



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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Chair

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District Manager

November 14, 2012

Director Amanda M. Burden
Department of City Planning
22 Reade Street
New York, New York 10007

**Re: ULURP Applications #: 120396ZMM, 120397ZSM, 120398ZSM, and M010151ZSM
625 West 57th Street (Manhattan Block 1105, Lots 1, 5, 14, 19, 29, 36, and 43)**

Dear Chair Burden:

Manhattan Community Board 4 is pleased to provide the following comments on the Supplemental Draft Environmental Impact Statement for preparation of a Supplemental Environmental Impact Statement for the project commonly known as Durst W57.

PROJECT OVERVIEW

The proposed actions would facilitate the development of a new mixed-use building on the Project Site that would have a modified pyramid shape with an internal courtyard (the “Mixed-Use Building”) that would allow for up to 753 residential units – including twenty (20) percent (or up to 151 units) that would be affordable for a limited period of time, approximately 714,000 zsf of residential space, 48,000 zsf of ground floor retail space, and 285 accessory parking spaces. The building would occupy the majority of the Project Site (Lots 1, 5, 14, 19, and 43), and would include up to approximately 762,000 zsf in total. Additional portions of the ground and second floors of the Mixed-Use Building may contain commercial and/or community facility uses, provided that in no event will the total amount of floor area located within the LSGD exceed the maximum permitted. These potential variations are reflected on the plans attached to this application.

The actions would also include construction of a two-story community facility building in the midblock portion of the Project Site along West 58th Street, abutting the Helena to the south and the Edison Storage Building to the east. The building entrance would be located off of West 58th Street along an angled, recessed façade east of the mid-block access drive described below. The building would include up to approximately 12,800 zsf and could include such uses as a museum annex, day care facility or medical offices.

The Proposed Project would also allow the existing Edison Storage Building on the northeast corner of the Block to be enlarged and converted to residential and retail uses. This building

could be used for up to 110 residential units (approximately 95,000 zsf of residential space) and approximately 5,000 zsf of ground-floor retail and 14,800 zsf of community facility space. The building would be reconfigured from a rectangular box to a U-shaped floor plan, with a possible enlargement of up to three floors using some of the floor area previously located in the center of the building, and unused floor area from elsewhere on the Project Block.

With the Proposed Project, the Project Block would include 385 parking spaces, significantly fewer than the 638 parking spaces previously approved for the Project Block. These spaces would include a new, 285-space accessory parking garage (the “Proposed Garage”) above grade 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 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 Proposed Garage special permit.

The existing 23 foot curb cut currently providing access to the accessory parking garage located beneath the Helena, located approximately 220 feet west of Eleventh Avenue, and would be removed. The existing accessory parking beneath the Helena would instead be accessed via a one-way (north), 50 foot wide, 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.

The Proposed Project would not modify the building envelope approved for the Helena pursuant to ULURP # M010151A ZSM. The only changes to the Helena building as part of the Proposed Project are the removal of the existing accessory parking garage curb cut at West 57th Street and the installation of retail uses on the ground floor portion of the Helena where the existing parking garage entrance would be removed.

OVERALL COMMUNITY CONCERNS

No Permanent Affordable Housing

The Applicant proposes to construct up to 753 residential units, twenty percent of which, or up to 151 units, would be affordable under the New York State Housing Finance Agency’s 80/20 program. The Applicant intends to seek a 421-a tax exemption to reduce the real estate taxes for the Project. The Applicant has stated that the 20% of the units that are affordable will only remain affordable for the life of the bond, or 35 years.

While these 151 affordable units are a welcome benefit to the community (and provide a tax-exempt financing benefit to the Applicant) unless the units are permanently affordable, the benefit to this community will not be a lasting one. It has been a long time since this Board has been presented with a project that was not permanently affordable — the rezonings of West Chelsea, Eleventh Avenue, and Hudson Yards among others have all provided for permanent affordable housing as an integral part of the zoning. The position of this Board is clear: we want

and need – permanently affordable housing. Without permanently affordable units, Community District 4 cannot maintain its mixed-income residential character. It should be noted that the Project is located within the northwest boundary of the Special Clinton District, whose goals as specified by City Planning Commission include:

“to preserve and strengthen the residential character of the community;” and,

“to permit rehabilitation and new construction within the area in character with the existing scale of the community and at rental levels which will not substantially alter the mixture of income groups presently residing in the area.”

The residential and mixed income character of Clinton will neither be preserved nor strengthened without permanent affordability for a portion of its new housing stock.

THE DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT

It is important to note that a Final Environmental Impact Statement (FEIS) was prepared for the Project Block in 2001, for the project as it was then conceived. Subsequently to the original FEIS and the corresponding ULURP actions, the Helena, a 597 unit residential building rising 33 stories and that includes retail uses and a 100 space accessory parking garage was constructed on the eastern half of the Project Block. The remainder of the site has since been reconceived as a predominantly residential project, leading to the Proposed Actions. The current DEIS, therefore, does not examine the impact of the entire Project Block as a whole, but instead only addresses the impact of any changes from its original 2001 design. The residential portion of the entire Project Block has essentially been studied as two separate, and smaller, projects – one 600 unit project and one 863 unit project. Had 2001 FEIS actually studied the entire project as it is conceived today, then there would be a number of significant adverse findings requiring mitigation, including school seats, daycare and socioeconomic impacts. We therefore disagree with the DEIS findings that no mitigation is required in these areas.

The following are specific comments on several of the individual sections discussed in the DEIS.

Land Use, Zoning, and Public Policy

CB4 believes that residential uses are the most appropriate for the site and the proposed project would enliven the block with additional residents and employees, particularly with retail uses that will enliven the street level on West 57th Street and Twelfth Avenue. However, 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. Along the north side of the West 58th block is the Con Ed Power Station, a monumental building designed by Stanford White. This Board has expressed its wish that the Project building recognize its proximity 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.

Socioeconomic Conditions

Business

The proposed project will directly displace only the mini-storage business on the projected development site 2. As the mini-storage business employs approximately 7 employees, it falls well below the established threshold of 100 employees requiring detailed business displacement analysis.

Residents

One of the most significant changes presented by the proposed actions, as compared with the previous actions studied in the 2001 FEIS, is the significant increase in the number of residential units on the project site. Including the already built Helena on the eastern portion of the site, the proposed changes will permit an increase in residential square footage from 520,800 zsf (or 600 units) to 1,386,554 zsf (or 1,460 units) for an increase of 860 new residential units. Approximately 710 of those units will be market-rate upon completion, and eventually all 860 units will be market rate after the expiration of the tax exempt bonds and the corresponding limited affordability requirement after 35 years. At this time no application has been filed for financing under the NYS HFA “80/20” Program, so there is no guarantee that the 153 units will be affordable for even the 35 years.

While there is no direct residential displacement as a result of the proposed project, the project will introduce a more costly type of housing compared to the Clinton community. Along Eleventh Avenue, immediately south of the project site, includes Harborview Terrace, a 377 unit NYCHA project at West 55th Street between Tenth-Eleventh Avenues, Clinton Towers a 395unit low and moderate income project at 54th Street/Eleventh Avenue, Amsterdam Houses, a 1080 unit NYCHA complex, immediately north at 60th Street and Tenth Avenues, the Aurora, an 178 unit affordable building, located one block east at West 57th Street and Tenth Avenue. These larger affordable developments are in addition to the low rise walk-up tenements that are generally rent regulated and affordable and that dominate the midblock streetscapes.

In addition, the 151 affordable units proposed by the applicant will not be permanently affordable but instead only affordable for 35 years. Those units will revert to market-rate after the expiration of the affordability restriction, and hasten the changing socioeconomic demographics of the community.

The Project Block has essentially been studied as two smaller projects, initially in 2001 as a 600 unit and currently as an additional 863 unit project, with the full impact never examined. Had the original FEIS examined the impact of the total project as it is now conceived with 1,460 residential units, it is likely that the impact would have merited an in-depth study on its impact on the community’s population, median income and average rent. Furthermore, it is ironic that the resident incomes and rents for the fully occupied 597 unit luxury building on the Project Block (the Helena) are included in the datasets (American Community Survey 2005-2009) used to determine AMI, population and average rents, and therefore help mitigate the impact of the

proposed additional 863 units. CB4 therefore disagrees with the findings of the DEIS that the proposed project will not introduce a new population with higher average incomes

Community Facilities and Services

Community Facilities Space Being Created In The Proposed Project.

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 applicant states it will be a day care facility.

CB4 wishes to enter into discussions with the developer in order to get a better idea of the size and design of the community facility that is being proposed.

As with all Community Facility uses, CB4 strongly believes that below market rents need to be offered to qualified non-profits who might be interested in exploring long term use of a newly constructed home in this impressive new residential complex.

Public Schools

While the DEIS concludes that there will be no significant impact on the elementary, intermediate and high schools in the surrounding study area due to the proposed project, CB4 has significant concerns on the impact of the proposed action on educational services, particularly with respect to elementary school capacities. As noted in the DSEIS, elementary schools in Sub-District 3 of Community School District 2 would operate with a utilization rate of 130.7 percent of capacity. However, the anticipated increase in the school utilization rate due to the additional 863 units is only 3.9% and therefore, according to the DSEIS, is below the 5% increase threshold to be considered a significant adverse impact. What the DSEIS fails to address is that had the Project Block been studied in its entirety of 1,463 units, the entire project would have triggered an increased utilization rate that exceeded 5% and in fact triggered a significant adverse impact..

CB4 reiterates its request that P.S.51 remains an elementary school facility and not be expanded to include intermediate grades. We hope that the Board of Education will include CB4 in its discussions about P.S. 51, and the classes and age groups that it will serve. In addition, we specifically request that new school programming be added immediately to the underutilized P.S. 33, as that is one of the few educational service options the community has that does not rely on new construction.

We believe increasing the catchment size of any new school construction in other Manhattan community board districts, which will allow MCB4's children the opportunity to take advantage of anticipated school openings throughout Manhattan, is at the top of this community board's education agenda.

In addition, CB4 strongly believes that the recent confluence of major residential development within the confines of our District, i.e., 11th Avenue Rezoning, 44th Street & Eleventh Avenue rezoning, Mercedes House and the Hudson Yards, in particular and taken in totality, must be considered in the triggering of any further reviews by the City as it relates to the impact on elementary, intermediate and high schools that this Project makes on our community.

More specifically, it is CB4's strong belief that the impact of this project could be far greater on our community than DCP believes due to the fact that this development is located in such close proximity to the boundaries of the 11th Avenue Rezoning. We incorporate all of our concerns found in our response to the 11th Avenue Environmental Assessment Statement as it relates to this development and its potential impact regarding the educational services rendered to our community.

Fire And Police

No comments.

Libraries.

The DSEIS states there will be no significant impact on Library Services due to the less than projected addition of 901 residential units as a result of the proposed development. What is interesting is that the Library section of the DSEIS does not mention the projected 40% increase in population which is forecast for the area comprising the entire 11th Avenue rezoning by 2020.

Affordable Day Care

The DSEIS states that because the proposed project is expected to only include 151 affordable rental units that would not introduce a minimum of twenty (20) children eligible for publically funded child care, the finding does not trigger the cited "Manhattan" Formula of 170 affordable rental units needed to create the need for a threshold response in regards to Affordable Day Care. As a result of this finding, the DSEIS says there will be no significant or adverse impact on Child Care as a result of the proposed action, and thus, no further study is warranted.

Manhattan Community Board 4 requests more information on the methodology used in citing the "Manhattan" Formula as evidence that the threshold for a child care response is not needed. In addition, Manhattan Community Board 4 strongly believes that the recent confluence of major commercial and residential development within the confines of our district, i.e., 11th Avenue Rezoning and The Hudson Yards Project, in particular and taken in totality, must be considered in the triggering of any further review by the City as it relates to the impact on Affordable Day Care that this Project makes on our community.

According to the 11th Avenue DSEIS, there will be a total shortage of 275 affordable child care seats at the seven agencies currently in place (146% of maximum utilization). This shortage will additionally be exacerbated due to the 40% expected increase in the study area's population by 2020 both from, and in addition to, the close proximity of the 57th Street development.

As a result, we incorporate all of our concerns found in our response to the 11th Avenue Environmental Assessment Statement as it relates to this development and the impact it will have on affordable child care in our community.

Health Care Facilities

According to the 2012 CEQR Technical Manual, if a proposed project would create a sizeable new neighborhood where none existed before, there may be increased demand on local public health care facilities, which may warrant further analysis of the potential for indirect impacts on outpatient health care facilities. The stated assumption of the SEIS is that the proposed project would not result in the creation of a sizeable new neighborhood and therefore a detailed analysis of indirect effects on health care facilities is not warranted.

MCB4 requests clarification of the term “sizeable” new neighborhood. It is this Board’s belief that the recent construction of residential condominiums and rental properties in the close vicinity to this massive new project does in fact create a “sizeable” new community where none existed before, and as a result, we believe a further analysis is warranted.

Further, Manhattan Community Board 4 strongly believes that the recent confluence of major commercial and residential development within the confines of our district, i.e., 11th Avenue Rezoning and the Hudson Yards Project, in particular and taken in totality, must be considered in the triggering of any further review by the City as it relates to the impact on Health Care Facilities that this Project makes on our Community.

Cultural Usage

No comments.

Community Facility Usage Data Base

CB4 strongly recommends that in conjunction with the Department of City Planning and the Department of Buildings, that publically accessible data base indexing information contained in the CoO of every building located within the proposed action be created, which would detail:

- if Community Facility space is available in that building;
- if that space is being utilized; and if so, by whom and for what purpose;
- length of current lease in place for said space and contact information for owner/landlord or managing agent; and
- the physical dimensions and layout of said space, including all exits and entrances and HVAC information, if installed.

Though additional FAR bonuses given to commercial developers for the inclusion of Community Facility Space in new development are an undeniable inducement to build, it is at the same time an unsatisfactory reality that there is no practical way for our electeds, the City, its citizens, and the community boards to have an accurate understanding of how well community facility space is being utilized in our neighborhoods, if at all.

Further, CB4 strongly recommends that the creation of such a database be eventually extended to contain similar information for the entirety of MCD4 - as this vitally important public information is not readily accessible to the public.

Open Space

As the DSEIS notes, open space in Clinton/Hell’s Kitchen is well below DCP’s planning guidelines.¹ The study area of 1/2 mile from the project site currently contains open space ratios that are below DCP guidelines for park accessibility. The DSEIS predicts that this situation will be somewhat alleviated in the future, as more parks will be built in the study area. The parks will barely keep up with predicted residential development however, and the addition 625 West 57th St will slightly decrease the open space ratio.

**Open space ratios within 1/2-mile radius of project site²
(Open Space per 1,000 Residents)**

	Passive	Active	Total
DCP Guideline	0.5	2.0	2.5
Current	.65	.40	1.06
Future with no action	.74	.41	1.16
Future with action	.73	.40	1.13
Percent decrease (action vs. no action)	-2.3%	-2.3%	-2.3%

A decrease of 2.3% is not considered a significant impact under CEQR, which requires a decrease of 5% to warrant further study in communities, like ours, whose open space ratios fall below guidelines. The DSEIS further notes that other open spaces, like Central Park, fall just outside the study area.

However, there is a clear lack of open space within the community, especially in the form of active open space. The Board suggests that the proposed 50-foot driveway become a public passageway, rather than an exclusive private driveway. The roadway of the access drive should be reduced, with the remaining sidewalk devoted to an inviting public space, enhanced by seating and plantings. This would help alleviate the lack of overall open space, though would not do enough to alleviate the lack of active open space in the community, which this project will continue to tax.

A couple of concerns about methodology:

Much of the predicted increase in passive open space is from the full build-out of Riverside Park South, which the DSEIS predicts will be completed by 2015 in one paragraph, and by 2020 in

¹ New York City Planning Commission, “625 West 57th Street Draft Supplemental Environmental Impact Statement,” p. 5-11

² DSEIS, p. 5-11, p. 5-14

the next paragraph. Since the EIS is based on predictions about 2015, when the project will be completed, clarity on this point is necessary.³

The DSEIS, in this section and others, projects an increase in population (used to calculate the open space ratio) based on the average household size for the census tracts within ¼-mile of the project site. It is not at all clear that that's a reasonable comparison. There's no reason to suspect that the population of 625 West 57th St would be at all related to the population of other older buildings in Hell's Kitchen. It also does not take into account the specific mix of apartment sizes that the new building will contain.

Shadows

According to the 2012 CEQR Technical Manual, significant adverse shadow impact is defined (among other criteria) as "substantially reducing or completely eliminating direct sunlight, thereby significantly altering the public's use of the resource...for longer than 10 minutes at any time of the year."

At least two areas of Hudson River Park are significantly affected in this manner by the Durst project - Clinton Cove and Pier 97. The Walkway/Bikeway on Route 9A will also be affected by these project-generated shadows. Specifically, these sunlight-sensitive resources will be impacted every morning of the year for at least 1 hour, and even longer depending on the season.

The report dismisses this impact, claiming that since the overall areas of Clinton Cove, Pier 97 and the Walkway/Bikeway are very large in size, and that only portions of them would be cast in shadow and for only between 1 and 2 hours in the early morning, the "incremental shadows would...not result in significant adverse impacts." We are not so complacent and request that further study be done on this issue and ways be found to lessen the effect of shadows on Clinton Cove.

Historic Resources

The 2001 FEIS for 625 West 57th Street determined there were no archeological resources on the site, so the DSEIS focuses on standing structures. The DSEIS identifies two historic resources within the study area; however, consistent with the FEIS, the DSEIS finds that the project would have no significant adverse impacts on historic or cultural resources.

Since the 2001 FEIS, changes have been made to the area around the project site, including the construction of buildings with large and contemporary designs. Some of these taller buildings have limited the views of the project site. Since the 2001 FEIS, one resource has been determined eligible for listing on the State/National Register by the New York State Office of Parks, Recreation, and Historic Preservation.

The 2001 FEIS identified the Consolidated Edison Power House (State/National Register-eligible, New York City Landmarks-pending) as a historic resource and found that the project

³ DSEIS, p. 5-12

under consideration at the time would have somewhat altered the context of that building, but that the change was not significant enough to be adverse.

The Consolidated Edison Power House is a 6-story neo-Renaissance Revival-style building occupying almost the entire block to the north of the project site. Designed by McKim, Mead & White and built in 1900-1904 to generate all of the power for the first New York City subway system, it was the largest power house in the world at the time of its completion. It is currently operated by Consolidated Edison as an active power facility.

The DSEIS identified a small portion of the Hudson River Bulkhead which is within the study area as eligible for listing on the State/National Register since the publication of the 2001 FEIS. The Hudson River bulkhead is the principal remnant of New York City's waterfront redevelopment program which helped sustain Manhattan's maritime prominence until the 1960s. The city bulkheads are perhaps the earliest American examples of granite seawalls placed on concrete bases.

The 2001 FEIS concluded that the project would not have any construction impact on the Consolidated Edison Power House as it is across the street from the project block and is a large brick structure. However, the Applicant will comply with the Landmarks Preservation Commission's "Guidelines for Construction Adjacent to a Historic Landmark" and the Department of Building's procedures. The Hudson River bulkhead is more than 90 feet away from the project site and thus is not expected to be affected by construction.

The Consolidated Edison Power House's prominent smokestack is located near West End Avenue/Eleventh Avenue and these views would remain predominantly unaltered. However, CB4 requests that the Applicant enliven West 58th Street in order to bring more life and attention to the Consolidated Edison Power House.

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.

Urban Design and Visual Resources

No Comments.

Hazardous Materials

No comments.

Transportation

Manhattan Community Board 4 is concerned about the pedestrian and traffic implications of the proposed W. 57th Street project. First and most importantly, we are concerned that the project proposes parking spaces in excess of the Manhattan Core Parking requirements for south of West 60th Street. Manhattan Core Parking requirements call for accessory parking garages not to

exceed 20% of the number of apartment units and 1 parking space per 4,000 square feet of retail/community facility space - and in any case not to exceed 200 spaces. The developer does not explain this deviation from this important DCP policy. Further, we question the DSEIS' unexplained assumption that the garage will be fully occupied during the day and 98.6 occupancy overnight. We note that the DSEIS shows indicates that there is 0 additional capacity needed in the area during weekends and 16 hours of each weekday under the no-build scenario. Given both public bus and subway availability and planned van service, we don't anticipate the car ownership rate for a building in midtown Manhattan would exceed the 20% core maximum requirement. We also believe that this proposal does not meet the developers stated goals to emphasize energy savings and Green policies or the Community Board's priority to reduce car usage and traffic congestion.

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).

We do appreciate that the developer has agreed to ensure that the garage, whether self-managed or contracted out, remains accessory for residents and retail/community facility users only. This is especially important given that changes to current accessory parking restrictions are being considered by City agencies.

We feel the DSEIS underestimates the traffic likely in this area in 2015 and thus the likely impact of the project on congestion, particularly related to W. 57th and 11th Avenue where the FEIS notes left turns both East bound and West bound from 11th Avenue currently rate a "D" at am (east bound) and midday (midday Weekdays and Saturdays), near a failing level.

First the DSEIS uses data collected in September 2008 and March 2009 for the *Riverside Center SEIS* and applies a .25% annual increase to 2015 (and a .125% increase thereafter). This does not seem an adequate increase given the subsequent Riverside developments and the pending developments within a ¼ mile listed in Chapter 2, as well as those outside that radius (related to the 2011 West Clinton rezoning) likely to use W. 57th Street as the nearest two-way Street. We feel the combination of the larger than projected increased traffic and the W. 57th building driveway entrance will lead to even worse congestion and increase the safety hazard at W. 57th and 11th Avenue. As the FEIS notes, W. 57th and 11th Avenue is currently high accident intersection (50 accidents in 2010 with 11 injuries). This concern is likely to increase when Pier 97 is redeveloped, likely increasing pedestrian and bicycle intersection crossings.

A minimal remediation for this problem would be to install a left turn signal from 11th Avenue onto W. 57th Street with a Leading Pedestrian Interval (a time for pedestrians to walk before the left turn signal). A more logical alternative would be to make the building driveway entrance and exit both on W. 58th Street and turn use the current designated driveway area on W. 57th Street as public open space. In addition to reducing traffic on the more congested W. 57th Street, it will also serve two additional Community Board goals of increasing W. 58th Street utilization and providing open space.

Air Quality

While the community has been most concerned with the bold design of this proposed project, it is to the credit of the applicant that they have not been blindsided by the serious issues of air quality at this site. Analysis of existing air pollutants acknowledges that development of this site would result in adverse impacts to the surrounding area due to existing problematic air quality because of the proximity of the Con Edison Power House.

It is noted that conclusions reached in the 2001 FEIS for the proposed project considered at that time do not indicate the same adverse air quality impact. The CEQR guidance for analysis of emissions had not been developed in 2001.

Evaluation of fossil fuel-fired HVAC emissions, exhaust from back-up diesel fueled generators and emissions from the 285 car parking garage seem to be adequately considered in the planning of ventilation and dispersal at spots above street level.

In addition, air quality at this proposed project during the construction phase would have greater on the developer's own property, (The Helena), than on other buildings in the area. Crane operation, excavation and delivery of concrete pre-mix all seem to be planned to minimize the impact locally.

Greenhouse Gas Emissions and Climate Change

One possible area of concern is the assessment of Emissions from Solid Waste Management. The applicant did not quantify emissions from this source because it is estimated waste generated will be approximately 11 tons per week from the project. This is significantly lower than the City benchmark of 50 tons weekly which would require further analysis. It is assumed this amount of waste will not have an impact on the City's Waste Management plan. This amount of solid waste generation may have some consequences and might require further study.

Given the advent of Hurricane Sandy in October 2012 and the soon to be expansion of Zone A in Manhattan, we hope that Durst will continue to give sufficient consideration of the impact of rising sea levels on this project.

Noise

The Applicant surveyed noise levels at 6 locations surrounding the Project Site as recently as May 26 2011 from the acoustical consulting firm of Cerami & Associates. It would appear from the study applicant meets "Marginally Acceptable" interior New York 2012 CEQR noise attenuation requirements, which have change from 2001 site FEIS designated 35 dBA, now up to 45 dBA.

As traffic noise being the dominant noise source. The practical implications of these findings are specific window-wall attenuation requirements for facades on the different streets and avenues. We note, however, that in order to achieve the required dB levels in the new buildings the windows must be closed and those residents must rely on "alternative means of ventilation." We

regret that opening one's window for fresh air would expose a resident to unacceptable traffic noise.

Public Health

In order to preserve air quality, restricting the placement of HVAC exhaust stacks and the type of HVAC fuel used must be committed to prior to construction.

Neighborhood Character

Contextual design is imperative when contemplating new construction within the Clinton area. Because the reality of future west side development appears to include large-scale development, with regard to this Proposed Project, CB4 and the community prefer to see buildings that have larger footprints that attempt to cohesively blend into the surrounding skyline. We have some concerns that the "iconic" design of this building is too jarring and could in the end stay as the out-of-context building it is as designed today.

Construction

The sheer scope of the project will have an unavoidable impact on local residents, businesses as well as students and visitors to the Hudson River Park. In addition the project is being constructed on a major traffic artery affecting traffic and congestion in the area.

Many of the impacts were found to be within acceptable CEQR guidelines vis-à-vis the permitted development. However, in that the developer is benefitting from additional floor area from the zoning change, there should be some benefit to the community during the extended construction period, perhaps mitigation and enhancement of pathways around the site, and limiting of construction take-over of lanes on 57th St.

Construction Phasing and Activities:

Construction of the proposed project will last almost twice as long as currently permitted development. The construction peak, measured by works and trucks serving the site, will last three times as long as permitted development on the site. The developer needs to take measures to mitigate the extended effects of traffic; noise and pollution will have on local residents and those that frequently transit this area. Due to the extended nature of the project, the applicant should have a field representative to serve as a contact point of the community and local leaders (DSEIS, p. 16-9)

Excavation and Foundation:

Excavation and foundation work is not expected to take any longer than under permitted construction. However, the site is known to have extensive soil, groundwater and soil vapor contamination. Per the DSEIS and state regulation excavation needs to be performed per the approved RAWP. It may help if the developers performed some outreach to mitigate concerns of any local residents around these procedures.

Deliveries and Access, Sidewalks and Lane Closures:

Due to the extended nature of the construction project versus permitted construction the project the developers should seek to mitigate this extended adverse impact to the area, especially on principal pathways to the Hudson River Park. Construction impacts to traffic, transit and pedestrians were found to be within CEQR guidelines versus permitted construction. Perhaps additional pedestrian measures may be warranted at the mid-block intersection of 12th Avenue and W. 57th Street, the intersection of max traffic increase.

Air Quality:

The developers have committed to minimize certain emission control measures that are to be contained in a Restrictive Declaration. These need to be monitored and/or reported on.

Noise and Vibration:

The developers have committed to an extensive and proactive approach to minimizing construction noise and its impacts beyond normal construction practices. These are also to be contained in a Restrictive Declaration. These need to be monitored and/or reported on.

Summary:

Although the project will have significant environmental impacts on the area, they do not deviate in a significant or unacceptable way to the impacts of the permitted project. The conclusion of the DSEIS is that there are no significant construction adverse impacts that were not previously identified in the 2001 FEIS. However the duration of the current planned project, although acceptable under CEQR guidelines, does deserve mitigation for the residents and those transiting the area. Active monitoring of the developers obligations re Air Quality and Noise and Vibration is encouraged.

Alternatives

No comments.

Growth-Inducing Aspects of the Proposed Actions

No comments.

Irreversible and Irretrievable Commitment of Resources

No comments.

Mitigation

Air Quality

Consideration should be given to reducing the building height to mitigate the air quality impact on the Riverside Center Building are noted. If wind tunnel modeling is possible before the final SEIS, it certainly would be encouraged.

Construction

A construction task force, with representatives of all stakeholders, which will meet at least monthly throughout the constructions phase of the project must be put in place prior to the commencement of demolition.

Schools

This project in and of itself puts a material strain on the local public schools; enough to merit this statement on page 4-4: "This number of students [as supplied by the developer] warrants a detailed analysis of the proposed project's effects on elementary and intermediate schools." Therefore, we request that the applicant find ways to sustainably support all of the local public schools (e.g. continued support of STEM education by supporting the science labs with microscopes or upgrading the computers every so often). The applicant needs to have a meaningful (as determined by the school) and sustainable relationship with the school community.

Thank you for considering these comments.

Sincerely,



Corey Johnson, Chair
Manhattan Community Board 4



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

cc: DCP – Celeste Evans, Edith Hsu-Chen, Karolina Grebowiec-Hall
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