



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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February 6, 2009

Mr. Patrick Blanchfield, Director
New York City Department of Housing Preservation and Development – Office of
Development
100 Gold Street, Rm. 9V-3
New York, New York 10038

Mr. Robert Kulikowski, Director
Mayor's Office of Environmental Coordination
253 Broadway, 14th Floor
New York, New York 10007

Re: **West 44th Street and Eleventh Avenue Rezoning (PS51 Affordable Housing
Site)**
CEQR No. 09HPD022M
Comments of Draft Scope of Work

Dear Messrs. Blanchfield and Kulikowski:

Manhattan Community Board 4 is pleased to provide the following comments on the Draft Scope for preparation of an Environmental Impact Statement for the West 44th Street and Eleventh Avenue Rezoning, a project known locally as the PS51 Affordable Housing Site or Studio City Site project.¹

THE PROJECT AND THE PROPOSED ACTIONS

This project will realize several of the promises made to this community in connection with the 2005 Hudson Yards Rezoning. According to the Draft Scope, it involves the development of up to 1350 residential units (of which approximately 700 will be affordable housing and the remainder will be market rate), and a new 630-seat public school to replace the existing PS 51. The project also includes 17,500 square feet of retail space and up to 270 accessory parking spaces for the residential units.

¹ These are the final and ratified comments of Manhattan Community Board 4 and supersede the vocal presentation given at the January 30, 2009 scoping hearing.

The Project Site is owned by the City and comprises most of the block bounded by West 44th Street, Tenth Avenue, West 45th Street and Eleventh Avenue. It includes the Amtrak cut and excludes only the Hess gas station on the Tenth Avenue side of the block.

The proposed site plan shows three new residential buildings of varying heights, a new public school and the existing PS51 building:

- At the western end of the block would be a 7-story, roughly C-shaped base with frontage on West 44th Street, West 45th Street and Eleventh Avenue. Above the base would be a stepped tower with heights varying from 31-stories (293 feet) at the corner of 45th and Eleventh to 28 stories (265 feet) and 12 stories (116 feet) on 45th Street and 30 stories (284 feet) at the corner of 44th Street and Eleventh Avenue. 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 either West 44th or West 45th Streets. This building would be an 80/20, with 80% market-rate housing and 20% low-income housing.
- In the middle of the block would be an L-shaped building of 14 stories (134 feet) along West 45th Street and 10 stories (97 feet) extending through the block to West 44th Street. All of the units would be affordable.
- Over the Amtrak cut would be another C-shaped building of 14 stories (134 feet). All of the units would be affordable.
- The new school would be located along West 44th Street west of the Amtrak cut, and would have a 12,500 square foot school yard between the school building and the residential building on 45th Street. The school building would be 5 stories tall and approximately the same overall height as the existing PS51 building (85 feet).
- Once the new school building is completed, the existing school building would be converted to residential use.

The residential buildings would be developed by 44th and 11th LLC, an affiliate of the Gotham Organization. The school and school yard would be constructed by the New York City School Construction Authority (SCA) and maintained by the New York City Department of Education (DOE).

To facilitate the project, the Department of Housing Preservation and Development is applying for disposition of City-owned property to the residential developer, zoning map and text amendments, special permits and Urban Development Action Area Project (UDAAP) designation. The project also requires site selection by DOE for the relocation of PS 51.

THE COMMUNITY'S CONCERNS

Pursuant to the Hudson Yards Points of Agreement, the City agreed to develop 600 units of permanent affordable housing on this site, and to expand PS 51 by 110 seats. The site would be rezoned to allow an overall density of 8.5 FAR. Over the last four years there have been numerous community meetings and workshops, as well as meetings with

Gotham, HPD and SCA to put together a development program that accommodates the various needs of all the stakeholders.

For us, the imperatives have been to achieve the 600 affordable apartments we were promised, and a new school for the P.S. 51 students, at a reasonable density that fits in our community. Though it has, at times, seemed that these requirements were mutually exclusive, we are generally pleased with the development program now proposed. It exceeds the original commitment by providing approximately 700 units of affordable housing (according to the Draft Scope) and an entirely new 630-seat school, at a maximum height of 31 stories rather than the 44 stories originally proposed.

Affordable Housing.

As presented to us by Gotham, at least 600 units of affordable housing will be provided as follows:

Income Tier	Income Range*	Number of Units
50% AMI	Up to \$38,000	168
135% AMI	\$53,000 - \$129,000	216
165% AMI	\$65,000 - \$158,000	216

* Income ranges reflect different household sizes, as well as a 5% marketing band.

- 40% of the units will be 2- or 3-bedrooms, 40% will be studios and 20% will be 1-bedrooms
- All units will be permanently affordable

This is a good program, but we have the following additional requests:

- Any additional low-income units included in the project must also be permanently affordable; 100% of the project’s affordable units must be affordable in perpetuity
- Affordable studios should be combined to produce additional family-sized units. We understand that this requires modification of various regulations, and would result in fewer (though larger) affordable units overall.
- Affordable units in the 80/20 building must be evenly distributed on all residential floors, and provide the same fixtures and finishes as the building’s market rate units.
- Tenant selection must give preference to residents of Community District 4 for 50% of the affordable units.

The New Public School

Plan and build a great school now. Our community is energized by the prospect of a new and expanded school to relieve overcrowding and the lack of up-to-date facilities in the existing PS 51 building, and to serve our expanding community. We are separately

writing to SCA and DOE with our comments on planning for the school, the main elements of which are:

- The school should be for grades pre-K through 5, not pre-K through 8. Expanding the school to intermediate grades will mean that no additional students will be accommodated – it will just mean that students in the existing 300-plus seat school students can stay longer. PS 51 now has 325 students, 112% of its programmed capacity. Recent development proposals forecast the need for even more elementary school seats.
- SCA and DOE must commit to a process for designing and programming the new school that includes consultation with our local school community.
- The proposed school yard at 12,500 square feet is much smaller than optimal, and, because it will be behind the new school building, will be in shadow during the school day. This represents one of the many compromises that have been made to accommodate the proposed development program. The new school must include a separate indoor gymnasium to compensate for this smaller outdoor space. Supplemental use of the roof areas for additional outdoor playspace should also be considered. Rooftop playspace should be at the western side of the building, for maximum sun.
- The school yard must be opened to the public as a public playground, consistent with PlaNYC’s top open space initiative. CD4 has less publicly-accessible open space than all but one other community district in the City. This project presents a unique opportunity to address that shortcoming by designing a school yard that could do “double duty” as a school yard and a neighborhood playground.
- The new school should be built as soon as possible, so that existing overcrowding is immediately relieved and the school is available to the families in the new residential buildings.
- Gotham’s financial contribution to the cost of construction must be held in a segregated account and used only for construction of the new school.

Reasonable density that fits in our community

- We appreciate the site plan’s contextual design with lower, broader buildings. This is consistent with the area’s immediate surroundings, which features a mix of industrial loft buildings and lower-rise residential buildings.
- Architectural features must also reflect the area’s context, featuring traditional building materials and variegated streetwalls, particularly on the long streetwalls on the side streets, and façade treatments that diminish the effect of the portions of the buildings above the 7-story bases. The eastern façade of the building over the Amtrak cut will be permanently visible above the Hess Station and must be finished with the same materials as the streetwall facades, and punctuated with windows.
- 8.5 FAR, the 31-story tower and the midblock buildings of up to 14-stories are more density and height than we would like, but an acceptable “price” for our community to pay for the affordable housing and the new school. We take comfort in knowing that, with the proposed Eleventh Avenue Rezoning and the

- rezoning of the Two Trees site (now in ULURP), this rezoning should not be a precedent for any other site.
- HPD is proposing commercial zoning designations of C6-2 and C6-4. That zoning is not right for this neighborhood or this project. This project is fundamentally a residential project. The site should have a residential zoning designation, with a commercial overlay appropriate for the proposed commercial use. Modification of height, setback and open space requirements, and any other aspects of zoning flexibility needed to accommodate the proposed development program, should be provided by text amendment within the Special Clinton District provisions of the Zoning Resolution.
 - While we support the use of an inclusionary housing bonus for this site, this site must not generate additional density for other sites. All bonus development rights generated by this project must be used for this project or not used at all.
 - This community desperately needs an affordable supermarket. We urge Gotham to try to find a supermarket tenant for the project's commercial space.
 - We are delighted that the proposal includes adaptive reuse of the existing PS 51 building once the new school building is complete.² The residential use proposed in the Draft Scope would be acceptable, but other uses serving community needs, such as an additional school or arts center, should also be considered at the appropriate time. We recognize that any such use must be financially neutral for Gotham, which has agreed to purchase the existing building as part of its financial arrangements with the City.

THE DRAFT SCOPE OF WORK

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

Task 2: Land Use, Zoning and Public Policy

The EIS should consider the effects of a residential zoning designation for the site, rather than a commercial designation, as discussed above. It should also consider retail space sufficiently large to accommodate a supermarket.

Task 4: Community Facilities and Services

We are pleased that detailed analyses will be done of educational facilities, libraries and day care centers.

The Draft Scope of Work states that “the New York City Police Department (NYPD) and Fire Department of the City of New York (FDNY) routinely evaluate the need for changes in personnel, equipment, or facilities based on population, response times, crime levels, and other local factors,” so that a detailed assessment is not warranted. Waiting

² The Draft Scope says, on p. 10 in the fourth paragraph under Task 4, that the existing school building would be demolished. This conflicts with statements elsewhere in the Draft Scope, including the Project Identification, and is, we trust, a mistake.

until the population has increased and response times have declined is an inadequate approach to planning for these critical public facilities. An assessment must be made now of the impact this and other planned developments will have on police and fire protection. If additional facilities are needed to serve the area, planning for them must begin now.

FDNY's Rescue Company 1 is located at 530 W. 43rd Street, one block south of the project site. Particular attention must be paid to impacts on this facility and its operations.

Task 6: Shadows

The new school yard must be identified as a sunlight-sensitive resource, and the shadow impacts of the new buildings on the school yard must be carefully assessed.

Task 15: Traffic and Parking

Eleventh Avenue is often backed-up with southbound traffic heading for the Lincoln Tunnel, and these conditions are likely to be worsened by this project. The intersections of Eleventh Avenue and 46th Street and Eleventh Avenue and 47th Street should be included as analysis locations.

The parking analysis should include the taxi parking now present along 44th Street between Tenth and Eleventh Avenues. This parking will have to be relocated (or eliminated) as a result of the proposed project. The EIS should identify and consider alternate locations.

Similarly, private charter buses now use 44th and 45th Streets for layover parking. The EIS should also consider the effects of displacement of these vehicles.

Task 16: Transit and Pedestrians

The Environmental Assessment states, on p. 7g, that bus service will be examined qualitatively, but there is no mention of this analysis in the Draft Scope. Bus service must be examined in the EIS.

The pedestrian safety assessment must pay particular attention to the presence of the new school and the continued existence of the Hess gas station, which draws heavy vehicular traffic across the sidewalks on W. 44th Street, Tenth Avenue and W. 45th Street. Mitigation measures must be identified and implemented. A secondary approach to the school should be considered, via a passageway from the school yard to 45th Street.

Task 19: Construction Impacts

PS 51 must remain in operation in the existing building throughout the period of construction. It must therefore be protected from the dust and noise that will inevitably

be created during construction. The existing building has no air conditioning, and now depends on open windows for fresh air. The protections that were agreed to in November 2001 in connection with the previous Studio City proposal must also be implemented for this project. They included “installation of an insulated window system on all windows at PS 51” and “installation of an air conditioning system to serve all classrooms at PS 51”.

Mitigation measures must include establishment of a construction task force, with representatives of all stakeholders, that will meet at least monthly throughout the construction phase of the project to manage and minimize construction impacts in the surrounding area.

Construction impacts on FDNY Rescue Company 1 operations must be considered.

Thank you for considering these comments.

Sincerely,



Jean-Daniel Noland, Chair
Manhattan Community Board 4



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

[signed 2/6/09]

Elisa Gerontianos, Co-Chair
Clinton/Hell’s Kitchen Land Use Committee

Cc: DCP – Edith Hsu-Chen, Erika Sellke
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44th and 11th LLC – David Pickett, Ron Pickett, Melissa Pianko
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State Senator Tom Duane
Assembly Member Richard Gottfried