



CITY OF NEW YORK

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**PROPOSED WESTERN RAIL YARD PLAN  
MANHATTAN COMMUNITY BOARD 4 RESPONSE  
JULY 27, 2009**

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## ZONING/URBAN DESIGN

*The degree of proposed density on the WRY presents many severe difficulties in creating a successful urban environment.*

It must be acknowledged that the Western Rail Yard (“WRY”) development, as presented in the WRY Draft Environmental Impact Statement (“DEIS”), reflects Manhattan Community Board 4’s (“CB4”) comments and is greatly improved from previous presentations. The WRY plan is no longer isolated from the city context – the current proposal has effectively integrated the plan into its physical surroundings by:

- Reintroducing the street grid and breaking down superblocks;
- Creating individual development parcels with street frontages;
- Providing multiple access points and connection to the central open spaces.

The base floor area ratios (FARs) of 11 on the Eastern Rail Yard (“ERY”) and 10 on the Western Rail Yard (“WRY”) seem reasonable until you realize that they are calculated across the entire sites, including open space and streets. Excluding open space and streets (as parks and streets are excluded elsewhere in the City), the effective density of these proposals is in the neighborhood of 25 FAR. That 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, this must be a place where people will want to live, work and visit. That is unlikely to happen in an environment dominated by monumental and intimidating buildings, no matter how much open space there is or how carefully it is designed.

- *Streets and open spaces must be clearly accessible to the public.*
- *Streets and open spaces must be designed to be inviting to users, offering the right balance of street activity.*

## REQUESTS FOR DENSITY, URBAN DESIGN, SITE LAYOUT MITIGATION

Integration into the public realm:

- *The streets must be planned and operated as real city streets, with full public access, parking regulations, sidewalks and street-level retail uses.*
  - Regulations regarding signage, traffic enforcement or on-street parking should be concretely defined.
- *The extensions of the street grid should be aptly named to reflect the continuation of the streets.* North Street should be called West 32<sup>nd</sup> Street and South Street should be called West 31<sup>st</sup> Street
- *The extensions of West 31<sup>st</sup> and 32<sup>nd</sup> Streets should be made easements granted to the City.*

Street activity:

- *Activate the wall that will be created along 12<sup>th</sup> Avenue between street level and the level of the WRY platform above.*
- *Zoning text should be included prohibit enclosed sidewalk cafes and prevent sidewalk cafes from being located right under residential windows.*
- *West 33rd Street must be pedestrian friendly and integrated into the site: The current street elevations change drastically in the project site. Street elevations at Eleventh Avenue and 33<sup>rd</sup> Street are nearly 30 feet higher than elevations throughout the project site. The pedestrian at street level must not feel disconnected or overwhelmed by the scale of the project area.*

Building and street design:

- In 93-563 (a), setbacks should be required all the way to Twelfth Avenue and be of same height and depth as the ones facing the northern street or open space.
- Recognizing the need for site ventilation for the LIRR Cammerer Yards, ventilation louvers fully integrated into the open space design, the buildings design and the overall site design.
- The incline of the West 33<sup>rd</sup> Street grade should be consistent with a maximum sidewalk incline for ADA compliance.
- The street interface to the rail yards and sub-platform activities along West 33<sup>rd</sup> Street and 12<sup>th</sup> Avenue should be fully planted or provide shallow booths for portable businesses like a farmers market or similar vendors
- Should the LIRR passenger platforms bed to West 33<sup>rd</sup> Street, train platforms should be accessed from the street.
- Winter Garden and Glass Street Wall must be clearly explained in the zoning text.

## AFFORDABLE HOUSING

### *The Need for a Commitment to a Comprehensive Affordable Housing Plan.*

CB4 has strongly articulated a policy for future housing growth affordable to a full range of incomes. We cannot and will not support any WRY development plan that does not provide the amount and type of permanent affordable housing the community needs to retain its diversity. We disagree with the DEIS conclusion that “*the Proposed Actions would not significantly alter or substantially accelerate the study area’s long-term trend toward increasing residential development, affluence and residential desirability.*” The City should be mitigating the market trend through public policy initiatives and commitment of resources to ensure affordability for all New Yorkers, not just those with the highest incomes. The Proposed Actions present an opportunity to mitigate and balance that trend to promote inclusiveness for all New Yorkers, not to rationalize creating a high income exclusive community on the Westside. The construction of a great number of market-rate housing units balanced only by the small number of low-income housing that may be created under existing programs, e.g., 80/20 and inclusionary bonuses, does not achieve the community’s goal and is unacceptable.

CB4 has consistently advocated that 30% of the residential development on this public site known as the WRY must be allocated to permanent affordable housing for low-, moderate- and middle-income families. This message was strongly reinforced by the community’s comments in reviewing each of the proposals by the respondents to the Request for Proposal’s (“RFP”). The New York Times concurs with this position and ran an editorial in March 2008 identifying the need for more affordable housing on the Far West Side. (Attachment A) Yet the RFPs required only that any rental housing be built using New York State Housing Finance Agency’s (“HFA”) 80/20 program. Condominium or cooperative units are exempt from any affordable housing requirement, and none of the rental units are required to be permanently affordable.

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. ***The WRY is the largest publicly owned development site left in Manhattan.*** 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 would not apply to either a privately held corporation or a private land owner.

It is astounding that between 6,000,000 to 7,000,000 square feet will be developed for market-rate and commercial interest in the WRY, yet a just and adequate plan has not yet been fully developed to provide permanent affordable housing for New Yorkers of all incomes, particularly at a time when the need for affordable housing is so critical. CB4 cannot support the Proposed Actions in the absence of a permanent and realistic affordable housing program.

The DEIS states that only 379-390 units out of a total of 4,624 to 5,762 residential units will be affordable. How can this number be considered inclusive? It is simply unacceptable. Furthermore, the temporarily affordable units will only be for those households earning <60% AMI, with no provisions for moderate and middle income families. Such a mix will create a polarized household income range on the WRY and exclude moderate and middle income households, the backbone of our city.

After many productive discussions during the 2005 Hudson Yards rezoning process, the City and CB4 were able to achieve 28% permanent affordability that included provisions for production of moderate income housing through both a modified Inclusionary Housing Bonus and development of off-site publicly-owned land. Although the WRY proposal includes a special on-site Inclusionary Bonus, given the inherent difficult site conditions - with the extreme density proposed on such a limited lot area, CB4 is doubtful the development team will be able to access that housing bonus. CB4 appreciates and welcomes the proposed off-site moderate and middle income developments with a projected 312 affordable apartments. ***However, the plan for the WRY, even including those moderate and middle income off-site affordable developments, falls far short of the commitment achieved in the Hudson Yards rezoning with less than 4.5% of the square feet dedicated for the development of permanently affordable apartments.***

Moreover, this new neighborhood will not be a healthy neighborhood unless it includes the broadly diverse population that is this City's hallmark. CB4's response and comments to the proposed off-site housing at the DEP site, 505 West 48<sup>th</sup> Street and the MTA site, 806 Ninth Avenue, are in our related letter.

#### REQUESTS FOR AFFORDABLE HOUSING MITIGATION

- *Not less than 20% of all residential units constructed on-site in the WRY must be permanently affordable.*<sup>1</sup>
- *Identify additional publicly owned off-site affordable housing sites in CB4 for either construction or preservation of permanently affordable housing to achieve an overall goal of 30% affordability in the WRY development. Commit the use of this existing publicly owned land to develop and construct affordable housing (Attachments B and C). In particular, CB4 recommends the sites below for consideration:*
  - 136 West 20th Street (DSNY)
  - 415 West 40th Street (PANY/NJ)
- *Preserve existing affordable housing within CB4 subject to subsidy expiration. (Attachment D) Specifically, those properties currently owned by the applicant, RG WRY LLC, an affiliate of The Related Companies:*

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<sup>1</sup> Permanently affordable shall mean that apartments are so designated by deed restriction, regulatory agreement or other legal instrument and may not be converted to market rate units after a given expiration date of a mortgage, tax incentive or any other government program. These specific units shall remain affordable in perpetuity.

- 425 West 48<sup>th</sup> Street
  - 525 West 47th Street
- *Establish a dedicated fund within existing resources to preserve Single Room Occupancy units in CB4 as mitigation of the anticipated loss of SRO units as a result of the Proposed Actions.* (Attachment E) There are over 1000 SRO units noted to be at risk in the WRY study area, CB4 requests preservation of existing SRO housing with at least a 60% community resident requirement.
  - *Implement the 2005 commitments to apply the Demolition Restrictions of the SCD in both the Hudson Yards Special District and West Chelsea Special District to preserve existing housing.*
  - *Conversion over time of on-site low income units to moderate and middle income units.* At the expiration of affordability restrictions for the on-site affordable units built under the 80/20 financing program and upon the vacancy of the tenant and legal successor(s), make those units permanently affordable to households tenants with a range of moderate and middle incomes as follows:
    - 20% of the affordable units shall be available to people with incomes up to 80% of the Area Median Income (AMI);
    - 50% of the affordable units shall be available to people with incomes up to 125% of AMI; and
    - 30% of affordable units shall be available to people with incomes up to 165% of AMI.

Accomplish this conversion overtime through deed restriction and regulatory agreement to supplement the bond covenants, similar to the extended use restrictions on Low Income Housing Tax Credit developments.

- *Affordable housing distribution within mixed income developments.* Eighty% of the floors of any mixed income building should have at least one affordable unit and there should be no more than 33% affordable units on any floor.
- *Affordable housing must become available to the real estate market at a similar rate to the market rate housing.* The Restrictive Declaration should model such language from the existing Restrictive Declaration used in the Riverside South development in the West 60's.
- *Developments of affordable housing on- or off-site units should require of at least 50% two-bedroom or greater units.*
- *The administering agent should be an independent non-profit organization.*

## **PARKS AND OPEN SPACE**

*Include sufficient, defined and well-managed open space both on and off site.*

The DEIS indicates the following deficiencies in the open space plan, most of which are difficult to correct due to inherent density of the WRY proposed development. The cluster of dense residential and office towers presents serious challenges to complying with standard open space requirements. The deficiencies noted in the DEIS are as follows:

- The amount of open space does not meet CEQR guidelines.
- Planned towers will cast shadows and compromise the light and air of the proposed open space.
- Planned towers will cast shadows and compromise the light and air on the adjacent portion of Hudson River Park.
- The wind speeds in the planned open space will achieve levels that are potentially hazardous to users; further reducing open space utility.
- The only connection to the adjacent Hudson River Park currently planned is a cross walk at West 30th Street and 12<sup>th</sup> Avenue corner. Hudson River Park will face a predominantly blank wall on the western section of the site facing 12<sup>th</sup> Avenue.

The DEIS further notes that mitigation for these deficiencies will be addressed by “creating additional open space programming; funding improvements, renovation, or maintenance at existing parks; adding amenities to existing parks to increase park usage year-round or at night; and opening schoolyards to public outside school hours” both “within the development site and study area”.

### ***THE NEW ON-SITE PARKS***

***Hudson Lawn & Overlook Park***

***Hudson Hill Park***

***Hudson Woods***

***Hudson Yards Square***

CB4 is pleased that the concept plan for all the open space in the DEIS now shows this element broken into several discreet spaces as opposed to the single large open space shown previously. With distinct variety of features—a central open lawn and overlook, an allee of trees, a neighborhood oriented park and playground, a wooded slope, the High Line and connections from the High Line to all other open spaces. We believe this approach will provide more opportunities for variety and diversity in design and use planning. This space will have to be programmed and maintained to be successful, operating like a public park. To give identity and sense of place for these planned open spaces, CB4 recommend the following nomenclature:

- *Hudson Lawn & Overlook Park—the central open lawn and overlook*

- *Hudson Hill Park—the neighborhood oriented park and playground*
- *Hudson Woods—the 30<sup>th</sup> Street slope*
- *Hudson Yards Square—the Eastern Rail Yards main plaza*

## REQUESTS FOR NEW ON-SITE PARKS MITIGATION

### **Park Design**

- Proposed open spaces must be user-friendly and accessible to the public to serve the larger neighborhood as well as immediately adjacent buildings. All of the design elements of the open spaces must reflect inclusiveness.
- Provide a connection to Hudson River Park by a pedestrian bridge
  - The location of the Hudson River Park pedestrian bridge should be closely coordinated with the Hudson River Park Trust to maximize its accessibility and minimize its incursion into the park.
  - Easements for the pedestrian bridge landing must be granted to the Hudson River Park Trust to the City of New York.
  - The design of the bridge should be dimensionally inspired by the adjacent High Line.
  - The bridge should function as an extension of the Hudson River Park and Hudson Lawn & Overlook Park rather than a passageway between the two.
  - The location of the bridge should be informed by the following goals:
    - Minimize intrusion on the Hudson River Park
    - Minimize disruption of the High Line
    - Provide a flow of access between Hudson River Park, the High Line and Hudson Lawn & Overlook Park
- Park amenities such as public restrooms, and maintenance facilities should not subtract from the limited footprint of available open space and should be incorporated into the buildings that surround the open space. Amenities must be designed to a high quality and be well maintained.
- CB4 and community stakeholders must have ongoing input into the design of all of the open spaces
- Signage should reflect accessibility to public
- Landscaping should include shade-tolerant vegetation mitigate for shadows.

### **Park Operations**

- Implement and maintain a governance and management agreement to ensure that the private open space functions as a public park. Include the active participation and ongoing roles for the developers, future owners and operators, CB4, the Manhattan Borough President and the City Council in such a management plan. The ConEd/Solow agreement, for that East Side site, presents a functional model for management which can be adapted to the WRY. In that model, an independent organization with all stakeholders represented will govern the use and management of

the open spaces. The requirement for such a governance agreement must be included within the restrictive declaration.

### ***OFF SITE PARK IMPROVEMENTS IN THE IMPACT AREA AND THE COMMUNITY DISTRICT***

The DEIS states that the development needs “to mitigate indirect significant adverse impacts on the total open space and active open space in the Development Site residential study area. Measures include creating additional open space programming within the study area and the surrounding community district; funding for improvements, renovation or maintenance at existing local parks; adding amenities to existing parks; and opening schoolyards to public use.” CB4 therefore makes the following requests for off site open space mitigation.

#### **REQUESTS FOR NEW OFF-SITE PARKS MITIGATION**

##### **Street Planting & Open Space Greening**

- Provide open space and greening on Port Authority or DOT controlled marginal land surrounding the Lincoln Tunnel Dyer Avenue approaches between West 34th and West 36th Streets between 9th and 10<sup>th</sup> Avenues. Fund such improvements through DOT’s through its existing Greenstreets Program.
- Plant trees and install tree guards on all streets and avenues from West 30<sup>th</sup> to West 41<sup>st</sup> Streets, 8<sup>th</sup> to 11<sup>th</sup> Avenues at all locations where no sidewalk vaults exist. (Attachment F)
- Remove unused curb cuts West 30<sup>th</sup> to West 41<sup>st</sup> Streets, 8<sup>th</sup> to 11<sup>th</sup> Avenues to permit street tree plantings.
- Choose standard planter for street planting for planting of street trees on all streets and avenues from West 30<sup>th</sup> to West 41<sup>st</sup> Streets, 8<sup>th</sup> to 11<sup>th</sup> Avenues at locations where sidewalks are on viaducts over Dyer Avenue below grade approaches, the Amtrak right of way and the rail yard viaducts, to permit street tree planting.

##### **Park Development and Renovation**

- Design and build Hell’s Kitchen Park West at the DEP site, 10<sup>th</sup> Avenue between West 48<sup>th</sup> and 49<sup>th</sup> Streets.
- Repair the steps at the western end of DeWitt Clinton Park.
- Renovate Ramon Aponte Park on West 47<sup>th</sup> Street between 8<sup>th</sup> and 9<sup>th</sup> Avenues.
- Redesign Hudson Boulevard solely as park and pedestrian thoroughfare with limited automobile use.

### ***THE HIGH LINE***

CB4 welcomes the intention of the developer and the co-lead agencies to develop the High Line as a passive open space, consistent with, and as a continuation of, its development as a New York City park south of 30th Street.

**However, the proposed zoning action is not accompanied by the necessary parallel actions of High Line Site Selection and Acquisition that would enable the development of the High Line on this site. Concrete action must be taken now to preserve the structure in its entirety and continue its development as a New York City park.**

## REQUESTS FOR OPEN SPACE MITIGATION—HIGH LINE PARK

### **Ownership and Development of the High Line**

- *The High Line should be developed by the City of New York on a separate track from the rest of the open spaces on the site. A strict timetable for Site Selection and Acquisition by the City should be specified.*
- *The proposed ownership and development structure for the High Line should be part of the restrictive declaration between the City and the developer identified in the DEIS.*

### **Preservation of the Eastern Rail Yards Spur**

- *The entire High Line on the Eastern Rail Yards, including the 10<sup>th</sup> Avenue Spur, at the corner of 10<sup>th</sup> Avenue and 30<sup>th</sup> Street, should be preserved and developed as public open space.*

### **33/34th Street Block**

- *The proposed actions should anticipate the continuation of the High Line to the north, on the 33/34 block, all the way to the point where the High Line meets grade at 34<sup>th</sup> Street, mid way between 11<sup>th</sup> and 12<sup>th</sup> Avenues. Zoning language should be modified to refer to the 34<sup>th</sup> Street block as the terminus of the High Line.*

### **Design process:**

- *The High Line should be provided with a design process that is separate from the design of the other open spaces on the site, and that this separate design process should be clearly articulated in the zoning. As it has been developed south of 30<sup>th</sup> Street, the High Line has a unique design vocabulary that must be continued on this site.*

### **Relationship to Adjacent Development**

- *CB4 supports the proposed 5' separation from adjacent buildings throughout the site. This separation is important in order to insure that the physical and historic integrity of the High Line is retained and is clearly visible.*
- *In locations where street access points may be required, connections should be treated as discrete bridges, rather than a merging of the High Line with the adjacent building.*
- *CB4 supports the connection between the High Line and the Western Open space. It is important, however, that the High Line structure be distinct on the site. The boundary/edge of the High Line should be recognized and articulated in some*

manner. Critically, in locations where the typical High Line decorative railing exists in this area, it should be preserved in its entirety.

### **Access Points**

- *Access points need to be more precisely defined and required in the zoning text*
  - Access points are required at least once every (3) standard City blocks, or approximately every 800'. The current zoning text does not make provision for access points with this frequency.
- Access points, or access easement volumes should be provided in the following locations:
  - **30<sup>th</sup> Street and 12<sup>th</sup> Avenue:** the current zoning text requires access directly from the Southwestern Open Space to the High Line, but does not specify an exact location. This location deserves a substantial access point similar to those provided at Gansevoort Street and 14<sup>th</sup> Street. The access should be oriented to the 30<sup>th</sup> Street portion of the High Line and located near the point where the High Line begins to curve to the north.
  - **33<sup>rd</sup> Street and 12<sup>th</sup> Avenue:** until the 33/34 Block is developed, this may be the northern terminus of the High Line and requires an access/egress point. The location of this access point must be studied in relationship to the likely pedestrian traffic and the site conditions at the street level at this intersection, including the entrance to the MTA service yard under the High Line.
  - **30<sup>th</sup> Street and 11<sup>th</sup> Avenue:** an access point or access easement volume, for both stair and elevator, should be provided on 30<sup>th</sup> Street within 100' of the intersection of 11<sup>th</sup> Avenue.
- *All access points should be designed to be clearly visible as public entrances to the High Line and should use a design vocabulary that is consistent with the design of the sections of the High Line south of 30<sup>th</sup> Street.*

### **Security Plan**

- Although security gates are prohibited in the zoning text for open spaces within the Western Rail Yard site, the High Line, as a city park, must be exempt from that requirement. The level of security must be the same as the southern portion, so the High Line can continue to be a secure environment along its entire length.

### **Public Bathrooms**

- It is critical that public restrooms be provided by the developer at multiple locations within the site.
  - At least one of these bathrooms should be directly accessible from the High Line.
  - The number of fixtures provided should be calibrated with the number of projected users of the open space.

### **Maintenance and Operations Space**

- A maintenance and operations facility must be provided on the site in order to support the ongoing maintenance of the open spaces.
- A dedicated facility for maintenance operations should be provided for the High Line.
  - The facility should be located in Site 5 or Site 6 due to their central location.
  - This facility should be of sufficient size to support the High Line not only on the Western Rail Yard but for the adjacent areas of the High Line as well, since there are currently no provisions for M+O facilities on those sites.

## **PUBLIC INFRASTRUCTURE AND COMMUNITY FACILITIES**

### ***Commitments both in siting and funding must be made to Public Infrastructure***

The area's infrastructure is already strained and simply cannot support such overwhelming new development without additional investment in public facilities. The 2004 Hudson Yards Environmental Impact Statement ("HYEIS") called for two additional power substations, a police station, a fire station, public schools, a library and day care facilities. *However, 5 years later, neither planning nor siting, let alone construction, of any of this essential infrastructure has commenced.* When the additional impacts of adding a substantial residential population on the WRY are considered, the infrastructure needs will be even greater than what was called for in the HYEIS.

The WRY, as the largest undeveloped tract of publicly owned land in Manhattan, presents the only opportunity that CB4 has to build infrastructure to meet our growing population. Our neighborhoods are densely built; there is no other undeveloped site in the community that could be used to meet current and future growth. If we do not plan carefully now, that opportunity will be lost. Having learned from past rezonings, these facilities must be identified and sited as part of the overall ULURP actions.

### **REQUESTS FOR PUBLIC INFRASTRUCTURE AND COMMUNITY FACILITIES MITIGATION**

#### **Public School**

The Proposed Actions include 120,000 s.f. to be constructed as new PS/IS and provide 750 seats – 420 elementary and 330 intermediate seats. The DEIS for the Proposed Actions estimates that the on- and off-site developments will generate a need for an additional 1,336 new public school seats – 728 elementary; 242 intermediate and 356 high school seats. Citing underutilized schools in the entire school district 2 (including schools extending as far south as Battery Park City and over to Manhattan's east side) and planned public school expansions within school district 2 ("CSD2"), the DEIS argues that the need is met through the construction of one new PS/IS facility with 750 seats. However, the methodology used in this calculation is faulty, as follows:

- The 354 seat expansion of PS51 is incorrectly stated to be for elementary seats; in fact, the current proposal adds an IS component at the school. It is likely that one-half of the new seats will be for intermediate use.
- The WRY DEIS does not consider a number of undeveloped sites in CB4 that are not yet planned, but will certainly be developed over time -- at which point there will be no location left to site a public school as the area will be so densely developed.
- The selective data used in the DEIS is self-serving and used to justify adequate capacity. The data includes planned expansions of PS/IS school within the entire CSD2, ranging as far south as Battery Park City and to the east side of Manhattan, however it fails to take into consideration new development projects planned outside of the study area, which is a much smaller geographic area. Even

including all PS/IS planned expansions within the entire CSD2, there remains a significant gap between projected enrollment and PS/IS seats throughout CSD2.

Using the school enrollment/capacity data included in the DEIS, we calculate that the study area will need to accommodate 12,606 new and current students (3,947 elementary, 2,114 intermediate, and 6,545 high school). The capacity in the study area, even including the new WRY PS/IS and the proposed expansion at PS51, is significantly lower than with only 10,088 total seats (2,248 elementary, 1,982 intermediate, and 5,857 high school).

The most glaring need in CB4 is for additional elementary seats. The proposed expansions will only accommodate 2,249 elementary seats out of an identified need of 3,947 representing only 57% of the district's needs. We, therefore, propose the following:

- PS51's expansion of 354 new seats be solely used for elementary and that no IS component be included on the site;
- The site planned for a cultural facility on Eastern Rail Yards ("ERY") instead be dedicated as a PS/IS; to reiterate our prior position on the ERY "a school is a bigger priority for us than an undetermined cultural facility. The school planned for the WRY will not be adequate to meet the existing and forecast demand for additional school seats. The space designated for community facility use on the ERY should include an additional school.";
- City and SCA commit to undergo a full ULURP process in the construction, programming and selection of a developer. The process must be more transparent than is currently required of the SCA as a public authority and must include a formal advisory board that is representative of SCA, DOE, local elected officials, CB4 members, PTA members and administrators from local schools to monitor school construction, programming and developer selection;
- The entrance to the school must be sited on West 30<sup>th</sup> Street. West 31<sup>st</sup> Street is not a public street and may not be wide enough to accommodate school buses;
- A playground must be included in the school design and incorporate community feedback;
- Financing for the construction of the school must be codified in a FUCA memorandum of understanding executed simultaneously with the Proposed Actions.

Finally, the site plan only calls for the setting aside of the land for PS/IS use. Construction delays, financing and the selection of a developer could delay this project beyond the timeline identified in the DEIS. To ensure that it is built on the timeline projected in the DEIS, the certificates of occupancy for the residential buildings cannot be granted until the PS/IS is built.

### **Libraries**

The Muhlenberg Library is the only public library branch that directly serves the on-site residents. The only reason both the Riverside and Columbus Branches are included in the DEIS assessment is because each falls within  $\frac{3}{4}$  mile from the smaller off-site

developments; it is highly unlikely that either of those two branches would be accessed by on-site WRY residents as they are located more than ¾ a mile from the WRY.

The facilities at the Muhlenberg Branch are simply inadequate to handle the increase population planned on the site. A New York Public Library must be sited and planned in the overall site plan.

### **Child Care Centers**

The DEIS found that the Proposed Actions will result in a significant adverse impact on child care services by increasing demand by 33%. Unfortunately, the mitigation measure proposed in the DEIS stating that the NYC Administration for Children's Services ("ACS") consider a partnership initiative to meet the need is simply insufficient and faulty. Indeed, ACS has refused similar mitigation measures in recent projects, including the "Clinton Park" development by Two Trees Management LLC at 770 11<sup>th</sup> Avenue. Realistic mitigation measures such as the developer identifying adequate space for use as a day care facility, to be offered at a nominal rent, must be considered.

### **Health Care Facilities**

The Proposed Actions will result in a significant increase in residential, commercial and recreational population to the study area that, collectively, will have a significant impact on both outpatient and urgent care facilities.

- Outpatient facilities: The methodology used in the DEIS is faulty, as the study includes a number of private facilities that only serve specific populations or building residents. Additional outpatient facilities that serve the general population must be identified.
- Urgent care facility: Since the closing of St. Vincent's Midtown, the two emergency facilities serving CB4 are located at polar ends of the district. Given the overwhelming traffic congestion in our area, ultimately relying on these two facilities is problematic as travel times can be significantly delayed that may result in dire consequences for patients en route to either of these facilities.

### **Police Protection Services**

The NYPD has stated that it will determine any potential needs in the future. CB4 understands that NYPD's approach is to base infrastructure needs on actual, not planned, development. However, given the expected rise in land value resulting from the proposed WRY development, securing a site in the future for an NYPD substation or new precinct will be prohibitively expensive. Therefore, CB4 requests site selection now for a substation located within the base of a proposed WRY building under a bay of the High Line.

CB4 is concerned that NYPD services on the WRY site may be supplanted by the use of private security forces. There will be a substantial new population comprised of residential, commercial and recreational users on site on a daily basis that cannot be adequately served by a private security force.

### **Fire Protection and Emergency Services**

The Proposed Actions will bring a substantial new population to the area. The DEIS assumes that the firehouse committed as part of the Hudson Yards, which has yet to be sited or developed, will be built. A firehouse, in addition to the firehouse committed as part of the Hudson Yards rezoning, to serve this area must be sited now. CB4 recommends that this new firehouse be located on West 30<sup>th</sup> Street under a bay of the High Line to meet the NYFD stated need as noted in the WRY DEIS.

### **Arts and Cultural Spaces**

In order to be developed successfully, the WRY must be a place where people will want to live, work and visit. Investment in small to mid-sized arts, cultural and community facilities are essential to the successful creation of vibrant and self-sustaining neighborhoods. CB4 has long been known as a center for the arts, particularly in its support of smaller not-for-profit cultural organizations that gravitate to the Broadway area. However, these organizations are being priced out of the area. Integration of smaller cultural organizations in the WRY optimizes planning for the site and presents a perfect opportunity to mitigate the displacement of these organizations.

At a May 2009 presentation to the community, Related stated that 8,000 s.f. of not-for-profit cultural use has been planned for the site but no details on the use or siting have been provided and none are listed in their site plan. Given the overall size of the Proposed Actions, 8,000 s.f. is inadequate. CB4 therefore recommends that at a minimum, 16,000 s.f., be dedicated to small to mid-sized not-for-profit cultural uses and include, theater, musical, dance, and visual performance space. The performance spaces should be integrated throughout the WRY in publicly accessible areas. Dedication and operation of the Arts spaces must be part of the Restrictive Declaration as follows:

- Four (4) 2,500 s.f. performance spaces; and
- Six (6) 1,500 s.f. performance spaces.

Preference should be given to organizations with a documented history and commitment to an artistic vision and a longstanding neighborhood relationship. The planning, siting and management of the dedicated Arts spaces must be made with the participation of CB4.

### **Bus Garage**

Parked or idling charter buses clogging our neighborhood streets is already an overwhelming problem. The Proposed Actions will further displace the Greyhound Bus parking lot that accommodates approximately 52 buses at West 30<sup>th</sup> Street and Twelfth Avenue. While a charter bus layover garage was identified in the HYEIS, that garage has yet to be sited or planned. The WRY DEIS incorrectly assumes that this garage is built.

- The Port Authority charter bus layover garage identified in the Hudson Yards EIS must be planned, sited and built. Planning for the layover garage must comprehensively address:
  - Current needs of commuter bus layovers;
  - Charter bus use of on-street parking for layovers; and

- An additional site must be identified to accommodate the relocation of the 52 Greyhound Buses that will be displaced as a result of the Proposed Actions.

### **Water and Sewage**

The Proposed Actions would result in an increased demand by as much as 1.25 million gallons per day on NYC's water supply and sanitary sewage treatment systems. As mitigation for the Hudson Yards, an Amended Drainage Plan was developed by the NYC Department of Environmental Protection ("DEP") that includes the construction of new storm sewers along West 33<sup>rd</sup> Street and 12<sup>th</sup> Avenue, diversion of stormwater runoff and replacement of the existing combined sewer at West 33<sup>rd</sup> with a separate storm sewer and sanitary sewer. In addition, the developer has committed to several sustainable design features that will lessen impact of the development.

- The Amended Drainage Plan must be implemented; and
- LEED Silver sustainable design features, designed to reduce demand on existing infrastructure, must be incorporated in the Restrictive Declaration.

### **Energy**

The DEIS assumes that the two substations and a transmission facility committed in the Hudson Yards will be built. The analysis, therefore, is incomplete as it does not assess the situation with the possibility of the Hudson Yards' energy plan not being implemented.

- A transmission facility and two (2) substations must be committed to in the Proposed Actions; we cannot rely on future facilities in separate actions.

## HISTORIC RESOURCES

Landmark designations should be pursued to encourage preservation and development of the irreplaceable architectural resources of the City's commercial, industrial and immigrant past. The physical fabric of the Clinton/Hell's Kitchen and Chelsea community represents a unique opportunity to preserve elements of the neighborhood's immigrant history. This history is embodied in the rich mixture of buildings that have served immigrants as places to live, work and worship in the late 19th and early 20th centuries. The lack of major development on some of the blocks has frozen in time significant examples of tenements (pre- and post-Civil War), immigrant churches, garment and printing trade architecture, and other examples of early 20th century commerce and industry.

Future development offers an opportunity for major improvement and restoration of these structures, the context of which will be improved by new construction to come. The area has a unique juxtaposition of buildings that retains their historic integrity while being adjacent to development sites. Preservation of such historic buildings while adjacent parking lots or garages are developed will enable balanced development to proceed. Development rights from landmarks and historic areas will easily transfer to new development sites, thereby allowing the preservation of neighborhood fabric and architectural integrity.

We therefore urge consideration of the landmark designation of the following list of architectural resources taken from the No. 7 Subway Extension - Hudson Yards Rezoning and Development Program EIS and Western Rail Yard DEIS (Attachments G, H and I). Further, the Board has identified two clusters of buildings worthy of designation as historic districts: Hell's Kitchen South Historic District and West Chelsea North Historic District.

### *INDIVIDUAL LANDMARKS*

1. *St. Raphael's RC Church and Rectory, 502 W. 41st St.* – NYCL- and S/NR-eligible  
St. Raphael Church served a thriving Italian immigrant area that diminished following the demolition of hundreds of tenements to make way for the construction of the Lincoln Tunnel. The George H. Street on church and rectory were built in 1902-1903. The architecture of the church is significant, as contains many Gothic elements including rose windows within arches and a gabled façade.
2. *Commercial Building, 300 W. 38th St.*  
The three-story building is a unique, brick-and-terra-cotta, Beaux Arts structure built in 1902-1903 that originally housed offices on the ground floor and dwellings on the upper floors. Stein, Cohen & Roth designed the small rectangular, heavily ornamented building. Although the ground floor has been altered with modern storefronts, the upper two floors retain their original features. Filling the majority of the east and north façades are two rows of windows with terra cotta architraves which continue across the angled northeast corner of the building. The second floor

architraves have cornices decorated with floral reliefs and the third floor architraves are more elaborately molded.

3. *Hill Building, 469-475 Tenth Ave.* – S/NR-eligible  
The Hill Building, predecessor to the McGraw Hill Building at 42nd Street, is a twelve-story, terra cotta loft building constructed in 1912–1913. It was the first publishing building located in the area west of Ninth Avenue. Goldwin, Starrett, & Van Vleck designed the Classical Revival building for the Hill Publishing Company, which occupied the upper floors. The Hill Publishing Company rented out the lower floors to printing and binding companies. Using then-current structural technology, the architects designed the building to be vibration and sound proof. Large, multi-paned metal windows dominate the street façades (that rise flush without setbacks) and originally provided sunlight to the printing establishments for which light was important to manufacturing.
4. *Harding Building, 440-448 Ninth Ave.* – S/NR-eligible  
The Harding Building is an 18-story garment loft building. Constructed in 1927–1928 by the builders Eisenberg & Settel and designed by Chester James Storm. It is a brick structure with Romanesque-style terra cotta details. The unique setbacks of the Harding Building are a result of the 1916 zoning resolution. Located at the corner of Ninth Avenue, the building provides a rare view of the terra cotta ornamented setbacks from both the side street and the avenue.
5. *Former Manhattan Opera House, 311 W. 34th St.* – NYCL- and S/NR-eligible  
In 1901, Oscar Hammerstein constructed The Manhattan Opera House, to compete with Metropolitan Opera. The New York Freemasons later altered the building for their use in 1923. William E. Mowbray designed the building to echo an Italian palazzo. The nine-story, brick-and-stone building is set on a two-story rusticated stone base.
6. *New Yorker Hotel, 481-497 Eighth Ave.* – NYCL- and S/NR-eligible  
The 43-story Art Deco tower of the New Yorker Hotel stands sentinel as a point of entry into the area. Built during the Great Depression as one of two main hotels serving the demolished Penn Station, the massive building has eight levels of basements and now has been returned to hotel use. Designed by Suagrman & Burger, the bold massing of the brick-and-stone building is the most significant feature of its design. Corner towers rise in a series of deep setbacks to the central tower, which has a form accented by deep light courts on each of its façades.
7. *Master Printers Building, 406-416 Tenth Ave.* – NYCL- and S/NR-eligible  
Dominating the Tenth Avenue end of 34th Street, the Master Printers Building is a monument to the printing industry on the West Side. At the time of its construction in 1927, the Master Printers Building was the tallest concrete structure ever built and was the largest printing building in the world. Designed by Parker & Sheaffer, the building's north, south, and west façades rise flush from the street line for 13 floors before setting back, with two additional setbacks above the 15th and 17th floors. Some minor ornamentation is provided in the form of recessed panels in the spandrels below the windows and Art Deco sculptural treatment of the piers framing the entrance and of the piers on the upper setback floors.
8. *St. Michael's RC Church Complex, 414-424 W. 34th St.* – NYCL- and S/NR-eligible  
In 1906, the Pennsylvania Railroad, as part of the construction of Pennsylvania

Station, demolished the original on West 32nd Street. As a condition of the sale of the original church, the railroad built a new church complex to serve as a religious center for the core immigrant community at the turn of the century. Designed by Napoleon LeBrun & Sons, the new St. Michael's complex was built in a unique mixture of Gothic and Romanesque; it includes a rectory, a school, and a convent extending to the 33rd Street side of the block.

9. *William F. Sloan Memorial YMCA, 360 W. 34th St.* – NYCL- and S/NR-eligible  
The Memorial Sloan YMCA was built in 1929-30 during the Great Depression to serve a central housing facility for men in the Armed Services passing through the City; it originally housed 1600 rooms. Designed by Cross & Cross, the 14-story brick building is designed in the neo-Georgian style. The two-story base has a limestone ground floor that contains entrances with broken segmental pediments and a second floor with round-arched windows with stone keystones. A central light court on the West 34th Street façade creates corner pavilions that are set back above the ninth floor. Stone detailing includes quoins, string courses, window keystones and voussoirs, balustrades, cartouches, and pediments that form the crowns of the corner pavilions.

## *PROPOSED HISTORIC DISTRICTS*

### PROPOSED HELL'S KITCHEN SOUTH HISTORIC DISTRICT

The Hell's Kitchen South Historic District encompasses a distinctive mixture of layers of residential, manufacturing, commercial and institutional growth that transitioned west of Eighth Avenue on streets running from the West 30s to the West 40s. Originally a low-rise, working-class, immigrant area dominated by tenements and supporting community facilities, industrial construction adjacent to the Hudson River waterfront in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries spurred further inland housing development. The location of major transportation infrastructure at the beginning of the 20<sup>th</sup> century invited industry that sought cheap rents and accessibility. Beginning in 1919, garment loft buildings replaced three- and four-story residential and factory buildings as well as school and church properties. In the 1920s and 1930s, the garment industry introduced tall, brick loft buildings with a variety of ornamentation and multiple setbacks on their upper floors; these structures were the first significant, large-scale architectural response to the 1916 zoning law.

The resulting landscape is an interspersed of remnant tenements, community and institutional facilities, low-rise manufacturing buildings and loft buildings that capture a unique moment in New York City's industrial and planning history. This amalgam of structures creates a vista of mounting heights from low-rise Ninth Avenue east to high-rise midtown Manhattan. A portion of the proposed District was listed on the National Register of Historic Places in January 2009.

The Hell's Kitchen South Historic District is proposed to be bounded in the north by 407 West 40<sup>th</sup> Street on the north side of the block and 408 West 40<sup>th</sup> Street on the south side of the block and continuing east to include both blockfronts facing 9<sup>th</sup> Avenue between 39<sup>th</sup> and 40<sup>th</sup> Streets; the northern boundary is also made up of a portion of the

northern side of 39<sup>th</sup> Street between Eighth and Ninth Avenues. The eastern boundary extends along the centerline of Eighth Avenue between 34<sup>th</sup> and 39<sup>th</sup> Streets. The southern boundary includes 481 8<sup>th</sup> Avenue and 315 West 34<sup>th</sup> Street, returns north to 35<sup>th</sup> Street and extends south to include 440 9<sup>th</sup> Avenue. The western boundary returns north along the centerline of Ninth Avenue from 35<sup>th</sup> Street to 40<sup>th</sup> Street, only extending west to include 485-497 and 507-509 Ninth Avenue. (Attachments J and K)

The following is a selection of significant individual buildings in the proposed Hell's Kitchen South Historic District. While these structures are individually notable, it is the District as a whole most effectively represents the heritage of this neighborhood. (Attachments L and M)

#### *Garment district and manufacturing buildings*

- *Loft building, 315-325 West 36<sup>th</sup> St. – S/NR-eligible*  
The 17-story Art Deco loft building was constructed in 1926-1927 and designed by George and Edward Blum. The building is massed above the seventh floor with a series of setbacks that form corner pavilions and a central tower. The entrance features Romanesque-style arches. The sandstone base is decorated with rosettes and stylized palm designs. Decorative Art Deco brickwork enlivens the parapets of the setbacks.
- *Shampan Eighth Avenue Building, 553-555 Eighth Ave. – S/NR-eligible*  
Designed by the firm of Shampan & Shampan, the 23-story L-shaped building with Renaissance Revival details was built in 1926–1927. The three-story base has a rusticated stone ground floor and two floors of large showroom windows flanked by fluted, Ionic stone pilasters that support a frieze. Built around a three-story building, the north and east façades rise flush for 18 stories before they set back.
- *Loft building, 344-348 W. 38th St. – S/NR-eligible*  
Erected by the manufacturer George Kern in 1914–1915 for the printing trades, the loft building is a 13-story brick structure designed by Edward L. Larkin with Classical Revival-style details. It has a two-story base of tan brick with large windows and a simple stone cornice. Protruding brick bands create the appearance of rustication on the base. The upper floors are clad in orange brick and divided into five bays of double windows.
- *Loft building, 323-327 West 39th St. – S/NR-eligible*  
The 12-story Art Deco loft building was designed by Parker & Sheaffer and built in 1925–1926. Above the seventh floor, it is massed in a series of bold setbacks. It is clad in brick with stylized Gothic, terra cotta details. At each setback, terra cotta pinnacles mark the tops of the brick piers that divide the façade into bays, and terra cotta cornices of pointed-arches ornament the parapets between the piers. The building also has unusual metal sash windows.

#### *Hell's Kitchen residential buildings*

- *Former Barbour Dormitory, 330 W. 36th St. - S/NR-eligible*  
The former Barbour Dormitory is a seven-story, brick-and-stone English Gothic building designed by Hill & Stout built in 1915–1916 as a memorial to William D. Barbour, who was associated with the Brick Presbyterian Church, the Barbour

Dormitory served as a settlement house for working girls. The entrance and windows are recessed and framed in stone. A terra cotta band carved with floral patterns runs above the base. On the third through sixth floors, the bays contain windows with stone enframements spaced by stone spandrels with Gothic tracery.

- *523-539 Ninth Avenue – S/NR-eligible*

Constructed sometime prior to 1885, these nine buildings compose a largely intact row of late-19th-century apartment buildings and a remnant of Hell’s Kitchen’s tenement past. The four- and five-story buildings are all brick and simply ornamented with Italianate and Greek Revival-style stone window lintels and sills, and sheet metal cornices. There are remaining tenement buildings along Ninth Avenue, but there are no complete blockfronts that retain the same amount of integrity as the blockfront of tenements at 523-539 Ninth Avenue.

#### *Community facilities and institutions*

- *Former New York Edison Co., 308-312 W. 36th St. – S/NR-eligible*

The four-story brick Beaux Arts building at 308-312 West 36th Street is a former New York Edison Company electrical distribution station designed by William Whitehill and constructed in 1925–1926. The building is divided in two bays and set on a large base. The central bay is largely clad in stone, with the base dominated by a large round-arched entrance that has been partially filled by modern glass and the upper stories designed with wall arcades. A stone cornice caps the building.

- *Christ Church Memorial, 334-344 W. 36th St. – S/NR-eligible*

Designed in an English Gothic style by Parish & Schroeder, the Christ Church Memorial was built in 1904–1905 as a memorial to Reverend Doctor Maltbie D. Babcock, pastor of the Brick Presbyterian Church from 1900 to 1901 when the congregation was located at Fifth Avenue and 37th Street. The brick church consists of a two-story nave section with a four-story tower at the western end. The church is unusually configured in that the six-bay nave runs parallel to the street and is set back behind a one-story aisle. On the nave, the bay that corresponds to the entrance contains a small Tudor-arched window, and the other bays contain large Tudor-arched windows with leaded glass. At the base of the tower are a Tudor-arched entrance and window with stone hood-molding with label stops. Above the entrance is a two-story, stone Tudor bay window, and just below the tower’s roof parapet is a projecting stone angel.

### PROPOSED WEST CHELSEA NORTH HISTORIC DISTRICT

The block of West 29<sup>th</sup> Street between Tenth and Eleventh Avenues in the southeastern part of the study area features three historic resources identified in the DEIS: 550 West 29<sup>th</sup> Street, the Charles P. Rodgers & Company Building at 517 –523 and the W&J Sloane Warehouse and Garage at 541-561, which further wraps around the corner to 306-310 Eleventh Avenue. Together, these buildings reflect the two major historic periods of development in this mixed-use area: the first is the mid-early 19<sup>th</sup> century with its lower scale and often mixed-use buildings, represented by 550 West 28<sup>th</sup> Street; the second is the turn of the 20<sup>th</sup> century with its larger, more sophisticated buildings, of which 517-523 and 541-561 29<sup>th</sup> Street are examples. The West Chelsea North Historic District is proposed to two clusters of formerly industrial properties between 10<sup>th</sup> and 11<sup>th</sup>

Avenues. The western cluster includes numbers 534, 536, 536, 540, 550 and 541-561 West 29<sup>th</sup> Street. The eastern cluster is composed of 517-523 and 525 West 29<sup>th</sup> Street. The following is a selection of notable buildings in the proposed District, some of which have been identified in the DEIS. (Attachments N and O)

- *Charles P. Rodgers & Company Building, 517-523 West 29th Street – S/NR-eligible*  
John A. Hamilton designed the former Charles P. Rodgers & Co. Building in 1903. The six-story brick building was originally a stable and factory for the production of bedding and iron bedsteads. Although it has some Classical design elements, the building’s appearance is largely functional. Four wide, brick piers divide the façade into three window bays and the window openings rest on elongated stone sills. A cornice is featured on the second floor and at the roofline.
- *W&J Sloane Warehouse and Garage, 541-561 West 29th Street – S/NR-eligible*  
The three buildings at 306-310 Eleventh Avenue and 541-561 West 29th Street constitute the former W & J Sloane Warehouse and Garage (S/NR-eligible). Founded in 1843, W & J Sloane was a retail and wholesale carpet, rug, and furnishings company. W & J Sloane supplied stores across the country, controlled mills, imported European goods, established branch retail establishments in other cities, and was the first American company to sell oriental rugs retail. The first component of the warehouse—the 10-story brick structure at 306-310 Eleventh Avenue and 557-561 West 29th Street—was built in 1909 and designed by James Barnes Baker. Designed with Renaissance Revival elements, the building is sited around the southwest corner of the block, which is occupied by a parking lot. Constructed in 1913, the building at 549-555 West 29th Street is identical and indistinguishable from the 1909 structure. James Barnes Baker also designed the garage, built in 1910, located at 541-547 West 29th Street. The garage is a four-story structure with Romanesque Revival details.
- *540 and 542 West 29<sup>th</sup> Street* is particularly handsome pair with interesting brickwork and iron bars on windows and a brickwork panel declaring it a “studio,” a designation reflected in the Sanborn maps. Removal of paint and extreme signage would reveal the group’s historic unified character.
- *550 West 29th Street – S/NR-eligible*  
The three-story Greek Revival building (S/NR-eligible) at 550 West 29th Street was built sometime before 1883. The date of “1843” is embossed on the exposed iron beam that spans the ground-floor storefront. In 1883, the brick building served as a varnishing house and stove warehouse. The ground-floor storefront is iron with two side doorways and a large central entrance which was most likely originally a stable or loading entrance. The typical identifying feature of buildings of the early period is the framing of the ground floor with iron side posts and crossbeam. Number 550 (as well as the largely intact number 525 on the north side) still shows the projecting loading beam for the hoist. A simple bracketed projecting cornice caps the building.

This remarkable streetscape here clearly represents the two periods of missed industrial and storage use in the area, showing a striking contrast between the resources clearly marked on the two sides of the street, with the taller buildings of the second period, such as W&J Sloane, on the north and the lower buildings of the earlier period on the south.

## TRAFFIC AND TRANSIT

CB4 strongly supports the city's policy to encourage Transit-Oriented Development in the Western Rail Yard. The DEIS, however, demonstrates that the anticipated vehicle trips generated by this development will result in a substantial deterioration in traffic operations, that the expected levels of intersection congestion will have a significant negative impact on traffic, and that sidewalks and pedestrian crossings will be severely overcrowded.

### REQUESTS FOR TRAFFIC MITIGATION

- *Parking*
  - Parking should be limited to as-of-right, accessory off-street parking; garages should not be allowed to operate as public parking garages at any time.
  - The capacity of the south garage should be limited to a maximum of one-fourth of the total number of parking spaces provided by the two proposed garages, and access to the south garage should be restricted to one entrance on the Southern Road – there should be no access from West 30<sup>th</sup> Street.
  - Both garages should include sufficient bicycle parking to accommodate both residential and commercial demand, including people working in building maintenance and in the ground floor commercial operations.
  - Both garages should be built with the necessary infrastructure to accommodate currently envisioned electrical vehicles, and with sufficient flexibility to enable the reasonable installation of entirely new, unanticipated infrastructure.
  - During build-out of the proposed development, the number of parking spaces available should be proportionate to the degree of completion of the development. For example, if the two garages were allowed a total of 1,330 parking spaces, when 50% of the residential units and commercial space had been completed, one-half of the total number of parking spaces, 665 spaces, would be allowed to operate.
  
- *Public transit options and alternative transport modes.*
  - Create a passenger shuttle connecting Penn Station to the WRY by utilizing or converting LIRR tracks along West 33<sup>rd</sup> Street.
  - Add additional buses to the M11 and M34 routes
  - Create a Bus Rapid Transit lane on 11<sup>th</sup> Avenue (11<sup>th</sup> Avenue BRT) to provide a connection between the WRY and the Clinton residential community and the Upper West Side, as well as a mass transit connector among the WRY, the Javits Convention Center and the Unconvention Center at Pier 92 at West 54<sup>th</sup> Street.
  - Implement a taxi share program from the Penn Station transportation node to the WRY.

- Post prominent signage indicating that the underground bicycle parking is available to the public.
- *Street design, vehicle flow and pedestrian safety*
  - Con Edison grids should be located in the parking lanes to allow for maximum space on the sidewalk for trees and a clear pedestrian path.
  - Widen sidewalks on West 33<sup>rd</sup> Street from Penn Station to the WRY by converting the parking lanes to sidewalk
  - We applaud the tentative plans for a subterranean service area to provide a loading/unloading area and garbage hauling from the complex. It will reduce street traffic and definitely should be included in the built project.
  - The two publicly accessible private streets should have the look and feel of public streets and be optimized for pedestrian traffic; they should be called West 31<sup>st</sup> and West 32<sup>nd</sup> Street to emphasize their connection to the street grid.
  - Widen 11<sup>th</sup> Avenue sidewalks to accommodate the expected number of pedestrians.
  - Incorporate traffic calming measures to accommodate the vastly increased numbers of pedestrians in the WRY area and especially the school zone:
    - signalized turn lanes,
    - speed humps on long blocks
    - slower speed limits around the school zone to prevent pedestrian - bicycle and automobiles conflicts
    - Bulb-outs
  - Change signal timing on all avenues and streets adjacent to the project area in response to anticipated overcrowding of 11<sup>th</sup> Avenue crossings.
  - Design the West 31<sup>st</sup> and West 32<sup>nd</sup> street extensions to allocate more space to sidewalks and less to vehicular traffic.
  - The West 30th Street northern sidewalk should be widened to accommodate arrival and departure of school children.

## **COMMITMENT TO SUSTAINABILITY**

### ***Make a commitment to sustainability***

The developer has committed that the proposed mixed-use buildings at the DS would achieve LEED Silver certification, and that energy efficient buildings on the DS that would result in 14% less energy use than the current building code, and buildings on the AHSs that would result in 20% less. These commitments should be formalized to enable ongoing assessment of their fulfillment and specifies consequences for failure to meet the proposed standards.

## **ENVIRONMENTAL CONCERNS**

### **Environmental Monitoring**

Protecting the environment and public health during the build-out depends on the development and implementation of a series of health and safety plans, reduction programs and mitigation plans. From the DEIS:

- The avoidance of significant adverse impacts related to hazardous materials depends on the creation and implementation of site-specific Construction Health and Safety Plans for the development site and affordable housing sites.
- The avoidance of significant adverse impacts related to noise depends on the creation and implementation of a noise reduction program contained in a noise mitigation plan required by the NYC Noise Control Code.
- The avoidance of significant adverse impacts related to air quality depends on the creation and implementation of an emissions reduction program (but not, unfortunately, an emission mitigation plan analogous to the noise mitigation plan).

Because of the number and complexity of the issues, there should be a single individual or entity responsible for ensuring that the plans and programs in each category are prepared and implemented. This individual or entity must be qualified to prepare, evaluate and monitor the appropriate plans and programs, and must be an active participant in the Construction Taskforce with sufficient authority to ensure that all necessary steps are taken to protect the environment and public health properly.

### **Environmental Standards for Pollutants**

Environmental standards represent efforts to determine and set levels for pollutants above which there is likely to be a threat to health. In a situation where the level of a pollutant exceeds the appropriate standard, any project that further increases the level of that pollutant creates a government-recognized increased threat to health.

Environmental regulations require that an action not increase the levels of a pollutant above a set standard, or, if the level of the pollutant already exceeds that standard, that

the increase over the standard caused by the action be less than a set amount. From the DEIS, this is the situation with both air quality (breathable particles less than 2.5 microns, PM<sub>2.5</sub>) and noise; the actions would create government-recognized increased threats to health.

In order to promote public health, the level of a pollutant should not be permitted to increase further beyond the safe limit by “only” a certain amount. If the level of a pollutant is unacceptable, no action should be allowed that would increase that pollutant unless the base level is reduced to the point where the addition caused by the action would result in a level that does not exceed the applicable standard.

## **Energy**

Substations require special consideration in their location because oil-cooled transformers present fire hazards and are perceived by the public to represent potential terrorist targets, and because electromagnetic radiation from transformers and cabling needs to be minimized due to of alleged adverse health impacts. It is crucial that specific, suitable locations for these facilities be identified and reserved quickly. Further, because of the construction of a platform, the project offers the opportunity for novel placement, especially of cabling, that could increase shielding from potentially harmful radiation.

## **Greenhouse Gas Emission**

Energy efficiency is essential for the reduction of greenhouse gas emissions from the project. We note two commitments to, and opportunities for, increased efficiency.

- The applicant has committed to energy efficient buildings on the Development Site that would result in 14% less energy use than the current building code, and buildings on the affordable housing sites that would result in 20% less energy use. These commitments should be formalized in a form that enables ongoing assessment of their fulfillment and specifies consequences for failure to meet the proposed standards.
- Ventilation and lighting of the area under the proposed platform would account for 38% of the estimated electricity consumption for the entire WRY project, and would represent 13% of the total annual greenhouse gas emissions for the entire project. It is imperative that these systems be made as efficient as possible and installed in a manner that facilitates their replacement as more efficient systems become available in future years.

## **Noise**

As mentioned above, noise is one of the pollutants that already exceeds environmental standards. Noise monitoring studies at 18 sites found only one with a noise level characterized as “Marginally Acceptable;” the other 17 were either “Marginally Unacceptable” or “Clearly Unacceptable,” and noise levels from the actions would increase at four sites from “Marginally Unacceptable” to “Clearly Unacceptable.”

Not only do the actions increase noise levels from already-unacceptable levels, when they are considered along with increases caused by the development of the Eastern Rail Yard the increases come very close to being an unacceptable increase on top of an unacceptable base level. This is an excellent example of the folly of evaluating impacts of projects independently of each other and of any overall consideration of the city.

As proposed, the project forces people into buildings with required noise attenuation in order to experience an acceptable noise environment, a sad result for a project with five acres of open space. Outdoor noise mitigation is a crucial need.

### **Natural Resources**

The DEIS assessment concludes that there would be no significant adverse environmental impacts on wetlands, water quality and aquatic biota, and coastal fish and wildlife habitats, and that there are no identified rare, special concern, threatened, endangered or candidate species within the vicinity. However, given the scale of the Proposed Actions and the proximity of the Development Site to the Hudson River, we recommend the following steps to ensure the protection of natural resources.

- The plans for both the design and construction phases should include the services of a wild life biologist or similarly trained person to assess the ongoing impacts on habitats and wildlife species.
- The designers of both the High Line and the non-High Line open space should be encouraged to include habitat creation among the principal criteria for the open space designs.
- All reasonable measures to reduce bird loss due to building collisions, including those listed in Chapter 11 of the DEIS, should be implemented – not just mentioned – and overseen by experts with the requisite experience in reducing building collisions.
- Creative steps to reduce stormwater runoff, such as contour infiltration planting for the open spaces, should be considered and implemented as appropriate.

## ULURP APPLICATIONS

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### ULURP NO. 090433 ZMM WRY ZONING MAP CHANGE

CB4 has long accepted that a C6-4 zoning designation is appropriate for the portions of the Special Hudson Yards District along the 30th/34th Street corridor, to direct high-density mixed-use development westward as a natural extension of the high-density commercial area surrounding Penn Station and away from the area north of 34th Street. The Board therefore recommends approval of the proposed map change for the WRY, provided that the permitted density on the development site is moderated by eliminating the open space and streets from the calculation of floor area.

### ULURP NO. N 090434 ZMM WRY ZONING TEXT AMENDMENT

93-233(c) This ratio allows total floor area to be increased by 0.4, which is 40%. Clarify that this text to note this ratio refers to lot area as a base not floor area.

93-56 First paragraph: The first sentence should be changed for clarity, [changes underlined] to say “Buildings may be developed, subject to the height and setback regulations set forth in this Section 93-56, inclusive, only within the boundaries of the specific sites identified as Sites 1 through 6 on Map 6 (Subdistrict F Site Plan) in Appendix A of this Chapter.” Otherwise there’s nothing in here that clearly limits development to the Site Plan. You can get to that conclusion by extrapolation from the Public Access Area Plan in Map 7, but this is no place for extrapolation.

93-56 Fifth paragraph (and throughout): The publicly-accessible private streets should be called the “W. 32<sup>nd</sup> Street Extension” and the “W. 31<sup>st</sup> Street Extension.”

93-56 Last paragraph: This allows the CPC Chair to modify the height and setback regulations to accommodate ventilation requirements. CB 4 requests being included in this consultation process similar the open space review provision.

93-565(a) This section pertains to Winter Garden on Site 3. Since it is not really what will be built at this location, CB4 request that that the view corridor to the river be maintained and the space ensure maximum public accessibility.

93-751 Public restrooms should be required.

93-76 The publicly accessible private streets should have standard NYC regulations re: signage, traffic enforcement, on-street parking, etc. The city should be given an easement for the streets, so they function as city streets.

93-77(b) This section’s requirements are totally inadequate for the maintenance obligation for the publicly accessible open space. The requirements should be similar to those required in the Section 4.04 of the Restrictive Declaration for the ConEd Site on the east side. An Open Space Program Management Organization should be set up to

establish rules and regulations for use, manage programming and monitor the owner's compliance with the maintenance requirements. See Section 4.05 of the ConEd Site RD.

93-78(b)(3)(i) The Site Plan must be presented to the Community Board, Council Member and MBP along with the Landscape Plan should be 60 days not 45 days to review.

93-78(c) typo: add "Commission" after "City Planning."

**ULURP NOS. 090435 ZSM SPECIAL PERMIT FOR ACCESSORY PARKING (NORTH) and 090436 ZSM SPECIAL PERMIT FOR ACCESSORY PARKING (SOUTH)**

The proposed Western Rail Yard development includes one commercial building with between 1.5 and 2.2 million square feet of Class A office space or a hotel, and seven residential buildings with a combined total of 3.8 to 4.8 million square feet and 4,624 to 5,762 residential units. Depending on the distribution between residential and commercial uses and the type of commercial use, the applicant would be entitled to between 1,024 and 1,332 accessory off-street parking spaces (see below). Applicant is requesting special permits under ZR 13-561 for a maximum of 1,600 accessory off-street parking spaces in two garages.

CB4 believes that the number of as-of-right accessory off-street parking spaces is appropriate for the Western Rail Yard development and makes the following recommendations:

- The application for special permits for accessory off-street parking spaces in excess of that allowed as-of-right should be denied.
- The capacity of the south garage should be limited to a maximum of one-fourth of the total number of parking spaces provided by the two garages, and access to the south garage should be restricted to one entrance on the Southern Road.
- If the special permits are granted, the total number of parking spaces should be limited to 1,330, which would fulfill both residential and commercial demand.
- During build-out of the proposed development, the number of parking spaces available should be proportionate to the degree of completion of the development. For example, if the two garages were allowed a total of 1,330 parking spaces, when 50% of the residential units and commercial space had been completed, one-half of the total number of parking spaces, 665 spaces, would be allowed to operate.
- The garages should not be allowed to operate as public parking garages at any time; all parking spaces should be accessory off-street parking.
- Both garages should include sufficient bicycle parking to accommodate both residential and commercial demand, including people working in building maintenance and in the ground floor commercial operations.
- Both garages should be built with the necessary infrastructure to accommodate currently envisioned electrical vehicles, and with sufficient flexibility to enable the reasonable installation of entirely new, unanticipated infrastructure.

Before presenting our specific arguments against the special permits we would like to note two relevant general issues.

- i) **Transportation-Oriented Development.** Much has been made of the proximity of the Hudson Yards, both east and west, to Pennsylvania Station and its unparalleled transportation alternatives, as well as to the ability of the extended No.7 subway line to provide access and open up the far west side of Manhattan. We believe that the “Hudson Yards Corridor,” from the river to Pennsylvania Station, offers the city’s best opportunity to practice transportation-centric development and that the focus should be on facilitating access to Amtrak, ARC and the city’s subways, not on encouraging the use of individual vehicles by increasing the availability of parking beyond that permitted as-of-right.
- ii) **Elasticity of Demand.** We have seen a fundamental assumption in this and other applications for special permits for parking garages that the demand for parking spaces is inelastic, that a specific, fixed percentage of people in a given socioeconomic class will demand parking spaces without regard to cost or convenience. In reality, demand clearly is much more complex. 2000 census data show that the rate of car ownership varies significantly between renters and owners, while stories abounded during the recent spike in the cost of gasoline of people abandoning cars for public transportation. We believe that limiting the number of parking spaces to that permitted as-of-right would complement the focus on transportation-oriented development and facilitate the city’s traffic and congestion reduction goals.

### **As-of-Right Accessory Off-Street Parking Spaces**

- **Residential.** ZR 13-12 limits the number of accessory off-street parking spaces to the lesser of 20% of the number of new dwelling units in the development or 200 spaces. Considering the seven residential buildings individually, the number of spaces would be limited to a total of 924 to 1,152, 20% of the total projected residential units.
- **Commercial – Hotel.** ZR 13-131 limits the number of accessory off-street parking spaces to 150 or 225 for transient hotels with one or two entrances, respectively, but to no more than 15% of the number of transient hotel rooms. If the commercial space is developed as a hotel, the number of parking spaces would be limited to 150 spaces for a hotel with a single entrance, or to 180 for a hotel with two entrances, the 15% limit for a 1,200-room hotel.
- **Commercial – Office.** ZR 13-133 limits the number of accessory off-street parking spaces for commercial developments to the lesser of one space per 4,000 square feet or 100 spaces. If the commercial space is developed as the Class A office space alternative, the number of parking spaces by the square footage criterion ranges from 377 to 550, and thus would be limited to 100.
- **Summary.** Combining the high and low figures for each use yields a range of 1,024 to 1,332 accessory off-street parking spaces permitted as-of-right:

Use	Low	High
Residential	924	1,152
Hotel	150	180
Commercial	100	100

Total – Residential and Hotel	1,074	1,332
Total – Residential and Commercial	1,024	1,252

### **Application for Special Permits for Accessory Off-Street Parking Spaces**

Under ZR 13-561 the City Planning Commission may grant a special permit for an accessory off-street parking facility of any capacity if it finds that the proposed facility meets each of five required conditions. As presented below, CB4 believes that the applicant has failed to demonstrate that the proposed parking garages meet all of the required conditions and recommends that the City Planning Commission deny the applications for special permits.

If the Commission determines that the applicant meets the findings, we recommend that special permits limit the total number of accessory off-street parking spaces in the two parking garages to 1,330, which would be sufficient to satisfy both residential and commercial demand. We also recommend that the number of spaces in the south garage be limited to a maximum of one-fourth the total spaces and that because of the extreme traffic conditions on West 30<sup>th</sup> Street access to the south garage not be permitted from West 30<sup>th</sup> Street but be restricted to entrances on the Southern Road.

### **Special Permit Findings Under ZR 13-561**

- (a) (that) such parking spaces are needed for, and will be used by, the occupants, visitors, customers or employees of the #use# to which they are #accessory#;
- (b) (that) within the vicinity of the site, there are insufficient parking spaces available;

We believe that the applicant does not meet the required findings because estimates of future demand do not properly take into account the benefits of transportation-centric development or the elasticity of demand in the face of increasing costs of different types. However, even without those considerations, the permit applications exaggerate the number of parking spaces needed.

The estimate of need comes from the DEIS, but the faulty analysis presented in the DEIS produces significant overestimates. First, the DEIS estimate for residential parking is based on auto ownership in high income areas of the city, ignoring the much lower auto ownership for the 20% of units that will be lower income. With a balance of higher and lower income units, the auto ownership rate would be about 25% of units, rather than the 32% used in the DEIS.

Second, the DEIS estimate for commercial parking relies on a thirty-year-old Regional Plan Association (RPA) study.<sup>2</sup> At that time, the floor space per worker in office buildings was 190 sq. ft.,<sup>3</sup> while the current number used in the Hudson Yards FGEIS is 250 sq. ft. (HY FGEIS, Tables 5-32–37). By relying on the forty-year old 190 sq. ft. instead of 250 sq. ft., the calculated number of employees, and consequently the number of automobile trips and parking spaces needed, was overestimated by 34%.

The settlement between the Department of City Planning and HKNA regarding Hudson Yards parking represents a much more realistic estimate of parking needs in the area. The parties agreed that parking demand generated by the full Hudson Yards development program will be no more than 6,086 spaces, consisting of 3,606 spaces for 13,272 housing units and 2,480 spaces for 26.3 million square feet of office and hotel development. These figures represent parking spaces equivalent to approximately 27% of residential units and one space per approximately 10,600 square feet of commercial space.

Applicant states that residents are expected to use approximately 1,330 spaces, 23-29% of the number of residential units, which is consistent with the DCP/HKNA analysis. But the requested 270 commercial spaces exceed the approximately 150 spaces needed based on the DCP/HKNA analysis. The north garage will house a maximum of 1,100 residential and commercial parking spaces. If a total of 1,330 spaces is distributed so that a maximum of 330 spaces, 25% of the total, are located in the south garage, the north garage could serve at least 1,000 overnight residential parkers. Since the DEIS analysis concludes that 14% of residential spaces will be vacant during the day, the north garage would accommodate 140-156 daytime commercial parkers, enough to satisfy the commercial demand based on the DCP/HKNA analysis. If both garages were open to commercial parkers, as many as 186 commercial daytime spaces would be available based on the 14% daytime vacancy rate.

Since 1,330 parking spaces distributed as described above satisfies both residential and commercial demand, special permits, if granted, should be limited to a combined maximum of 1,330 spaces.

(c) (that) the facility will not create or contribute to serious traffic congestion nor will unduly inhibit vehicular and pedestrian movement;

The 30<sup>th</sup> Street parking garage site will create and exacerbate serious traffic congestion and will inhibit both vehicular and pedestrian movement.

A motorist making a left turn from 12<sup>th</sup> Avenue onto West 30<sup>th</sup> Street currently experiences delays of five and six minutes in the AM and PM peak periods, respectively. In addition, the intersection of 12<sup>th</sup> Avenue and West 30<sup>th</sup> Street had two fatalities in the last three years, the highest of all intersections studied, and 33 injuries, the fifth highest

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<sup>2</sup> Regional Plan Association, "Urban Space for Pedestrians," The MIT Press, 1975.

<sup>3</sup> Department of City Planning, "Economic Development in New York City: Manhattan Office Development," October, 1973, p. 13.

number in the studied area. There were 24 injuries over the same period at the intersection of 11<sup>th</sup> Avenue and West 30<sup>th</sup> Street.

From the DEIS, volumes and delays would increase significantly under the build scenario:

- By 24% in the PM peak period at 12<sup>th</sup> Avenue and West 30<sup>th</sup> Street, and by 21% and 19% in the AM and PM peak hours, respectively, at 11<sup>th</sup> Avenue on West 30<sup>th</sup> Street;
- 510 cars will each idle for seven minutes in the AM, and 627 cars will each idle nine minutes in the PM at 12<sup>th</sup> Avenue and West 30<sup>th</sup> Street;
- 1,131 cars will each idle six minutes in the AM and 1238 cars will each idle five minutes in the PM on West 30<sup>th</sup> Street between 12<sup>th</sup> and 11<sup>th</sup> Avenues, increases of 484% and 515%, respectively;
- 914 cars will each idle for 16 minutes in the AM and 1,310 cars will each idle 23 minutes in the PM at the intersection of West 30<sup>th</sup> Street and Tenth Avenue, an increase of 27% in the AM; and
- Furthermore, West 30<sup>th</sup> Street is part of the overall bike lane plan for New York City, which will further reduce its capacity.

Among the mitigation proposals offered, the DEIS proposes to remove the northern parking lane of 30<sup>th</sup> Street, thus making that location unfit for a school bus stop and pick up area for children.

We believe that the applicant does not meet the required finding and that all of these factors support our recommendation that only the as-of-right parking be allowed. Furthermore, given the tension inherent in West 30<sup>th</sup> Street's role as a connector to the Lincoln Tunnel and its proposed role as the host to a new school, we recommend that the size of the south parking garage be restricted to no more than one-fourth of the total spaces approved by the Commission, and that access to the south garage not be permitted from West 30<sup>th</sup> Street but be restricted to one entrance on the Southern Road.

(d) (that) the facility is so located as to draw a minimum of vehicular traffic to and through local residential streets#;

Between its entrances on West 30<sup>th</sup> Street and on the Southern Road, the south parking garage will draw 100% of its vehicular traffic through residential streets. If the block bounded by West 33<sup>rd</sup> and West 34<sup>th</sup> Streets and 11<sup>th</sup> and 12<sup>th</sup> Avenues develops as recently proposed, the north parking garage will draw 100% of its vehicular traffic through residential streets as well.

We believe that the applicant does not meet the required finding and that only as-of-right parking should be allowed.

## RESTRICTIVE DECLARATION

A restrictive declaration embodying specific provisions of the development plan will be prepared for the WRY during these ULURP actions and be executed in conjunction with approval by the City Council. That declaration should address the following matters:

- Planning and siting for community facilities;
- The establishment of a governance and management agreement to ensure that the private open space functions as a public park. Include the active participation and ongoing roles for the developers, future owners and operators, CB4, the Manhattan Borough President and the City Council in such a management plan;
- Creation of a WRY Construction Task Force to act a central clearinghouse to manage and resolve construction issues;
- Construction Health and Safety Plan describing precautionary measures and safety procedures to be followed to minimize pathways of exposure to contaminants prior to any excavation or construction activity. The CHASP would include a Materials Handling Plan identifying specific protocols and procedures to be employed to manage the contaminated soil and groundwater at the Development Site and at both the Ninth Avenue and Tenth Avenue Additional Housing Sites in accordance with applicable regulations;
- Commitments to sustainable development;
- Wind-reduction measures;
- Procedures of addressing hazards materials on site and Environmental controls during construction
- Noise attenuation; and
- Restrictions on fuel use and location of air intakes for ventilation systems.

CB4 also requests:

- Draft of the Restrictive Declaration
- All commitments in restrictive declaration must be binding on successors

Sincerely,



John Weis, Chair  
Manhattan Community Board 4

Elisa Gerontianos, Chair  
Clinton/Hell's Kitchen Land Use Committee



Joe Restuccia, Co-Chair  
Housing Health and Human  
Services Committee

Sarah Desmond  
Housing Health and Human  
Services Committee

## **ATTACHMENTS**

- A. New York Times, “Finally, A Vision for the West Side”, March 28, 2008
- B. Publicly Owned Land in CB4: Potential Affordable Housing Sites North of 35<sup>th</sup> Street
- C. Publicly Owned Land in CB4: Potential Affordable Housing Sites South of 35<sup>th</sup> Street
- D. Map of Existing Affordable Housing in CB4 Subject to Expiration
- E. Table of SROs in CB4
- F. Locations to plant trees and install tree guards
- G. Proposed Individual Landmarks Map
- H. Proposed Individual Landmarks Table
- I. Photos of Proposed Individual Landmarks
- J. Proposed Hell’s Kitchen South Historic District Map
- K. Photos of notable buildings in Proposed Hell’s Kitchen South Historic District
- L. Garment District Historic District – National Register Map
- M. Proposed Hell’s Kitchen South Historic District and Garment District Historic District Comparison Map
- N. Proposed West Chelsea North Historic District Map
- O. Photos of notable buildings in Proposed West Chelsea North Historic District