcels on Block 675, a policy for the coordinated development of the entire block is essential. More than guidelines, the policy specifies uses, massing and density. We understand that each individual developer will need to submit an application for zoning map changes that will go through the ULURP process which includes public review, and that an Environmental Impact Statement (EIS) will be required.

The Framework identifies five zoning mechanisms that would be used for developing Block 675:

- A text amendment allowing new granting and receiving sites in the Special Hudson River Park District; Piers 59, 60 and 61 have been identified as granting sites; Block 675 would be the receiving site;
- A map amendment replacing the existing zoning districts with a new zoning district;

- A special permit for the transfer of Hudson River Park development rights;
- A City Planning Commission Chair certification providing for monitoring of payment obligations; and
- A text amendment identifying the area for Mandatory Inclusionary Housing (MIH).

Framework Elements CB4 Supports

CB4 supports the following elements of the proposed Framework:

- Changing the existing manufacturing districts (M1-6 and M2-3) to districts which would permit a mix of residential and commercial uses. Block 675 is situated immediately west of the SWCD which permits these uses, and immediately south of the Special Hudson Yards District which also allows those uses.
- Transferring development rights (TDR) from the Hudson River Park (HRP) will help fund the park's maintenance and development. CB4 wholeheartedly supports HRP improvements. The park is a much-used, treasured amenity in Community District 4 (CD4).
- The generation of affordable housing through MIH. The Board has a long history of supporting affordable housing in CD4.
- The proposed zoning in the Framework for the eastern half of the block, which would have a base FAR of 10.0 with MIH and up to a 20 % bonus from HRP TDRs (2 FAR) for a total FAR of 12.0.

We also support a number of urban design measures:

- Activating the streetscape along West 30th Street Eleventh Avenue by requiring transparency and retail uses on the ground, second and third floors. People on the High Line would be able to view activity in the new buildings;
- Accommodating public facilities and infrastructure needs on West 29th Street;
- Requiring street walls of varying heights on three sides of the block (Eleventh Avenue, West 30th Street and Twelfth Avenue); and
- Including measures to allow views of the river and the city from the block just north of Block 675.

CB4 Concerns

Density and Building Heights

DCP speaks of Block 675 as a “transitional” area – from the very tall Hudson Yards buildings to the north to the lower scale West Chelsea buildings. However, the proposed Framework does not include height limits, which CB4 believes is a serious mistake because building heights are crucial in defining the character of a neighborhood.

Buildings in the adjacent Subarea A of the SWCD are limited to 450 feet. In contrast, 30 Hudson Yards on the Eastern Rail Yards will be 1,296 feet when it is completed. We accept that the buildings on Block 675 will be larger than those permitted in Subarea A, but we do not believe it is appropriate to extend the

massive building sizes and heights of the Rail Yards to Block 675 as both DCP and the block's developers propose.

We do not take Hudson Yards as the reference point for building heights on Block 675; instead, we view the block as relating more to the West Chelsea neighborhood. The permitted building heights on Block 675 should be much closer to 450 feet than to 1,300 feet.

We disagree with DCP's assumption that the western part of Block 675 nearest the river should accommodate the highest buildings. CB4 prioritizes views of the waterfront for the public and the nearby neighborhood. In order to preserve the sense of openness, we do not support exceptionally tall buildings close to the waterfront.

The DCP Framework currently does not specify FARs for the western portion of the block. DCP aims to allow for "flexibility" and for the need to accommodate the Hudson River Tunnel ventilation building. The Framework includes a floor area exemption for the ventilation building, but a specific number has not been identified. It would be useful to specify this exemption in the Framework. CB4 hopes to work with DCP on the siting and design of the ventilation shaft.

CB4 opposes a base FAR of 12.0 (with MIH), plus a 20 % increase from HRP TDRs and another 20 % increase for a Public Space Bonus, resulting in a total FAR of 16.8 for the western portion of the block. DCP appeared to say at the Chelsea Land Use Committee meeting that the Public Space Bonus was not in the proposed Framework; this needs to be clarified. CB4 opposes the inclusion of a Public Space Bonus in the Framework.

CB4 recommends that DCP adopt an approach to zoning that lowers the base FAR as was done in Hudson Yards. Additional bonuses would then be less likely to result in massive buildings.

Affordable Housing

Mandatory Inclusionary Housing (MIH) will require that 20 % of the new housing units be affordable housing for lower income people. CB4 asks that another 10 % of the residential units be affordable housing, for a total of 30%, available for moderate/middle income people who urgently need housing at reasonable rents. CB4 has consistently advocated for 30% affordable units accommodating people with widely varying incomes to maintain the vitality of the district.

Street Wall Heights

Three different street wall heights are proposed in the Framework:

- 85 to 90 feet along 11th Avenue;
- 45 to 85 feet along eastern portion of West 30th Street; and
- 25 to 45 feet along 12th Avenue and western portion of West 30th Street.

CB4 favors higher street walls because bulk can be shifted from the upper portion of a building to lower stories, resulting in buildings with less height but the same floor area. For example the street wall on a West 30th Street building in Hudson Yards is 130 feet.

Community facilities, Services and Infrastructure

CB4 recommends that DCP be proactive by including requirements in the Framework for community facilities, services and infrastructure. We acknowledge that these topics will be discussed in an EIS when

an application is submitted but we believe that unless such services are required ahead of time, it is unlikely that they will be included in the new development.

We are concerned about the need for:

- Schools;
- Emergency Medical Service (EMS) facility (which should be relocated from its current West 23rd Street site);
- Local emergency health facility; and
- Sewage, utilities, electricity.

Parking

CB4 recommends that the Framework remove the existing special permit for additional parking spaces. If the Framework is silent on this topic the current parking regulations under ZR 13-45 and ZR 13-451 would govern. CD4 has the third worst air pollution in New York City. We have found that in West Chelsea most developers of residential buildings have been successful in obtaining permission for additional spaces through a special permit. CB4, as stated in a number of letters to CPC and voiced in meetings with DCP, believes that the test determining eligibility for the special permit is deeply flawed and inapplicable in West Chelsea. We seek to limit additional vehicular traffic from our district to improve air quality.

We look forward to working with DCP on planning for Block 675 and are excited about the opportunity we have to help create a vibrant, attractive block in West Chelsea.

Sincerely,



Delores Rubin
Chair
Manhattan Community Board 4



John Lee Compton, Co-Chair
Chelsea Land Use Committee



Betty Mackintosh, Co-Chair
Chelsea Land Use Committee

cc: Hon. Gale A. Brewer, Manhattan Borough President
Hon. Corey Johnson, City Council
Hon. Brad Hoylman, State Senate
Hon. Richard Gottfried, State Assembly
Edith Hsu-Chen, Manhattan Director, Department of City Planning
Madelyn Wils, President & CEO, Hudson Park Trust
Jeremy Colandangelo-Bryan, NJ Transit