

June 13, 2003

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Robert Dobruskin
Director, Environmental Assessment & Review Division
NYC Department of City Planning
22 Reade Street
New York, NY 10007

Re: No. 7 Subway Extension – Hudson Yards Area Rezoning Draft Scoping Document

Dear Messrs. Dul and Dobruskin:

At its meeting on June 4, 2003, Manhattan Community Board No. 4 approved the following comments on the Draft Scoping Document for the Proposed No. 7 Subway Extension – Hudson Yards Rezoning and Development Program (CEQR NO. 03DCP031M). The Board's comments on the scope and tasks of the proposed draft generic EIS follow our comments on the proposed action.

COMMENTS ON THE PROPOSED ACTION

Manhattan Community Board No. 4's letters of August 9, 2002 and March 24, 2003 continue to state the Board's position on the main elements of the Proposed Action. Comments on areas east of Eighth Avenue must come from Manhattan Community Board No. 5. Detailed comments on the Proposed Action await ULURP.

Bulk and Density

The Proposed Action proposes 35-40 million square feet of new commercial development. This is the equivalent of seven or eight World Trade Center towers. The need for so much additional space in Midtown has not been established by any current or projected market conditions; we question the capacity of Midtown to absorb such density and we question the compatibility of mixed uses at such high densities.

Senator Schumer's Group of 35 Report (June 2001), which takes a regional approach to new office development, recommends 47 million square feet of new office space distributed among

the City's three central business districts. The report proposes only 20 million square feet in Hudson Yards area (and 20 million square feet in Downtown Brooklyn and 15 million in Long Island City). Additional business development was called for in ancillary business districts throughout the City.

While we view with skepticism the high-density plan that is driven by self-financing requirements rather than actual shown need, we are certain that the densities proposed would destroy existing communities already burdened by excessive traffic and development pressure and is in opposition to the creation of healthy and viable future communities.

Increased density on the south side of 42nd Street (from current maximum of 12 FAR to proposed 15 and 18 FAR) would interrupt residential connections along the avenues and undermine the strength of the existing residential communities. It has consistently been CB4's position that 42nd Street should remain a primarily residential mixed-used corridor and a buffer for the Special Clinton District to the north.

The portion of the block between West 40th to 41st streets, Ninth to Tenth avenues east of Dyer Avenue consists of bus ramps leading into the Port Authority bus terminal, is unsuitable for development and should not be rezoned; the density of the portion of this block west of Dyer Avenue should not exceed 12 FAR.

Housing

One of the stated objectives of the Proposed Action is to "reinforce the existing residential neighborhood and encourage new housing opportunities. This must include providing affordable housing to low-, moderate- and middle-income levels, as well as market-rate housing. The Proposed Action must be amended to contain specific mechanisms to accomplish this goal.

As a major consideration in this response, the Board recognizes some additional bulk is needed in order to produce affordable housing through zoning mechanisms. Inclusionary Housing is specifically mentioned only for areas within the Special Clinton District where this development bonus already exists; this important zoning incentive should be available throughout the Special Hell's Kitchen/Hudson Yards Area.

The Board expects many projects to be financed with tax exempt bonds resulting in 80-20 developments. While such projects do provide below-market housing, we believe more needs to be done to ensure accessibility to affordable housing by a greater range of household types and for longer periods of time.

The up-zoning of the Hell's Kitchen/Hudson Yards area will lead to significant increases in property values in the district and to heightened real estate tax collections by the City. The Board believes that every effort should be made to use some of these funds to encourage affordable housing in our area through such means as tax exemption, help in acquiring suitable property and low-cost funding. Indeed, this should be general City policy.

In conjunction with the Proposed Action, the City must make a commitment to develop additional affordable housing on targeted publicly owned sites, with stated timelines. CB4 has identified the following parcels to serve this purpose:

- NYCHA-owned site (Harbor View Apartments) on 56th St. (block 1084, lot 0009)
- NYCHA-owned site (Harbor View Apartments) on 54th St. (block 1084, lot 0009)
- MTA-owned site on 54th St. at Ninth Av. (block 1044, lot 0003)
- EDC-owned site (Studio City) Eleventh Av., between 44th and 45th sts. (block 1070, lot 0001)
- Port Authority-owned site at the south-west corner of 40th St. (block 711, lot 0001)
- NY State-owned site (Covenant House) on Tenth Av. between 40th and 41st sts. (block 1050, lot 0001)
- City-owned site (Hunter College) on 41st St., between Tenth and Dyer avs. (block 1050, lot 0006)
- Port Authority site (parking lot) at 415 W. 40th St. (block 1050, lot 0013)
- Port Authority site on 30th St., between Ninth and Dyer avs. (block 728, lot 0001)

Multi-Use Facility/Stadium

A multi-use facility/stadium is the wrong economic development tool for the West Side. In fact, we believe such a facility is incompatible with the development of the dynamic mixed use community the City is seeking to facilitate. On the west Rail Yards we believe that an expanded Convention Center and new commercial and residential uses, will generate economic benefits without the additional burdens to traffic and quality of life that a stadium will bring. We are also concerned about the viability of a stadium. Stadiums typically become obsolete after twenty years. Twenty years is only half way through the proposed build-out of the Hudson Yards area. The World Cup Stadium in Seoul, South Korea has become a Carrefour – the French version of Costco.

We oppose any stadium – permanent or temporary – over the Rail Yards. We support the Queens Borough President’s proposal that an Olympic stadium could be located at Willets Point in Queens and we invite NYC 2012 to consider other Olympic uses for the open space that would be available on the Rail Yards under the alternative community plan described below.

Convention Center Expansion

While we support the need for the Convention Center to expand, we challenge the need for the expansion space to be contiguous. Few leading convention centers have totally contiguous exhibition space. Most, in fact, have spaces that are more campus-like. These “multiple-pavilion convention centers” are not only common but represent the top ranked convention centers. For example, Chicago’s McCormick Center, the largest in the US, has 4 separate buildings connected by pedestrian walkways. The convention center industry also recognizes that the bulk of the business at the largest convention centers is simultaneous meetings because there “simply aren’t enough big shows to go around.”

PABT Garage

The Draft Scoping Document is curiously silent about the Port Authority Bus Terminal garage that has been a central aspect of the Department of City Planning’s “Preferred Direction” and is essential to addressing community concerns about present and future traffic and congestion. This facility must be one of the “Other facilities” in the Proposed Action, and it must be evaluated in the EIS.

Traffic and Congestion

“Improving existing traffic conditions” must be included as an objective of the Proposed Action. Indeed, the Group of 35 Report identified existing vehicular congestion associated with Lincoln Tunnel traffic as “a detriment to the local neighborhood” and an “obstacle to large-scale commercial development.” The Group of 35 called for mitigation of existing traffic conditions, improved circulation and the elimination of grade changes. It would be irresponsible not to take this opportunity to address what many have acknowledged is a critical problem.

Map Changes

City Map amendments must also include the neighborhood parkland between Ninth and Tenth Avenues, and must not include demapping of 34th, 39th or 40th streets between Eleventh and Twelfth avenues. Dyer Avenue, at locations where it is at-grade with other City streets, should be mapped as a City street.

COMMENTS ON PROPOSED DRAFT GEIS SCOPE AND TASKS

Analysis Years (Page 15) 2025 is too early for the second analysis year. In prior presentations, the Department of City Planning has explained that the plan will serve the City’s needs for 40 years. To know the worst case scenario, the second analysis year, used throughout the environmental study, should be closer to the end of that period – 2040.

Task 1. Land Use, Zoning and Public Policy

Primary Study Area. (Page 17) The northern boundary of the primary study area should be the northern boundary of the Preservation Area of the Special Clinton District, i.e., West 56th Street between Eighth and Tenth avenues and West 50th Street between Tenth and Twelfth avenues, so that all of the Preservation Area is included. The southern boundary should be West 16th Street, so that all of the area covered by the proposed Special West Chelsea District Rezoning is included.

Zoning History (Page 17) The zoning actions affecting the primary study area to be described and mapped should include those affecting the primary study area over the past 30 years so the complete history of the Special Clinton District is included.

Land Use Trends (Page 18) The assessment of land use trends resulting from activities in the Proposed Action should include the effect of the Proposed Action on development in the other areas in which the City has historically supported major development activity: Lower Manhattan, Downtown Brooklyn and Long Island City. (cited at page 5 of Draft Scoping Document)

Task 2. Socioeconomic Conditions

Direct Residential Displacement. (Page 19) The first sentence of this section should read “The Proposed Action has the potential to directly displace existing residences in or adjacent to the

Rezoning Area.” The reference to “economic activities” seems misplaced. The Department of City Planning has consistently assured this Board that no residences would be condemned or otherwise taken by public action to implement the Proposed Action. We are therefore gravely concerned by the reference here to “Direct Residential Displacement.”

The methodology should include the use of Clinton Housing Development Company’s Hell’s Kitchen Housing Survey, which was conducted in May 2003. The survey report was submitted at the Public Scoping Session. This physical count of residential units in the area between 33rd and 41st streets west of Eighth Avenue identified 3,192 dwelling units in 124 buildings.

Indirect Residential Displacement. (Page 20) The assessment of potential indirect residential displacements should include a review of the “Analysis of the Special Clinton District” prepared for CB4 in July 1993 by Elliott Sclar.

The assessment should evaluate the potential for the anti-harassment and anti-demolition provisions of the Special Clinton District to inhibit indirect residential displacements in the Special Clinton District and throughout the primary study area if similar provisions were to be included in the Special Hudson Yards District.

Task 3. Community Facilities and Services. (Page 22) As the need for additional community services is evaluated, plan to return 457 W. 40th Street to its original use as a library. This building is the only Carnegie library no longer in active use as a library.

Task 5. Shadows. (Page 25) The assessment of the potential impact of shadows from the Multi-Use Facility should include the potential impact on the Hudson River Park, as well as the Hudson River.

Tasks 12 Infrastructure, 13 Solid Waste and Sanitation Service and 14 Energy. (Pages 31-33) Each of these assessments should include the potential for sustainable/“green” building techniques to mitigate the Proposed Action’s impact on water consumption, sewer systems, stormwater drainage, solid waste and sanitation services, and energy consumption. Standards should be LEED Certified Gold Level for new commercial buildings and LEED Certified Silver Level for new residential buildings.

Task 15. Traffic and Parking

Traffic. Because the expansion of the Convention Center and the Multi-Use Facility are intended to attract visitors from beyond Manhattan, the impact of these visitors on local traffic could potentially extend to all entries to Manhattan. The core study area should therefore be expanded to include approaches from the Area of Proposed Action to the Holland Tunnel and the George Washington Bridge on the west, and the East River crossings on the east. (Page 33)

"Individual traffic movements at each of the analysis intersections will be conducted during the AM, midday, and PM peak periods on a single typical weekday." This is hardly sufficient, especially in the area of approaches to the Lincoln Tunnel. Traffic counts must account for additional traffic and congestion on Wednesday and Friday afternoons, for the seasonality of Manhattan traffic, and for the variability of its weather. (Page 33)

In analyzing the traffic impacts associated with events at the Multi-Use Facility and expanded Convention Center, traffic data should be collected for times when surrounding event spaces, including Madison Square Garden, the Broadway Theaters, the Hudson River passenger ship terminals and Pier 94 and the Lincoln Center theaters are all simultaneously hosting events. The reasonable worst-cases analysis must include the simultaneous flow of traffic to and from such events. (Page 33)

The traffic counts and movements collected for the Far West Midtown Transportation Study must be supplemented to include the effects of new developments since the Study. (Page 34)

The "other travel modes" to be considered in the estimate of the travel demand characteristics of the development resulting from the Proposed Action must include commuter buses and vans. Trip generation and modal split estimates must also be developed for the proposed PABT garage. Trip generation and modal split estimates for the Multi-Use Facility must be independently developed, and should not rely on information provided by the New York Jets, the National Football League or any other organization with an interest in the outcome. (Page 34)

Future traffic volumes are to be based on "an annual background growth rate of 0.5% recommended by the CEQR Technical Manual for the Midtown Manhattan area." Simulations should be applied for 40-year period. (Page 34)

The significant development projects anticipated to be in place by the analysis years should include the redevelopment of the James A. Farley Building and the Special West Chelsea District Rezoning (Page 34)

Traffic queuing data should take into account spillback from one block to the next, which is especially important on avenues since the blocks are short. This measure should be accounted for, even outside modeling software if necessary. Traffic queuing data should also be support data for the air quality and noise analyses. (Page 34)

Parking. The parking study area should extend at least ½ mile from the borders of the Rezoning Area, and the study should take into account the practice of seeking out free on-street parking and taking cabs or mass transit to get to the Multi-Use Facility and the Convention Center. The number of cars with out-of-state plates parked in Chelsea and Clinton on evenings and weekends gives a good hint of what could be engendered by stadium patrons. In addition to a qualitative assessment of on-street parking conditions, some conditions, such as double parking, should be evaluated quantitatively and included into the traffic flow analysis as a constraint on street capacity. (Page 35)

Our experience is that commuter buses and vans bringing passengers from outside Manhattan remain in Manhattan until their passengers are ready to return to New Jersey or wherever else they came from. The assessment of parking demand should be based on actual counts of buses and vans parked in the core study area for the traffic assessment, and the estimate of the increased travel demand associated with buses and vans resulting from the Proposed Action. (Page 35)

The assessment should assume that all surface parking facilities will be removed as a result of the Proposed Action. (Page 36)

The proposed PABT garage should be considered part of the Proposed Action, not a mitigation measure. (Page 36)

Task 16. Transit and Pedestrians. The transit assessment should include a review of the MTA's 1988 analysis of a subway spur running west from Penn Station to Eleventh Avenue under West 33rd Street.

The focus of the subway and commuter rail analyses should include impacts of the Proposed Action on subway services at Times Square, as well as those directly serving the area and No. 7 Subway service. (Pages 36-37)

Task 22. Alternatives. The DGEIS must identify and evaluate alternatives to the Proposed Action. Even though we dispute the need for the density being proposed, we believe that the same density could be achieved by a plan with the following main elements:

- Use the western Rail Yards for a southward expansion of the Convention Center, as well as new high density commercial buildings, hotels and community uses. This will allow redistribution of density from sensitive areas such as the 42nd Street, Tenth and Eleventh Avenue corridors. Overall densities should not exceed 10 FAR.
- Establish the eastern Rail Yards and the areas east to Eighth Avenue as a high-density east-west commercial corridor: between 30th and 35th Streets, Tenth to Eleventh Avenues zone for densities up to 15 FAR; between 30th and 33rd Streets, Eighth to Tenth Avenues zone for densities up to 16 FAR.
- Retain existing zoning along the 42nd Street corridor (maximum of 12 FAR), to serve as a buffer for the Special Clinton District to the north.
- Establish Eleventh Avenue between 35th and 41st Streets as a high density commercial corridor with densities up to 12 FAR.
- Establish Tenth Avenue between 35th and 41st Streets as a mid-rise residential corridor with densities up to 7.5 FAR.
- Retain existing zoning of 5 FAR in the mid-block area between Tenth and Eleventh avenues from 35th to 40th streets (the area shown on the Hudson Yards Conceptual Zoning Map with a 7.5 FAR).
- Retain existing zoning of 6 FAR along Ninth Avenue from 35th to 40th streets (as shown on the Hudson Yards Conceptual Zoning Map).
- Provide mass transit to the western Rail Yards and surrounding area via a subway spur running west from Penn Station under West 33rd Street, as a lower-cost transit phasing alternative, and defer the No. 7 Subway extension until its financing is less speculative.
- Provide affordable housing, as discussed above.

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- Map as parkland all open space shown on the Illustrative Open Space Diagram attached to the Draft Scoping Document, including in particular the neighborhood park straddling Dyer Avenue.
- Maintain 34th, 39th and 40th Streets as mapped streets open to the sky.
- Construction of the proposed PABT bus garage at 39th Street east of Tenth Avenue in the early years of the plan, to bring improvement to existing traffic congestion, as well as to mitigate increased traffic congestion resulting from the proposed development.

These main elements are included in the Community Plan being proposed by the Hell's Kitchen Neighborhood Association.

We believe that a plan based on these elements can satisfy all of the goals and objectives that have been established by the City for the Proposed Action, with the single exception of the development of the stadium. Since the Draft Scoping Document contemplates assessment of one or more alternatives that exclude the Multi-Use Facility, a plan based on these elements is imminently eligible for assessment as an alternative under Task 22.

Our preference, however, is to have a reduced-density version of the plan just described assessed as an alternative. This alternative should include commercial space at 40%, 60% and 80% of the commercial space called for in the Proposed Action. We urge that a plan based on this Board's recommendations be selected for assessment, and we would look forward to continuing to be involved in the framing and description of the plan's details.

Finally, stepping back from the details, we urge that the EIS be as comprehensive as possible. It must be a study of a wide range of options for the far West Side, not merely a supporting document for the Proposed Action. It must be an objective tool for rational planning for area's future regardless of the fate of the current proposal.

Sincerely,



Simone Sindin

Chair

Manhattan Community Board No. 4



Anna Hayes Levin

Chair

Clinton Land Use & Zoning Committee

Encl.: Letter, August 9, 2002
Letter, March 24, 2003

cc: Hon. C. Virginia Fields, Manhattan Borough President
Local Elected Officials
A. Burden
V. Chakrabarti
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Manhattan Community Board No. 5