Appendix C Written Comments on the DSEIS and Draft Scope of Work

Written Comments on the DSEIS

THE CITY OF NEW YORK
OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN

SCOTT M. STRINGER
BOROUGH PRESIDENT

October 19, 2012

Recommendation on
ULURP Application Nos. C 120396 ZMM, C 120397 ZSM, C 120398 ZSM, M 010148 (A) ZMM and M 010151 (B) ZSM
625 West 57th Street by Durst Development LLC

PROPOSED ACTIONS

Durst Development LLC seeks the amendment of the Zoning Map from an M1-5 to a C6-2 District, special permits for bulk modification of the Large-Scale General Development ("LSGD"), a special permit to allow a 285-car accessory parking garage, and modification of the previously-approved LSGD and restrictive declaration of property bounded by West 57th and West 58th streets, between 11th and 12th avenues in Manhattan Community District 4. A Draft Supplemental Environmental Impact Statement was issued July 11, 2012.

The applicant seeks an **amendment of the Zoning Map** from an M1-5 District to a C6-2 District for a property bounded by West 58th Street, a line 125 feet westerly of 11th Avenue, a line midway between West 57th and 58th streets, and a line 125 feet easterly of 12th Avenue to facilitate the development of a mixed-use building, including residential uses.

Durst Development LLC also seeks **two special permits available to Large-Scale General Developments to modify bulk requirements** pursuant to: Zoning Regulation ("ZR") § 74-743(a)(1) to distribute allowable floor area without regard for zoning district boundaries; and § ZR 74-743(a)(2) to locate buildings without regard for the applicable distance between buildings or height and setback regulations. In order to grant a special permit, the City Planning Commission ("CPC") must find that the proposal will result in a better site plan and a better relationship among buildings and open areas to their surroundings; will not increase the bulk of buildings in any one block or obstruct light and air; and streets providing access are adequate to handle traffic.

The applicant seeks a **special permit pursuant to ZR § 13-561 to allow a 285-space accessory garage** on the ground and mezzanine levels of a mixed-use building. In order to grant the special permit, the CPC must find that (a) the additional spaces are needed for and will be used by occupants, visitors, or employees of the building; (b) there is insufficient parking space available within the vicinity of the site; (c) the additional trips will not create or contribute to

city approved office and retail buildings in the western and middle portions of the block, with the option of a 600-unit residential building or office tower at the eastern end. A Restrictive Declaration in connection with this LSGD stipulated that if any portion of the block was developed in accordance with the 2001 permits, remaining development must conform to approved plans.

The Helena building was constructed on the eastern end of the block in 2004. It contains 597 residential units over 519,860 SF. Absent the proposed actions, the remainder of the block is prohibited from including residential uses and, further, must be developed according to the previously approved use and bulk requirements.

Zoning Map amendment

The existing zoning provides a floor-area-ratio ("FAR") across the entire block of 8.28 for commercial/residential uses (1,330,320 SF), or 8.8 with community facility uses (1,413,867 SF).[1] The application seeks to rezone a 55,229-SF portion of the project block on West 58th Street from M1-5 to C6-2. With this amendment, the maximum floor area permitted across the entire block will become 8.63 FAR (1,386,554 SF) or 8.8 FAR with community facility uses (1,413,867 SF). This is an aggregate net increase of 0.35 FAR (56,234 SF). The C6-2 designation will additionally permit residential uses.

Mixed-use building

The applicant proposes a new, mixed-use building, which will occupy the westernmost two-thirds of the block. The building will contain 762,000 SF and rise to height of 470 feet or 35 stories. It will include 714,000 SF of residential uses (753 rental units), 48,000 SF of ground-floor retail space and 285 accessory parking spaces. The ground and second floors of the building may include additional commercial and community facility space not to exceed the allowable maximum total floor area.

151 units in the mixed-use building will be affordable through financing by the 80/20 Housing Program and 421-a Affordable Housing Program. The 151 affordable units represent 20% of the 753 residential units in the mixed-use building and 17.5% of the potential 863 new residential units sought in this application.[2]

The building is roughly pyramidal in shape, beginning at a two-story height along 12th Avenue and gradually rising to the full 35 stories at the northeast corner of the building's footprint. Additionally, the applicant proposes an interior, rectangular courtyard on the third level for use by residents. This massing permits balconies along the sloped façade and around the perimeter of the courtyard.

There are two lobbies available to residents: one on West 58th Street and one along the mid-block access drive across from the Helena. Retail space is sited at ground level along West 57th Street and 12th Avenue, as well as to a depth of 80 feet on West 58th Street. The remainder of West 58th

[1] As previously discussed, the building is limited to commercial uses per the 2001 special permit.
[2] The remainder of the residential units will be located in the adaptively reused storage building.

serious traffic congestion nor inhibit vehicular and pedestrian movement; (d) the entrance is located to draw a minimum amount of vehicular traffic to and through local streets; and (e) that there are an adequate number of reservoir spaces.

Lastly, the applicant seeks a **modification of the previously-approved Large-Scale General Development** pursuant to ZR § 74-743(a)(3) to reflect the proposed changes to the site plan and **further amend the Restrictive Declaration** (D-145, ULURP # C 010148 ZMM) to reflect the proposed massing and additional residential uses, reference special permits and related drawings described in the subject application and remove limits on square footage of retails uses.

PROJECT DESCRIPTION

Durst Development LLC proposes to redevelop a vacant portion of a block (Block 1105) bounded by West 57th and 58th streets, and 11th and 12th avenues. The proposed actions will facilitate the improvement of the site with two new buildings and adaptive reuse of an existing building. The largest building will be a new, mixed-use building with residential and community facility uses. Additionally, the applicant proposes a new community facility building, which is currently anticipated to house a day care facility. Finally, the applicant proposes to reuse a storage building currently occupied by Manhattan Mini Storage, which will be used for either commercial or residential uses.

The block comprises tax lots 1, 5, 14, 19, 29, 36 and 43; these lots constitute a single zoning lot. The applicant holds a 99-year ground lease for the entire block; 89 years remain on the lease. The mid-block portion of the block fronting West 58th Street and 125 feet from the avenues is zoned M1-5; the remainder of the block is zoned C4-7. The entire block is in Northern Subarea C1, "Other Areas," of the Special Clinton District.

The project block, measuring 160,667 SF in area, is bordered on its west side by 12th Avenue and the Joe DiMaggio Highway, which block direct access to the waterfront and Hudson River Park. The highway rises above street grade beginning at the corner of West 57th Street northward. Immediately across West 58th Street to the north is the former Interborough Rapid Transit Company Powerhouse, now operated by Consolidated Edison ("ConEd".) Designed by McKim, Mead & White and completed in 1904, this imposing six-story facility is pending landmark designation by the New York City Landmarks Preservation Commission. Blocks further north consist of parking lots and vacant sites that will be developed with residential towers that are part of the Riverside Center complex. The streets to the east of 11th Avenue include a mix of residential towers, office buildings, a hospital, auto dealerships and warehouses. The block south of the proposed development contains the New York City Department of Sanitation garage as well as a four-story public parking facility and car dealerships.

Project History

The development site was the subject of several previous land use applications. In 2001, the City Council approved a series of land use actions as part of a plan to develop the block as a LSGD. These actions included rezoning the block from M2-3 to C4-7 and M1-5, as well as special permits to modify bulk requirements, locate residential uses and provide public parking. The

Street's street frontage is occupied by loading bays, a ConEd transformer, and the building's mechanical space and emergency generator.

Community facility building

The proposal includes the construction of a two-story community facility building up to 12,800 SF in floor area in the middle of the block on West 58th Street. The building fronts the mid-block access drive and West 58th Street, but has a diagonal entrance, which permits views of the historic ConEd building directly to the north of the site. The applicant anticipates that the space will be occupied by a day care provider.

Storage building

The proposed actions would further allow for the existing storage building on the southwest corner of West 58th Street and 11th Avenue to be converted to either residential or commercial uses. The application allows up to110 residential units over 95,000 SF, 5,000 SF of ground-floor retail and 14,800 SF of community facility space.

Access drive

A mid-block access drive is planned between the existing Helena building and the proposed mixed-use building, approximately 300 feet west of 11th Avenue. It will permit vehicular access to the Helena's 100-space parking garage as well as pedestrian access to one of two lobbies in the mixed-use building. The 50-foot-wide drive is entered by a 25-foot curb cut at West 57th Street and exited by a 25-foot curb cut on West 58th Street; all traffic on the access drive is northbound. The roadbed is approximately 25 feet wide, with a 15-foot wide pavement on the west side and 10-foot wide pavement on the east side of the drive.

Parking

Under the proposed zoning, the maximum number of permitted parking spaces is 192. The applicant proposes a total of 385 accessory parking spaces on the project block.[3]

285 parking spaces are to be located on the ground and mezzanine levels of the mixed-use building, beneath the third level courtyard. These spaces will be accessed via a 25-foot curb cut on West 58th Street, 350 feet east of 12th Avenue.

The Helena building on the eastern portion of the block includes 100 parking spaces, which are currently accessed by a curb cut on West 57th Street. This access is proposed to be relocated to the new mid-block access drive on the western side of the building.

COMMUNITY BOARD'S RECOMMENDATION

At its Full Board meeting on September 5, 2012, Community Board 4 ("CB4") recommended

[3] The applicant currently holds special permits granted in 2001 for 638 public parking spaces on the project block. The applicant agrees to surrender prior parking approvals upon approval of the subject special permit application.

conditional disapproval of this ULURP application by a vote of 38 in favor and 0 opposed.

CB4's recommendation for disapproval is rooted in the absence of permanently affordable units as part of this development. While the applicant has committed to providing 151 units that will be affordable for the life of the 35-year bond, as well as an expected 15 years through tenant attrition, CB4 maintains a firm commitment to realizing opportunities for permanent affordable housing.

In addition to the requirement that affordable housing is provided in perpetuity, CB4 outlined the following conditions:

- the number of proposed parking spaces is reduced to 163;
- the mid-block access drive roadbed is reduced by half, and the remaining space is dedicated to public open space with seating and planting;
- the frontage along West 58th Street is enlivened and made more welcoming, and mechanical and parking space is significantly reduced; and
- the applicant works with CB4 to identify a tenant for the community facility space.

BOROUGH PRESIDENT'S COMMENTS

The proposed project by Durst Development LLC to add residential, commercial and community facility space to the middle and western portions of the block bounded by West 57th and West 58th streets, and 11th and 12th avenues appropriately diversifies the existing mix of uses and further infuses the area with 24-hour activity that promotes a vital and safe neighborhood.

The configuration of the planned mixed-use building addresses its unique location and site characteristics. The sloping façade and courtyard allow for spectacular views of the Hudson River from many residential units. The building's striking design, which has been widely applauded, makes a considerable contribution to the waterfront and further raises the standard of architecture expected in New York City.

The applicant generally meets the applicable findings of the special permits pursuant to ZR §§ 74-743(a)(1) and 74-743(a)(2) to modify bulk requirements as part of an LSGD. The pyramidal massing of the building requires that the majority of its bulk be located in the C6-2 portion of the site. The configuration of the building also prevents it from meeting maximum base height, initial setback distance, sky exposure plane and tower regulation requirements. The special permit will allow the building to be located with less distance from the Helena and storage building than allowed. As described, the superior design of the mixed-use building improves the general quality of space on the project block and complements existing structures.

The applicant also seeks a special permit to allow an additional 285-space accessory garage to be constructed as part of the mixed-use building. The Draft Supplemental Environmental Impact Statement indicates that weekday accessory parking demand would peak at 385 spaces. With the existing 100-space garage in the Helena, the total 385 parking spaces on the project block satisfactorily meet parking demand and prevent on-street parking congestion.

Large-Scale General Developments seek to promote improved site planning with special thought

to the future of surrounding structures and streets. The proposed development generally meets the special permit's findings by producing a bold design with uses that will significantly contribute to the neighborhood's overall vitality.

After careful review, there are several aspects of the proposed design that could be improved to enhance the overall site plan, including: the treatment of the through-block access drive and the pedestrian experience on West 58th Street. Additionally, there are elements of the proposed development beyond the specific land use actions that could be further modified to increase the development's potential benefits, including: creating better crossings to the Hudson River Park, identifying a specific tenant for the community facility building, and the proposed affordable housing.

Access Drive

The mid-block access drive will include a lobby for roughly half of the units in the new mixed-use building, as well as the relocated entrance to the Helena's garage. The addition of 753 residential units (863 units including the storage building) to the project block signifies a considerable increase in population in the immediate vicinity. With the exception of the interior courtyard for use by building residents, the application does not include any additional open space.

The mid-block drive presents itself as an opportunity to accommodate entrances to the buildings while providing some passive, planted open space that can be inviting to pedestrians. Incorporating greenery and seating can create a unique sense of place for both new residents and the surrounding community.

After due consideration, the applicant has agreed to modify the original design subject to further refinement and final consideration by the CPC and the New York City Council. The proposal will widen the western pavement to 18 feet and narrow the road bed to 22 feet in width, thereby providing more pedestrian space. Additionally, the applicant has placed numerous tree pits and benches along the drive. To further enhance the street-level experience, the pavements will not be separated from the road bed by curbs. Instead, the spaces will be delineated by tree pits, discreet bollards and textural variation in the paving.

West 58th Street ground floor treatment

The project site faces the full-block ConEd power station on the north side of West 58th Street. The building's grand architecture reflects its time and industrial function, with tall windows that begin several feet above grade. While this architecture is monumental, it results in a blank street wall for pedestrians. The blank wall has the potential to create a "dead zone," which not only fails to draw people along the block but potentially creates an unsafe environment. Therefore, superior site planning should suitably relate to the ConEd building and offset the lack of activity on West 58th Street.

On the south side of the street, the applicant intends to build a two-story community facility in the middle of the block and potentially convert the storage facility into a residential and retail

building on the corner of 11th Avenue. The proposed mixed-use building will include lobby space on West 58th Street and an entrance to the retail space at the western end of the block. However, a significant portion of the mixed-use building is programmed to include mechanical space, loading bays and a garage entrance along the ground level of West 58th Street. While the applicant has expressed the necessity for these mechanical spaces to be accessible from the street level, these are inactive spaces. Without attractive pedestrian uses, this segment of West 58th Street is in danger of feeling isolated and unsafe.

To address this, the applicant has proposed several modifications to improve the streetscape. The applicant proposes to move some mechanical space into the building by one and a half feet to accommodate a gallery window for art installations. The exhibits will be administered by a curatorial program run by the applicant. Additionally, the applicant is exploring illuminating the West 58th Street sidewalk through LED lighting mounted above the first level of the mixed-use building. Finally, to promote "eyes on the street," the applicant has proposed a new retail or café space at West 58th Street and the access drive in the northeast corner of the mixed-use building. By integrating these uses and streetscape features into the ground floor, the West 58th Street frontage will be significantly more active and visually inviting. Further, these proposed modifications will promote a safer pedestrian environment and improve the overall site plan.

Hudson River Park access

One of the greatest challenges to creating significant pedestrian flow along West 58th Street is the lack of a destination point at the West Side Highway and West 58th Street. The highway ramp beside 12th Avenue between West 57th and 58th streets impedes direct access to the Hudson River Park and any future attractions on the waterfront. However, one block to the north at West 59th Street the ramp rises to a level sufficient to create a pedestrian underpass beneath. While West 59th Street is used by bicyclists and runners to access the West Side Greenway, it is poorly lit, deserted and flanked by parking and a derelict lot.

In order to create a destination point north of 57th Street, it is important to consider if the West 59th Street underpass can be improved. With a new active destination, pedestrians would be encouraged to use both West 59th Street and West 58th Street.

Through discussions, the applicant has identified an opportunity to improve the West 59th Street underpass by adding under-viaduct lighting, reflective paneling, new signage, maintained plantings and some recreational amenities. While the proposed changes will require consideration from multiple agencies, they would bring a neighborhood-wide benefit. An upgrade at this intersection could draw residents down West 58th Street, improving its overall safety. As part of this process, the applicant should continue discussions with relevant stakeholders and agencies to explore the feasibility of the project and identify its potential broader benefits.

Community facility building

The applicant has proposed a two-story community facility building, which as currently planned, will make a positive addition to the larger community. As such, the potential tenancy of the

community facility space is of particular interest to the community and CB4. The applicant seeks to tenant the space with a day care provider. However, community facilities encompass a broad range of uses that include not only day care, but uses such as doctor's and dentist's offices as well. If an appropriate day care provider cannot be found, these alternative uses could legally occupy the space.

Unfortunately, until approvals are received, it is difficult to identify a specific user. It is therefore appropriate to put safeguards in place that will ensure continued dialogue should a day care provider not be found. While the applicant is confident that a day care is an appropriate and likely occupant, Durst Development LLC has committed to liaising with CB4 should an alternative community facility use need to be identified.

Affordable Housing

The applicant has committed that 20% of the new units in the mixed-use building will be affordable, which is laudable as this pledge was made prior to the ULURP process. Further, the proposed affordable housing is not a requirement of any land use approvals sought. The new affordable housing will assist in helping to balance the needs of the surrounding community.

While the applicant has made this significant commitment, CB4 has rightly raised the concern that this housing is not permanently affordable. Since the Hudson Yards rezoning was approved in 2004, the city has made it a priority to encourage permanent affordable housing, specifically through the Inclusionary Housing bonus. Currently, the applicant is utilizing the 80/20 and 421-a programs, which commit the applicant to 35 years of affordability, after which the units will remain affordable until vacated. The applicant anticipates this will result in affordability for approximately 50 years.

Unfortunately, the applicant's lease was negotiated prior to the city's current permanent affordable housing policy. The lease did not anticipate or include the ability to provide affordable housing in perpetuity. The subject application does not take advantage of the Inclusionary Housing bonus, which is available in the existing C4-7 District. As the applicant is not receiving the benefits that come with the provision of Inclusionary Housing, the financial viability of programming permanent affordability at this juncture is strained. The applicant has stated that affordability in perpetuity would require the renegotiation of the land lease, which could result in continued vacancy at the site.

While modifying the length of affordability may not be possible, the applicant is strongly committed to making 20% of the units in the mixed-use building affordable. The total level of affordability, however, does not include the potential conversion of the storage building to housing. With the proposed storage building, the project's total share of affordability is17.5%.

Achieving 20% affordability for any duration of time helps to stabilize the neighborhood and encourages mixed income communities. The total amount of affordable housing at this site should be set at 20%. The applicant has affirmed a commitment to this principle by ensuring that 20% of the residential units provided in the storage building will be affordable through the 80/20 Housing Program.

BOROUGH PRESIDENT'S RECOMMENDATION

The proposed development is a welcome addition to the Hudson River skyline. It regenerates this long-vacant site and brings new residential units, including affordable housing, retail space and a community facility. The applicant has committed to several improvements codified in the attached letter from the Durst Organization, dated October 18, 2012.

Therefore, the Borough President recommends conditional approval of ULURP Application Nos. C 120396 ZMM, C 120397 ZSM, C 120398 ZSM, M 010148 (A) ZMM and M 010151 (B) ZSM, provided that the applicant follows through on commitments to:

- **modify the design of the mid-block access drive to widen the pavement, narrow the roadbed, include tree pits and benches, and optimize the pedestrian experience to make this space inviting to the public;**
- **activate the street level of West 58th Street with additional retail space, sidewalk lighting and gallery windows;**
- **explore improving the underpass beneath the Joe DiMaggio Highway at West 59th Street to make this a safe and inviting channel for pedestrians and cyclists;**
- **consult with CB4 to identify an appropriate community facility tenant if a day care provider cannot be found; and**
- **provide affordable units through the 80/20 Housing Program should the storage building be converted to include residential uses.**

Scott M. Stringer
Manhattan Borough President

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COREY JOHNSON
Chair

ROBERT J. BENFATTO, JR., ESQ.
District Manager

September 7, 2012

Amanda M. Burden, AICP
Chair
City Planning Commission
22 Reade Street
New York, NY 10007

Re: ULURP Applications Nos. 120396 ZMM, 120397 ZSM, 120398 ZSM, and M010151 ZSM
625 West 57th Street (Manhattan Block 1105, Lots 1, 5, 14, 19, 29, 36, and 43)

Dear Chair Burden:

Manhattan Community Board 4 ("CB4") has met several times with Durst Development LLC (the "Applicant") to discuss the Applicant's Uniform Land Use Review Procedure ("ULURP") applications to facilitate the development of a portion of the block bounded by West 57th and West 58th Streets, between Eleventh and Twelfth Avenues in Manhattan with the construction of a new, mixed residential, commercial, community facility, and parking uses (the "Project"). The Applicant is proposing up to 753 residential units — twenty percent (or up to 151) of which would be affordable units — approximately 714,000 square feet of residential space, 48,000 square feet of ground floor retail space, and 285 accessory parking spaces.

At the July 24, 2012, Clinton/Hell's Kitchen Land Use ("C/HKLU") Committee meeting, the Applicant heard, once again, the Committee's concerns and subsequent call for a number of changes to the Project, the most critical concern being the lack of permanently affordable housing units. While the Board would like to see this Project proceed, it cannot recommend approval for this application unless those concerns are substantially addressed. At this date, they have not been addressed to the Board's satisfaction.

Therefore, CB4 recommends denial of the application, unless the affordable housing units are permanently affordable and the concerns enumerated below are addressed to the Board's satisfaction.

Proposed Actions

The block the Project is located on is currently zoned partially M1-5 and partially C4-7. The proposed actions include rezoning the midblock portion of the block that faces West 58th Street from an M1-5 manufacturing district to a C6-2 commercial district which would allow for residential development at the site. Additionally, the Applicant is

Cars, 385. Humans, 0

The Project offers no open space for the community but would include 385 parking spaces, significantly fewer, the Board is happy to note, than the 638 parking spaces previously approved for the Project block. These spaces would include a new, above-grade, 285-space accessory parking garage in the mixed-use building and the 100 accessory parking spaces currently located beneath the Helena.

The proposed garage would be located in an area on the Project block that is near the 399-space public parking garage approved under the previous special permit (ULURP #C010149 ZSM). The proposed garage would be accessed via a 25-foot wide curb cut on West 58th Street (instead of West 57th Street) located approximately 350 feet east of Twelfth Avenue. The Applicant would surrender the prior parking garage approval upon approval of the special permit for the proposed garage.

While CB4 appreciates that the Applicant has reduced its proposed accessory parking spaces, we remain concerned that the number of proposed parking spaces far exceeds the Manhattan Core Parking requirements for residential and mixed use developments south of 60th Street, which allow parking spaces provided they do not exceed 20% of the apartments and one parking space per 4,000 square feet of retail/community facility space — and in any case not to exceed 200 spaces. We thus propose the developer reduce the number of parking spaces to 163 spaces (151 spaces for 20% of the residential apartments plus 12 spaces for 48,000 square feet of retail/community facility space).

Community Board 4 is pleased that the Applicant has agreed to restrict its parking to accessory parking for the tenants, retail businesses, and community facility and that this guarantee will be enforced by the Applicant for any third party garage operators that it may contract with.

Driveway versus Open Space

As part of the Project, the 23 foot curb cut currently providing access to the accessory parking garage located beneath the Helena, which is located approximately 220 feet west of Eleventh Avenue, would be removed. The existing accessory parking beneath the Helena would instead be accessed via a one-way (north), access drive connecting West 57th and 58th Streets. This access drive would be located approximately 250 feet west of Eleventh Avenue and would include 25 foot curb cuts at each end of the drive.

As the Project proposes to add over 750 new residential units to the neighborhood while providing no public open space, the Board suggests that the driveway become a public passageway rather than an exclusive private driveway. The roadway of the access drive should be reduced in width by half and this recouped space should be devoted to an inviting public space, enhanced by seating and plantings.

Community Facility

The Applicant proposes construction of a two-story community facility building in the

midblock portion of the Project site. The community facility would be located along West 58th Street, abutting the Helena to the south and the Edison Storage Building to the east. Entrance to the building would be off of West 58th Street along an angled, recessed façade east of the mid-block access drive. The building would include up to approximately 12,800 square feet and could include such uses as a museum annex, cultural facility, day care facility or medical offices.

The Board would welcome a museum annex, cultural facility, or a day care facility in the two floors of the proposed community facility. Currently, the Applicant is pursuing a day care facility but as of the date of this letter, no commitment for such use has been obtained. The Board requests the Applicant provide the Board with a written commitment of use when such is obtained.

Enlivening West 58th Street

Along the north side of the West 58th block is the Con Ed Power Station, a monumental building designed by Stanford White — an architect whose buildings have become *truly* iconic. The edifice, with its elaborately detailed Renaissance Revival facade, was built in 1904 and stands as a reminder that civic buildings in the City once aspired to greatness.

This Board has expressed its wish that the Project building recognize its adjacency to this remarkable New York building and ensure that West 58th Street not become an uninviting alleyway whose only purpose is to service the Project's mechanical and maintenance requirements. While the Applicant hopes to wrap retail space from Twelfth Avenue around the western end of West 58th Street, at the moment, the remainder of the south side of the West 58th Street is taken up with mechanical features, the parking driveway, and loading/unloading docks for the Project building. While the Applicant agrees that a more vibrant street would be desirable, helped perhaps by more retail space, as of this date, the Board has yet to be shown how this can be accomplished.

This Board is grateful for the Applicant's willingness to engage the community and listen to our concerns and would like to see this project succeed, both for the Applicant and for the community. In the Board's view, however, it can only succeed for the community if the word "permanently" precedes the term "affordable housing".

NOW, therefore, be it resolved that Manhattan Community Board No. 4 recommends denial of ULURP Applications No. 120396ZMM, 120397ZSM, 120398ZSM, M010151BZSM unless a restrictive declaration be filed that requires that 20% of the units developed be affordable in perpetuity.

Should the condition requiring permanent affordability be met, CB4 also recommends denial unless:

The Applicant surrender the prior public parking garage previously approved for 399 spaces (ULURP No. C010149ZSM) upon approval of the proposed garage Special Permit for accessory parking spaces;

The number of parking spaces is reduced to 163 spaces;

The driveway be reduced substantially in width, perhaps by half, with the other half devoted to an inviting public space, enhanced by seating and plantings;

The frontage along West 58th Street is enlivened and welcoming to pedestrians and that the square footage devoted to mechanicals and/or parking is significantly reduced; and

The Applicant works with CB4 to identify the proposed user for the community facility space.

Sincerely,

Corey Johnson, Chair
Manhattan Community Board 4

Jean-Daniel Noland, Chair
Clinton/Hell's Kitchen Land Use Committee

cc: DCP Calendar Office
DCP - Edith Hsu-Chen
Council Member Gale Brewer
Durst Organization – Helena Durst, Eva Durst, Jordan Barowitz
Fried Frank – Stephen Lefkowitz, Carol Rosenthal
Manatt – Claudia Wagner, Joshua Bocian
MBPO - Brian Cook, Karolina Grebowiec-Hall
Assembly Member Linda Rosenthal
State Senator Thomas Duane
Congressman Jerrold Nadler

TESTIMONY BY NEW YORK STATE SENATOR THOMAS K. DUANE AND U.S. REPRESENTATIVE JERROLD L. NADLER BEFORE THE CITY PLANNING COMMISSION OF THE CITY OF NEW YORK REGARDING THE ULURP APPLICATIONS BY DURST DEVELOPMENT L.L.C RELATED TO THE PROPOSED DEVELOPMENT AT 625 WEST 57TH STREET (ULURP Application N 120142 ZRM and C 120143 ZMM)

November 14, 2012

Our names are Thomas K. Duane and Jerrold Nadler, and we represent the West Side of Manhattan, which includes the site of the proposed development at 625 West 57th Street and the surrounding neighborhood. Thank you for the opportunity to testify regarding the Uniform Land Use Review Procedure application by Durst Development L.L.C. relating to this development.

As you know, the applicant seeks a Zoning Map amendment for the project block (bounded by West 57th and West 58th Streets and Eleventh and Twelfth Avenues) from M1-5 to C6-2, special permits, modifications to existing special permits and a number of other land use actions to facilitate the development of 1.1 million gross square feet of residential, commercial, community facility and parking uses. The proposal includes a mixed-use building with ground-floor retail space, 285 accessory parking spaces and up to 151 units of affordable housing under the 80/20 Housing Program, for which the developer will seek a separate 421-a tax exemption. Under the current proposal, the affordable units would revert to market rate in 35 years.

While we sincerely appreciate the benefits to the community incorporated in this application, we share the position held by Manhattan Community Board 4 (CB4) that the New York City Planning Commission (CPC) should not allow the project to proceed without a guarantee of permanent affordable housing as well as certain other important modifications articulated below.

Ensuring the existence of viable housing options for all New Yorkers, including those with low and moderate incomes, is the proven and best way to keep our neighborhoods diverse, dynamic and vibrant. Furthermore, it is the right and fair thing to do. This application includes more than 700 new luxury residential units in a neighborhood with a soaring real estate market that excludes most New Yorkers, including longtime residents of the West Side. It is possible that the proposed building, with its iconic pyramid design, could become a beacon for the area and, much like the High Line in West Chelsea and the Meatpacking District, raise property values (and thus housing costs) even higher. It would be shortsighted to affix an expiration date to the affordable housing component—forestalling an adverse socio-economic impact of this development but not mitigating it. We understand there are unique challenges to achieving permanent affordable housing on this site, but we cannot support a project that provides an

indefinite benefit to a select few with exceptional wealth while offering only temporary benefits to the community.

We are also concerned about the proposal's absence of public open space. While the Draft Supplemental Environmental Impact Statement does not include a detailed analysis of the project's adverse impacts on open space, it notes the continuing shortage of active open space in the area and the decrease in passive open space ratios engendered by the additional residents slated to occupy the new building. We echo CB4's position that the access drive connecting West 57th Street and West 58th Street—currently envisioned as a private passageway to an accessory parking garage—should be made open to the public, with a significant portion of it redesigned as inviting public open space.

We also support CB4's call for the north side of the project site (along West 58th Street) to be developed to draw street activity, rather than allow it to lay fallow as a service road. This would create a long-overdue overture to the extraordinary IRT Powerhouse (the Powerhouse) on the north side of the street. This structure is one of the finest examples of New York City's early 20th Century 'City Beautiful' movement and an enduring monument of the original IRT subway line, which revolutionized our City. The aforementioned open space and the development of this block should be integrated in a manner that respects the Powerhouse by encouraging residents, employees and visitors to glimpse the building up-close, perhaps by providing seating or another amenity that serves the same purpose.

Lastly, we urge the applicant to work with CB4 to select an entity for the proposed community facility on the mid-block portion of West 58th Street. We understand that one use under consideration is a museum annex. Certainly, such a facility could benefit from its adjacency to the historic Powerhouse. CB4 knows best what would benefit the neighborhood, and its members' wisdom and expertise should not be forsaken in developing the final plan for this site.

Thank you for your consideration of my comments. We look forward to continuing to work with you to ensure that development in Clinton/Hell's Kitchen is in the best interest of all who live, work and visit there.



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Testimony
Jerilyn Perine, Executive Director,
Citizens Housing & Planning Council
NYC DCP Public Hearing ~~October 31~~ November 14, 2012
Nos. 8, 9 & 10
DURST WEST 57TH STREET
No. 8
CD 4 C 120396 ZMM

My name is Jerilyn Perine. I am the Executive Director of Citizens Housing & Planning Council. I thank you for the opportunity to testify in support of the West 57th Street project proposal by Durst Fetner Residential.

We are excited by the prospect of this iconic residential proposal adding to the stock of housing and improving a former industrial site with amenities and urban design improvements to help transform it into a vibrant neighborhood for the city. With the commitment of the experienced development team, which has consistently provided quality spaces for New Yorkers while building to the highest standards of environmental responsibility, the project will be a welcome contribution to the city's ongoing need for mixed income housing.

This project presents an opportunity to add approximately 750 units of housing which would include about 150 units of set aside for low income households of varying sizes for 35 years. This is a significant commitment that should not be taken lightly since the site itself could remain under its existing zoning and be developed for other nonresidential uses. This would be an unfortunate option, given the significant benefits of residential use at this location.

While we understand that there is a desire to extend the 35 year restriction period into perpetuity, we would caution against such additional restrictions. New construction of housing requires a significant capital investment and this is in fact the reason that NYC has had such an aggressive programmatic response to subsidizing housing through below market construction financing, tax benefits, and zoning bonuses in some areas. In the end however, these programs have little impact without significant private capital to get them built. That balance has been the hallmark of NYC's successful housing programs for decades.

It may be easy to simply place future requirements today that are unfunded mandates, but in the end this strategy does not work. It will invariably require additional government intervention in the future or additional capital subsidy now, neither of which are available today.

In addition, it locks the project in to an income band 35 years into the future that may not be the priority of the community at that time. Perhaps worst of all, it does not guarantee that low-income households continue to receive the subsidized rents, which are tied to income at the time of rental, but not monitored thereafter. As household incomes rise, rents remain below market. Thus, it is likely that some tenants will continue to benefit from the original subsidies regardless of their need.

This proposed project will provide a significant addition to our need for mixed income housing, present unique opportunities to enhance the public realm and access to the waterfront, provide retail and community facility uses such as day care, and construct a project of architectural significance, while meeting high standards for environmental sustainability and adding to the quality of life in the community.

Thank you for taking the time to consider our opinion on this matter.

NEW YORK CITY AUDUBON

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Glenn Phillips
Executive Director

November 14, 2012

City Planning Commission
22 Reade Street
New York, NY 10007-1216

RE: Durst W. 57th project

Dear Commissioners:

For many years, New York City Audubon has been a leader in alerting the world to the problem of bird collisions with built structures, which kill an estimated 800 million birds every year in the United States alone, second only to habitat loss as a cause of declining populations. Here in New York City, nearly 90,000 birds are killed each year, at the very minimum. The issue, simply put, is that birds do not see glass. People have the same trouble, but when a person accidentally walks into a glass door or window, they mainly experience mild embarrassment, for a bird, the collision is usually fatal. NYC Audubon's groundbreaking *Bird-Safe Building Guidelines*, re-issued and updated in 2011 as *Bird-Friendly Building Design* in collaboration with the American Bird Conservancy, detail the causes and potential solutions to this critical problem.

During the scoping process for the Durst Organization's proposed building on W.57th Street, NYC Audubon expressed concerns that the building might pose a hazard for birds. Subsequently, we have worked with the Durst Organization to review plans and suggest minor modifications which will significantly reduce the impact. NYC Audubon is satisfied that these changes will enhance the bird-friendliness of the project.

NYC Audubon is grateful for the Durst Organization's leadership in bird conservation – not only have they eagerly sought to improve this project for birds, but they have also helped promote Lights Out NY, and have helped NYC Audubon to develop a map of how migrating birds by allowing us to place microphones on their rooftops.

With the proposed changes, and a commitment from the Durst Organization to monitor the building to ensure that birds are not colliding with the building when it is complete, NYC Audubon wholeheartedly supports this project.

Sincerely,

Glenn Phillips
Executive Director
Enc: Bird-Friendly Building Design

Regional Plan Association

Testimony for the New York City Planning Commission
625 West 57th Street Rezoning Hearing

By Thomas K. Wright,
Executive Director, Regional Plan Association

November 14, 2012

Good morning. My name is Tom Wright. I'm the Executive Director of Regional Plan Association, a private, nonprofit research and planning organization serving the greater New York metropolitan region. RPA would like to express strong support for the 625 West 57th Street rezoning, which would complement other West Side initiatives that are transforming the area from a manufacturing zone to a mixed-use environment that supports New York's growing communities.

The project will result in the development of much-needed 1.1 million square feet of new buildings, including 863 residential rental units and 151 affordable units, 80,000 square feet of commercial office, 62,000 square feet of retail space, 28,000 square feet of community facility space, and 285 additional accessory parking spaces. The site is currently undeveloped and regulated by zoning reflecting previous manufacturing and commercial land use characteristics of this part of Manhattan.

The proposed actions include rezoning to commercial from manufacturing, permitting large-scale development, and other special permits and modifications of the existing Restrictive Declaration on the site. These changes are needed to allow the proposed amount of residential space and to accommodate the exemplary architecture proposed by the applicant. This project would allow precisely the type of uses that will enhance the area's transformation, with a mixed-use building with residential, commercial office, retail, community facility and parking uses. Provision of affordable housing and open space connections through the block also would benefit current and future residents.

RPA has a long history of shaping Manhattan's West Side. In the 1920s, RPA identified the area as future district for mixed use development and advocated burying the highway and railroad lines along the West Side to create "some of the finest opportunities for spacious monumental building in the region."[i] More recently we have been closely involved in neighboring projects -- including Hudson River Park, Riverside South, Hudson Yards and West Chelsea -- that have transformed what was once largely a shipping, warehousing and manufacturing district on the West Side waterfront into a mixed use residential district. RPA sees the 625 West 57th Street project as an important part of this century-long transformation, which will enhance the livability of the West Side over the next generation.

Thank you.

###

[i] *Regional Plan of New York and Its Environs,* Volume Two, The Building of the City, 1931, Committee on Regional Plan of New York and Its Environs, p.390.

###

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SETTLEMENT
HOUSING
FUND·INC

SETTLEMENT HOUSING FUND TESTIMONY ON BEHALF OF DURST W. 57th STREET SITE

My name is Carol Lamberg, and I am Executive Director of the Settlement Housing Fund.

Thank you for the opportunity to testify in favor of the Durst Development LLC's proposals to develop their sites on West 57 and 58 Streets. My support hinges largely on the fact that the development will result in 151 affordable apartments and a community building, probably a day care center. Similar resources are few and far between.

Settlement Housing Fund's mission is to develop and sustain high quality economically and ethnically mixed affordable housing with neighborhood amenities and community programs. Most of the buildings that we own are permanently affordable, especially the buildings that were financed without debt. In one case we even signed a 99 year regulatory agreement promising affordability to the extent feasible. However, there have been times when we have had to take risks in order to create affordable units, and to do so we have had to enter into agreements subject to which we could not guarantee permanent affordability. We figure that it is far better to create housing that will be affordable for 30 years, as opposed to building nothing at all, especially when the financing and the development team are in place.

I am a member of the board of Citizens' housing and Planning Council, and there are many members of the staff and board who believe that permanent affordability agreements can lead to the wrong use of resources in the future. Personally, I believe that it is so difficult to develop affordable rental housing that the longer it remains affordable, the better. I understand that Community Board 4 conditionally disapproved the Durst proposal because the units would not be permanently affordable. Although I am sympathetic, sometimes it is necessary to be pragmatic.

We understand that the Durst Fetner organization is building on land that is subject to a ground lease with terms that make the economics of the project uncertain after a number of years. Durst Fetner has determined that it is not financially feasible to guarantee permanent affordability. However, the plan includes 151 units of affordable housing that will remain affordable for 35 years and longer under Rent Stabilization for tenants who remain in place, in a beautiful, modern mixed income building. This is an important and welcome benefit for the community. Thirty-five years is a significant commitment, especially for a profit-motivated developer.

We urge the City Planning Commission to approve this plan.

Presented on October 31, 2012 by Carol Lamberg, Executive Director, Settlement Housing Fund.

CITY OF NEW YORK
DEPARTMENT OF CITY PLANNING

PUBLIC HEARING

SUBJECT: DURST WEST 57TH ST,

DATE OF HEARING: November 14, 2012 CALENDAR NO: 13, 14, 15

BOROUGH: Manhattan CD 4

POSITION: Opposed_____
In Favor **YES**

NAME: Brendon Marie Hudson

ADDRESS: 413 West 46rh Street
New York, NY 10036

ORGANIZATION: West 46th Street Block Association

TITLE: Member, Executive Committee

Madam Chairman, and Members of the Commission

I am a five year resident of Hell's Kitchen, a proud baby boomer of color, a member of the disability community and, with the re-election of Barack Obama, a very relieved progressive Democrat!

I am also a member of the Executive Committee of the West 46th Street Block Association, and a committed public art activist.

My name is Brendon Marie Hudson.

You might presume from the above that, like Community Board 4, I oppose the zoning proposal of the Durst Development team. I do not. In fact, I enthusiastically endorse the re-zoning application.

The original hearing for Durst West 57th was set for October 31 in the wake of Hurricane Sandy and now just 2 weeks later, we face an entirely new landscape. We find ourselves faced, ONCE AGAIN, with the challenge of recovering and rebuilding wide swaths of the city. It will be challenging, exhausting and expensive.

I believe the Durst Pyramid Project can play an important role in the days ahead, as a shining beacon of hope at the very gateway of the city, that we New Yorkers will demonstrate again that our resiliency is EVERGREEN. Your support, members of the commission, will make possible a truly stunning work of architecture and will secure the good will of this developer and this architect, at a moment when – as a city – will need to be able to call upon all the experience and talent we can summon to find our way forward.

No, the design is not perfect. No, it does not add the permanent affordable housing that Community Board seeks, but it is a good, even excellent proposal and we must, in the words of Voltaire, not allow the perfect to be the enemy of the good.

If we compare briefly what we lose if you defeat this proposal and what we will gain if you support it, I believe our gain - as a community - is completely on the upside.

What will Durst Fetter Residential lose? And what will the BIG architecture firm lose. In both cases, not much. Durst has the right to build on this site, as is, inasmuch as the zoning application is sought ONLY to accommodate Mr. Ingles unusual design. In fact, a replacement project is likely to be cheaper, more lucrative for Durst; and will probably not be residential.

As for Mr. Ingels, he appears to go from strength to strength. When his firm won this commission two years, he opened a satellite office in New York that now employs 60 architects and is building projects around the world, in Mexico, in Azerbijan, in Shanghai. will likely continue to burnish his reputation even if this tower is never built; or even, more likely, it is built elsewhere in a more welcoming destination. Brazil, perhaps?

And what will we lose? We will loose 30 permanent jobs, we loose 1700 construction jobs, we will loose a new home for the International Center of Photography, we will loose a proper supermarket in a neighborhood that does not now have one. We will loose a truly stunning work of architecture, destined to become an "instant" Landmark.

And yes, members of the commission we loose 600 market rate apartments and 150 affordable apartments.

But will also loose so much more.

In all the hoopla over Mr. Ingels ground-breaking design, we may be forgiven for not noticing another aspect of his portfolio that could not be of greater usefulness to New York City at this moment of crisis. For you see, Mr. Ingels is a former colleague of the celebrated Dutch architect, Ram Koolhaas, worked in Rotterdam for 3 years. The Netherlands has made storm protection a matter of national security and their experience in fortifying their oceanfront could be of immediate and direct usefulness to us as we contemplate how to project our increasingly vulnerable waterfront.

In short, Ms. Burden, and members of the commission, I wholeheartedly believe this project is WIN, WIN, WIN proposition for Chelsea, Clinton, the City of New York, Mr. Ingels firm and the Durst Development.

I urge you to support their application. Thank you.

November 13, 2012

Testimony for City Planning Commission Public Hearing re: Durst Pyramid

City Planning Commissioners,

Remember the *Twilight Zone* episode where a lieutenant realizes that he can predict which of his soldiers is going to die in battle by seeing a mysterious light flash across the doomed man's face? Well, it doesn't take any supernatural powers to predict that the 150 units of affordable housing in the 57th Street Durst pyramid will see their demise in 35 years -- if CB4 and the city doesn't take timely action to prevent it. And starting in 2017, so will more than 169,561 other units of affordable housing built citywide after 1987. This figure comes from the Association for Neighborhood and Housing Development's 2010 report, *A Permanent Problem Requires a Permanent Solution*, http://www.anhd.org/resources/APermanentProblemRequiresaPermanentSolution.pdf , which warns that New York City is scheduled to suffer a "looming expiring use crisis" when subsidies to developments built with 80/20 requirements start to run out. (See Figure 2 below.)

We don't have to look terribly hard to see that mysterious death light flash over Hell's Kitchen and Chelsea's stock of affordable housing. According to NYU's Furman Center for Real Estate and Urban Policy's statistics for 2009, 1 out of 4 of CB4's residents (25%) owned their own apartments, with the average apartment selling for $1,091,250. The same year, half of those who lived in the 'hood (50.9%) were staying in rent regulated housing, and another 1 out of 5 (19.5%) lived in "public and subsidized units." More detailed analysis suggests where many of the "subsidized units" come from. When it comes to "affordability restrictions" (like 80/20's) imposed on developers who accept city subsidies or variances, *CB4 ranks Number 1 in all of Manhattan,* with 5,955 units of housing covered. (See Figure 1.)

What will happen to Chelsea and Hell's Kitchen when these units revert to market prices? Just look at Mitchell-Lama housing. As with the 80/20 program, the 1955 Mitchell-Lama law offered owners and landlords tax breaks and favorable loan terms in return for keeping rents within the range of low- and middle-income residents. Once they finished paying off these loans, however, many developers tried to charge tenants market rates. According to a 2007 article in *City Limits* (http://www.citylimits.org/news/articles/3296/what-is-happening-br-to-mitchell-lama) , "From 1990 to 2005, the stock of Mitchell-Lama rental housing in the city went from about 67,000 apartments to about 44,000 apartments, a loss of about 23,000 apartments... Overall from 1990 to 2006, more than 60 rental developments have come out of the program, and the annual loss of rental units has topped 3,000 apartments every year from 2004 on." In 1986, State Senator MacNeil Mitchell, the "Mitchell" after whom the Mitchell-Lama laws were first named, regretted that the "Legislature never intended to convert the developments to private ownership. In hindsight, we should have looked at what would happen in the future. Frankly, we didn't give it much thought."

Thankfully, there's still time to make sure that the sort of 80/20 programs that are designed to keep housing affordable today will continue to do so in thirty years. Making affordability restrictions permanent on hugely profitable developments like Durst's pyramid will be an overdue first step in this direction.

Yours truly,

Richard Brender

Figure 1 -- Data on number of units with affordability restrictions broken down by Manhattan CB. Definition of **Affordability Restrictions** is whenever "Private owners receive financing or a subsidy which then requires them to maintain their property as affordable for a fixed period of time. This is whether the property is currently receiving such subsidies"

Rental/Coop (Tenure)	CD	Affordability Restrictions	Total Properties	Total Buildings	Total Units
Coop	MN01: Financial District	Affordable	1	9	1,651
Coop	MN02: Greenwich Village/Soho	Affordable	1	1	175
Coop	MN03: Lower East Side/Chinatown	Affordable	5	21	4,315
Coop	MN04: Clinton/Chelsea	Affordable	1	10	2,820
Coop	MN06: Stuyvesant Town/Turtle Bay	Affordable	1	6	168
Coop	MN07: Upper West Side	Affordable	6	7	1,192
Coop	MN08: Upper East Side	Affordable	4	5	1,205
Coop	MN10: Central Harlem	Affordable	2	7	2,031
Coop	MN11: East Harlem	Affordable	3	22	3,852
Coop	MN12: Washington Heights/Inwood	Affordable	2	3	649
Rental	MN01: Financial District	Affordable	3	3	860
Rental	MN02: Greenwich Village/Soho	Affordable	1	1	148
Rental	MN03: Lower East Side/Chinatown	Affordable	30	54	2,286

Rental/Coop (Tenure)	CD	Affordability Restrictions	Total Properties	Total Buildings	Total Units
Rental	MN04: Clinton/Chelsea	Affordable	27	34	5,955
Rental	MN05: Midtown	Affordable	12	13	3,815
Rental	MN06: Stuyvesant Town/Turtle Bay	Affordable	7	7	1,557
Rental	MN07: Upper West Side	Affordable	31	41	5,274
Rental	MN08: Upper East Side	Affordable	12	14	2,607
Rental	MN09: Morningside Heights/Hamilton	Affordable	54	102	1,747

Source: http://datasearch.furmancenter.org/

Figure 2 -- [CLICK ON LINK, AND GO TO APPENDIX B]

Source:
http://www.anhd.org/resources/APermanentProblemRequiresaPermanentSolution.pdf

WEST SIDE
neighborhood alliance

November 13, 2012

Testimony for City Planning Commission Public Hearing re: Durst Pyramid

Good Morning,

My Name is Matt Klein and I am a member of the West Side Neighborhood Alliance. WSNA is an independent, member-run organization that mobilizes West Side residents to take charge of planning our community. We advocate for a diverse, affordable, livable neighborhood that preserves the mixed-income character of today's West Side, and we work to guarantee that the ongoing development of our neighborhood serves community members of all races, incomes and backgrounds.

The proposed project, this residential Pyramid, does not serve the members of our community at all, especially if the developers are unwilling to make the affordable housing part of their plan permanent. Our community does not need a new luxury housing development, we NEED permanent affordability.

When we have talked about this project at our WSNA meetings, other members are appalled by the fact that the Dursts won't budge and are unwilling to even consider permanent affordability. The developers think that a pyramid offers more to a community than actually being able to live here does. The two don't have to be mutually exclusive.

If you extrapolate the percentage of affordability based on the amount of time remaining on the ground lease, an 80/20 for 35 years would actually only make less than 9% of the project affordable. How dare we even consider approving a change in zoning that gives the developer so much and the community so little.

When we listen to all the chatter about this project terms like, iconic, groundbreaking and revolutionary are common descriptions, but to me and the other members of WSNA, a truly revolutionary idea would be to voluntarily offer to give the community what it needs, in this case permanent affordability.

Thank you

Written Comments on the Draft Scope of Work

CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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COREY JOHNSON
Chair

ROBERT J. BENFATTO, JR., ESQ.
District Manager

October 17, 2011

Robert Dobruskin, AICP
Director
Environmental Assessment and Review Division
Department of City Planning
22 Reade Street, Room 4E
New York, NY 10007

Re: Draft Scope of Work for SEIS
625 West 57th Street

Dear:

Manhattan Community Board 4's (CB4) Clinton/Hell's Kitchen Land Use Committee (C/HKLU) appreciates the opportunity to provide comments for the Supplement Environmental Impact Statement for 625 West 57th Street. At the recommendation of C/HKLU, CB4 adopted the following letter at its meeting on October 5, 2011.

Background

DFR 57 LLC (the "Applicant") proposes a rezoning of a portion of the block bounded by West 57th and West 58th Streets, between Eleventh and Twelfth Avenues in Manhattan, along with special permits, modifications to existing special permits and a restrictive declaration and other related land use actions, to facilitate the development of approximately 1,076,400 square feet of residential, commercial, community facility, and parking uses. The eastern portion of the block is already developed with a residential building with ground floor retail and parking uses and a building with mini-storage uses. The entire block was the subject of a previous Environmental Impact Statement and Land Use Approval in 2001.

In order to develop the proposed project, discretionary actions from the New York City Planning Commission (CPC) are required. Therefore, the proposed project is subject to environmental review under City Environmental Quality Review (CEQR) regulations. Because development of the proposed project may potentially result in significant adverse environmental impacts that were not identified in the 2001 FEIS, a Supplemental Environmental Impact Statement (SEIS) will be prepared. A draft scope for the SEIS has been prepared to describe the proposed project, present the proposed framework for the SEIS analysis, and discuss the procedures to be followed in the preparation of the draft SEIS (DSEIS).

The 2001 FEIS identified three potentially significant impacts and proposed mitigation measures – hazardous materials, noise and traffic and transportation. Ten years have passed since the FEIS and these tasks need to be re-studied and new mitigation measure need to be presented. None of these issues have improved in the last ten years.

The Draft Scope of Work for the SEIS (Draft Scope) does not consider the Helena part of the proposed project. CB4 requests that the two projects be viewed as one development for the purposes of determining if the development meets the threshold for analysis or mitigation. In addition, the SEIS needs to taken into consideration the Eleventh Avenue Re-Zoning and potential residential that may be developed in the area in the coming years.

The following are specific comments on several of the individual sections discussed in the Draft Scope:

Land Use, Zoning, and Public Policy

The statement, on page 11 of the Draft Scope, that "the proposed project would not introduce a population with higher average incomes compared to the average incomes in the study area..." may be valid if the study area is as narrow (1/4 mile) as it is. But it's important to include the lower-income Clinton/Hell's Kitchen community south and east of the development. Therefore, the study area for describing predominant land use patterns should be extended from 1/4 mile (five blocks) to at least 1/2 mile (ten blocks).

The Draft Scope must also consider the effect of the lack of production of any permanent affordable housing by the project. The proposed re-zoning must include provisions for permanently affordable housing through inclusionary zoning to mitigate the project's effect on the existing socio-economic demographic.

Socioeconomic Conditions

The Draft Scope indicates that there would be no indirect residential displacement because the projected median incomes of residents are likely similar to the new developments within a 1/4 mile. CB4 requests that the analysis use the existing area median income, not just the median income in new developments. The SEIS should look at indirect displacement.

Community Facilities and Services

Since the project would not exceed the CEQR threshold of 901 units, the Draft Scope states, on page 12, that there would not be "any significant adverse impacts to public high schools, publicly funded child care facilities, public libraries, police and fire services, or health care facilities, and no further analysis is warranted." But there are other developments in the area and together they will have a significant impact. In addition, the SEIS should recognize the potential increased residential population expected with the recent Eleventh Avenue Rezoning. Therefore the study must consider the cumulative impact of area development.

Shadows and Urban design and Visual Resources

Special attention should be placed on these tasks given the irregular and unusual design of the proposed building.

Natural Resources

The SEIS should consider the potential adverse impact of glass on resident and migrating birds. Glass, especially in windows which reflect trees or sky and windows which show indoor plants, is deceptive: it is not seen by birds as a solid barrier. The NYC Audubon Society estimates 90,000 birds, from over 100 species, are killed each year in the city by flying into glass. The SEIS should examine potential strategies which protect wildlife by integrating bird-safety features into the design of the proposed project, strategies which might also have the benefit of complementing the LEED Green Building Rating System.

Transportation

At the outset, CB4 requests that the study area be expanded to include Tenth Avenue and Ninth Avenue for West 54th, West 55th and West 56th Streets. Further, using the 2001 rezoning, as amended in 2004, as the "no-build" scenario, particularly as it relates to traffic and transit use, is not appropriate and underestimates the affect this project can have. Therefore, CB4 requests that the current condition be used as the "no build" condition. It is important to note that in the traffic analysis, the number of subway trips in the AM, PM, and Saturdays, if using the current condition, exceeds the 200 threshold. However, the net increase under the "no build" condition does not. The same is true for walking trips in PM and Saturdays. This decision of what to use as the "no build" condition would also affect the number of intersections that meet the 50 vehicle threshold. Therefore, CB4 requests that the SEIS use the net increase from the current condition to establishing the subway/bus/walking and vehicle threshold.

The assumed numbers for taxi usage are very low for entering and exiting the building, particularly for PM hours. A market-rate high rise located as far from the subway as the project is, might require a more unique methodology than is usually used for estimating taxi usage. Thus, CB4 requests that more intersections be studied in the SEIS.

Even an incremental increase of cars turning from West 57th Street onto 12th Avenue could have a substantial affect on traffic, particularly if the traffic light timing affects northbound traffic on the West Side Highway ramp. CB4 requests that this be carefully examined in the SEIS. Additionally, having entrances and exits on both West 57th and West 58th Streets increases the potential locations for vehicle/pedestrian/bicycle encounters and creates more safety issues. Moreover, a scheme that only permitted one entry would have the likely impact of increasing open space. Thus, CB4 requests that the SEIS study the feasibility of having only one entry/exit for the project, preferably on West 58th Street.

Construction Impact

CB4 is concerned about the impact of construction in the area on several fronts: noise, air quality, transportation, etc and requests that a holistic approach be taken in looking at these impacts. Moreover, CB4 requests the formation of a construction task force, which would include representatives from the

Applicant, CB4, all the involved public agencies and local residents, representatives from the community and local businesses (especially those facing possible displacement), which would help ameliorate concerns before they arise. The construction impacts must be mitigated to the greatest extent possible. The task force would begin work prior to the start of construction and should continue to meet regularly throughout the period of construction.

Infrastructure

The Helena has 597 units and the Proposed Pyramid has 863 units, which exceed the 1,000 unit threshold. As previously requested, the SEIS should consider the Helena part of the proposed project. If the proposed residential units for the project and the Helena are combined, they exceed the 1,000 unit threshold for "generation of wastewater".

Alternatives

One alternative which should be looked at is the 399 car garage special permit. CB4 has a policy against non-accessory parking and there are several parking lots in the area.

Sincerely,

Corey Johnson, Chair
Manhattan Community Board 4

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

[signed 10/17/2011]
Gretchen Minneman, Co-Chair,
Clinton/Hell's Kitchen Land Use Committee

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