

September 20, 2007

VIA HAND DELIVERY AND ELECTRONIC MAIL

The Honorable Amanda Burden
Chairperson
New York City Planning Commission
22 Reade Street
New York, New York 10007

Re: Manhattan Community Board 7's Response to Fordham University Lincoln Center Master Plan Environmental Impact Statement Draft Scope of Work

Dear Chairperson Burden:

On September 10, 2007, we provided oral testimony to the staff of the New York City Planning Commission ("CPC") regarding Manhattan Community Board 7's ("MCB7") response to Fordham University Lincoln Center Master Plan Environmental Impact Statement Draft Scope of Work provided on June 20, 2007 ("Fordham's Draft Scope of Work"). Pursuant to Section 5.07 of the Rules of Procedure for City Environmental Quality Review, we are submitting the following written comments in further response to Fordham's Draft Scope of Work. We present below a brief summary of our general concerns about Fordham's Proposed Master Plan, followed by our specific concerns about Fordham's Draft Scope of Work.

I. General Concerns About the Proposed Fordham University Master Plan

MCB7 has already expressed our general concerns about the scale of Fordham's proposed action ("Proposed Action" or "Fordham's Master Plan") and the effect this plan will have on the surrounding community in two letters, one from former MCB7 Chairperson Hope Cohen dated September 20, 2005 (attached as Exhibit A) and another from current MCB7 Chairperson Sheldon J. Fine, and MCB7 Land Use Committee Co-Chairs Richard Asche and Page Cowley dated December 29, 2005 (attached as Exhibit B) (both letters, while based upon the 2005 iteration of the Proposed Action, still remain relevant today). Although we refer you to those letters for a more thorough description of our concerns about Fordham's Master Plan our primary general concerns are as follows:

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- The Open Space Podium Unfairly Burdens the Community: The creation of a raised quadrangle of open space in the middle of Fordham's superblock between Amsterdam and Columbus Avenues and West 60th to West 62nd Streets requires that the bulk of new construction be redistributed to the edges of the superblock, with the construction of excessively tall buildings on the avenues and wide, large fortress-like walls along the streets. This proposed open space arrangement may benefit Fordham, but this benefit is obtained at the community's expense;
- The North Facing Wall on West 62nd Street Is Too Massive: The proposed building arrangement for West 62nd Street is an uninterrupted line of fortress-like buildings that range in height from 155 feet to almost 300 feet with minimal setbacks. This configuration as presented could place Lincoln Center and Damrosch Park in large shadows, and the proposed uses would provide minimal street level activity and deaden the pedestrian circulation of the block;
- The Columbus and Amsterdam Avenue Towers Are Too Tall and Bulky: The proposed buildings for the corners of the superblock range from 334 to 651 feet and would tower over the neighborhood and burden the area infrastructure. The buildings on Amsterdam appear to be especially high and the buildings on Columbus appear to be quite bulky. These proposed buildings are all completely out-of-scale for the Upper West Side and would be more appropriate for the City's commercial core;
- The Proposal Includes Far Too Much Parking: The proposed parking garages appear to be too large and may result in exacerbating neighborhood traffic by encouraging people to drive into the community. The number of parking spaces proposed is an immense increase from the present conditions and Fordham has not provided a convincing case that such an increase in parking is required; and finally
- Land Obtained Through Eminent Domain Should Be Kept For Educational or Community Use: Fordham acquired its Lincoln Square site in the late 1950s after the City evicted thousands of tenants who resided there in order to serve the educational goals of Fordham. If Fordham does not wish to use the land obtained through eminent domain for this purpose, the land should be reacquired by the City for educational use. Fordham should not now be permitted to sell land to a private luxury housing developer that was confiscated from private residents under the guise of educational and community need.

II. Specific Concerns About Fordham's Draft Scope of Work

MCB7's has several specific concerns about Fordham's Draft Scope of Work which fall into three major categories: (A) the physical scope of the study area itself; (B) the problematic definition of the no action condition; and (C) the substance of the EIS review. We address each of these categories below in turn.

A. The Physical Scope Of The Study Area Itself

i. The Shape Of The Proposed Study Area Is Not Accurate

Fordham presents a diagram in Figure A-9 of the “Land Use Study Area” and Figure A-10 of the “Socioeconomic Study Area” indicating the physical boundaries of the ¼ mile study area in which the environmental impact of the Proposed Action is to be assessed. Boundaries of the study area need to be ¼ mile from the outer bound of the entire project area (i.e. most of the superblock contained between Columbus and Amsterdam Avenues and West 60th and West 62nd Streets). As the project perimeter is roughly rectangular, we would expect to see the study area boundary similarly shaped. However, as drawn in Fordham’s Draft Scope of Work, the study area instead appears to be oval in shape and thus likely too small. Moreover, the alleged ¼ mile oval as drawn seems to go further north than south of the Fordham campus.

ii. The Study Area Should Be Expanded

From an initial review of Fordham’s Draft Scope of Work, it is clear that the Proposed Action will have a major impact on the entire West Side of Manhattan, and the environmental impact of the Proposed Action will not be limited to the immediate blocks within the ¼ mil radius surrounding the Fordham campus. For the City and the community to gain a full understanding of the impact of Fordham’s Proposed Action and the appropriate mitigation measures that should be implemented to address these environmental impacts, the Proposed Action must be reviewed in the context of the intense development that is transforming the area. In particular, the EIS should review the effect of the Proposed Action and its intersection with the reorganization of vehicular traffic and pedestrian uses brought about from the following projects:

- Lincoln Center redevelopment;
- Riverside South development between West 59th and West 72nd Streets on Riverside Boulevard;
- Closure of the north-bound Miller Highway Exit Ramp at West 72nd Street and the increased traffic on West End Avenue;
- Various large residential development projects in the West 50s and low West 60s reshaping the neighborhood from a former manufacturing district into an area filled with hi-rise luxury residences;
- Hudson Yards developments;
- Expansion of John Jay College;
- Redevelopment of the American Red Cross Building site on Amsterdam Avenue between West 66th and West 67th Streets;

- Expansion of the Jacob Javitz Convention Center; and the
- West 59th Street Marine Transfer Station.

Recommendation: In order to consider the impact of Fordham's Proposed Action in the context of the dramatic changes altering the West Side, MCB7 recommends that the study area for the EIS review be expanded to include the area between West 54th Street and West 73rd Street, and 8th Avenue/Central Park West and the Hudson River. In addition, MCB7 requests the opportunity to review the list of developments planned to be considered in the EIS as soon as possible, and to have the ability to provide regular updates to that list, as we learn about new projects or developments.

B. The Problematic Definition of Fordham's No Action Condition

An applicant's EIS is designed in part to provide City officials and City agencies with a document that compares the environmental impact of a proposed action versus the environmental impact of a baseline situation where that discretionary action did not take place at all (also known as the "Future Without the Proposed Action" or "No Action Condition.") However, in establishing the analytical framework for the EIS, Fordham has provided a problematic definition for what is to be considered the No Action Condition by including as the No Action Condition the proposed construction of three alleged as-of-right residential buildings, as opposed to an expansion of its academic space. Moreover, while it may be technically permissible for Fordham to compare its Proposed Action with a No Action Condition that includes its full as-of-right build out, this comparison provides little guidance for City policy makers on the true effect of the Proposed Action and the mitigation measures that would be necessary to address it.

i. The No Action Condition Fails To Provide For Any Academic Expansion And Only Provides For Residential Development Of The Fordham Campus

Page A-2 of Fordham's Draft Scope of Work, Fordham states:

Absent approval of the Proposed Action, it is assumed that Fordham would not expand or develop new academic facilities. However, Fordham would lease or otherwise convey the northwest and southwest corners of its site as well as a portion of the site in the midblock on West 62nd Street to private developers to build three (rather than two with the Proposed Action) new residential buildings (see Figures A-7 and A-8). These buildings would provide needed revenues to Fordham. Since they would be built as-of-right and are not dependent on any of the discretionary approvals being sought, *the development of the three residential buildings will be included in the EIS as part of the Future Without the Proposed Action (No Action condition). There would be the same amount of residential floor area with either the Proposed Action or in the No Action Condition, but in the No Action Condition there would be three residential buildings rather than two and the buildings would*

be different in height and configuration from those with the Proposed Action.

Fordham Draft Scope of Work, p. A-2 (emphasis added.)

Fordham's proposal is premised on its stated programmatic need for the expansion of its education facility at Lincoln Square. It is therefore difficult to imagine that if Fordham failed to receive the requested height, setback and rear-yard variances that it would not choose to expand its educational facilities, and would rather sell off its campus to a residential real estate developer. The No Action Condition as described in Fordham's Draft Scope of Work notes that the full build out of the available floor area would be accomplished through the construction of three residential buildings. Yet, Fordham provides no justification why this needs to be the case, and does not indicate why some of this construction cannot be for academic, or some other use. MCB7 suggests that any revision of the criterion for the No Action Condition account for academic space, in place of or in addition to the residential construction.

ii. The Proposed Action Should Be Compared With A "No-Build" Scenario, In Addition To An Appropriate No Action Condition

Defining the No Action Condition in a manner that includes the full development of Fordham's available floor area will make it virtually impossible to assess the true impact of Fordham's Proposed Master Plan. If the No Action Condition as proposed (including the full build out) is permitted to be the baseline comparison against the Proposed Action, Fordham's EIS will artificially minimize the magnitude of mitigation measures, supplemental public services and infrastructure improvements necessary to accommodate Fordham's development plans. Additionally, it is conceivable that the construction of three buildings might theoretically have an even more adverse effect (particularly with respect to shadows cast on, and light and air lost from the surrounding buildings) than the Proposed Action, thereby distorting the analysis and providing an inappropriate frame of reference for the EIS.

It is disingenuous, and somewhat misleading, to suggest that a full build out should somehow be considered a "No Action" condition that can be used as a baseline to assess the impact of Fordham's proposals. The CPC should not permit Fordham to adopt such an outrageous baseline for assessing the impact of its Proposed Action, and at the very least should require Fordham to adopt a more appropriate and reasonable No Action Condition that includes some minimal construction that does not approach a full build out condition.

Indeed, it would, however, make far more logical sense for the Proposed Action to be compared with a baseline that incorporates the Fordham Lincoln Center campus as it exists in 2007 without the addition of any further floor area development ("2007 No-Build Baseline"). By comparing the Proposed Action with the 2007 No-Build Baseline, the City and the community would be able to assess the true impact of the Proposed Actions and plan accordingly.

Recommendation: MCB7 recommends that the Fordham EIS compare the Proposed Action with the 2007 No-Build Baseline, as well as the required comparison with a more appropriate No Action Condition. The No Action Condition must be more reasonable and realistic, reflecting an academic expansion, which Fordham claims is the fundamental programmatic need for its

proposal. Of course, by definition, any No Action Condition must have all buildings adhere to the bulk limitations and setback requirements of the Lincoln Square Special District.

C. The Substance Of The EIS Review

Below is a list of MCB7 comments on several specific areas contained in Fordham's Draft Scope of Work.

i. Shadows (Task 6, p. A-8)

MCB7 recommends that the EIS review the additional shadows that would be created by any new buildings on the Fordham campus (as compared with the 2007 No-Build Baseline of campus buildings), particularly with respect to the Lincoln Center complex and Amsterdam Houses.

ii. Energy (Task 13, p. A-11)

MCB7 recommends that the EIS review the strains any new development will place on the City's energy grid and the possibility of providing on-site, or nearby energy generation or co-generation to supply the larger Fordham plant with the energy resources it needs.

iii. Traffic and Parking (Task 14, p. A-12)

(Part C, Figure A-13) MCB7 recommends that a number of intersections be added to the traffic study, including:

- West 72nd Street and West End Avenue
- West 66th Street and West End Avenue
- West 57th Street and West End Avenue
- West 59th Street and West End Avenue
- The Broadway Corridor between West 63rd and West 60th Streets; and
- Columbus Circle.

(Part E) MCB7 recommends that the inventory of available off-street parking be measured using data from more than two parking garages and that a more comprehensive study of the availability of garage parking be done for the entire Lincoln Square area as part of this EIS.

iv. Transit and Pedestrians (Task 15, p. A-13)

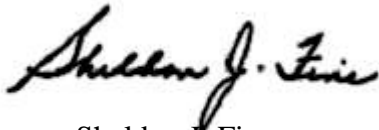
In Fordham's Draft Scope of Work, Fordham states that "Since the Proposed Action is unlikely to generate enough bus trips to warrant a detailed study, a qualitative discussion of available bus routes will be presented in the EIS." Fordham Draft Scope of Work, p. A-13. The assertion that few bus trips will be generated by the Proposed Action seems unlikely given the magnitude of the proposed development and the frequency of service on the major bus routes that serve the Lincoln Square area. Accordingly, MCB7 recommends that Fordham undertake a quantitative survey of bus trips that could be generated by the Proposed Action and to study ways to increase bus service in the area, if necessary.

MCB7 also recommends that the increased pedestrian traffic from the Proposed Action be studied at a number of Pedestrian Intersections not detailed in Figure A-14, including:

- Amsterdam Avenue and West 62nd and West 63rd Streets; and
- Midblock on West 62nd at the stairway/pedestrian crossing between Columbus and Amsterdam (between Lincoln Center and Fordham).

MCB7 respectfully submits to you the above comments in response to Fordham's Draft Scope of Work, and reserves the right to amend and/or supplement these comments at a future date.

Sincerely,



Sheldon J. Fine
Chairperson, MCB7

Enclosures

cc: Bryan J. Byrne, Ph.D., Vice President for Administration, Fordham University
The Hon. Scott M. Stringer, President, Borough of Manhattan
The Hon. Gale A. Brewer, City Council Member
The Hon. Jerrold Nadler, U.S. Representative
The Hon. Thomas K. Duane, New York State Senator
The Hon. Richard Gottfried, New York State Assembly Member
The Hon. Linda B. Rosenthal, New York State Assembly Member
Rev. John Foley, C.S.P., Pastoral Administrator, Church of St. Paul the Apostle
Reynold Levy, President, Lincoln Center, Inc.
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