

Special West Chelsea District Rezoning and High Line Open Space EIS
CHAPTER 27: RESPONSE TO COMMENTS

I. INTRODUCTION

This chapter summarizes and responds to all substantive comments on the Draft Environmental Impact Statement (DEIS) for the proposed Special West Chelsea District Rezoning and High Line Open Space made during the public review period. These consist of comments made at the public hearing held by the New York City Planning Commission (CPC) on April 6, 2005, and written comments submitted to the New York City Department of City Planning. The period for public review remained open until April 16, 2005. In addition to responses to comments on the DEIS, this chapter also provides responses to comments on the modified ULURP applications (ULURP Nos. N 050161(A) ZRM) and (C050162(A) ZMM) and those comments received on the Draft Scope of Work that were not incorporated into the Final Scope of Work.

Section II below lists the individuals who commented on the DEIS, and summarizes and responds to comments made at the public hearing and received in writing. Written comments received on the DEIS are included in Appendix H to the FEIS. In addition to comments on the DEIS, Section II also contains comments received at the public hearing with respect to the DCP's modified ULURP applications. These comments can be found following comments on the DEIS under "Modified ULURP Applications." Section III lists the individuals who commented on the Draft Scope of Work, and summarizes and responds to those comments received on the Draft Scope of Work that were not incorporated into the Final Scope of Work.

II. DEIS COMMENTS AND RESPONSES

Comments were accepted on the Draft Environmental Impact Statement (DEIS) for the Special West Chelsea District Rezoning and High Line Open Space project during a period commencing with the City Planning Commission public hearing held at the Tribeca Performing Arts Center of the Borough of Manhattan Community College on April 6, 2005, and extending through April 16, 2005. Written comments received on the DEIS are included in Appendix H.

This section lists and responds to comments on the DEIS. The comments are organized by subject area, following the organization of the DEIS document. In instances where the subject matter does not readily lend itself to the organizational format of the DEIS, those comments are included under the heading "Generalized Comments on the DEIS." Comments specific to the proposed action, including comments regarding the purpose of and need for the proposed action, are included under "Project Description." Where comments on the same subject matter were made by more than one person, a single comment summarizes those individual comments. The organization and/or individual that made the comment is identified next to each comment, using a numerical reference keyed to the list of commentors below. Comments on the DEIS were received from the following individuals and organizations:

1. Dan Gollub, representing Assembly Member Richard Gottfried (oral statement at public hearing & written statement submitted 4/6/05)
2. Erin Bennett, on behalf of Public Advocate Betsy Gotbaum (oral statement at public hearing & written statement submitted 4/6/05)
3. ~~Manhattan Community Board #2~~ (written statement dated 1/27/05)

4. Manhattan Community Board #4 (written statements dated 2/28/05 & 4/18/05)
5. Miguel Acevedo (oral statement at public hearing)
6. Deborah G. Ascheim (written statement dated 2/23/05)
7. Richard Bass, Herrick, Feinstein LLP, representing Robert Verdi (oral statement at public hearing & written statement dated 4/5/05)
8. Deborah Bell (written statement dated 3/18/05)
9. Rick Bell, AIA New York Chapter (oral statement at public hearing & written statement submitted 4/6/05)
10. Adele Bender, Queens Borough Coordinator for Joint Public Affairs Committee for Older Adults (oral statement at public hearing & written statement submitted 4/6/05)
11. Andrew Berman, Executive Director, Greenwich Village Society for Historic Preservation (written statement dated 4/1/05 & letter dated 4/4/05)
12. Katherine Bini (oral statement at public hearing & written statement submitted 4/6/05)
13. Benjamin Bischoff (written statement dated 2/22/05)
14. Anna M. Block (written statement dated 2/22/05)
15. Joan Blumenfeld, AIA New York Chapter (oral statement at public hearing)
16. Cutberto Bonilla (written statement dated 3/22/05)
17. William Borock, Council of Chelsea Block Associations (oral statement at public hearing & written statement submitted 4/6/05 & letter dated 4/4/05)
18. Alexis Broben (written statement dated 3/21/05)
19. Sally Burnett, Friends of the High Line (oral statement at public hearing & written statement dated 3/19/05)
20. Albert K. Butzel, Friends of Hudson River Park (written statement dated 4/4/05)
21. Sally Campbell (written statement dated 2/22/05)
21. Tatiana Carayannis (written statement dated 2/22/05)
22. Jennifer Carnovale, Sun Microsystems (written statement dated 2/24/05)
23. Adele Chatfield-Taylor, President, American Academy in Rome (written statement dated 3/9/05)
24. May Chen, Local 23-25, UNITE HERE (oral statement at public hearing & written statement submitted 4/6/05)
25. Lee Compton, Community Board #4 (oral statement at public hearing & written statement submitted 4/6/05)
26. Edrie Cote, London Terrace Tenants' Association (written statement submitted 4/6/05)
27. Christian DiPalermo, Executive Director, New Yorkers for Parks (written statement dated 3/21/05)
28. Gamily H. Dphrepaulezz (written statement dated 3/8/05)
29. Brian Ellner (oral statement at public hearing & written statement submitted 4/6/05)
30. Roberta Finke (oral statement at public hearing)
31. Gloria Florian (oral statement at public hearing & written statement submitted 4/6/05)
32. Tom Fontana (written statement dated 2/24/05)
33. Julia Frey (oral statement at public hearing)
34. Ernest Gallo (written statement submitted 3/21/05)
35. Deley Gazinelli, Contemporary Art for America (oral statement at public hearing & written statement submitted 4/6/05)
36. Dawn M. Giambalvo, Vice President, Operations, Designs for Finance, Inc. (written statement dated 2/22/05)
37. Eugene Glaberman (oral statement at public hearing & written statement submitted 4/6/05)
38. Cory Greenberg (written statement dated 2/22/05)
39. Yen Ha and Ostap Rudakevych (written statement dated 3/16/05)
40. George Haikalis, President, Institute for Rational Urban Mobility, Inc. (written statement dated 4/25/02)
41. Jo Hamilton (oral statement at public hearing & written statement submitted 4/6/05, co-signed by Floret Morellet)

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42. Robert Hammond, Friends of the High Line (oral statement at public hearing & written statement submitted 4/6/05)
43. Adele Hatfield-Taylor, President, American Academy in Rome (written statement dated 3/9/05)
44. Tommy Haynes (written statement dated 3/11/05)
45. Marsha Vander Heyden (written statement submitted 4/6/05)
46. Eleanor Horowitz (written statement dated 3/25/05)
47. Holly A. Kallman (written statement dated 3/8/05)
48. Avner Kam (written statement dated 2/22/05)
49. Michael Keane, Friends of the High Line (oral statement at public hearing & written statement dated 3/21/05)
50. Allison Kestenbaum, Vice Chair, New York Regional Board of The Workmen's Circle (written statement submitted 4/6/05)
51. Jeanhee Kim (written statement dated 2/23/05)
52. Walter Kim (written statement dated 2/22/05)
53. Edward Kirkland, Community Board #4 (oral statement at public hearing & written statement submitted 4/6/05)
54. Janet Koenig (written statement dated 3/18/05)
55. Annie Kurtin, AIA NY Chapter (oral statement at public hearing)
56. Scott Lauer, Executive Director, openhousenewyork inc. (written statement dated 4/4/05)
57. Anna Levin, Community Board #4 (oral statement at public hearing)
58. Karen Loew (written statement dated 4/3/05)
59. Walter Mankoff, Community Board #4 (oral statement at public hearing)
60. Deborah Marton, Executive Director, Design Trust for Public Space (written statement dated 3/23/05)
61. Christopher Mathieson (written statement dated 3/3/05)
62. Ryoko Matsufuji (written statement dated 3/1/05)
63. James McAuliffe, RA (written statement dated 3/14/05)
64. Marnie McGregor, Pratt Center (oral statement at public hearing)
65. Janice McGuire, Hudson Guild (oral statement at public hearing)
66. Diane Mennella (written statement dated 3/9/05)
67. Diana Mikulka (written statement dated 2/26/05)
68. Eileen Millan (written statement dated 2/22/05)
69. Kimberly Miller, Municipal Arts Society (MAS) (oral statement at public hearing)
70. Marvin Mitzner, Cozen O'Connor Attorneys (written statement dated 4/18/05)
71. Angela Molenaar (written statement dated 3/7/05)
72. Yvonne Morrow (oral statement at public hearing)
73. David Newton (oral statement at public hearing)
74. Timothy Jay Olson II (written statement dated 3/9/05)
75. Kathleen O'Reilly (written statement dated 4/6/05)
76. Abraham A. Palmer, Ph.D. (written statement dated 2/23/05)
77. Abigail Doan Pandeff (written statement dated 3/19/05)
78. Charlotte Pao (written statement dated 3/11/05)
79. Susannah Pasquantonio, Hunger Action Network of New York State (oral statement at public hearing & written statement submitted 4/6/05)
80. Anne Pasternak, President and Artistic Director, Creative Time (written statement dated 3/18/05)
81. Pascal Petit (written statement dated 2/23/05)
82. Nicholas Petraccaro (written statement dated 3/7/05)
83. Joyce Pierpoline (written statement dated 2/23/05)
84. Thomas Plagemann (written statement dated 2/23/05)
85. Nina Planck (written statement dated 2/25/05)
86. Nancy Ploeger, President, Manhattan Chamber of Commerce (written statement dated 3/15/05)

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87. Annie Y. Poon, Vice President, Finance, Citigroup (written statement dated 2/23/05)
88. Petra Quinones (oral statement at public hearing)
89. Miriam Rabban, Afford Chelsea (oral statement at public hearing & written statement submitted 4/6/05)
90. Laura Raicovich, Director of External Affairs, Dia Art Foundation (written statement dated 4/4/05)
91. John Raskin (oral statement at public hearing & written statement submitted 4/6/05)
92. David Reck, Community Board #2 (oral statement at public hearing)
93. L. Elese Reid (written statement dated 3/22/05)
94. Joseph Restuccia, Community Board #4 (oral statement at public hearing)
95. Adam Ritter (written statement dated 2/24/05)
96. Elyce Roberts (oral statement at public hearing)
97. Elizabeth K. Rogers (written statement dated 3/23/05)
98. Rebecca Romano (written statement dated 3/23/05)
99. Heather Mennella Romero (written statement dated 3/3/05)
100. Nick Ronderos, Regional Plan Association (oral statement at public hearing & written statement submitted 4/6/05)
101. Carol Rosenthal, APA - Zoning Committee (oral statement at public hearing)
102. Gary & Michelle Roth (written statement dated 3/25/05)
103. Kristin Russell, Jive Records (written statement dated 3/21/05)
104. Amy Sacco (written statement dated 3/21/05)
105. Frank Sanchis, MAS (oral statement at public hearing)
106. Eleanor Aarons for Father Frank Scanlon, St. Columba Church (oral statement at public hearing & written statement submitted 4/6/05)
107. Katherine & Christopher Sharp (written statement dated 2/21/05)
108. Allen E. Shifrin (written statement dated 2/22/05)
109. Michael Slattery, Real Estate Board of NY (oral statement at public hearing)
110. Jason Solare, Solare Studio (written statement dated 2/23/05)
111. Michael H. Sonnenberg, President, Designs for Finance, Inc. (written statement dated 2/22/05)
112. Fred Sorokin (written statement dated 3/10/05)
113. Gloria Sukenick (oral statement at public hearing)
114. John Stockman (oral statement at public hearing)
115. Mary Swartz, West 400 Block Association (oral statement at public hearing & written statement submitted 4/6/05)
116. Rose Torres (oral statement at public hearing)
117. Jene Toussaint, Partnership for the Homeless (oral statement at public hearing & written statement submitted 4/6/05)
118. Clover Vail (written statement dated 2/23/05)
119. Robert A. Verdi (oral statement at public hearing)
120. Bob Votava, Executive Director, DOT Watch, Inc. (written statement dated 8/30/04)
121. Karen Votava, Executive Director, East Coast Green way Alliance (written statement dated 2/24/05)
122. Peter Wheelwright, Chair, Department of Architecture, Interior Design, and Lighting, Parsons School of Design (written statement dated 3/9/05)
123. Susan T. Winters (written statement dated 3/18/05)
124. Thomas Wright, Executive Vice President, Regional Plan Association (written statement dated 4/6/05)
125. Dr. Elaine T. Yaffe (written statement dated 3/21/05)
126. Shlomete Yoo (written statement dated 3/22/05)

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A. General Comments on the DEIS

Comment A1: RPA supports the plan and the conclusions of the DEIS. (oral testimony at hearing) (RPA)

Response: Comment noted.

Comment A2: We are generally disappointed in the failure of the DEIS to fully and frankly discuss the negative environmental impacts of the proposed action. Honest analysis is necessary to reasoned decision making. (CB4)

Response: The DEIS fully complied with the requirements of City Environmental Quality Review (CEQR), Mayoral Executive Order No. 91 of 1977, CEQR Rules of Procedure of 1991 and the regulations of Article 8 of the State Environmental Conservation Law, State Environmental Quality Review Act (SEQRA) as found in 6 NYCRR Part 617, and was prepared pursuant to the methodologies of the CEQR Technical Manual. The lead agency determined that the DEIS satisfactorily assessed the potential environmental impacts of, feasible mitigation measures for, and reasonable alternatives to the proposed action as contemplated by SEQRA and CEQR.

B. Project Description

Comment B1: We support the measures in the proposed zoning to enable the High Line to become an open space. We submit to the Commission 92 letters from civic organizations, neighborhood residents, local businesses, and other members of the public, as well as a list of 518 signers of a group High Line support letter. (Hammond)

Response: Comment noted.

Comment B2: The rezoning plan is essential to the preservation of a valuable historic resource, and the innovative and exciting plans to transform the High Line are expected to have significant economic, cultural, and recreational benefits for adjacent communities and for the entire city. The proposed 6.7 acres of open space atop the High Line offer a unique opportunity to provide a landscaped environmental resource in an area that is one of the least well-served areas in the city in terms of open space. (Lauer) (Marton) (Pasternak) (DiPalermo) (Ploeger) (Wheelwright) (Chatfield-Taylor) (Sonnenberg) (Solarek) (Carnovale) (Plagermann) (Poon) (Fontana) (Matheson) (Ha & Rudakevych) (McAuliffe) (Sacco) (Bell) (Bonilla) (Russell) (Yaffe) (Reid) (Dphrepaulezz) (Kallmann) (Greenburg) (W. Kim) (Bischoff) (Kam) (Campbell) (Pierpoline) (J. Kim) (Block) (Carayannis) (Palmer) (Millan) (Shifrin) (Sharp) (Mikulka) (Matsufuji) (Planck) (Vail) (Ritter) (Olson) (Petit) (Molenaar) (Petraccaro) (Pao) (Haynes) (Pandeff) (Haynes) (Burnett) (Koenig) (Keane) (Winters) (Yoo) (Rogers) (Romano) (Roth) (Horowitz) (Loew) (Aschheim) (Gallo) (Broken) (Berman) (Votava) (Hamilton)

Response: Comment noted.

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Comment B3: The High Line proposal is a unique opportunity to expand some of those changes that have affected the surrounding area to include the less affluent in the area as well. (Mennella)

Response: Comment noted.

Comment B4: City Planning's proposed rezoning and preservation of the High Line for reuse as open public space demonstrates the city's continuing commitment to preserving the unique historic character of different neighborhoods, while achieving an appropriate balance between each neighborhood's diverse needs, appropriate density, and public open space. (Raicovich)

Response: Comment noted.

Comment B5: The proposed rezoning would not only promote commercial and residential uses, but support the growth of art-related uses in the area as the DEIS suggests. The related zoning districts' bulk will provide enough floor area for redevelopment and sensitive massing transitions to the north, east, and south. The High Line Transfer Corridor and adjacency controls not only preserve the (High Line) structure but enhance its future use as a quality open space. (Wright)

Response: Comment noted.

Comment B6: The High Line will have significant benefits within the community through which it runs and, like other parks, should stimulate economic development in adjacent areas. (Sorkin) Consideration should, of course, be given to ensuring that new development will be compatible with the West Chelsea neighborhood and will not, in either height or bulk, overwhelm the character of the community. (Butzel)

Response: Comment noted.

Comment B7: We urge the Commission to fully support all the mechanisms included in the proposed rezoning that enable the High Line to become a valuable public amenity for the City of New York. (Hammond) (Butzel) Community Board #2 strongly supports the site selection and acquisition for the High Line and its associated easements within CB#2 for use as a public open space. (CB#2, 1/27/05)

Response: Comment noted.

Comment B8: The Municipal Arts Society's planning committee generally supports the West Chelsea proposal, and believes that this zoning takes great steps to create parkland in this city. We also support efforts to create a vibrant gallery district and inclusionary zoning. We do encourage the CPC to consider strengthening these further. We'd like to see affordable housing as a larger component. (Miller)

Response: Comment noted. See response to Comment B25 regarding affordable housing.

Comment B9: The development of the High Line should protect and enhance the community through which it runs, notably along Tenth Avenue; and the community should benefit from the rezoning that enables the conversion in ways that help maintain Chelsea as a vibrant, diverse community, principally in the creation of affordable housing. (CB4)

Response: Comment noted.

Comment B10: Manhattan CB4 supports the conversion of the High Line into a park with three broad conditions, including: (1) the High Line should be developed in a manner that protects and enhances its values as a park; (2) the community should have a voice in the planning and design of the High Line Park; and (3) the community should have an ongoing voice in how a High Line Park is operated. (CB4)

Response: Comment noted.

Comment B11: We have long advocated for protection of the buildings and structures in the Gansevoort Market. The High Line is one of the most important extant reminders of the area's vibrant commercial and market past, and remains an integral part of the fabric of Gansevoort's distinctive urban environment. Your plan has created unique mechanisms that will allow the city to transform the empty 6.7 acres of a defunct freight rail line into public open space. This innovative reuse of the High Line will be an essential component of the revitalization of Manhattan's west side neighborhoods. The diverse mix of businesses in the Gansevoort Market district will certainly benefit from being connected once again to its neighbors to the north. (Hamilton)

Response: Comment noted. It should be noted that the proposed zoning area does not include the Gansevoort Market Historic District.

Comment B12: I am the owner of 537-543 W. 20th Street (Block 692, Lot 11). The site, approx. 9,200 sf, is presently occupied by a 3-story, 100% lot coverage garage building. As presently proposed in the rezoning action, the site will be diagonally split into two incompatible zoning districts – C6-3 and M1-5 – which contain different use and bulk regulations. The existing ZR split lots regulations will not permit the redevelopment of the site. The existing building does not lend itself to adaptive reuse for as-of-right uses pursuant to the current zoning, nor do market conditions permit demolition of the building and construction of a new building. Therefore, proposed zoning map creates an unnecessary hardship for any reuse or redevelopment of the property. As a result of DCP's proposal, 22 lots would be split by zoning district boundaries: 16 where the zoning district permitted uses are not compatible (M1-5 and C6-3 or C6-3A); and 6 lots where the zoning district permitted uses are compatible. To address the split lot condition created by the proposed rezoning action: (1) amend the proposed zoning map so that zoning district lines follow tax lot lines and therefore avoid the creation of split lot conditions; (2) create zoning text in the Special West Chelsea District Plan that would permit the district boundary to be relocated so that the zoning lot would be regulated by only one zoning district. (Bass) (Verdi)

Response: The Zoning Resolution anticipates the creation of “split lots” in rezonings and includes special regulations governing their development. M1-5 and C6 districts would both permit a wide range of commercial uses, including offices, art galleries and retail uses. Although the specific lots cited above could not be redeveloped entirely for residential use because it would be a split lot, it could be redeveloped with numerous viable commercial uses.

Comment B13: We support the proposal to modify zoning in parts of this area to accept residential development, as well as the general upzoning in those areas through transfer of air rights from properties underlying the High Line. The transferring of air rights will serve as a mechanism that will provide opportunities for much needed residential growth that will integrate affordable housing and alleviate housing shortage in New York City. Leveraging the value of the High Line itself, along with using air rights as a mechanism to accomplish this goal, is a valuable strategy that will ensure and maintain the area’s scale as it abuts adjacent historic district. It will bring both market rate and affordable housing development to an underutilized part of the city, and will contribute to the long term economic health of the city as a whole (Kurtin) (Bell)

Response: Comment noted.

Comment B14: [The proposed plan is] trying to balance conflicting items, High Line conversion and adequate housing. Housing requires greater density, historic district preservation requires lower density. (Mankoff)

Response: Comment noted.

Comment B15: Must provide zoning protections to protect existing tenants. These protection measures should include anti-harassment provisions and demolition restrictions particularly for the residents and residential units in the tenements on Tenth Avenue, which provide valuable historic context and housing. They need to be protected to balance new residents and maintain affordable housing. (Restuccia)

Response: Comment noted. As discussed in Chapter 3 (Socioeconomic Conditions), the proposed action would not result in significant adverse impacts related to direct or indirect residential displacement. In addition, the analysis of historic resources presented in Chapter 7 (Historic Resources), concludes that the redevelopment of properties on Tenth Avenue currently occupied by tenements would not result in significant adverse architectural resource impacts. Existing residential buildings on Projected Development Sites 2, 6, 22 and 24 and Potential Development Sites 35 and 42, all located on Tenth Avenue, are expected to remain under With-Action conditions.

Comment B16: Zoning text for the SWCD should include protections and provisions against the harassment of residential tenants and demolition of sound residential buildings. These protections and provisions should be based on existing provisions of the Special Clinton District, as well as the new text as adopted by the Hudson Yards. (CB4 and Berman)

Response: See response to Comment B15.

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Comment B17: Inclusionary zoning was well done in Hudson Yards. We ask you to extend the area of the rezoning as a follow up corrective action similar to Hudson Yards. (Restuccia)

Response: Comment noted.

Comment B18: Penn South has been a good model of affordable housing, and historically many of NY's unions have been active in affordable housing. The West Chelsea special district must include a significant amount of permanently affordable housing. Our union joins with CB4 in urging the Dept. of City Planning to devote at least 30% of new units (and preferably more) to be affordable to low and middle income families. (Chen)

Response: The proposed action would result in a substantial amount of affordable housing. It is expected that approximately 13.66 percent of net housing units generated by the proposed action would be low and moderate income affordable housing units, created through voluntary mechanisms such as the 80/20 program and the Inclusionary Housing bonus. Alternative F would increase this percentage to 14.1 percent and provide a larger component of permanent affordable housing than the proposed action. The expanded Inclusionary Housing bonus analyzed in Alternative F includes mechanisms to preserve existing affordable housing units. The proposed action and Alternative F represent reasonable responses to the public comments requesting additional affordable housing as part of the proposed action, while also remaining consistent with the other objectives of the Proposed Action. Also, see response to comments B15 and B25.

Comment B19: Inclusionary zoning affordable housing percentage should be at least 30% and should accommodate rentals anywhere between approximately \$400 to \$700 or \$800. For the lower and moderate incomes, we also want a guarantee that those apartments will be decent, permanently affordable, have adequate space, and meet housing standards. An ironclad agreement must be made before any development is approved; that inclusionary zoning will guarantee affordable rentals and contain provisions that guarantee enforcement of such an agreement. (Bender)

Response: See response to Comments B15, B18 and B25.

Comment B20: I urge the CPC to vote against any rezoning plan for West Chelsea that does not provide for a guaranteed 30% of permanently affordable housing for low, moderate and middle income households. (Florian)(Roberts)(Bini)(Restuccia)(Gazinelli) (Glberman) (Rabban)(Raskin)(Scanlon)(Toussaint)(Pasquantonio)(Roberts)(Fink)

Response: See response to Comments B15, B18 and B25.

Comment B21: Newly created affordable housing units should be located only within CB4, and should be distributed below W. 30th Street. Furthermore, there should be 75% community preference for these units. (CB4)

Response: Alternative F in the FEIS includes the creation of an expanded inclusionary housing program in the Special West Chelsea District. Community

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preference provisions are not subject to zoning regulation. See response to Comment B15.

Comment B22: The upper level of the Westside Highway was never planned as park but it became one. We feel that the High Line will be very similar and a popular amenity for both Boards 2 and 4. (Reck)

Response: Comment noted.

Comment B23: We support the creativity in using transfer development rights to create a public amenity, and welcome the affordable housing plan part of the proposal. How do we guarantee affordable housing? Not mandates; more density. (Slattery)

Response: Comment noted.

Comment B24: The current rezoning offers a once in a lifetime opportunity to alleviate scarcity of affordable housing (Sukenick)

Response: Comment noted. See response to Comment B25.

Comment B25: The City's current plan to rezone West Chelsea does not require developers to build even one unit of affordable housing. The inducements in the plan are all voluntary. (Ellner) The number of affordable housing units generated through voluntary means will be small in number. Additionally, the housing units created using these voluntary programs will not remain affordable permanently. (Toussaint)

Response: The proposed action is expected to result in a substantial amount of new affordable housing. Based on land development trends in Chelsea, site conditions, and the proposed zoning, it is estimated that approximately 13.66 percent of dwelling units developed as a result of the proposed action would be affordable to low- and moderate-income households. Alternative F in the FEIS includes the creation of an expanded inclusionary housing program that is projected to result in the creation of 768 new affordable housing units, about 14.1 percent of the total. In addition, the expanded inclusionary housing bonus analyzed in Alternative F includes mechanisms to preserve existing affordable housing units.

Comment B26: Any rezoning plan for West Chelsea must address the critical community need for affordable housing. We urge you to ensure that the rezoning plan for West Chelsea includes a significant amount of permanently affordable housing or vote against the plan. (Rabban)(Morrow)(Quinones)

Response: See response to Comment B25.

Comment B27: Our first choice would be a requirement that developers include 30% permanently affordable housing in the West Chelsea Special District because this approach would ensure that we would reach our goal. (Rabban)

Response: See response to Comment B25.

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Comment B28: If the administration remains adamantly opposed to a requirement, we urge the City to guarantee that the goal of 30% permanently affordable housing is reached through meaningful, strong incentives. (Rabban)

Response: **Alternative F, analyzed in Chapter 23, “Alternatives” of the FEIS includes a modified inclusionary housing bonus. See response to Comments B15, B18 and B25.**

Comment B29: Land values could go up 600% as a result of rezoning. Mandatory may be out of scope, but stronger incentives, like bonuses, make affordable housing provision mandatory. Make bonus more attractive with lower base FAR, similar to Hudson Yards and Greenpoint-Williamsburg approach. (McGregor)

Response: **Under CEQR, EISs do not forecast future changes in land values.**

Comment B30: CB4 and Hudson Guild support elements of this plan to create affordable housing, however, there is much more that needs to be done and can be done. (McGuire)

Response: **See the response to Comment B25.**

Comment B31: We support the City’s overall vision of providing new residential and commercial opportunities, enhancing the neighborhood’s thriving art gallery district, and facilitating the reuse of the High Line elevated rail line as a unique open space are the right steps for this community. RPA also supports the City’s Certificate of Interim Trail Use request to the Surface Transportation Board. (Ronderos)

Response: **Comment noted.**

Comment B32: I support planning for West Chelsea’s future as a residential neighborhood while keeping the neighborhood hospitable to art galleries, museums, and existing manufacturing. The rezoning will also help preserve the High Line and clear the way for its future as a park. (Gottfried)

Response: **Comment noted.**

Comment B33: The building heights the City has proposed will compromise the High Line’s merit as a public attraction and thereby work against the goal of rezoning, a thriving, vibrant Chelsea. Inordinately tall buildings will reduce sunlight and cut off sight lines from the High Line to one of Chelsea’s greatest assets, the waterfront. (Gotbaum)

Response: **Chapter 8 provides an assessment of the proposed action’s effects on urban design and concludes that the proposed action would not result in significant adverse impacts on urban design and visual resources. Regarding shadows on the High Line, see the response to Comment G1.**

Comment B34: The community has indicated its willingness to accept new buildings as tall as 280' (the height of the tallest building currently in the neighborhood) if FAR designations are tied to affordable housing development. I support the idea of using density and height increases as incentives to promote the creation of affordable housing. (Gotbaum)

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Response: See the response to Comment B25.

Comment B35: City Planning must plan for affordable housing with every rezoning it contemplates. Mandatory inclusionary zoning programs can and should be a critical part of this and future rezonings. The Commission should do everything possible to make inclusionary zoning an integral component of the West Chelsea plan. (Gottfried)

Response: See the response to Comment B25 et. seq. Also, mandatory inclusionary housing is considered in Alternative G.

Comment B36: Request that you seriously consider the crucial need for a significant amount of permanently affordable housing in the West Chelsea Special District. (Kestenbaum)

Response: See the response to Comment B25 et. seq.

Comment B37: I would like to express my desire that the height of the new buildings be as low as possible and that current tenants and businesses not be displaced. (O'Reilly)

Response: Chapter 23 (Alternatives) considers a range of building heights. Chapter 3 (Socioeconomic Conditions) found that while there would be a small number of displaced residents and businesses as a result of the proposed action, this displacement would not be significant for CEQR purposes.

Comment B38: Pursuant to the proposed action, the Scores West property at 533-535 W. 27th Street and 534-536 W. 28th Street (Block 699, Lot 14) will be rezoned from M1-5 to C6-3. We respectfully request that the proposed map change be amended to eliminate the Scores site (Block 699, Lot 14) from the change to the C6-3 district. We believe that this further change would allow the existing use to remain without impacting upon the construction of the West Chelsea/Highline rezoning effort. (Mitzner)

Response: The proposed map change to a C6-3 district is consistent with the goals and purpose of the Proposed Action. Section 32-01 of the Zoning Resolution provides that adult establishments are not permitted in C6-3 districts, and Sections 52-77 and 72-40 contain special provisions regarding non-conforming adult establishments.

Comment B39: Instead of giving property owners the option to donate money into the High Line Improvement Fund, property owners should be required to do remediation work on the High Line, or create specified amenities for the High Line. (CB4)

Response: Under the proposed action, the High Line will be a City-owned public improvement and open space. While the proposed zoning regulations allows property owners to perform remediation work under City standards and supervision, the City needs to retain the ability to perform work on its property with the use of contributions to the High Line Improvement Fund.

Comment B40: The management and oversight of the High Line Improvement Fund should be clarified, and the community should have an advisory role in the process. (CB4)

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Response: Under the proposed action, the High Line will be a City-owned public improvement and open space; management and oversight of the High Line Improvement Fund will therefore be subject to appropriate public agency control, with advisory input from the Community Board.

C. Land Use, Zoning and Public Policy

Comment C1: The continued residential use of non-conforming residential units in the M zones by residents, who have resided in their homes since at least one year prior to the certification date of the SWCD plan, should be permitted. (CB4)

Response: Comment noted. Existing non-conforming residential uses in the proposed action area would be allowed in the future with the proposed action.

Comment C2: This section [Chapter 2 – Land Use, Zoning and Public Policy] is largely a technical statement of the consistency of the proposed actions with public policy, there are a few problems with the description of current conditions. The impact of the rezoning on the art galleries needs to be more carefully studied rather than based on generalities. Another issue is the consistency of the proposed actions near Tenth Avenue with the Chelsea 197a Plan. (CB4)

Response: Chapter 3, “Socioeconomic Conditions,” provides a detailed analysis of the effects of the proposed action on art galleries, including data on existing galleries, trends, and related conditions. As discussed in Chapter 2, the 197-a Plan addressed Chelsea as far west as Tenth Avenue, and did not have any specific recommendations for the primary study area of West Chelsea. It does, however, recommend future studies for the M1-5 districts west of Tenth Avenue to determine whether new residential uses would be appropriate as part of the overall Neighborhood Planning Framework for the area directly affected by the 197-a Plan. As noted in the chapter, the lowest densities in the rezoning area would be located along the west side of Tenth Avenue, across from the Chelsea Historic District. Bulk regulations would respect the traditional form and scale of West Chelsea by requiring street wall heights along Tenth Avenue that relate to the existing loft buildings, walk-up apartment buildings and row houses. In addition, Alternative F in the FEIS analyzes lower building heights (80 feet) along Tenth Avenue, across from the Chelsea Historic District.

Comment C3: On pages 2-5 and 2-6 the discussion of existing uses states accurately that “art galleries are the predominant commercial use, located both on the ground floor in converted garages and in the upper floors of converted loft buildings. Galleries are located on nearly every block.” Although this is currently true, we are concerned that the proposed rezoning threatens the expansion of the art gallery district, contrary to the stated goals of the action. (CB4)

Response: The proposed action would maintain M1-5 zoning in midblock areas between W. 20th and W. 22nd Streets and W. 24th and W. 27th Streets thereby prohibiting residential use in the area’s midblock core in order to deter displacement of art galleries and other non-residential uses. This

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would include upper floor spaces. As discussed below in response to Comment C6, the proposed action would generate new retail space in the proposed action area that could be occupied by art galleries, as has occurred in recently constructed residential developments along W. 23rd Street

Comment C4: Rezoning much of the area for residential use will mean the loss of lower-priced upper floor spaces that have traditionally attracted smaller and more experimental galleries. These galleries give diversity and interest to the art gallery scene, and are also typically the pioneers that expand into new areas. Without the upper floor spaces, they may no longer be able to continue their expansion into areas surrounding the district's core. (CB4)

Response: See response to Comment C3 above, which notes that midblock areas where the majority of art galleries are located would continue to prohibit residential uses. This would include ground floor as well as upper floor spaces.

Comment C5: Although the action presumes that galleries will be able to locate in the ground floor commercial spaces that will be created by new residential developments, those created thus far have proved marginally attractive and quite expensive to galleries. In the rezoned area, galleries will have to compete with retail and service uses for these spaces. The loss of inexpensive upper and ground floor space for galleries may mean that the rezoning will restrict the expansion of the gallery district. The impact of this restriction must be studied effectively and mitigation or alternatives proposed. This is not done in the discussion under the Future with the Proposed Action. The limitations of the area for the expansion of galleries set out on page 2-25 in the evaluation should be the starting point for this evaluation. Reducing the area to be rezoned by locating the boundary of Subarea E at the midline of 19th and 20th Street and limiting the width of the Eleventh Avenue corridor to 100 feet between this line and 22nd Street, as proposed by Community Board 4, should be evaluated as an alternative to reduce these impacts and those on Historic Resources as well. (CB4)

Response: As discussed in Chapter 3, The Tate and The Marais, two recently constructed apartment buildings located on W. 23rd Street in the proposed action area, include several art galleries in their ground floor commercial space. As noted above, Chapter 3 provides an assessment of the socioeconomic effects of the proposed action on art galleries. The assessment in Chapter 3 concludes that the proposed action would not result in significant adverse impacts to the art gallery industry in West Chelsea. With regards to CB4's proposal, the FEIS considers this as part of the "Revised CB4 Alternative" in Chapter 23, "Alternatives."

Comment C6: The statement on pages 2-47 and 2-48 that the rezoning will "create significant opportunities for the growth of the art gallery district" is very unlikely, given the increased cost of space and the loss of the character that has proved attractive to galleries and is definitive of the art gallery district. (CB4)

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Response: As discussed in Chapters 1 and 2, the proposed action is intended to enhance the character of the art gallery district by providing continued opportunities for expression in the M1-5 districts as well as in the approximately 195,215 sf of retail space on the projected development sites. Primarily consisting of ground floor retail, this space would be available for occupancy by art galleries similar to those described in the response to B7. Moreover, the visitors brought into the area by the High Line public open space would also patronize local businesses, including galleries.

Comment C7: Page 2-39 incorrectly states that C6-4 would be mapped in Subareas A, B, C, and E. It is only to be mapped in Subareas A and G, as Figure 2-6 shows. (CB4)

Response: The text cited on Page 2-39 of the DEIS is located in the “Future Without the Proposed Action” section of the chapter, in a series of paragraphs describing the then proposed Hudson Yards rezoning. The text describes proposed zoning within the Special Hudson Yards District. As the City Council adopted the Hudson Yards rezoning in January 2005, the chapter has been updated in the FEIS to describe the adopted zoning, which is contained under the “Existing Conditions” section of the chapter. The DEIS correctly describes the C6-4 zoning for the proposed action and no changes pursuant to this comment are warranted.

Comment C8: On pages 2-3 and 2-44, under Subarea C, it is stated that the “new development is consistent with the high street wall loft buildings on Tenth and Eleventh Avenues”. As can be seen in the pictures included in Chapter 8 on Urban Design, the street walls of Tenth and Eleventh Avenues are very different in character. While the description is largely accurate for Eleventh Avenue, it is quite inaccurate for Tenth Avenue, where tenements of five stories and less and commercial buildings largely comparable or lower in scale dominate except for perhaps two blocks in the entire length of the area to be rezoned (excluding parking lots). The maximum height of 145 feet is not consistent with the context of Tenth Avenue. (CB4)

Response: The cited text refers to Subarea C, which would be located along Tenth and Eleventh avenues from W. 24th to W. 28th streets. Regarding Tenth Avenue in particular, the text further notes that “a lowered street wall between 35 and 45 feet would be required for developments that occupy at least 170 feet of frontage on Tenth Avenue. The lowered street wall would also compliment the existing four- to five-story walk-up apartment buildings located along Tenth Avenue.” While low-to-mid scale commercial buildings are prevalent in the area, it should be noted that other types of buildings are also present. These include the Williams Warehouse, an approximately 125 foot loft building on Projected Development Site 9 occupying the full Tenth Avenue frontage between W. 25th and W. 26th streets. Also, of note, across the street on the east side of Tenth Avenue, are the approximate 100 foot tower-in-a-park buildings of the Chelsea-Elliot Houses, between W. 25th and W. 27th streets.

Comment C9: The situation along Tenth Avenue is similar in Subarea F (pages 2-44 and 2-45), where there are no “high street wall loft buildings” on either side of Tenth Avenue. A height of 120 feet is completely out of context in this area. Thus the statement on page 2-48 that the density and bulk regulations would relate to the existing built environment in West Chelsea and “compliment [*sic*] the existing varied street wall character along Tenth Avenue, including the row houses of the Chelsea Historic District” is inaccurate. (CB4)

Response: **While there are a number of existing buildings of lower height, the text cited on page 2-48 refers to the built environment of the proposed action area generally. The built environment of the proposed action area, where the proposed zoning regulations would be applied, contains many high lot coverage multi-story buildings, which represent the historical pattern of development in this area.**

Comment C10: The discussion on page 2-50 of the Chelsea 197-a Plan modified and adopted in 1996 reconfirms this point [inaccuracy described above]. At that time it was promised to review M1-5 districts west of Tenth Avenue to see if residential uses could be mapped as part of the overall Neighborhood Planning Framework adopted for the original Plan area. As the DEIS states: “The Plan lowered allowable density for the area surrounding and including the Chelsea Historic District.” In the implementation the area east of Tenth Avenue was downzoned to R7-B in the Chelsea Historic District and between 24th and 25th Streets, a blockfront dominated by row houses. It is clear that rezoning on the west side of the Avenue in these locations was to be compatible with that on the east side, since maintaining the character of the avenues in the larger context of an urban form rising from the low point of Tenth Avenue was a principle of the plan and avenues were consistently mapped at the same bulk on both sides to preserve urban character and form. The west side of the Tenth Avenue in these places was, as it still is, built low. The same principles should apply north of 25th Street, where R8 at 6.02 FAR was preserved as fitting the context of Tenth Avenue in the Elliott Houses. (CB4)

Response: **See response to Comment C2.**

Comment C11: We note that this chapter is not reflected under Mitigation, presumably because no adverse impacts or conflicts were found in this section. The omission must be corrected to reflect this discussion. (CB4)

Response: **The analysis presented in the DEIS concludes that the proposed action would not result in significant adverse impacts with respect to land use, zoning, and public policy. Accordingly, no mitigation is required.**

Comment C12: Pursuant to Section 32-01(a) of the Zoning Resolution, adopted as part of the 1995 Adult Use Zoning Change and amended in 2001 (collectively referred to as the “Adult Use Regulations”), adult establishments are not permitted in C6-3 zoning districts. Therefore, were the current proposed map change effectuated, Scores West would be a non-conforming use. Pursuant to Section 52-77, also adopted as part of the Adult Use Regulations, such non-conforming adult

establishment must terminate within one (1) year from the date it became non-conforming. (Mitzner)

Response: **Section 72-40 provides that the Board of Standard and Appeals may permit any non-conforming adult use establishment to continue for a period of time beyond that provided for in Section 52-77, provided certain findings are met.**

Comment C13: The current location of Scores West was chosen because it met the criteria for the appropriate establishment of an adult use and was situated in an area where the City encouraged its establishment. It would now be inconsistent and unconscionable for the City to rezone the location from which Scores West operates, particularly since the area to the immediate south of Scores' present location will remain an M1-5 zone. The proposed mapping action would destroy a business that chose to adhere to the zoning changes enacted in 1995 and 2001 rather than challenge the City. (Mitzner)

Response: **The proposed map change to a C6-3 district is consistent with the goals and purposes of the Proposed Action. The Zoning Resolution contains provisions which ensure that owners of non-conforming adult establishments may recover substantially all of the financial expenditures related to the non-conformity prior to termination.**

Comment C14: The EIS does not address the proposed action's impact on the direct displacement of adult establishments. The consequence of such displacement may be detrimental to the City's stance with regard to the Adult Use Regulations that attempted to justify displacement of adult uses at that time by pointing to the availability of alternative locations in the very area that is now proposed to be rezoned. (Mitzner)

Response: **Adult establishments are not a "specific industry" within the meaning of the *CEQR Technical Manual*, and no special analysis of their direct displacement is required under SEQRA or CEQR. While the Proposed Action would reduce the amount of land area available for adult uses to locate in the future, numerous alternative locations exist throughout New York City.**

D. Socioeconomic Conditions

Comment D1: Existing businesses that serve both the local area and the central business district could be threatened by the rezoning. Many will become non-conforming uses, some will conflict with residential uses, some could be driven out by higher rents. This has not been adequately evaluated. (CB4)

Response: **As the proposed action involves the mapping of commercial districts, many businesses in the proposed action area would remain conforming uses. As noted in Chapter 3, although residential uses and large capacity cabarets are not highly compatible uses, a properly operated cabaret should not be a nuisance to its surrounding neighborhood and should not have compatibility issues with residential uses. Regarding indirect displacement,**

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since the early 1990s, the area has experienced an influx of investment in commercial and industrial properties and new businesses, resulting in a change in the business mix and substantial increases in rents and building sales prices. While the proposed action could result in substantial changes in the local real estate market, it is not expected to alter conditions in ways that would result in increased commercial rents compared to no-build conditions. It is not expected that the proposed action would result in indirect business displacement.

Comment D2: West Chelsea is that portion of Chelsea west of Tenth Avenue, adjacent to the Hudson River front. Historically, area residents lived east of Tenth Avenue and worked west of Tenth Avenue in the area's transportation, warehousing and manufacturing businesses. While the primary study area is West Chelsea, it cannot be considered without reference to its traditional bedroom community to the east. (CB4)

Response: The area to the east is included in the secondary study area identified and analyzed in the EIS.

Comment D3: The 1996 Chelsea 197-a Plan led to the splitting of the West Chelsea manufacturing area in two by a luxury residential corridor centered on 23rd Street. The proposed action would continue this residential incursion by encircling the two remaining manufacturing areas with luxury residential buildings. (CB4)

Response: Comment noted. It should be noted that the 1999 Chelsea Rezoning established a Special Mixed Use District along the W. 23rd Street, between Tenth and Eleventh Avenues. As stated in the EIS, residential development is expected to include a mix of incomes as a consequence of utilization of the 80/20 program and inclusionary housing bonus incentives. The Tate, a recent mixed-use development on W. 23rd Street, within the rezoning area, utilized 80/20 financing.

Comment D4: Need to protect NYC's light industries. According to the New York Industrial Retention Network, at least 17 other businesses occupy the neighborhood's industrial spaces, including: furniture makers, printers, apparel makers, stone workers, and others. These business employ 410 workers. Light industries contribute to the character of the neighborhood. It's in the interests of the community and the City to retain these businesses. (Gotbaum)

Response: As shown in Table 3-22, the proposed action is projected to result in the direct displacement of approximately 247 jobs from area industrial firms. As discussed in the response to Comment D1, the proposed action is not expected to result in indirect displacement. While each of the displaced businesses contributes to the economy of the neighborhood and City, light industry is not a defining element of neighborhood character as the area contains a variety of types of businesses. It is likely that the displaced industrial and automotive service businesses would not be able to relocate in the primary study area in the future with the proposed action. However, these types of businesses could be able to find suitable relocation space in

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other parts of Manhattan or in other boroughs where light industrial zoning exists, including In-Place Industrial Parks (IPIPs).

Comment D5: Relocation assistance provisions should be made available to displaced businesses favoring relocation within the nearby community. (CB4)

Response: Since no significant adverse impacts associated with direct or indirect business displacement were identified, no mitigation is discussed in the EIS.

Comment D6: Since the permitted uses of the 23rd Street corridor will not change under the proposed action, the proper framework for evaluating direct residential displacement is the effect on the residents living on Tenth Avenue and in the northern midblocks. By eliminating the recent, stable, relatively wealthy population in the 23rd Street corridor, it becomes clear that the proposed action will displace most, and eventually perhaps all, existing residents in the primary study area. (CB4)

Response: The EIS states that the proposed action could displace 12 units within the proposed action area; however, it did not identify any significant adverse impacts associated with direct or indirect residential displacement as a consequence of the proposed action.

Comment D7: It is clear from recent population trends in Chelsea that the projected new residents will be far wealthier than those that will be displaced, changing the socioeconomic environment dramatically. (CB4)

Response: As noted in Chapter 3, the greater Chelsea area includes an increasingly affluent residential population, as well as residents in rent protected properties such as NYCHA developments and the Penn Station South Houses. The proposed action would result in the direct displacement of 12 DUs, located in walk-up buildings. As shown in Table 3-11, the income characteristics of residents in smaller walk-up tenement buildings are similar to residents of larger buildings. In general, there is an upward trend in incomes in the primary study area, and between 1990 and 2000, residents of smaller buildings experienced the largest amount of income growth, regardless of whether they were renter- or owner-occupied. Based on this and other information in the assessment of socioeconomic conditions, the proposed action is not likely to result in significant adverse impacts associated with direct or indirect residential displacement.

Comment D8: Since the future with the proposed action will see more than a doubling of the residential population in the primary study area (including the already densely populated 23rd Street corridor) over the future without the proposed action, the proposed action will exacerbate the trend that has transformed Chelsea into an increasingly expensive neighborhood that is no longer affordable to its traditional residents. (CB4)

Response: As discussed in Chapter 3, according to the 2002 NYC Housing and Vacancy Survey, the neighborhoods of Chelsea and Clinton possessed some of the highest median monthly rents in Manhattan. As rents and median income levels have increased in the area, it is likely that economic changes

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that place unregulated rents out of reach of low-and moderate-income households have already been experienced, and those low-and moderate-income households that remain in the primary study area owe their continued tenure to rent regulation and participation in other government programs that limit rents and tenant incomes. These conditions are expected to continue in the future with or without the proposed action. The proposed action is not expected to alter these trends, but rather to help meet the strong demand for housing and ameliorate the continued upward trend in rents and sales prices.

Comment D9: We are concerned that by encircling the manufacturing areas and further reducing them in size, the proposed action will greatly increase the pressure for residential development, thus increasing rents to the point where small galleries will no longer find West Chelsea attractive or even affordable. (CB4)

Response: As discussed in Chapter 3, the proposed action would not result in significant adverse impacts on the art gallery industry. The core of the West Chelsea art gallery district would retain the existing M1-5 zoning, allowing galleries to continue to locate in the core of the West Chelsea art gallery district. Residential uses are not permitted in M1-5 districts. Vacant space on the mid-blocks and new retail space on projected development sites is expected to accommodate the continued growth of the industry. Various effects of the proposed action could increase pressures to raise rents and lead to a rise in property values, which may encourage some galleries to relocate. It is not anticipated, however, that the resulting increases in rents or property values would have a substantial effect on galleries, as galleries currently pay high rents, particularly on the ground floor level. Property values and rents in the area have been increasing and are expected to increase with or without the proposed action. The proposed action is not expected to accelerate existing trends or lead to substantial increases in the rents for galleries in either the primary or secondary study areas that would force them out of the area.

Comment D10: The proposed action will displace auto repair and service businesses and parking facilities. Even though these businesses may relocate to other sites in the city, their essential services will be lost to the local population. (CB4)

Response: As discussed in Chapter 3, the proposed action is expected to directly displace some auto service businesses. While these businesses would not likely be able to relocate within the primary study area, they could relocate to C8 commercial districts or other M1, M2 or M3 manufacturing districts within Manhattan or in other parts of the City where they are allowed as-of-right. Unlike parking facilities, which depend heavily on the primary study area for convenient access to their customer base, auto repair and service businesses are more dependent on the types of space they occupy (e.g., buildings with large floorplates, tall ceilings, vehicle access, freight elevators, etc.), affordable rent levels, and access to major roadways. Local residents who have cars could access these types of businesses via auto. Regarding parking facilities, it should be noted that new action-generated

developments would provide the maximum permitted accessory parking, which would partially offset the effect of the proposed action.

Comment D11: The DEIS states that the newly created mixed-use community would provide a new neighborhood to support the nightclub/cabaret industry. It also notes that the proposed action area contains nine large capacity cabarets and that new ones would be allowed as-of-right in the entire study area in the future with the proposed action. Finally, the DEIS notes that residential uses and large capacity cabarets are not highly compatible uses, but concludes that a properly operated cabaret should not be a nuisance to its surrounding neighborhood. Our experience is that no matter how well run individual large capacity cabarets may be, they cause problems for the surrounding community because of the number of patrons they attract and their peak hours of operation. These problems are greatly exacerbated by multiple cabarets because traffic on the surrounding streets and avenues slows, or even stops, to the point where drivers express their frustrations with their horns. A street full of cars and taxis with blaring horns at 3 AM is most definitely a nuisance to its surrounding neighborhood. We believe that continued, concentrated growth in the nightclub/cabaret industry in West Chelsea will intensify existing anti-club sentiment and lead to a full-scale community backlash. (CB4)

Response: As discussed in response to Comment D1 above, properly operated cabarets should not have compatibility issues with residential uses. As discussed in Chapter 3, the proposed action is expected to directly displace three large capacity cabarets. Regarding traffic, the peak period for traffic demand generated by the cabarets generally occurs during periods when traffic volumes on area streets are below peak hour levels.

Comment D12: We urge the Commission to adopt means of limiting the impacts on this economic and cultural resource [art galleries]: reduce somewhat the extent of the rezoning near the southern core of the art gallery district and lower the scale nearby; put restrictions on large clubs and big-box retail to preserve a favorable environment and reduce competition for desirable space; in the long run the Commission should consider means in West Chelsea to preserve a viable mixed-use district designed to foster desirable uses. (Kirkland)

Response: Comment noted. As stated in Chapter 3, “Socioeconomic Conditions,” the proposed action would not result in significant adverse impacts on art galleries. One of the goals of the proposed action is to foster the growing art gallery district in West Chelsea by prohibiting residential use in the midblocks where the underlying M1-5 zoning would be retained. Since no significant adverse impacts on the art gallery industry are expected, measures such as restrictions on large nightclubs and big-box retail are not necessary.

Comment D13: Concerned about art galleries; that the rising development pressures surrounding those two red “blocks” will hasten the change, tenants will flee and owners will approach the BSA asking for variances. We urge MX zoning with an overlay of special text. (Levin)

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Response: The DEIS analyzed the potential for impacts of the proposed action on the art gallery industry in Chapter 3, “Socioeconomic Conditions,” and concludes that no significant adverse impacts are expected. See responses to Comment C3 and D9.

Comment D14: In addition to galleries, other existing businesses that serve both the local area and the central business district could be similarly threatened by the rezoning. Many will become non-conforming uses, some will conflict with residential uses, some could be driven out by higher rents. This too has not been adequately evaluated. (CB4)

Response: As the proposed action involves the mapping of commercial districts, most businesses in the proposed action area would remain conforming uses. As noted in Chapter 3, although residential uses and large capacity cabarets are not highly compatible uses, a properly operated cabaret should not be a nuisance to its surrounding neighborhood and should not have compatibility issues with residential uses. Regarding indirect displacement, since the early 1990s, the area has experienced an influx of investment in commercial and industrial properties and new businesses, resulting in a change in the business mix and substantial increases in rents and building sales prices. As this trend is expected to continue with or without the proposed action, it is not expected that the proposed action would result in indirect business displacement.

E. Community Facilities

Comment E1: The DEIS assumes that police and fire services will increase to meet the demand caused by the new development, but provides no analysis whatsoever of that increase. The 10th Precinct is already stretched thin, particularly given the necessity of policing the many nightclubs in the area. As residents move next door to clubs, the conflict between the two uses will increase, as will the need for police response. The new residents will also obviously bring with them additional needs for fire, police, and emergency medical services. We would like to see a serious analysis of the additional needs and how they will be met (CB4).

Response: The *CEQR Technical Manual* reflects that the Fire Department does not allocate resources based on proposed or projected developments, but continually evaluates the need for changes in personnel, equipment or locations of fire stations and makes any adjustments necessary. Similarly, the Police Department independently reviews its staffing levels against a precinct’s population, area coverage, crime levels, and other local factors when assessing its ability to serve the community or need to redeploy services. Generally, a detailed assessment of police or fire service delivery is conducted only if a proposed action would affect the physical operations of, or access to and from, a station house. As the proposed action would not directly affect any police or fire stations, a detailed assessment is not warranted pursuant to CEQR.

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Comment E2: The DEIS also assumes that the existing libraries are adequate to serve the new residents. This conclusion is based on a footnote in the Hudson Yards EIS to the effect that the consultant who prepared the EIS placed a phone call to the New York Public Library (NYPL) Senior Vice President for Construction, Norman Holman, and was told that there would be no problem. We have since spoken to Mr. Holman, who does not recall that conversation. No one at NYPL has performed any kind of analysis regarding the capacity of the Muhlenberg and Jefferson Market Libraries (or the Columbus Library, for that matter) and their ability to serve the new residents. An actual analysis of the impact of the new development on the local libraries is required (CB4).

Response: **The DEIS’ analysis and assessment of library facilities conservatively focused on the Muhlenberg Library branch for an assessment of the impact of the proposed action on library facilities, although the Jefferson Market Library is within the catchment area of the southeastern portion of the proposed action area and could have reasonably been included in the assessment as per *CEQR Technical Manual* guidelines. If the Jefferson Market Library catchment area population had been included in the library facilities study area, the proposed action would not have increased the study area population by five percent or more over no action levels (the *CEQR* threshold for identifying a significant adverse impact). In addition, as Chapter 4, “Community Facilities and Services” indicated, this population has ready access to the resources of the NYPL’s Midtown Manhattan Central Libraries which are located near the study area.**

F. Open Space

Comment F1: The High Line presents a rare opportunity to bring a new location of tranquil relief from the intense urban dynamics of the City. The proposed green space is needed in an area poorly served with open space with a growing residential population. (Votava) (Gazinelli)

Response: **Comment noted.**

Comment F2: The analysis relies on an underestimate of existing population and an overestimate of future open space. The failure to adequately discuss this problem in the chapter on Mitigation and the Executive Summary is a policy decision that does not belong in the DEIS. As mitigation is difficult, alternatives must be explored. (CB4)

Response: **As per *CEQR Technical Manual* Chapter 3D, Section 322.1, the analysis used the most recent Census data, i.e., 2000 Census, to calculate the existing study area population. As discussed in response to Comment E3 below, the No-Action population level includes a growth rate reflecting general trends and development patterns from 2000 to 2013. The inventory of existing and future open space was based on the *CEQR Technical Manual* definition of open space as publicly or privately owned land that is publicly accessible and has been designated for leisure, play, or sport, or land set aside for the**

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protection and/or enhancement of the natural environment. The future No-Action and With-Action open spaces represented committed projects.

Comment F3: Pages 5-3 and 5-10: Year 2000 Census figures are used in this Section as elsewhere for the residential population. It is now 2005: updated data must be used. The population of the study area decreased between 1990 and 2000, but since then school populations and other data show that the number of young people, especially, has increased. The rate of increase stated on page 5-10 needs adjustment. Otherwise the evaluation of the impacts on open space from increased population expected from the development is skewed by the fact that the base population data are understated (CB4).

Response: As noted, existing population data is provided from 2000 Census data for census tracts within the open space study area. For 2013 No-Action conditions, a growth rate reflecting general trends and development patterns was applied to update the 2000 data to 2013. Detailed and comprehensive data on total population and age distribution, comparable to Census data, is not available.

Comment F4: Page 5-5: The inventory of open space was taken in April and May 2003, with updates in May and June 2004. The period of heaviest use of active resources like playgrounds and playing fields is during the summer vacation period, which extends from the end of June to the beginning of September. The lower level of observed use will distort at least the qualitative observations of adequacy of resources. The pressure on the inadequate existing resources will be understated as a result of this choice. (CB4)

Response: The CEQR Technical Manual recommends that open space field surveys be conducted at the peak hour of use and in good weather. As noted in Chapter 5, "Open Space," the open space inventories were undertaken between April and May 2003, with updates completed in May and June 2004. The temperate springtime weather during these months typically attracts park users, providing a balanced and representative assessment of utilization levels.

Comment F5: Page 5-6, Table 5-2: Not all the Penn South active-use areas such as playgrounds are open to the general public. Do the figures in the entry for Penn South (#7) take this into account? The play space north of W. 26th Street near Eighth Avenue called "Sandbox Park" is often heavily used while other spaces in the development vary in character and utilization. (CB4)

Response: Public access is provided to the basketball courts and playground equipment, as well as the passive open spaces with trees, benches, planters and lighting at the Penn Station South Houses. Therefore, in accordance with CEQR guidance, these spaces are included in the inventory of publicly accessible open space.

Comment F6: Pages 5-12 to 5-14. The evaluation of the Hudson River Park (#3 in the Table) is incomplete. Because of problems encountered by the Department of Sanitation in relocating its vehicles and salt pile, the construction of the park in

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the Gansevoort area is unlikely before the evaluation date of 2013. It is unknown whether the park as constructed will match the park that is projected. There is no deadline for DSNY to evacuate and funding is not available for this portion of the park. In addition the Solid Waste Management Plan may well include a marine transfer station on the peninsula that is likely to reduce open space there. Thus the figures showing over 4 acres of open space at Gansevoort in Table 5-4 on Page 5-13 must be treated as uncertain and not relied on in the evaluation of future open space. This is particularly important since this area represents over half the new active open space expected to be added in the study area (Table 5-4). (CB4)

Response: **Although DSNY doesn't intend to occupy the Gansevoort Peninsula for the next few years, they have committed to relocating their operations from the Gansevoort Peninsula and the Hudson River Park Trust has committed to create open space at this location, which would be in place by 2013.**

Comment F7: The lawn that constitutes most of the figure for open space at Gansevoort is designed to provide for passive uses as well, so that the figure of active space here should be reduced, or the use at least considered in the qualitative evaluation. (CB4)

Response: **As shown in Table 5-4, the Gansevoort Peninsula portion of Hudson River Park is expected to have 4.36 acres of active space and 0.12 of passive space. These are indicative figures based on available information. As noted on the Hudson River Park Trust website <www.hudsonriverpark.org>, this facility is expected to include beach, baseball fields, batting cages, play lawn, and recreational boating areas.**

Comment F8: At Pier 57 the Leonardo proposal has received a contingent award of the pier. Like the other contender, it is to provide a considerable amount of almost exclusively passive public open space. These proposals are discussed on page 2-22 of Chapter 2 of the DEIS without reference to the amount of open space proposed. The space offered by Leonardo should be obtained from the Hudson River Park Trust and evaluated both quantitatively and qualitatively. (CB4)

Response: **The FEIS has been revised to note that the Hudson River Park Trust selected the Leonardo as the preferred development proposal for Pier 57. Furthermore, the quantitative analysis has been updated to include a total of 1.06 acres of open space at Pier 57, primarily consisting of an approximately 46,000 sf rooftop passive open space.**

Comment F9: The design of Segment 6 of the park roughly between 26th and 33rd Street treats it almost as a supplemental part of the Hudson River Sanctuary and provides minimal facilities for humans. This should be recognized in qualitative evaluation (CB4).

Response: **Chapter 5, including Table 5-4, provides a description of the planned open spaces in the future without the proposed action, in accordance with CEQR procedures. The chapter identifies where park facilities are located within the open space study area. Other areas, not described, would not have open space facilities. As noted in the *CEQR Technical Manual* (D.100), the**

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definition of passive open space includes “publicly accessible natural areas used, for example, for strolling, dog walking and bird watching”.

Comment F10: As a matter of formal accuracy, Chelsea Waterside Park, including the largely completed part east of Route 9A, treated separately on page 5-8, is defined by the Hudson River Park Act as part of the Hudson River Park. (CB4).

Response: As noted in the text cited, Chelsea Waterside Park is under the jurisdiction of the Hudson River Park Trust, although it is separated from Hudson River Park by Route 9A. Given its physical separation and distinct elements, it is described separately.

Comment F11: Although the ULURP for Hudson Yards has been approved, the open space on the rail yards and near the stadium (#’s 28, 29 and 30) in Table 5-4 must be also regarded as uncertain and should be so described. The block between 33rd and 34th Streets (#30) is unlikely to be fully open space: recent designs show retail and other uses for part of the block, making the figure of 3.60 acres unreliable. Since the future of the facility and the Olympics it is intended to serve are uncertain, the final amount of open space in this area and its nature and quality must be carefully evaluated both for probability and quality (CB4).

Response: Retail uses are not currently proposed for the block bounded by W. 33rd and W. 34th streets, between Eleventh and Twelfth Avenues. With respect to the open spaces (Nos. 28 and 29), the City is committed to the Hudson Yards open space and parkland network.

Comment F12: In general the qualitative data are selected so as to minimize the impacts of the already understated increase in population. The considerations listed above should be included to give a more complete and objective picture. The tendency to offer in the qualitative evaluations only considerations that minimize impacts and maximize non-qualifying or unlikely options rather than evaluating issues objectively has a cumulative effect of loading environmental review in favor of the action. While noticeable throughout, it is especially clear in this chapter. (CB4)

Response: The Open Space analysis was prepared in accordance with the *CEQR Technical Manual*, and takes qualitative factors into consideration as appropriate.

Comment F13: In the evaluation of the impacts on page 5-18, together with Table 5-6 on page 5-21, it is clear that the thresholds set by CEQR guidelines (page 3D-5 especially) have been crossed in the With Action case: total open space ratio will be reduced by 3% from the no-action conditions to 1.23, 18% below the standard of 1.5; and the active open space ratio will be reduced by 11% creating almost an inversion of the planning goal of 80%/20% for active/passive open space. In the relatively unlikely case of the Base FAR Scenario the impact is clear, since without the open space of the High Line the decrease of 7% in the existing context of open space deficiency is unacceptable (CB4).

Response: As noted on page 5-2 of Chapter 5, the guidelines suggested in the *CEQR Technical Manual*, page 3D-5, are for the purpose of determining whether a

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detailed open space assessment is warranted and do not constitute quantitative thresholds for determining significance of impact. The acres per 1000 ratios and active/passive distributions, for example, are planning goals which are unattainable in many parts of the City. Deviations from these planning goals are not the basis for determining significance of impact. The determination of impact significance analyzes qualitative considerations as well as quantitative change between future no-build and build conditions. Although the proposed action would decrease the total open space ratio by 4%, compared to the future no-build, the creation of the proposed High Line open space and the Subarea G open space, along with the newly created Hudson River Park would ameliorate the effects of the proposed action. The proposed action, therefore, is not expected to exacerbate the existing open space deficiency or overburden existing open space resources in the study area.

Comment F14: In the Mitigation section (pages 22-2 and 22-3) the dismissal of these impacts is improper. Indeed the failure to mitigate or provide alternatives (mitigation appears infeasible) on the ground that “such measures could tend to decrease the amount of housing developed within the proposed action, which would be inconsistent with the purpose and need for the proposed action” is inconsistent with the purpose of environmental review. The function of an EIS is to provide the basis for the evaluation of an action by policy makers on the basis of its environmental effects. The situation should be laid out, the alternatives proposed and evaluated, and the choice set out clearly in that section and the Executive Summary. (CB4)

Response: The proposed action would not result in significant, adverse open space impacts. As noted, the Base FAR Scenario, which is considered unlikely to occur, would result in a significant adverse impact, which is considered unmitigable. This information is provided in Chapter 5 and the Executive Summary.

G. Shadows

Comment G1: The elaborate analysis includes many computer-generated shadow diagrams in color. The conclusion is of the common type that the only significant impacts are those on the stained-glass windows of two churches. This result [DEIS conclusion] is attained by not fully discussing certain historic resources and by omitting or explicitly excluding significant open spaces that are relied on in the section on Open Space. Shadows on the High Line and spaces associated with it and the Hudson River Park are the principal omissions and these will pass the standard of duration of shadow. (CB4)

Response: According to the *CEQR Technical Manual* and as discussed in Chapter 6, “Shadows,” a shadow is defined as the circumstance in which a building or other built structure blocks the sun from the land. An adverse shadow impact is considered to occur when the shadow from a proposed project falls on a publicly accessible open space, historic landscape, or other

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historic resource if the features that make the resource significant depend on sunlight, or if the shadow falls on an important natural feature and adversely affects its use and/or important landscaping and vegetation. In general, shadows on city streets and sidewalks or on other buildings are not considered significant under CEQR. In addition, shadows occurring within an hour and a half of sunrise or sunset generally are also not considered significant under CEQR. Additionally, according to the *CEQR Technical Manual*, some open spaces contain facilities that are not sensitive to sunlight. As the portion of Hudson River Park located adjacent to the proposed action area is predominantly comprised of paved pathways and has no sitting areas or significant vegetation, the open space resource would not experience significant adverse impacts as a result of the proposed action. Further, as discussed in Chapter 6, “Shadows,” the anticipated development would be subject to design regulations controlling streetwall heights, tower placement, and streetscapes so that it would not result in major shadows on open spaces and instead would contribute to the creation of a lively streetscape, with ample light and air. The creation of the High Line open space would be an integral element of the proposed action and the proposed zoning amendments have been created to ensure that the form and use of new buildings relate to the High Line open space. It is expected that project-generated shadows (from the development generated by the proposed action) would be cast on the High Line; however, potential shadow impacts are not assessed for project-generated open spaces.

Comment G2: The tally of shadow impacts should be updated to reflect the corrections made not only in this chapter but also in those on Open Space and Historic Resources.

Response: **The Shadows chapter discloses the worst-case shadow impacts for open space and historic resources containing sunlight-sensitive features in the future with the proposed action, as per the *CEQR Technical Manual* guidelines. No new significant adverse impacts from the proposed action have been identified beyond those disclosed in Chapter 6, “Shadows.”**

Comment G3: The failure to present mitigation or reasonable alternatives for the resources identified as adversely impacted is, as in the preceding chapter, incorrect.

Response: **As discussed in Chapter 22, “Mitigation,” there are no practicable or feasible means to reduce or eliminate the project-generated shadows impacts. All selected alternatives are assessed in the “Alternatives” Chapter of the EIS, and compared to the proposed action.**

Comment G4: The omission of the High Line from the analysis is rationalized in several locations, first on page 6-2, where it correctly states that the conversion of the High Line to a park will not significantly change the coverage of shadows cast. It will, however, shadow the plaza to be created on the eastern part of the block between Tenth and Eleventh Avenues and 17th and 18th Streets. This is an open space included in the Open Space tallies. This plaza will also be shadowed by the buildings that will be erected as a result of these actions to both the east and the west. (CB4)

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Response: The plaza to be located between W. 17th and W. 18th Streets, directly west of Tenth Avenue and adjacent to the High Line, is a project-generated open space. While it is expected that project-generated shadows (from the development generated by the proposed action) would be cast on this open space, shadows on project-generated open spaces are not considered a significant adverse impact.

Comment G5: On pages 6-6 and 6-7 it is stated that the effect of shadows on the High Line considered as an historic resource will not be significant. This is not accurate. The High Line is visible not only from above and to walkers on it; it is also visible from the side and below along the streets. It is black or dark in color, and the details of the ornamental parapet wall of the High Line are the only ornamental portions of the structure and give it a special character that distinguishes it from other elevated rail or roadways. Seeing clearly this significant characteristic as the line crosses the narrow streets that are to become more heavily built up requires good light on the pillars or stanchions that support it. Its striking industrial undersurface also requires clear light. Thus shadows cast upon the High Line by the tall buildings close to it that the rezoning will produce directly and indirectly will make these distinctive views hard to make out and have a significant adverse impact. (CB4)

Response: The High Line runs through a predominantly built urban area, in close proximity to existing built structures. Many of the buildings which are immediately adjacent to the High Line structure are at a height which is as tall as, or taller than, the High Line. Furthermore, projected development would not obstruct views of the High Line as it crosses over streets. The ornamental parapet wall is only located in areas where the High Line crosses the public right-of-way. The developing design for the High Line open space will include enhancements to the visibility of the parapet wall and the industrial undersurface.

Comment G6: On page 6-18 it is stated that the High Line considered as an open space is not included in the analysis since it is created as part of the action. This test is not found in the CEQR guidelines, and is invalid. First, the High Line is an existing open space that will become public as a result of its acquisition and conversion to a park. (CB4)

Response: The High Line is not an existing open space. Rather, it is an unused, elevated freight rail line, littered with assorted debris and overgrown with vegetation. The High Line is currently private property, owned by CSX railroad. It is not publicly accessible. According to the *CEQR Technical Manual*, an open space is defined as publicly or privately owned land that is publicly accessible and has been designated for leisure, play, or sport, or land set aside for the protection and/or enhancement of the natural environment. As part of the proposed action, assessed in this EIS, the High Line will be converted to a publicly accessible open space, and would, therefore, function as such in the future with the proposed action. Project-generated shadows falling upon project-generated open spaces, such as the

High Line, are not considered significant adverse impacts of the proposed action.

Comment G7: The acquisition of the High Line is a separate ULURP action from the rezoning that will create lines of high structures along its length. This is recognized in the separate environmental analysis for the “Base FAR Scenario” (without the acquisition and conversion of the High Line) as well as in such facts that the acquisition was explicitly the only one of this group of actions that was reviewed by the Manhattan Borough Board. (CB4)

Response: Comment noted.

Comment G8: As a matter of reality, the impact of shadows on the High Line from the new structures will be massive both in size and duration; it is an evasion to say “the design of the High Line open space would consider the expected the *[sic]* shadows in its design.” The issue is whether this can be mitigated. (CB4)

Response: As part of the proposed action assessed in the EIS, the High Line will be converted to a publicly accessible open space, and would, therefore, function as such in the future with the proposed action. Project-generated shadows falling upon project-generated open spaces, such as the High Line, are not considered significant adverse impacts of the proposed action. Therefore, there is no need for mitigation, since such shadows are not considered impacts.

Comment G9: While this is the most striking case of historic resources that are “sunlight sensitive,” the text on page 6-6 declaring “the details of the features of the above mentioned historic resources...are not the primary historic characteristics resulting in their designation or potential designation as historic resources” is in error. This fit-all depreciation of the elaborate architectural details of many Nineteenth-Century structures has been used in other environmental reviews and ignores the fact the general form of buildings of this period was generally standardized, but the details deriving from Classical, Gothic, and Renaissance structures were the elements that distinguished one from another by design and craftsmanship and that give the styles their names. Direct sunlight may not be necessary, but clear light is. In the narrow streets of New York good light from the sun is usually required to perceive these features and the only way of evaluating this impact is shadow analysis. (CB4)

Response: The text on page 6-6 correctly states that only the Guardian Angel Church and churches within the Chelsea Historic District contain sunlight-sensitive features.

Comment G10: The Hudson River Park is another open space that is included in the tallies of open space in this DEIS; but it is not included in the analysis, except for the existing portion of the Chelsea Waterside Park east of the highway, which the enabling act declares an integral part of the Hudson River Park. (CB4)

Response: According to the CEQR Technical Manual and as discussed in Chapter 6, “Shadows,” a shadow is defined as the circumstance in which a building or other built structure blocks the sun from the land. An adverse shadow

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impact is considered to occur when the shadow from a proposed project falls on a publicly accessible open space, historic landscape, or other historic resource if the features that make the resource significant depend on sunlight, or if the shadow falls on an important natural feature and adversely affects its use and/or important landscaping and vegetation. In general, shadows on city streets and sidewalks or on other buildings are not considered significant under CEQR. In addition, shadows occurring within an hour and a half of sunrise or sunset generally are also not considered significant under CEQR. Additionally, according to the CEQR Technical Manual, some open spaces contain facilities that are not sensitive to sunlight. As the portion of Hudson River Park located adjacent to the proposed action area is predominantly comprised of paved pathways and has no sitting areas or significant vegetation, the open space resource would not experience significant adverse impacts as a result of the proposed action. Further, as discussed in Chapter 6, “Shadows,” the anticipated development would be subject to design regulations controlling street wall heights, tower placement, and streetscapes so that it would not result in major shadows on open spaces and instead would contribute to the creation of a lively streetscape, with ample light and air.

Comment G11: The new structures that will be permitted along Route 9A (Eleventh Avenue) south of 22nd Street will shadow much of the Hudson River Park across Route 9A. While this will be little more than a green strip along the Chelsea Piers at this point, it will have a real park-like largely passive presence just to the north and south of the piers in areas that will be affected by shadows from these buildings, which will extend as far south as 17th Street. The completion date for this segment of the Park is estimated to be well before 2013. (CB4)

Response: According to the CEQR Technical Manual and as discussed in Chapter 6, “Shadows,” a shadow is defined as the circumstance in which a building or other built structure blocks the sun from the land. An adverse shadow impact is considered to occur when the shadow from a proposed project falls on a publicly accessible open space, historic landscape, or other historic resource if the features that make the resource significant depend on sunlight, or if the shadow falls on an important natural feature and adversely affects its use and/or important landscaping and vegetation. In general, shadows on city streets and sidewalks or on other buildings are not considered significant under CEQR. In addition, shadows occurring within an hour and a half of sunrise or sunset generally are also not considered significant under CEQR. Additionally, according to the CEQR Technical Manual, some open spaces contain facilities that are not sensitive to sunlight. As the portion of Hudson River Park located adjacent to the proposed action area is predominantly comprised of paved pathways and has no sitting areas or significant vegetation, the open space resource would not experience significant adverse impacts as a result of the proposed action. Further, as discussed in Chapter 6, “Shadows,” the anticipated development would be subject to design regulations controlling streetwall heights, tower placement, and streetscapes so that it would not result in

major shadows on open spaces and instead would contribute to the creation of a lively streetscape, with ample light and air.

Comment G12: The waterfront walkway around the Chelsea Piers is legal waterfront access and hence public open space that should also be considered. (CB4)

Response: According to the CEQR Technical Manual and as discussed in Chapter 6, “Shadows,” an adverse shadow impact is considered to occur when the shadow from a proposed project falls on a publicly accessible open space, historic landscape, or other historic resource if the features that make the resource significant depend on sunlight, or if the shadow falls on an important natural feature and adversely affects its use and/or important landscaping and vegetation. In general, shadows on city streets and sidewalks or on other buildings are not considered significant under CEQR. Additionally, according to the CEQR Technical Manual, some open spaces contain facilities that are not sensitive to sunlight. As the waterfront walkway around the Chelsea Piers is predominantly comprised of paved pathways, the open space resource would not experience significant adverse impacts as a result of the proposed action.

Comment G13: The fingers of Piers 60 and 61 are also on the Historic Register and were omitted in error from the tally of Historic Resources, and should be included in the analysis of shadows. (CB4)

Response: The New York City Landmarks Preservation Commissions has determined that the fingers of Piers 60 and 61 are not listed on either the State or National Registers of Historic Places.

Comment G14: Pier 57 is also part of the Hudson River Park, and has been contingently awarded to a developer who will provide a good deal of public open space, mostly on the roof of the pier near Route 9A, and on walkways and balconies around the pier. There is a discussion of this in Section 2. Pier 57 is also on the Historic Register and was thus erroneously omitted from the tally of Historic Resources. Analysis must include the impacts of shadows on the Pier as an historic resource and also on the predominantly passive open space to be provided, which will probably include a community garden. (CB4)

Response: The FEIS has been revised to include Pier 57 as an S/NR-eligible resource; however, as described in Chapter 7, “Historic Resources,” the resource is not dependent on sunlight for its historic significance. Furthermore, project-generated shadows are not expected to extend to Pier 57.

Comment G15: There are a number of open spaces that form integral parts of historic resources that will be affected. In the Chelsea Historic District the campus of the General Theological Seminary and the “garden spaces” in the interiors of rowhouse blocks are specifically protected by the Landmarks Commission, as are the planted setbacks from the streets and the street trees required by Clement Clarke Moore. These are called out in the text of this chapter (pages 6-2 and 6-3). They must be specifically evaluated. (CB4)

Response: All sunlight-dependent publicly accessible open spaces and historic resources were assessed for potential shadow effects in Chapter 6, “Shadows.” The gardens of the General Theological Seminary and planted areas within the setbacks of buildings within the Chelsea Historic District are not considered sunlight-sensitive features and were not analyzed. An assessment of the potential shadows impacts is performed for any of the identified resources that are determined to be shadow-sensitive.

Comment G16: The campus of the General Theological Seminary is also a space regularly open to the public for part of the day, and includes a playground as well as passive areas and plantings. The campus and particularly the chapel of the Theological Seminary is a tourist attraction that is open to the public most of the day and is often the object of tours. The details of the architecture are especially important inside and out of the buildings, and sunlight through the stained-glass windows of the Chapel is especially important for this reason. The analysis must therefore include these features on the basis of greater importance and wider duration of sensitivity to adverse impact. (CB4)

Response: The grounds of the General Theological Seminary were considered private open space in the DEIS, therefore, not included as an open space resource. The EIS assesses the reasonable worst-case development scenario, on a site-specific basis for both the projected and potential development sites, for potential shadowing effects on existing light sensitive uses, and discloses the range of shadows impacts, if any, which are likely to result from the action. The open space on the General Theological Seminary Campus is addressed above in the response to Comment G15. The project-generated shadows impact to the stained glass windows of the Chapel is evaluated in Chapter 6, “Shadows.” As discussed in that chapter, there is a significant adverse impact to the stained glass window. According to the CEQR Technical Manual, only open space that is accessible to the public on a constant and regular basis or for designated daily periods is defined as “public” and analyzed for impacts under CEQR. The General Theological Seminary is not judged to meet this criteria. It should be noted that the EIS does disclose a significant adverse shadow impact created by the proposed on the chapel's stained glass windows.

Comment G17: There is a considerable elderly population and sitting parks used by the elderly are particularly sensitive to shadows, especially in the cooler seasons. There has been no differential analysis on this basis, which would seem particularly appropriate in the Chelsea Waterside Park, since shadows projected there have a long duration. (CB4)

Response: The shadows analysis presented in the FEIS concludes that shadows on Chelsea Waterside Park under No-Action conditions would be comparable to project-generated shadows. There would be no substantial difference between the two conditions. Furthermore, seating areas are not considered sunlight-sensitive features of an open space. As described therein, the sensitivity of the open space to potential shadows are considered. Facilities such as children’s playgrounds and sprinklers, swimming pools, sitting or

sunning areas, ballfields and other play areas that are covered with turf do require direct sunlight for some part of the day or at some times of the year. As described above, the EIS assesses the reasonable worst-case development scenario, on a site-specific basis for both the projected and potential development sites, for potential shadowing effects on existing sunlight sensitive uses, and discloses the range of shadows impacts, if any, which are likely to result from the action.

Comment G18: The Conclusion on page 6-19 of the Mitigation section that the shadow impact on resources near Tenth Avenue in and near the Seminary chapel and campus and the Church of the Guardian Angel are unmitigable is incorrect and unacceptable. An alternative, for example limiting the height of the buildings on the west side of Tenth Avenue as suggested by Community Board 4, would reduce these impacts without requiring removal from the rezoning area. It must be stated here as in the comments on the previous section that calling such action unfeasible since it would decrease the amount of housing developed is improper. This is a policy decision that the EIS is intended to illuminate. (CB4)

Response: As discussed in Chapter 22, “Mitigation,” there are no practicable or feasible means to reduce or eliminate the project-generated shadows impacts. All selected alternatives are assessed in the “Alternatives” Chapter of the EIS, and the results are compared with the RWCDs. Furthermore, Alternative F contained in the FEIS analyzed lower building heights (80 feet) for buildings on the west side of Tenth Avenue, opposite the Chelsea Historic District.

Comment G19: The purpose of the EIS is to evaluate the action for modification or withdrawal. It should set forth feasible alternatives here and in the chapter on Mitigation as well as in the Executive Summary. (CB4)

Response: The EIS considers feasible alternatives in Chapter 23, “Alternatives,” and proposed mitigation where feasible and practicable, in Chapter 22, “Mitigation.”

Comment G20: Even 8-story buildings opposite the Chelsea Historic District would be almost twice as tall as the 4- or 5-story brownstones that have given a unique feel to the community for over 150 years. Buildings higher than 8 stories would totally block the sunshine needed by the historically significant brownstone gardens of the Historic District and by Clement Clark Moore Park at W. 22nd Street and Tenth Avenue. (Borock) (Swartz)

Response: As discussed in Chapter 8, “Shadows” of the DEIS, significant adverse shadow impacts are not expected on Clement Clark Moore Park; however, they are expected on the stained glass windows of the General Theological Seminary, within the Chelsea Historic District. The brownstone gardens were not considered a sunlight-sensitive feature, and were therefore, not analyzed as such. Also, note that Under Alternative F in the FEIS, the maximum height for development along Tenth Avenue, across from the Chelsea Historic District would be 80 feet.

H. Historic Resources

Comment H1: Landmark designations should be pursued to encourage the preservation of Chelsea's irreplaceable historic and architectural resources, including the possible designation of a New York City Chelsea Waterfront or Industrial Historic District to preserve not only the distinguished individual structures but also historic streetscapes. (CB4, 2/28/05) A list of identified resources that CB4 regards as important and threatened is provided in CB4's letter dated 4/18/05 in Appendix H.(CB4)

Response: **The LPC has reviewed CB4's request for landmark designation of the proposed historic district, with boundaries generally between W. 25th and W. 28th streets and Tenth Avenue and the Hudson River and has determined that the proposed district is LPC- and S/NR-eligible for listing.**

Comment H2: The EIS for Hudson Yards made a serious effort at evaluation of historic resources and has clearly been a source for the resources identified in the northern part of the area to be rezoned. Insofar as the present chapter reflects this document, it is accurate, although the more summary entries for the various resources identified do not give so complete a picture of the value of the resources in the area. The fuller entries in the Hudson Yards EIS should be carried over to the resources identified in both documents, and the model of entries in the Hudson Yards EIS should be used for the other entries in this text.

Response: **The EIS includes the appropriate amount of detail necessary to make a determination of impacts. As per the *CEQR Technical Manual*, "For any properties in the study area that appear to be important, information provided should be sufficient to enable the lead agency or coordinating agencies to make a decision concerning the significance of the resources using the National Register and local criteria. This information should include dates of construction and alteration, for example. In addition to written descriptions, maps indicating the location of the resource(s) and black-and-white photographs of the resources can be helpful."**

Comment H3: Another valuable source for information and evaluation for the area is the draft report of the 2001 Studio of the Columbia University School of Architecture, Planning, and Historic Preservation, which made a study of the old West Chelsea industrial area. While not complete or consistent in the evaluation of historic buildings, it is a useful tool. It forms a useful start for approaching closer evaluation of the area. Such evaluation is essential for mitigation by New York City Landmarks designation or listing on the Historic Registers.

Response: **Comment noted.**

Comment H4: There are a number of actual errors in the text of this chapter that need to be corrected.

Response: **Comment noted. Any identified errors have been corrected in the FEIS.**

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Comment H5: The text of the section is confused or inaccurate about the status of some of the resources identified, as is Table 7-1. Typical is confusion about the judgment of the Landmarks Preservation Commission that a property is appropriate for designation as a landmark with actual designation as such, calling both by the term “listed” that is appropriate for the Historic Registers. These properties include:

- No. 21: The Starrett Lehigh Building is actually listed on the Registers
- No. 27: 446-460 W. 25th Street is incorrectly said to be “listed” on the Historic Registers and by the LPC. The word is presumably “eligible” for both.
- No. 28: 461 W. 24th Street - the same error.
- No. 30: 461 W. 18th Street - the same error.
- No. 31: 445 W. 18th Street - the same error. (CB4)

Response: See the response to Comment H1 and the Landmarks Preservation Commission correspondence dated 11/24/03.

Comment H6: No 13, the Wolff Building on W. 26th Street, has dropped out of the text. It is consistently misspelled as “Wolf.” (CB4)

Response: The FEIS includes the correct spelling of “Wolff.”

Comment H7: North River Pier 64 (specifically listed as number 35) is incorrectly listed as eligible for the State and National Historic Registers, although previous action by the State Historic Preservation Office had determined the contrary. This has been confirmed by SHPO to the Hudson River Park Conservancy, which administers the property. The error may be due to confusion with Pier 66A, two blocks to the north, which is in fact listed on the Historic Registers. (CB4)

Response: This has been acknowledged and confirmed with LPC. References to Pier 64 have been removed from the FEIS.

Comment H8: Clear omissions at least partially within the 400 foot affected area are the fingers of Piers 60 and 61 in the Chelsea Piers complex, which are listed on the Historic Registers, and Pier 57, also on the Historic Registers. These, like Pier 66A, are within the Hudson River Park. (CB4)

Response: The LPC has determined that Pier 57 and Pier 66A are both S/NR-eligible. The FEIS has been revised to reflect this information. Piers 60 and 61 are not listed on either the State or National Registers of Historic Places.

Comment H9: In evaluating the impacts of the proposed action, demolition of historic resources is clearly the greatest threat. However, in evaluating the lesser threat of conversion of industrial buildings a distinction should be made between commercial conversion and residential conversion. Commercial conversion of the largely sound and clearly handsome industrial buildings in the area is likely not to involve major changes that will destroy the character of the buildings. On the other hand, residential conversion often entails the loss of significant features and even the character of the structure because of such requirements as rear yards and the desire for light, air, and views. (CB4)

Response: The analyses contained in Chapter 7, Historic Resources,” considers the effects of residential conversions as a result of the proposed action, and discloses the potential for significant adverse impacts due to conversions.

Comment H10: On page 7-22 the conclusion that there are no significant indirect effects on historic resources is belied by the discussion immediately following. (CB4)

Response: On page 7-22, the sentence clearly states that the potential and projected development generated by the proposed action is not expected to have significant adverse impacts on existing historic resources in the area. Screening assessment identified 5 architectural resources (on the following page) that were identified as being potentially sensitive to indirect impacts that could result from the proposed action. Each of the 5 resources was evaluated for their potential to experience significant adverse impacts as a result of the proposed action. Each section concludes that significant adverse contextual impacts are not expected.

Comment H11: The context and setting of the Charles P. Rogers Building would be utterly transformed, if indeed it survived the rezoning. Immediately behind it on 30th Street, residential buildings at 10 to 12 FAR would be erected, and buildings beside it and across the street would be erected rising to 145 feet. It is now prominent and its delicate details clearly visible on a low, attractive street. (CB4)

Response: The Charles P. Rogers Building was evaluated for its potential to experience significant adverse contextual impacts according to the following criteria:

- A resource’s visual prominence;
- Identifiable views that would be blocked;
- Expected removal of an architectural resource that contributes to another’s setting;
- Location of an architectural resource in a primarily low-rise setting of parking lots, and/or nondescript structures that make it notable in the streetscape;
- The low-rise character of an architectural resource; and
- The location of multiple development sites adjacent to an architectural resource

As noted in the response to comment H10, no significant adverse impacts were identified.

Comment H12: A major resource cited, Seamen’s House, which is likely to remain due to its use and ownership, would lose its conspicuous site on the river and the recently repainted mural on the south side, and would be out of scale with the considerably higher buildings proposed to its east and north. The proposals by Community Board No. 4 to locate the boundary of the rezoning to the south in the midblock of 19th to 20th Street and to reduce the rezoned corridor north of this boundary to 100 feet would form an alternative that would reduce these impacts and should be evaluated. It would also reduce impacts on the art galleries in the area and preserve the handsome streetscape of 20th Street. (CB4)

Response: Seaman’s House was evaluated for its potential to experience significant adverse contextual impacts according to the criteria identified in the response to H11. As noted in the response to comment H10, no significant adverse impacts were identified. With respect to the CB4 Alternative, the proposal is evaluated as an alternative to the proposed action in the “Alternatives” Chapter of the EIS, and the results are compared with the proposed action.

Comment H13: The discussion of indirect impacts on the Chelsea Historic District is misleading in that it ignores the reality that the west side of Tenth Avenue opposite is mostly lined with low red brick structures, the Guardian Angel Church and low tenements. These form an appropriate environment for the Church and Historic District, and the height limit of 80 feet proposed by Board 4 would tend to protect these buildings and their environment. The change in character to a mix of old industrial buildings at a greater scale takes place at the High Line. This issue is discussed in Chapter 2 and elsewhere. (CB4)

Response: The cited text refers to Subarea C, which would be located along Tenth and Eleventh avenues from W. 24th to W. 28th streets. Regarding Tenth Avenue in particular, the text further notes that “a lowered street wall between 35 and 45 feet would be required for developments that occupy at least 170 feet of frontage on Tenth Avenue. The lowered street wall would also compliment the existing four- to five-story walk-up apartment buildings located along Tenth Avenue.” While low-to-mid scale commercial buildings are prevalent in the area, it should be noted that other types of buildings are also present. These include the Williams Warehouse, a 10-story loft building on Projected Development Site 9 occupying the full Tenth Avenue frontage between W. 25th and W. 26th streets. Also, of note, across the street on the east side of Tenth Avenue, are the 11-story tower-in-a-park buildings of the Chelsea Elliot Houses, between W. 25th and W. 27th streets. The Chelsea Historic District was evaluated for its potential to experience significant adverse contextual impacts according to the criteria identified in the response to H11. As noted in the response to comment H10, no significant adverse impacts were identified. As such, the analysis of the Chelsea Historic District was not misleading. With respect to the CB4 Alternative, the proposal is evaluated as an alternative to the proposed action in the “Alternatives” Chapter of the EIS, and the results are compared with the RWCDS. Furthermore, Alternative F in the FEIS considers building heights of 80 feet along the west side of Tenth Avenue, opposite the Chelsea Historic District.

Comment H14: Page 7-26 speaks misleadingly of “the avenue’s large loft buildings” of which there is exactly one between W. 17th Street and the Morgan Post Office. The few large loft buildings on Tenth Avenue are at the ends of the area to be rezoned; the one exception is the Williams Building north of W. 25th Street. (CB4)

Response: As discussed above, the text further notes that “a lowered street wall between 35 and 45 feet would be required for developments that occupy at

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least 170 feet of frontage on Tenth Avenue. The lowered street wall would also compliment the existing four- to five-story walk-up apartment buildings located along Tenth Avenue.” While low-to-mid scale commercial buildings are prevalent in the area, it should be noted that other types of buildings are also present. These include the Williams Warehouse, a 10-story loft building on Projected Development Site 9 occupying the full Tenth Avenue frontage between W. 25th and W. 26th streets. While not loft buildings, also, of note, across the street on the east side of Tenth Avenue, are the 11-story tower-in-a-park buildings of the Chelsea-Elliot Houses, between W. 25th and W. 27th Streets and the 18-story London Terrace between W. 23rd and W. 24th Streets.

Comment H15: It is clear from the discussion on page 7-14 that the only means of reliably ensuring that there will be minimal adverse effects on undesignated historic resources is to obtain designation by the New York City Landmarks Preservation Commission. While listing on the Historic Registers would not affect private actions, such listing would provide significant tax advantages if buildings were sympathetically converted. (CB4)

Response: See response to Comment H1.

Comment H16: On the basis of the material available from the two EIS’s, and from such other sources as the recent studio of the Columbia University School of Architecture, Planning, and Historic Preservation, Manhattan Community Board No. 4 formally requests timely action for New York City designation of the valuable and significantly threatened historic resources discussed below. The large number of structures declared eligible for the Historic Registers suggests that prompt parallel action to list them on the State/National Historic Registers should be undertaken by arranging for preparing nominations in all cases where the owner did not object. (CB4)

Response: See response to Comment H1.

Comment H17: The Board requests detailed investigation of identified and potential historic resources within a study area within the core of the major industrial area in western Chelsea that is linked to the combination of water and rail transportation with a view to designating a New York City historic district. Individual landmarks nearby that cannot be included in a unified district should receive individual designation. The Board suggests boundaries of such a study area as shown by a thick line on the attached maps. The boundaries are defined on the north by West 28th Street extended westward to the pierhead line of the Hudson River and extending east along 28th Street to the High Line; on the east by the High Line from West 28th Street south to West 26th Street, east on West 26th Street to Tenth Avenue, south on Tenth Avenue to West 25th Street, west on 25th Street to the High Line and south along the High Line to the midline of 24th and 25th Street; and on the south by the midline of West 25th and 24th Streets to Eleventh Avenue, north on Eleventh Avenue to the continuation of the south line of Block 670, Lot 70, and west in this south lot line to its western end, then north on the west lot line of this lot, west on 26th Street to Twelfth Avenue,

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south on Eleventh Avenue to the north line of the former West 25th Street extended, and then following this line west to the pierhead line of the Hudson River. (CB4)

Response: See response to Comment H1.

Comment H18: Most of the study area is not planned for rezoning except along Eleventh and Tenth Avenues; indeed most of the midblocks are planned to be reserved for the art galleries and service industries that now dot the area and which it is declared City policy to encourage in this rezoning. The changes to the area the rezoning will bring will inevitably bring new pressures for development in other areas as well. Conversions for new uses must be regulated to ensure that the character of the area remains and will thus help reinforce the art gallery uses. Action must be taken to prevent demolition of contributing buildings of a type that is disappearing and that will not come again. (CB4)

Response: **Comment noted. As discussed in the discussion of demolition and conversion of historic resources in Chapter 7, these impacts would be unmitigated. Under the proposed action, demolition or conversion of historic resources, which are eligible but not landmarked, can occur as-of-right. There is no mechanism which requires mitigation on these sites. As discussed in Chapter 23, a No Impact Alternative was considered but is not feasible (See response to Comment Q4). The No-Action Alternative, identified and assessed in Chapter 23, would avoid these impacts.**

Comment H19: While the study area needs a more thorough evaluation for resources that may have been missed, the Board urgently recommends immediate designation of a Historic District comprising the area within the boundaries shown on Map 2 (attached). The most important resources within the proposed District are listed below from north to south within categories. There follows immediately afterwards a list of a few significant resources located within the study area that are sufficiently isolated from the core Historic District, mostly by vacant lots, that they are unlikely to be incorporated into the District. (see attached maps in Appendix H). The new district would include the following resources: (CB4)

- Warehouses directly served by railroads, the first three mainly by float bridges:
 - Terminal Warehouse Central Stores; Block 673, Lot 1 (entire block).
 - Starrett Lehigh Building; Block 672, Lot 1 (entire block)
 - Baltimore & Ohio Terminal Warehouse; Block 670, Lot 70
 - Williams Warehouse; Block 697, Lot 31.
- Other industrial buildings and office buildings of industrial companies:
 - Berlin and Jones Envelope Company building; Block 699, Lot 5.
 - E. R. Merrill Spring Co. Building; Block 699, Lot 49
 - Otis Elevator Building; Block 698, Lot 1
 - Wolff Building and Annex; Block 697, Lots 42 and 47 (adjacent)
 - Reynolds Metals Company Buildings; Block 697, Lot 23
- Other contributing structures:
 - Garage: 537-47 West 26th Street; Block 698, Lot 10
 - Baltimore & Ohio Float Transfer Bridge in Hudson River Park (Pier 66A).

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- Other significant buildings in the study area:
 - Cornell Iron Works (later Standard Oil Company); Block 697, Lot 5
 - Zinn Building (also Royal Paper Company Building), Lot 696, block 65

Response: See response to Comment H1.

Comment H20: There are a number of other buildings within the study area possessing sufficient character and quality to be contributing buildings to the streetscapes and the ensemble of the Historic District, even if they are not of sufficient significance to be selected for individual designation. (CB4)

Response: In the EIS, the assessment of historic resources included both designated and eligible structures. The properties identified in the DEIS as eligible for LPC designation and S/NR listing would be subject to the standard state designation procedures.

Comment H21: Between 29th and 30th Streets, close to the old 30th Street Yards, is an area planned for considerable upzoning, mostly to allow residential or commercial buildings at an FAR of 10, bonusable to 12 if for residential use. Several important buildings here are on potential development sites or sites indirectly threatened by development, and a small community still survives on 29th Street between Tenth and Eleventh Avenues. The area is uneven in architectural and historic quality, but contains a few buildings of major architectural and historic interest called out in the EIS for the Hudson Yards as well as that for the West Chelsea rezoning. These buildings are significant reminders of the industrial character associated with the historic New York Central Yards just to the north at 30th Street and their predecessors over the years. The area should receive a more adequate evaluation, but we urgently recommend the following structures for immediate evaluation and for calendaring for hearing by the Landmarks Preservation Commission:

- Former Hess Brothers Confectionary Factory; Block 701, Lot 43
- Former W. & J. Sloane Warehouse and Garage, Block 701, Lot 1
- Charles P. Rogers & Company Building, Block 701, Lot 24
- 550 West 29th Street Building, Block 700, Lot 61

Response: See responses to Comments H1 and H20.

Comment H22: On 18th Street, directly facing the half-block designated for significant upzoning as Subarea H, are the two charming and very small buildings listed below. Most of the buildings on this blockfront are well below the FAR of 6.02 that the current zoning of R8A would permit, so that possible assemblages that would lead to the destruction of these structures form a significant threat to their survival. This is a likely effect of the upgrading of the area that will follow on the major redevelopments already planned to follow on the considerable upzoning foreseen by this proposal. These properties include:

- 461 West 18th Street: Block 716, Lot 2; and
- 445 West 18th Street: Block 716, Lot. (CB4)

Response: The resources cited above are identified in the EIS as historic resources. The EIS state that the resources are extended a measure of protection from construction on adjacent properties. These resources are specifically

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discussed in terms of potential impacts due to construction activities in the “Construction Effects” section of Chapter 7, “Historic Resources.”

Comment H23: There are contextual historic buildings, and the challenge for DCP is to recognize the value of those buildings, and analyze these building and see if the extra allowances for height and bulk will put pressure on those buildings to be demolished/developed. (Sanchis)

Response: See Chapter 7, “Historic Resources.” Indirect effects to historic resources, also referred to as contextual effects, were evaluated therein. The chapter concludes that projected and potential development generated by the proposed action is not expected to have significant adverse indirect impacts on existing historic resources in the area. As discussed in Chapter 1, “Project Description,” and Chapter 2, “Land Use, Zoning, and Public Policy,” the Special West Chelsea District would include requirements for street walls, maximum height limits, and tower coverage. These requirements would ensure that the scale and bulk of new buildings is sensitive to and consistent with existing developments (See Chapter 8, “Urban Design/Visual Resources,” for details).

Comment H24: I feel that the plan is respectful of designated historic resources on the boundaries of the area, and the scale and the way that the height and bulk are handled are supportive to those districts. (Sanchis)

Response: Comment noted.

Comment H25: As this goes forward, it’s very important to analyze the proposed action against those buildings in the district that we know have historic significance but may never get designated. We hope that as the efforts go forward, those buildings will be considered in light of the new plan for zoning height and density. (Sanchis)

Response: The analysis contained in Chapter 7, “Historic Resources” assessed the potential for significant adverse impacts to all identified eligible and designated/listed sites. Furthermore, determination as to resources that appear to be eligible for LPC-designation or listing on the National Register was made in consultation with the New York City Landmarks Preservation Commission, as required in the *CEQR Technical Manual*. These resources are listed in the DEIS and evaluated for potential impacts. It should be noted that projected and potential development sites identified in the EIS were evaluated by LPC for eligibility, as they would be directly affected by the proposed action. The proposed action does not preclude designation of other structures within the rezoning area that have not been identified as projected or potential development sites. In addition, the LPC has reviewed CB4’s request for landmark designation of a proposed historic district, with boundaries generally between W. 25th and W. 28th streets and Tenth Avenue and the Hudson River and has determined that the proposed district is LPC- and S/NR-eligible for listing.

I. Urban Design & Visual Resources

Comment I1: The conclusion of this chapter that there will be no significant adverse impacts on urban design and visual resources does not take into account the visual and design qualities of some of the likely development brought on by the proposed action. (CB4)

Response: Chapter 8, “Urban Design and Visual Resources,” indicates that there would be significant and positive changes to the urban design of West Chelsea in the 2013 future with the proposed action. The assessment of the proposed action includes both a discussion and illustrative diagrams which describe project-generated development adjacent to the High Line.

Comment I2: This Chapter is largely an inventory of the urban design and visual elements of the area. A useful element is the accurate description of the Tenth Avenue corridor, which should be used to correct erroneous implications that this corridor is dominated by loft buildings that are used to justify the proposed scale of development in other sections. However, the selection of significant visual elements is too limited to reflect reality and leads to erroneous conclusions about significant views and the impacts of new development in the rezoned area. (CB4)

Response: As shown in Table 8-1 and Figure 8-12, based on criteria outlined by the *CEQR Technical Manual*, 14 resources have been defined as having visual significance in the quarter-mile study area. These resources include historic districts, views of significant historic and architectural landmarks, open spaces, and views of the Hudson River.

Comment I3: The descriptions of building types in the Northern Rezoning Area on pages 8-4 and 8-5 are realistic in stating that low buildings of one to six stories dominate in the area with the exception of Eleventh Avenue and the West 26th Street corridor. The second paragraph on page 8-5 stating: “Three-to-five story walkup buildings line the west side of Tenth Avenue...” and “The buildings along this corridor are of lower bulk than loft buildings...” as well as the pictures in Figures 8-4 and 8-6 reveal that statements in locations in Chapters 2, 7, and 9 and elsewhere that the context is one of loft buildings are in error and should be corrected and conclusions drawn from these assumptions should be revised. (CB4)

Response: See responses to Comments C8 and D9.

Comment I4: A similar statement about the Southern Rezoning Area on page 8-8 is that buildings there “are predominantly composed of one- to five-story buildings, with the tallest buildings of this Area located on the mid-blocks...” This feature of low avenues with buildings in the midblocks of equal or lower in height is a typical feature of historic Chelsea called out in the Chelsea Plan. (CB4)

Response: Comment noted.

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Comment I5: A feature that is called out on Page 8-6 is that the “High Line dramatically punctuates the east-west streetwalls, essentially dividing these blocks, visually, into two separate sections...” This emphasizes the fact that the felt boundary of West Chelsea is the High Line and that the Tenth Avenue corridor is visually part of eastern Chelsea. Thus the scale and character of the west side of Tenth Avenue should reflect the east side. The proposals of Community Board 4 to limit the scale of the west side would maintain neighborhood character and urban design: the higher scale proposed in this action requires that mitigation or alternatives be found. (CB4)

Response: As noted in the Background and Development History section of Chapter 2, “Land Use, Zoning, and Public Policy,” and the Background/History section of Chapter 7, “Historic Resources,” the area of Chelsea west of Tenth Avenue, where industrial uses long predominated, has developed differently than the mostly residential portion of the neighborhood east of Tenth Avenue. This pattern of development was established prior to the creation of the High Line, when freight railroads operated at-grade on portions of Tenth, Eleventh, and Twelfth avenues. The west side of Tenth Avenue, including the portion east of the High Line, with its array of loft buildings, low rise buildings, gas stations and parking lots, is visually distinct from the east side of Tenth Avenue, with the Chelsea Historic District, London Terrace apartments, Chelsea-Elliott Houses, and other residential buildings. However, as discussed in the DEIS, bulk regulations for Tenth Avenue have been developed to ensure that development is consistent with both sides of the avenue. Streetwall and height requirements will ensure development that relates to both lower walk-up apartment buildings and taller loft buildings. The lowest height limit is located along the blocks across from the low-scale Chelsea Historic District.

Comment I6: Streetscape elements cited do not include historic buildings, whether designated or declared eligible, but they are significant elements in the streetscapes of the Northern Rezoned Area. The large buildings cited along the 26th Street corridor on pages 8-4 and 8-5 are handsome historic buildings that form the streetscapes of a Historic District the Board is proposing. Their loss would impoverish the streetscape and should be considered an adverse impact that could be mitigated by the measures the Board proposes in Chapter 7. (CB4)

Response: In accordance with CEQR procedures, the text cited provides a description of building types found in this portion of the proposed action area. Information on historic resources is provided in Chapter 7, which assesses effects on designated and eligible historic landmarks.

Comment I7: The streetscape analysis does not include the artwork of low rough stone pillars that the Dia Foundation is sponsoring along 22nd Street in the Southern Rezoning Area. This testifies to the character of the area as an art district and one that should be protected against such adverse impacts as the wide development corridor proposed on the west end of the block by reducing the width as Community Board 4 proposes. (CB4)

Response: **Comment noted. The DEIS concludes that the proposed action would not result in significant adverse impacts to urban design and visual resources.**

Comment I8: In the Secondary Study Area, the description of the West Chelsea Waterfront contains some errors on pages 8-11 and 8-12. North of the Starrett Lehigh Building there is only one significant building, the 7- to 9-story Central Terminal Stores Warehouse, and then a set of low structures used by Con Ed and others. The block to the south is not one complex, but the Postal Service garage on W. 24th Street, the Department of Sanitation repair shop in the middle, and the old Baltimore & Ohio warehouse on W. 26th Street. (CB4)

Response: **The text has been corrected accordingly.**

Comment I9: The Hudson River Park is not yet developed in the area, except for the bikeway, the important historic float transfer bridge at W. 26th Street, and the Chelsea Waterside Park, which is part of the larger entity. (CB4)

Response: **As noted in page 8-23, by 2013, the completion of Hudson River Park is expected, inclusive of changes to existing conditions along the Hudson River waterfront in the study area. Renovations to piers would be made as part of the completion of the western portion of Chelsea Waterside Park.**

Comment I10: In the description of Chelsea the most important visual resources omitted are the 220-foot towers of Fulton Houses, which dominate western Chelsea south of 23rd Street and are a signpost to the area. Since these are public buildings, they are a public resource and views of them are significant. The limitation of such resources to historic and architectural landmarks and public open spaces is a factual error. (CB4)

Response: **According to the *CEQR Technical Manual*, visual resources could include views of the waterfront, public parks, landmark structures or districts, or natural resources. For the purposes of CEQR, this includes only views of these resources from public and publicly accessible locations. While the Fulton Houses can be viewed from publicly accessible areas, they are not considered visual resources and are not included in the listing of visual resources in the chapter.**

Comment I11: A more general error is the failure to regard designated historic resources as the only ones of significance. In Chapter 7 impacts on designated and eligible Historic Resources were treated on the same footing. The same principles should be followed in all treatments of such resources. To do this would mean the map in figure 8-12 would resemble the one in Figures 7-1, 7-1b, and 7-1c. It would reveal that whole streetscapes in the Northern Rezoning Area would be eligible visual resources to be protected from adverse impacts. (CB4)

Response: **See response to Comment I10 above. Eligible historic resources do not meet the criteria specified in the *CEQR Technical Manual*.**

Comment I12: The mitigation proposed in that chapter, Historic Resources, should be adopted. This would allow development to occur in a richer visual environment instead of the impoverished one the destruction of these resources would bring. It

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would also tend to preserve important characteristics of streetscapes in the area. (CB4)

Response: **Comment noted.**

Comment I13: The development proposed along the High Line in both the Northern and Southern Rezoning Areas is described without reference to the scale. This omission vitiates the conclusion that the development here will not have adverse impacts, including those on the Chelsea Historic District. As stated elsewhere, the alternative of lower scale should be adopted. (CB4)

Response: **Chapter 8 provides information on height and bulk requirements of the proposed action, including maximum height and streetwall requirements. The chapter describes expected development on the development sites, including the relationship of these developments to the High Line.**

Comment I14: It should be noted that the scale of development just to the east of the High Line will limit such current views as those of the Chelsea Historic District, of the designated or eligible features like London Terrace, the rowhouses on W. 24th and W. 25th streets, Chelsea Park, and the Empire State Building, views of which are rightly recognized as iconic in Chelsea. This development will affect not only the views now possible from the High Line itself, but from streets to its west from which views are frequently possible in the area. The alternative will improve both environments. (CB4)

Response: **As noted in Chapter 8, the assessment of visual resources considers views to visual resources from publicly accessible locations in the proposed action area. Identified visual resources, mainly visible from their immediate public surroundings and also via east-west and north-south streets from within the primary study area would remain generally unaffected by the proposed action. Certain long views of the larger and taller visual resources, which include the Empire State Building, would be eliminated. However, given the existing varied built character of the area and the variety of new development which would arise in the future with the proposed action, many views would continue to be available along public thoroughfares within the study area as well as from the High Line open space, where pedestrians can have newfound opportunities to view these resources. It should be noted that as public access is not provided to the High Line currently, no views (as defined for CEQR purposes) are possible under existing or No-Action conditions. As noted in FEIS Chapter 23, "Alternatives," changes to the visual character of the proposed action area and its relationship to the study area that would occur with the proposed action generally would also occur under the Revised CB4 Alternative.**

Comment I15: The cumulative impact of the number of lofty towers proposed for the Southern and Southeastern Rezoning Areas, most of which would be considerably higher than the towers of the Fulton Houses and would obscure views of these signature elements from the water, is an adverse impact of significance. (CB4)

Response: **The Fulton Houses are not considered a visual resource. The proposed action would alter the urban design of the proposed action area, yielding**

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significant, but not adverse, changes. The proposed action would not result in significant adverse impacts related to urban design and visual resources.

Comment I16: The urban design of the area would be transformed by a cluster of towers, and the views of acknowledged resources like the Merchants Refrigerating Company Warehouse from Tenth Avenue would be severely limited by the structures to the north. Such adverse impacts should be mitigated by adopting the limitations of height and bulk in the area proposed by Community Board 4. (CB4)

Response: See response to Comment I14 regarding effects to visual resources. As discussed above, the proposed action would not result in significant adverse impacts to urban design and visual resources. Therefore, mitigation is not required.

Comment I17: While it is true that much of the development follows on the actions proposed, mitigation and alternatives must be adopted for the adverse impacts that will occur. (CB4)

Response: See response to Comment I16.

Comment I18: The proposed zoning changes and increased scale and density proposed for the west side of Tenth Avenue would be incompatible with the brownstone nature of the east side of Tenth Avenue. (Kirkland)

Response: Comment noted. The DEIS analyzed the effects of the proposed action's scale and density on the surrounding areas, including the east side of Tenth Avenue. As discussed in Chapters 8 and 9, the proposed action would not have significant adverse urban design or neighborhood character impacts on the historic district.

Comment I19: There still remain concerns about scale, among them: the heights proposed at the north and south ends of the rezoning area risk producing buildings that are out of scale with the expressed goal of making appropriate transitions with the lower scale nearby; the scale of buildings proposed near the waterfront threatens to cut off the Chelsea community and the restored High Line from their historical and visual connections with the waterfront. (Kirkland) New urban design criteria for building bulk and height should ensure that new development is appropriately inserted, providing accessibility and sunlight to the High Line open space corridor and maintaining the area's scale where it abuts the adjacent historic district. (Bell)

Response: The scale and density proposed for development in the northern portion of the West Chelsea, along W. 30th Street, would serve as an appropriate transition to the higher density development expected in Hudson Yards. Setbacks are required for development adjacent to the High Line to ensure that light, air and views are protected along the new open space. Regulations for development across from the waterfront would ensure that slender towers are developed to allow light and air to reach the midblocks of West Chelsea. Development in the southern portion of the proposed action area would be respectful of the scale of existing buildings by

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requiring streetwalls and setbacks along the west side of Tenth Avenue, opposite the Chelsea Historic District. These issues were considered in Chapter 8, “Urban Design and Visual Resources.” As discussed in that chapter, the proposed action would not result in significant adverse impacts.

J. Neighborhood Character

Comment J1: The currently planned build densities would vastly change the character of the neighborhood, overwhelming its scale and tenor. (A. Berman)

Response: The proposed action’s potential impacts on neighborhood character are assessed in Chapter 7 of the EIS. As discussed in the Chapter, the proposed action would facilitate the development of new buildings that are compatible with the existing built character of West Chelsea and the surrounding neighborhoods. The proposed action is expected to have many beneficial effects on neighborhood character and significant adverse impacts to neighborhood character are not expected.

Comment J2: Since most of the potential effects on neighborhood character are separately treated in other chapters, the bulk of comments are included in those chapters and the discussion here is frequently summary to avoid repetition. It often refers explicitly or implicitly to the critique of the other chapters that are used as a basis for this chapter, most especially the repeated discussions under several headings of impacts of the rezoning along Tenth Avenue. These discussions must be taken into account in any evaluation of the relevant portions of the DEIS. Any relevant modifications in those chapters should be incorporated in the evaluation here. (CB4)

Response: Comment noted.

Comment J3: On page 9-2 the discussion of the art galleries does not include the southern concentration bounded by West 20th to West 22nd Street near the Dia Art Foundation that was the first center of art galleries in western Chelsea, and that continues, reinforced by the museums on 22nd Street and a large gallery building on 20th Street, to be of primary importance to the art gallery scene. (CB4)

Response: Comment noted. Although it does not explicitly, the text states that galleries are located on nearly every block (with the exception of the block bounded by W. 18th and W. 19th streets).

Comment J4: On page 9-3, there is no mention of the mini-community on W. 29th Street between Tenth and Eleventh avenues with a Pentecostal church and a number of residents. There are also a number of grandfathered loft tenants, mostly connected with the arts, on or near W. 26th Street between the same avenues. (CB4)

Response: The text on this page notes that residential uses are present in West Chelsea and also specifically mentions the Pentecostal church on W. 29th Street. As

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this text provides an overview of land uses in the area, the level of detail suggested in this comment is not provided.

Comment J5: On page 9-5, the General Theological Seminary contains a chapel, not an independent church. The chapel is a part of a larger complex that has been associated with Chelsea from the founding of both by Clement Clarke Moore, and is an essential element of neighborhood character. (CB4)

Response: The use of the term “church” in this context is a generic one which does not distinguish among different types of houses of worship. The text makes reference to the church on the General Theological Seminary and church to provide general information about the use on the site.

Comment J6: On page 9-7, the situation of Pier 57 should be updated. On March 21 the Hudson River Park Trust conditionally awarded the pier to Leonardo, a proposal that intends to maintain the historic character of the pier without additions as well as its links to waterfront history. (CB4)

Response: The Leonardo proposal has been reflected in this FEIS, including Chapter 9.

Comment J7: The impact of the direct displacement of nearly 10% of the art galleries in Western Chelsea cannot be dismissed by stating that the core will retain its existing zoning. A blow like that can quickly lead to the departure of a notoriously fickle industry. The art galleries have been rapidly expanding throughout the area because of the low rents and suitable spaces. The limitation to new ground floor spaces - and some second floors - in upscale residential buildings where galleries will be in competition with retail and service uses will affect above all the smaller, more experimental galleries that are an essential part of the character of the area but that cannot pay high rents. Owners will hold out for higher rents and shorter leases since new residential buildings will be seen as offering greater returns. Some owners have already rented to galleries only after attempts at residential conversions through variances have failed. The resulting difficulties in expansion will reduce the flexibility that has prevailed so long and risk stagnation. The funky character of the area, so desirable for fashion’s sake, will be threatened. Pressures for residential use, already present in various applications for variances, will increase. Alternatives that limit these adverse impacts must be explored. (CB4)

Response: See response to Comment D9. As for alternatives, Chapter 23, “Alternatives,” provides an assessment of the Revised CB4 Alternative which considers a slightly larger M1-5 midblock area.

Comment J8: A first step to reducing the impacts on the W. 22nd Street block and the blocks directly to the south, which are essential to the art galley district and to the visual character of these streets, would be to accept CB4's proposal to relocate the northern boundary of Subarea E to the midline of W. 19th and W. 20th streets and so continue westward the line that forms the southern boundary of the Chelsea Historic District and the low contextual zoning that protects it east of Tenth Avenue. Reinforcing this dividing line would also help maintain a

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consistent community character in the area to its north. The associated proposal to reduce the width of the rezoned corridor of Subarea D to 100' between this line and W. 22nd Street would also reduce the impacts on these gallery blocks both in use and visual character. These alternatives should be evaluated (CB4).

Response: **The proposed action would not result in significant adverse impacts relating to art galleries, urban design/visual resources, or neighborhood character. Therefore, mitigation is not required to reduce or eliminate any effects. The changes described above are part of the Revised CB4 Alternative and are considered and assessed in Chapter 23, "Alternatives."**

Comment J9: In the long run measures should be explored for maintaining the hoped-for mixed use character of the area through such means as special mixed-use districts carefully designed to promote desired uses. The loss of the art galleries otherwise would have a major cultural and economic effect. (CB4)

Response: **As noted in Chapter 1, "Project Description," a key purpose of the proposed action is to encourage and guide the development of West Chelsea as a dynamic mixed use neighborhood. The proposed action would provide for this by maintaining the M1-5 district in midblock areas where art galleries are concentrated and mapping commercial districts in other areas which would facilitate new residential, commercial, and community facility uses, as well as allow most existing commercial uses to remain.**

Comment J10: The loss or reduction of the nightlife industry might actually be an improvement to the character of the area and contribute to its residential success. As the controversy over the Ladies' Mile rezoning has shown, residential uses do not drive out such high-paying establishments and co-exist only with difficulty and conflict. The statement on page 9-12 that "a properly operated cabaret should not be a nuisance to its neighbors" is wishful thinking that has not proved realistic in Chelsea or elsewhere over the last twenty years. The files of Community Boards 4 and 5 bear this out. This discussion is unrealistically optimistic, especially given the large size and intense concentration of nightclubs in this area. (CB4)

Response: **As noted in the Chapter 3, the proposed action would directly displace three large capacity cabarets. Regarding compatibility issues, See the response to Comment D14. No significant adverse impacts to the nightclub industry are expected to result for the proposed action.**

Comment J11: Nightlife uses compete with the galleries for the large open spaces desirable by both. The proposals for restrictions on big-box retail and large-scale night clubs put forward by Community Board 4 should be evaluated as mitigation of the adverse effects of expansion of these establishments on neighborhood character (CB4).

Response: **As demonstrated by the recent occupancy of ground floor commercial space by art galleries in new residential developments in the W. 23rd Street corridor (e.g., The Tate), art galleries have been able to rent large spaces in West Chelsea. In any event, competition for space among various types of commercial businesses would not be an action-generated significant**

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adverse impact as it is not expected to result in action-generated adverse effects on any specific industry. As discussed in Chapter 3, no significant adverse impacts to art galleries are expected. Therefore, no mitigation is required.

Comment J12: The direct and indirect impacts on historic resources will have a considerable adverse effect on neighborhood character. The critique of Chapter 7 and other chapters need not be repeated here. To summarize, 120-foot high buildings across Tenth Avenue from the Chelsea Historic District and the General Theological Seminary will have major adverse impacts on the “look and feel” of these resources that in many ways are a core defining element of the character of the community. The buildings will also produce shadows and affect urban views as discussed in Chapters 6 and 8. North of 24th Street, similar concerns arise: a row of new buildings along the High Line and nearby at a scale inconsistent with the neighborhood directly to the east will have an adverse impact on neighborhood character there. (CB4)

Response: Comment noted. See the responses to Comments H14 and G1. Additionally, the “Future With the Proposed Action” section of Chapter 9, “Neighborhood Character,” analyzes the potential for impacts. As discussed therein, significant adverse impacts to overall neighborhood character are not expected. Also, note that the CB4 Alternative and Alternative F in the FEIS both analyze a lower height limit along Tenth Avenue.

Comment J13: The statement at the bottom of page 9-12 that the loss or diminution of the historic buildings in the northern end of the rezoning listed on this page “would not result in significant impacts to neighborhood character, as these eligible historic structures are not representative of the neighborhood character of the area” is incompatible with the listing of approximately 20 resources of this type north of 24th Street in the “affected area,” and the fact that the block between 29th and 30th Street on which two of the three are located has identifiable resources covering over a third of its area (fig 7-1a). Such historic buildings, as the critique of Chapter 7 shows, are a defining character of the area and this enclave in particular, and these structures and their environment should be preserved to the extent feasible. The mitigation proposed by Board 4 in the critique of that chapter would address many of these impacts. (CB4)

Response: Comment noted. As discussed in the discussion of demolition and conversion of historic resources in Chapter 7, mitigation is not feasible for these impacts. Under the proposed action, demolition or conversion of historic resources, which are eligible but not landmarked, can occur as-of-right. All selected alternatives, including the CB4 Alternative, are assessed in the “Alternatives” Chapter of the EIS (Chapter 23), and the results are compared with the RWCDS. As discussed in Chapter 23, a No Impact Alternative was considered but is not feasible (See response to Comment P5). The No-Action Alternative, identified and assessed in Chapter 23, would avoid these impacts. Also, see the responses for Comment H18.

Comment J14: Although in quantitative terms displacement of existing residents, whether direct or indirect, may perhaps not be as large as general experience suggests, it would come at the expense of a loss of the historic mixed residential and commercial strip along Tenth Avenue that is compatible with existing character on both sides of the avenue and the historic environment of the High Line. A number of loft residents associated with the arts near 26th Street as well as the mini-community on 29th Street are threatened. This last block is a striking and rare component of the character of this part of Chelsea and its loss would be a major adverse impact of the action. (CB4)

Response: See the response to Comment J13, above.

Comment J15: It [proposed action] will also lead to loss of traditional service and other businesses. Many of these serve residents and businesses not only nearby but also in Midtown and the Central Business District. The increased costs and difficulties are also adverse impacts, not only on the neighborhood but far more widely. (CB4)

Response: See the responses to Comments D1 and D4, above.

Comment J16: The proposals put forward by Community Board 4 for restrictions on harassment and demolition that are part of the follow-up actions in Hudson Yards as well as for relocation of displaced businesses in the area should be evaluated for their effect in reducing adverse impacts on many aspects of neighborhood character. (CB4)

Response: Comment noted. All selected alternatives, including the CB4 Alternative, are assessed in the “Alternatives” Chapter of the EIS (Chapter 23), and the results are compared with the proposed action.

Comment J17: The issues of traffic, parking, and noise are evaluated under other chapters. It will only be said here that a change that requires creating a closed-window domestic environment in order to enjoy a livable one has a major adverse effect on community character. Mitigation by these methods entails a changed and more limited way of living. Residents of a neighborhood know that traffic levels are a major part of neighborhood character. (CB4)

Response: Traffic, parking, and noise are issues that are prevalent in many of Manhattan’s high-density, mixed use neighborhoods. Noise attenuation controls have already been employed for new residential developments along the 23rd Street corridor in West Chelsea. This control is commonly used to mitigate potential noise impacts for new residences. As noted in Chapter 9, “Neighborhood Character,” noise increases as a result of the additional traffic that would accompany the proposed action are expected to be imperceptible at all monitoring sites.

Comment J18: While the Conclusion is justified in saying (Page 9-16) that the proposed actions will have many beneficial effects on neighborhood character, to state that significant adverse impacts are not expected is clearly not justified, and mitigation and alternatives should be explored in this EIS. Tradeoffs are inevitable in rezoning and redevelopment, but the losses should be as accurately

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and honestly stated and evaluated as the gains. As in the majority of EIS's, this has not been done here. (CB4)

Response: **Mitigation is discussed in Chapter 22. Additionally, all selected alternatives, including the CB4 Alternative, are assessed in the "Alternatives" Chapter of the EIS (Chapter 23), and the results are compared with the RWCDs. As discussed in Chapter 9, significant adverse impacts to neighborhood character are not expected to result from the proposed action.**

K. Natural Resources

Comment K1: We are concerned primarily about the effect of increased combined sewer overflows on local wildlife. Shortnose sturgeon, winter flounder, loggerhead sea turtles, green sea turtles, leatherback sea turtles, hawksbill sea turtles and Kemp's Ridley sea turtles, are all found in the Hudson River and could be affected by this action, as could bald eagles and a breeding pair of peregrine falcons that nests nearby. The Lower Hudson Reach is considered to be an essential fish habitat. New York State is already under court order to decrease the sewage overflows to this environment. Instead, this project would increase the severity of those overflows. The DEIS dismisses these species as "transient" and the CSOs as not as bad as those created by the Hudson Yards development. This is inadequate. The environmental effects of this action should be studied seriously and thoroughly. (CB4)

Response: **As explained in Chapter 11, "Natural Resources," given the undetectable effect of the proposed action on water quality, there would be no significant adverse impacts on the Hudson River. Appendix C, "Natural Resources Appendix," provides the results of calculations to support the conclusion that the water quality impacts are small, and likely to be undetectable.**

L. Traffic and Parking

Comment L1: We believe that the traffic generated by the proposed action will be significantly worse than predicted by the DEIS. (CB4)

Response: **The traffic analysis was thoroughly analyzed in accordance with approved methodologies for CEQR review. These include standard trip generation assumptions used in other CEQR documents.**

Comment L2: The DEIS does not reflect what really happens when traffic gets backed up. The main methodological flaws are:

- It does not acknowledge that congestion at one intersection creates a domino effect that clogs intersections behind it.
- It does not acknowledge that traffic jams lead to idling and horn honking. Therefore, cars caught in traffic are significantly noisier than cars whizzing by.

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- It does not acknowledge that cars caught in traffic also pollute the surrounding air more than those same cars driving by at normal speeds.
- It is overly optimistic regarding the pace of emissions improvement in the fleet of privately owned vehicles.
- It is overly optimistic about the ability of signal timing changes to mitigate major traffic jams. (CB4)

Response: **Addressing the elements of this comment in the order provided:**

- **Regarding intersection congestion; see response to Comment L5.**
- **Regarding noise modeling, see response to Comment N2.**
- **Regarding air quality modeling, see response to Comment M3.**
- **Regarding emissions improvements, see response to Comment M3.**
- **Regarding signal timing changes to mitigate traffic impacts; See response to Comment L7.**

Comment L3: The DEIS predicts that someone driving south at midday on Route 9A will encounter a 95.4 second delay at W. 20th Street, a 67.2 second delay at W. 18th Street, a 94.3 second delay at W. 17th Street, a 132.1 second delay at W. 16th Street, a 106.5 second delay at W. 15th Street, and an 80.2 second delay at W. 14th Street. That's over 9 ½ minutes total to go 6 blocks. Nonetheless, the DEIS predicts only ten seconds of delay at Route 9A and W. 26th Street. It is simply not possible that major traffic congestion from W. 20th to W. 14th streets isn't going to affect the blocks upstream. (CB4)

Response: **It should be noted that the delay times listed do not include the proposed mitigation measures described in Chapter 22, "Mitigation." As shown in Table 22-2, with the proposed mitigations measures, delays at these approaches would be reduced to levels below both With-Action (unmitigated) and No-Action conditions, although they would remain congested. See response to Comment L5 for a discussion of the methodology used to analyze traffic conditions in the EIS.**

Comment L4: Similarly, the 5.6 minutes of delay on W. 26th Street eastbound at Ninth and Tenth avenues at midday somehow has no effect at W. 26th Street and Eleventh Avenue. (CB4)

Response: **See response to Comments L3 and L5.**

Comment L5: Were the traffic system considered as a whole, with the interactions between intersections studied, the DEIS would show significantly worse traffic. We cannot even begin to imagine, therefore, how long it will really take to get from 20th Street to 14th Street. (CB4)

Response: **Regarding this and other comments on the traffic analysis and effects on the traffic network, the traffic impact analysis utilizes the procedures detailed in the nationally observed Transportation Research Board's *Highway Capacity Manual (HCM)* for signalized intersections, as directed by the *CEQR Technical Manual***

The HCM methodology, which was applied to an extensive network of approximately 60 intersections for the proposed action, is based on a

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conservative “demand assignment” approach, in which traffic is routed along the shortest route, without any option to divert from areas of congestion. The results of this conservative analysis reveal the potential for significant impacts at a number of study area intersections in all time periods. The delay at most of these locations would be attributable to left-turn movements; through movements generally would not be subject to comparable delays.

The vast majority of impacts are on the local cross-streets, within the grid or on left-turns on Route 9A. As discussed in Chapter 22 (Mitigation) of the FEIS, cross-street green signal timing would gradually need to be increased over the long term to accommodate new demand and also to benefit pedestrian crossing times on the avenues.

Comment L6: The congestion problem on Route 9a and the methodological flaws also apply to the area’s crosstown streets (see for example, the 5.6 minutes of delay on 26th Street eastbound at 9th and 10th Aves at mid-day that somehow has no effect on 26th and 11th). (CB4)

Response: See response to Comments L3 and L5.

Comment L7: Despite its tendency to underestimate likely problems, the DEIS did reveal a likelihood of substantial traffic congestion, particularly in the northern half of the rezoning area, and all along Route 9A. The DEIS predicts that minor changes in signal timing will alleviate almost all of the congestion caused by the action. Although we don’t doubt that signal changes can be helpful, this is overly optimistic, especially given that the traffic will be far worse than predicted by the DEIS. (CB4)

Response: The effectiveness of the proposed mitigation measures has been analyzed using the Transportation Research Board’s *Highway Capacity Manual*, as prescribed in the *CEQR Technical Manual*.

Comment L8: According to the DEIS, the intersection likely to suffer the most will be W. 17th Street and Route 9a. The DEIS predicts that without mitigation, it will take almost 8 minutes to turn left onto Route 9A from W. 17th Street at midday (oddly, this delay will have no effect whatsoever on westbound traffic at W. 17th Street and Tenth Avenue). This is an unusual intersection, as it is also where almost all of the traffic from Chelsea Piers exits the complex, and where there is a major pedestrian highway crossing. As it now stands, Chelsea Piers and W.17th Street both have separate green time to avoid conflicts between drivers. The DEIS suggests that W. 17th Street and Chelsea Piers share green time, which will presumably reduce the 8 minute delay to a mere 40 seconds. Putting aside for a moment the fact that this is ludicrous, it is also extremely unsafe for drivers and pedestrians, and likely to cause severe gridlock to boot, especially considering that W. 17th Street is actually slightly north of the Chelsea Piers exit. Furthermore, given the congestion along Route 9a, it is far from clear that the cars will have any space to turn into. We urge you to

perform a closer study of this intersection and to come up with a better solution. (CB4)

Response: See responses to Comments L5 and L7. At the W. 17th Street intersection with Route 9A, the mitigation option to combine the separate east-west signal phase is common at other intersections (e.g., W. 24th Street, Chambers Street, etc.). This combination reduces congestion on all east-west movements and is not unsafe to pedestrians crossing Route 9A. Further, by combining these phases, it reduces the short term and long term need to reduce green time (and therefore capacity) on the already congested Route 9A corridor.

Comment L9: This intersection and many others will of course also be affected by the development of Pier 57. Now that a developer has been selected, the plans for Pier 57 must of course be included in the final DEIS as a part of the future without the proposed action, and the traffic, noise, air quality and public health analyses must be amended to reflect this. (CB4)

Response: The FEIS has been revised to reflect the *Leonardo at Pier 57* proposal, which has been selected as the preferred developer for Pier 57.

Comment L10: The DEIS should also pay closer attention to the existing nightlife businesses in this neighborhood. These businesses are clustered between West 27th and West 29th Streets, 10th - 11th Avenues. They draw thousands of people to those three blocks every weekend night. They have already caused significant traffic congestion that can be felt along the avenues and several blocks to the east. The clubs generate significant demand for late night parking, late night patron noise and horn honking on the streets, and occasional police activity. (CB4)

Response: Regarding traffic conditions, the peak hours analyzed in the DEIS represent the highest levels of action-generated trips. These peak hours, which coincide with peak existing traffic volumes include AM (8:00 AM to 9:00 AM), Midday (12 noon to 1:00 PM), and PM (5:00 PM to 6:00 PM). Regarding parking conditions, existing off-street parking utilization data presented in the DEIS would include any nightclub generated demand using public parking facilities. Regarding noise, see response to Comment N9. Regarding policing issues, See response to Comment D14.

Comment L11: Over the past two years parking has been changed on these blocks to provide nightclub loading zones and to create taxi stands, and the local police precinct is proposing further changes. For crowd control purposes, the precinct also occasionally closes these blocks to all traffic. The DEIS does not reflect these conditions at all.(CB4)

Response: Parking analysis focuses quantitatively on off-street public parking facilities. As noted in the DEIS, there is little available on-street parking in the area and the DEIS does not consider it in detail. The measures described in this comment are not expected to affect traffic conditions during the peak hours analyzed.

Comment L12: Traffic, noise, and parking should all be measured on these blocks during a Friday or Saturday night. The nightclubs tend to get most of their arrivals between 11pm and midnight, and their departures between 3am and 4am. Please do your monitoring at these times. (CB4)

Response: **Regarding traffic, see the response to Comment L10. Regarding noise, See the response to Comment N9. Regarding parking, the DEIS includes weeknight overnight demand which reflects any late night demand associated with nightclubs and bars.**

M. Air Quality

Comment M1: We believe that the traffic generated by the proposed action will be significantly worse than predicted by the DEIS. Therefore, mobile source air pollution will also be significantly worse than predicted. (CB4)

Response: **The traffic and air quality analyses were thoroughly analyzed in accordance with approved methodologies for CEQR review. The air quality microscale analysis was conducted modeling pollutant levels during the time periods that had the highest project-generated vehicular trips as well as the highest background volumes. In addition, a conservative Tier 1 analysis was conducted for both the CO and the PM_{2.5} analyses, which assumes that the peak traffic conditions will persist for each hour of the 8-hour, 24-hour, and annual time periods that correspond to the National Ambient Air Quality Standards (NAAQS) for each pollutant.**

Comment M2: The air pollution analysis was flawed because of its failure to adequately account for traffic congestion. Because there will be many more cars idling on congested streets, carbon monoxide and particulate matter will be worse than predicted. (CB4)

Response: **See response to Comment L1. The air quality microscale analysis was conducted using USEPA's CAL3QHCR dispersion model. CAL3QHCR predicts peak eight-hour, 24-hour and annual pollutant concentrations using the latest five years of meteorology and peak-period traffic conditions. CAL3QHCR considers emissions for the following two components: Emissions when vehicles are stopped (idling) during the red phase of a signalized intersection. Emissions when vehicles are in motion during the green phase of a signalized intersection. Therefore idling emissions were considered in the microscale analysis and pollutant levels were not under-predicted.**

Comment M3: The analysis assumes an unrealistically quick turnover of the City's fleet to less polluting vehicles, and assumes that the 2003 vehicle mix will remain constant, despite the continuing growth in the market for light trucks. (CB4)

Response: **Emission factors used in the analysis were obtained using the latest version of the USEPA MOBILE 6 emission factor algorithm. The values predicted by this emissions estimation algorithm are based on many years of emission testing and anticipated (and federally mandated) changes in vehicular**

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technology and emission control requirements. Vehicle mix data used are based primarily on traffic counts collected near each analysis site. The number of automobiles, light duty trucks (including SUVs), and heavy duty trucks were obtained directly from these data. This information was further refined to include all of the categories of vehicles included in MOBILE 6 using vehicle registration data from NYSDOT. This methodology was applied following *CEQR Technical Manual* guidance. Vehicle fuel utilization rates are internal to the MOBILE 6 algorithm.

The *CEQR Technical Manual* guidance is based on a reasonable worst-case approach. Light-duty truck sales have increased in recent years as reflected in the 2003 vehicle mix data. Although recent data indicates that SUV sales are down therefore the analysis that was prepared using the vehicle classification data collected in 2003 is conservative and consistent with the CEQR analysis approach.

Comment M4: The DEIS does not study the health impacts of the project-generated mobile source air pollution. It must. In particular, it should study the impacts on people who are working or recreating out of doors, especially users of Hudson River Park and Chelsea Waterside Park. It should also look specifically at the effects on sensitive residents - children, the elderly, and those with respiratory illnesses. (CB4)

Response: Chapter 18, “Air Quality,” analyzes pollutants of concern, based on their effects on human health and the natural environment. The analysis determines if the proposed action would result in exceedances of any federal, state, or City air quality standards. These standards are based on determining levels below which there should be no adverse effects on the health of the general public. The analysis sites that were selected for the microscale analysis were locations where pollutant levels could be affected by the highest project-generated trips and by the highest baseline volumes in the study area. The receptors that were modeled, following CEQR Technical Manual guidance, were placed in the middle of each sidewalk adjacent to the travel lanes. Using a conservative Tier 1 analysis approach, the results indicate no exceedances of any relevant air quality health standards. Therefore air quality levels at the Hudson River Park and Chelsea Waterside Park would be less than the values report in Chapter 18 (Air Quality).

The results of the analysis in the DEIS conclude that the proposed action would not result in exceedances of the 8-hour standard for CO at any analysis site, nor would it cause increases in concentrations above the 24-hour and annual PM2.5 significant threshold values at any of the analysis sites. Furthermore, the proposed action would not cause or exacerbate the NAAQS of 9.0 ppm for the maximum 8-hour CO concentration.

Comment M5: The air and noise analyses are also compromised by the choice of monitoring locations. Air quality and noise should of course be studied within the existing

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parks. They should also be studied at the most congested intersections - particularly at W. 17th Street and Route 9a, which is predicted to be the worst of the bunch. (CB4)

Response: **The seven air quality monitoring locations are representative sites at heavily congested intersections in the study area that would be affected by the proposed action. Pollutant levels estimated at the air quality analysis site located at the intersection of Route 9A and West 18th Street incorporate the traffic-related emission effects 1000 feet north and south on Route 9A and include receptors that were placed on Route 9A between West 17th and West 16th Streets. These locations are indicative of the most heavily congested intersections in the study area. The nine noise monitoring sites selected are representative of the sensitive land uses in the area. The air quality and noise monitoring sites also reflect a geographic distribution of locations throughout the potential impact areas.**

N. Noise

Comment N1: We believe that the traffic generated by the proposed action will be significantly worse than predicted by the DEIS. Therefore, noise pollution will also be significantly worse than predicted. (CB4)

Response: **The traffic and noise analyses were thoroughly analyzed in accordance with approved methodologies for CEQR review. The traffic analysis was prepared in accordance with CEQR protocol designed to consider reasonable worst-case conditions in the future with the proposed action. The evaluation of the change in noise levels used this conservative traffic assessment as the basis for the noise analysis.**

Comment N2: As New Yorkers, we know that cars caught in traffic jams are going to be noisy. They're going to idle and they're going to lean on their horns. They're going to make things worse by causing gridlock. We know that there will never be sufficient enforcement to prevent this. This is all exactly in the location where a large amount of residential development is likely to occur. Therefore, the buildings will have to be designed to handle greater noise levels than predicted. (CB4)

Response: **The analysis examines the potential for impacts from mobile traffic sources. Intrinsic to the mobile source modeling are the range of noise sources that are attributable to vehicular traffic including tire and engine noise, brakes, and honking. The noise analysis utilizes a recorded noise measurement which includes the total contribution from all these different noise sources. The base measured noise level serves as a backdrop for proportionately adjusting future noise levels.**

Comment N3: The people most affected by the noise will be the ones outside trying to enjoy Hudson River Park, Chelsea Waterside Park and the High Line. Because the noise analysis dismissed the impact of new traffic, the noise impact on existing park users was not studied. It should be. The DEIS should also do a more

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thorough analysis of noise on the High Line. It is not sufficient to simply dismiss the problem by saying that City parks are often noisy. (CB4)

Response: **The noise analysis in Chapter 19 of DEIS analyzed the potential effects of introducing new noise sensitive-land uses (i.e., residences and community facilities) into an already noisy environment and the effects of noise-generating activities associated with the proposed action on existing noise-sensitive uses in the area. According to the *CEQR Technical Manual*, a significant adverse impact occurs when the proposed action results in a doubling of passenger-car equivalent (PCE) volumes along any route. A doubling of traffic is equivalent to an increase of 3 dBA or more, which is the level at which human sound perception noticeably changes. The proposed action would not result in a doubling of PCE volumes on roadways adjacent to Route 9(A) and Chelsea Waterside Park. As the creation of the proposed High Line open space is an integral component of the proposed action, it is not considered a sensitive receptor that could be affected by other components of the action.**

Comment N4: Existing residents in buildings without adequate soundproofing will also be negatively affected. (CB4)

Response: **As discussed in the response to Comment N3, the proposed action is not expected to result in a doubling of PCE volumes on area roadways and therefore, mobile source noise generated by the proposed action would not have the potential to significantly impact existing residences. Likewise, the residential, retail, and community facility uses generated by the proposed action would not have the potential to result in significant stationary source noise impacts on existing residences or other sensitive uses. Accordingly, the proposed action does not have the potential to significantly affect noise conditions for existing residences and detailed analysis is not warranted.**

Comment N5: The DEIS must analyze the noise impact on existing residents, and consider adequate mitigation. (CB4)

Response: **See Response to Comment N4.**

Comment N6: Although air quality was measured at most of the busy intersections, noise seems to have been measured only at projected development sites rather than at locations likely to be the noisiest due to increased traffic. Noise should be measured at the intersection of W. 23rd Street and Eleventh Avenue, which is a major intersection and next to a park. It should also be measured at Tenth Avenue between W. 29th and W. 30th Streets, because the post office loading bays are likely to be more intensively used after post office services are relocated from the Farley Post Office to the Morgan Annex. (CB4)

Response: **See response to Comment N3 regarding mobile source noise generated by the proposed action. The effect of additional trucks at the Morgan Annex was taken into consideration. Window/wall attenuation requirements were increased along the assigned routes of Morgan Annex truck traffic.**

Comment N7: Noise from honking horns and traffic should be considered when determining noise attenuation requirements for residential buildings associated with the rezoning, and should also be considered as a potential impact on open spaces, including Hudson River Park and the High Line. (CB4)

Response: See responses to Comments N2 and N3.

Comment N8: The effects of noise from honking horns and traffic on existing residential buildings should also be considered. (CB4)

Response: See responses to Comments N2 and N4.

Comment N9: Noise should all be measured on these blocks [in the vicinity of nightclubs] during a Friday or Saturday night. The nightclubs tend to get most of their arrivals between 11pm and midnight, and their departures between 3am and 4am. Please do your monitoring at these times. (CB4)

Response: As described in Chapter 19, “Noise,” noise monitoring was conducted at various periods, including 9 pm to 11 pm on weekdays. These periods are considered representative of peak noise exposure conditions at different times of day, including nighttime. Furthermore, noise generated by nightclubs represents an existing condition, regulated by the New York City’s noise code.

O. Alternatives

Comment O1: The DEIS correctly notes that the alternative proposed by CB4 generates many of the same impacts as the proposed plan, including impacts related to and emanating from new density that CB4 finds undesirable. It is worth reiterating, therefore, that, in addition to recognizing the variety of factors making it appropriate to rezone this area to allow for new development, CB4 has repeatedly and clearly noted that it is only willing to accept the scale of change proposed in exchange for desperately needed affordable housing. The DEIS cites the requirement for “a significant amount” but the Board has actually voted to support a specific goal of 30% affordable housing. (CB4)

Response: Comment noted. As discussed in Chapter 23, “Alternatives” in the DEIS, it is projected that under the CB4 Alternative approximately 13.6 percent of net units generated would be low-moderate income affordable housing units. The Proposed Action and the alternatives evaluated represent a reasonable response to public comments asking for more affordable housing in the proposed Special District, while also addressing the other goals of the Proposed Action.

Comment O2: We support the recommendation incorporated in the “Affordable Housing” alternative to allow a portion of the increment between the base and the maximum FAR to be obtained in exchange for providing affordable housing. However, overall, we do not yet see sufficient mechanisms in place to achieve the goal of 30% affordable units. We suggest that the specifics of this proposal, as well as other mechanisms continue to be explored to achieve our goal. (CB4)

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Response: Comment noted. Under the Revised Affordable Housing Alternative, it is expected that approximately 14.1 percent of net units generated would be low-moderate income affordable housing units. In addition, under the expanded Inclusionary Housing Bonus included in this alternative, it is expected that a greater number of existing units would be permanently preserved as affordable housing than would occur with the proposed action or the CB4 Alternative. See response to Comment O1.

Comment O3: We question the statement in the “Affordable Housing” alternative that this approach does not differ significantly from the proposed plan in terms of socioeconomic impacts. It has been precisely the intent of CB4 to acknowledge and work to retain Chelsea as a diverse community by many measures, including income. The more balanced mix of income levels within the new residential development projected in the Affordable Housing alternative clearly helps to achieve that goal, both directly and indirectly – e.g. in sustaining the viability of local retail and business services directed towards a more extensively mixed income community. (CB4)

Response: As discussed in Chapter 23, neither the proposed action nor the Affordable Housing Alternative would result in significant adverse socioeconomic impacts. The Affordable Housing Alternative is expected to generate more affordable housing units and preserve more existing units as affordable than the proposed action, thus addressing community and planning objectives. However, this does not affect the determination of impacts, which concerns direct displacement, indirect displacement, and effects on specific industries.

Comment O4: The CB4 plan likely does result in somewhat fewer new residential units. We see this as a positive alternative – balancing the reasonable and appropriate needs for new and different land uses for this area with good urban planning goals of fostering healthy and vibrant communities with a balanced and mixed physical scale as well as a mix of uses. (CB4)

Response: Comment noted.

Comment O5: See also our discussion of the CB4 alternative throughout our critique of the chapters on Shadows, Historic Resources, Urban Design, and Neighborhood Character. (CB4)

Response: Comment noted. See responses to comments in the respective sections of this chapter.

Comment O6: During the public scoping process, community residents wrote many letters to the New York City Planning Commission, urging that the EIS study a requirement for affordable housing in the West Chelsea Special District. The EIS dismissed the requirement without the serious analysis that it deserved. (Rabban)

Response: The DEIS analyzed a range of reasonable zoning-based alternatives that would provide affordable housing in West Chelsea. These are included in Chapter 23, “Alternatives.” In particular, Alternative G (Affordable

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Housing Requirement Alternative) analyzed the request that low- and moderate-income units be set aside in new development within the Special District. Under the alternative, there would be no bonus for the requirement to provide affordable housing, and no option for a payment in lieu of provision of affordable units. The DEIS concluded that the alternative would add substantial uncompensated costs to developments. As a consequence, new housing development could fall short of projections, and the established goals and objectives of the Proposed Action would not be met.

Comment O7: The Institute for Rational Urban Mobility, Inc (IRUM) supports efforts to preserve all or part of the High Line, and favors the potential preservation and re-commission of this structure for its intended use as rail freight service. One option worth considering is to retain one of the two tracks for rail freight use, and to convert the second track into an elevated “greenway.” (Haikalis)

Response: Comment noted. The EIS does not consider an alternative in which the High Line is used both for freight rail service and open space.

Comment O8: CB4 requests the following modifications to the proposed map changes:

- Subarea A within the Special West Chelsea District (SWCD) should be confined to the full City tax block between W. 29th and W. 30th streets and Tenth and Eleventh avenues, and the northern boundaries of Subareas B and C should be mapped at W. 29th Street. The maximum building height in Subarea A should be limited to 280 feet.
- Subarea C along Tenth Avenue should be rezoned to a C6-2 zoning district with a maximum building height limit of 125 feet.
- Subarea D should be mapped as 100 foot wide corridor along Eleventh Avenue, instead of 150 foot wide corridor, and should have zoning provisions that promote buildings with a slender tower-on-base form with a building height limit of 190 feet and design controls.
- The southern boundary of Subarea E should be mapped at the midline between W. 19th and W. 20th streets to maintain the existing M1-5 district, and to preserve an important gallery block. Subarea E should also have a maximum building height limit of 160 feet.
- Subarea F1: the buildings across Tenth Avenue from the Chelsea Historic District should have a maximum FAR of 5.0, and a maximum building height of 80 feet tall. Additionally, this zone should not contain any High Line Transfer Corridor receiving sites.
- Subarea G should have a Basic Maximum FAR of 5.0 and a Maximum FAR of 10.0, which could be obtained through floor area granted for contributions to the High Line Improvement Fund, and from the production of affordable housing. The building height limit of Subarea G should be 280 feet tall, which would correspond with the height of the Starrett Lehigh Building.
- Subarea H should be rezoned to a C6-3 district with a maximum FAR of 7.5, and a building height limit of 220 feet tall for the area east of the Tenth Avenue corridor.

- Subarea I should have a maximum building height limit of 220 feet tall.
- A 100-foot wide C6-3 commercial district should be mapped on Eleventh Avenue between W. 23rd and W. 24th streets that requires buildings that have a slender tower-on-base form with a height limit of 190 feet.
- The M1-5 districts that would be preserved by the proposed action should have a maximum building height limit of 150 feet tall. (CB4)

Response: **These changes are analyzed in Chapter 23, “Alternatives” of the FEIS, as part of the “Revised CB4 Alternative.” As discussed in Chapter 1, “Project Description” of the FEIS, *Alternative F* is under particularly active consideration by the CPC. The modified ULURP application [(N 050161(A) ZRM) and (C050162(A) ZMM)] for the zoning map and text amendments (analyzed in Alternative F) were filed by the DCP on March 3, 2005 and are contained in their entirety in Appendix A.1.b.**

Comment O9: The proposed zoning plan redistributes transferred floor area from the High Line Transfer Corridor inappropriately. The following changes should be incorporated into the proposed plan:

- The receiving capacities of Subareas C and F should be reduced, limiting the height and bulk of buildings on Tenth Avenue, most notably those opposite the Chelsea Historic district;
- The Basic Maximum FAR in Subareas A and G should be the same as the current FAR, increasing their capacities as receiving sites; and
- Subarea H should be rezoned for greater density, increasing its capacity as a receiving site. (CB4)

Response: **See response to Comment O8.**

Comment O10: Each proposed zoning subarea should have an explicit building height limit in addition to any other constraints imposed by the zoning, and this height limit should apply to every building in the subarea. No building in the proposed special district should exceed a height of 220 feet, the approximate height of the Fulton Houses, with the exception of buildings in Subareas A and G, and in the area to north of W. 28th Street west of Eleventh Avenue. In these three areas, the maximum building height should be limited to 280 feet, the approximate height of the Starrett Lehigh Building. (CB4) (Compton)

Response: **Comment noted. These recommendations form part of the Revised CB4 Alternative identified and analyzed in Chapter 23, “Alternatives” in the FEIS. Explicit building heights, though different from the Community Board recommendations, are also included in Alternative F.**

Comment O11: If the Commission adopts CB4's suggestions regarding the zoning district width (that the C6-3 district along Eleventh Avenue between W. 18th and W. 22nd streets be mapped 100' wide instead of the 150 proposed by DCP), we request that the proposed C6-3 zoning district boundary for the block between W. 20th and W. 21st streets be extended to include the eastern boundary of our site. (Bass)

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Response: Comment noted. The zoning boundary adjustment requested in this comment is not included in the Revised CB4 Alternative analyzed in Chapter 23. The Zoning Resolution anticipates the creation of “split lots” in rezonings and includes special regulations governing their development. M1-5 and C6 districts would both permit a wide range of commercial uses, including offices, art galleries and retail uses.

Comment O12: The SWCD should be expanded to incorporate the area between Eleventh and Twelfth avenues, between W. 22nd and W. 29th streets, as well as the two buildings at the southern end of the area between W. 15th and W. 17th streets, and Tenth and Eleventh avenues. In addition, the current zoning plan leaves out of the special district the area between Eleventh and Twelfth avenues, CB4 urges DCP to extend the district boundaries to fully include West Chelsea. (CB4)

Response: See response to Comment O8.

Comment O13: We request 2 changes to the proposed zoning: (1) the base FAR in all subareas should be the same as current FAR, and all increases in FAR should be used for the High Line, or to create affordable housing; and (2) the proposed rezoning permits the transfer of all FAR from the High Line corridor but then permits property owners to buy back 1 FAR, effectively increasing density and reducing the opportunity for affordable housing. Requiring property owners to retain 1 FAR would avoid this cumbersome sell/rebuy procedure, encourage owners to be creative and enhance the High Line, and would open up more of the receiving sites for the creation of affordable housing. (Compton) (CB4)

Response: Comment noted. See response to Comment O8.

Comment O14: The proposed plan should provide affordable housing for seniors and disabled persons, and this affordable housing should be included in the 30% permanent housing we are asking for. (Roberts) (Torres)

Response: Comment noted. It is expected that approximately 13.66 percent of net housing units generated by the proposed action would be low-moderate income affordable housing units, created through voluntary mechanisms such as the 80/20 program and the Inclusionary Housing bonus. Alternative F would increase this percentage to 14.1 percent. Also, see response to comment O1.

Comment O15: The proposed rezoning plan should include a minimum of at least 30 percent mandatory and permanent affordable housing, allowing New Yorkers of low to moderate and middle income to find homes in the area. (Berman) (Fry) (Cote) (O’Reilly) (Acevedo)

We are demanding that 30% of the new construction be mandated, permanent and affordable to low, moderate and middle income families. (Glaber man) (Scanlon)

Response: Comment noted. See response to Comment O1.

Comment O16: Thirty percent of all newly created residential units in the SWCD must be permanent affordable housing, and the income requirements for these units should be distributed as follows:

- 20% should be available to people with incomes up to 80% AMI (moderate)
- 50% should be available to people with incomes up to 125% AMI (middle low)
- 30% should be available to people with incomes up to 165% AMI (middle high) (CB4)

Response: **Comment noted. See response to Comment O1.**

Comment O17: The West Chelsea rezoning plan must:

- extend the 421-a exclusion zone so that tax exemptions are tied to development of affordable housing (Restuccia) (Rabban);
- allow developers to draw on more than one incentive program;
- reduce the “as-of-right” FAR determining the start of bonuses to developers to build affordable housing- the bonuses can start at FAR of 5 to increase the floor area available for affordable housing;
- create a blended bonus for affordable housing and the High Line;
- develop an Affordable Housing Fund;
- Extend the West Chelsea Special District to include the area between Eleventh and Twelfth avenues between W. 22nd and W. 29th streets and to include the blocks bounded by W. 17th Street, Tenth Avenue, W. 5th Street and Eleventh Avenue - and include provisions for affordable housing in this extended area;
- include anti-harassment/anti-displacement provisions. (Rabban)

Response: **See response to Comment O1. Zoning amendments cannot extend the 421-a exclusion zone.**

Comment O18: We urge you to ask for HPD’s same set of facts [pro formas for Hudson Yards] for West Chelsea. This has encouraged us to maintain the base FAR at 5, because the numbers we saw in Hudson Yards showed that the program works; and also to be permanent, because those numbers showed that it can work. We realize that if there is no development then there is no affordable housing. (Levin)

Response: **Comment noted. See response to Comment O1, et seq.**

Comment O19: In the proposed Special West Chelsea District (SWCD), a special permit should be required to locate a new club accommodating more than 199 patrons.(CB4)

Response: **Comment noted. The Proposed Action does not include any restrictions on nightclubs, beyond those of the underlying zoning districts, and no impacts were identified as a consequence of the continued ability for nightclubs to locate in the proposed special district. This was evaluated in the DEIS in Chapter 23, “Alternatives.”**

Comment O20: Excluding gallery uses, retail uses should be limited to 10,000 sf on midblocks, and along Tenth Avenue, and 20,000 sf elsewhere in the SWCD. (CB4)

Response: **Comment noted. The Proposed Action does not include any restrictions on retail uses, beyond those of the underlying zoning districts, and no impacts**

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were identified as a consequence of the continued ability for retail uses to locate in the proposed special district.

Comment O21: The DEIS is thus in error to regard the proposed rezoning immediately west of Tenth Avenue between north of the midline of 19th and 20th Streets as consistent with these established guidelines and alternatives must be set out that would actually be consistent. West of the High Line and south of the midline of 19th and 20th Streets the statements in this paragraph are reasonably accurate, but the generalities expressed here do not correspond with reality along most of Tenth Avenue. The frequent repetition of the description “loft buildings” in discussion of this context is misleading, as the common understanding of the words is a large building, often of twelve stories or more in midtown, rather than the reality here, similar in scale to the walkups they stand among. Looking at the area itself or of the pictures in the Chapter 8 on Urban Design shows this reality. (CB4)

Response: Comment noted. Chapter 23, “Alternatives,” of the FEIS includes two alternatives which include maximum building heights of 80 feet along Tenth Avenue from the midpoint between W. 19th and W. 20th streets and W. 22nd and W. 23rd streets.

P. Growth Inducing Aspects

Comment P1: The DEIS assumes the proposed development plan will have a positive effect on the city and state economy, noting jobs that will be created as a result of the new residential and retail development. However, this assumption neglects the negative impact on employment of the loss of significant amounts of office, commercial, and light manufacturing uses. At issue is not just the net change in numbers of jobs but the need for an analysis of the relative nature and quality of the jobs gained and lost.

Response: Chapter 3, “Socioeconomic Conditions” provides assessment of the effects of the proposed action on socioeconomic conditions, and concludes that the proposed action would not result in any significant adverse impacts, including residential and business direct displacement. See Chapter 3 for details. No significant adverse impacts were identified.

Comment P2: The DEIS projects that the largest residential increase will be in the market-rate population and thus reasonably projects that new uses will address the needs of this population. However, important existing services, now available to the very diverse surrounding population will likely be lost, placing an economic burden on that population. (CB4)

Response: As discussed in the assessment of direct business and institutional displacement effects of the proposed action in Chapter 3, the proposed action is not expected to result in disproportionate or adverse displacement impacts on any specific industry.

Comment P3: The argument that the scale of development proposed will not have significant “spillover” or secondary effects in nearby areas, neglects the almost certain pressure toward increased prices for both residential and commercial services in that surrounding area. (CB4)

Response: See the assessment of indirect business and institutional displacement provided in Chapter 3. As discussed therein, residential and commercial rents and sales prices have risen substantially in the primary and secondary study areas in recent years. These trends are likely to continue in the future with or without the proposed action.

Q. Mitigation

Comment Q1: In the Mitigation section (pages 22-2 and 22-3) the dismissal of these impacts [open space impacts] is improper. Indeed the failure to mitigate or provide alternatives (mitigation appears infeasible) on the ground that “such measures could tend to decrease the amount of housing developed within the proposed action, which would be inconsistent with the purpose and need for the proposed action” is inconsistent with the purpose of environmental review. The function of an EIS is to provide the basis for the evaluation of an action by policy makers on the basis of its environmental effects. The situation should be laid out, the alternatives proposed and evaluated, and the choice set out clearly. (CB4)

Response: The analysis presented in Chapter 5 concluded that the proposed action would not result in significant, adverse open space impacts. Accordingly, no mitigation is required.

Comment Q2: The Conclusion on page 6-19 [Chapter 6 – Shadows] of the Mitigation section that the shadow impact on resources near Tenth Avenue in and near the Seminary chapel and campus and the Church of the Guardian Angel are unmitigable is incorrect and unacceptable. An alternative, for example limiting the height of the buildings on the west side of Tenth Avenue as suggested by Community Board 4, would reduce these impacts without requiring removal from the rezoning area. It must be stated here as in the comments on the previous section that calling such action unfeasible since it would decrease the amount of housing developed is improper. This is a policy decision that the EIS is intended to illuminate. The purpose of the EIS is to evaluate the action for modification or withdrawal. It should set forth feasible alternatives here and in the chapter on Mitigation as well as in the Executive Summary. (CB4)

Response: See response to Comment G18.

Comment Q3: Historic resources in West Chelsea, as outlined by CB4, should be preserved through landmark designation and State and National Register listing in conjunction with this action. (Berman)

Response: See responses to Comments H1 and H20.

Comment Q4: The failure to present mitigation or reasonable alternatives with regard to shadows is inconsistent with the purpose of the environmental review. (CB4)

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Response: Chapter 22, “Mitigation,” discusses possible mitigation measures to eliminate or reduce the expected shadows impacts. As discussed therein, these measures would not be feasible. Chapter 23, “Alternatives,” considers a No Impact Alternative. However, in order to eliminate all significant adverse impacts associated with the proposed action, the amount of residential development would have to be reduced by 87 percent with similar reductions to non-residential development. As such a substantial reduction in development is inconsistent with the goal of the proposed action and the size of the proposed action, this alternative is considered infeasible and is not analyzed.

Comment Q5: The statement on page 2-55 of the chapter on Mitigation offers as the only possible mitigation eliminating affected development sites. This is rejected as it “would decrease the amount of housing developed.” This statement is improper: mitigation options or alternatives should be developed and a clear choice placed before the decision makers here and in the Executive Summary. To offer choices to decision makers, not to call such choices infeasible out of hand is the proper function of an EIS. (CB4)

Response: Given the context of its placement, it appears this comment refers to text on page 22-5 referring unmitigable historic resources impacts. Mitigation is not feasible for these impacts as under the proposed action demolition or conversion of historic resources which are eligible but not landmarked can occur as-of-right. The Zoning Resolution does not provide any mechanism for the placement of (E) designations for historic resources impacts. As discussed in Chapter 23, a No Impact Alternative was considered but is not feasible (See response to Comment Q4). The No-Action Alternative, identified and assessed in Chapter 23, would avoid these impacts.

Comment Q6: On Page 8-6, the DEIS states that the “High Line dramatically punctuates the east-west streetwalls, essentially dividing these blocks, visually, into two separate sections...” This emphasizes the fact that the felt boundary of West Chelsea is the High Line and that the Tenth Avenue corridor is visually part of eastern Chelsea. Thus the scale and character of the west side of Tenth Avenue should reflect the east side. The proposals of Community Board 4 to limit the scale of the west side would maintain neighborhood character and urban design: the higher scale proposed in this action requires that **mitigation** or alternatives be found. (CB4)

Response: As discussed in Chapter 8, no significant adverse impacts to urban design and visual resources are expected and therefore mitigation is not required.

Comment Q7: Streetscape elements cited [in Chapter 8 – Urban Design and Visual Resources] do not include historic buildings, whether designated or declared eligible, but they are significant elements in the streetscapes of the Northern Rezoned Area. The large buildings cited along the 26th Street corridor on pages 8-4 and 8-5 are handsome historic buildings that form the streetscapes of a Historic District the Board is proposing. Their loss would impoverish the streetscape and should be

considered an adverse impact that could be mitigated by the measures the Board proposes in Chapter 7 [Historic Resources]. (CB4)

Response: See response to Comment I6 regarding the discussion of the W. 26th Street corridor. As discussed in Chapter 22, significant adverse historic resources impacts could occur to the Otis Elevator Building in this corridor due to residential conversion expected as a result of the proposed action. This impact would be unmitigable as it could occur as-of-right. See response to Comment Q3 regarding the designation of historic properties.

Comment Q8: Regarding shadows, the statement on page 22-5 of the chapter on Mitigation offers as the only possible mitigation eliminating affected development sites. This is rejected as it “would decrease the amount of housing developed.” This statement is improper: mitigation options or alternatives should be developed and a clear choice placed before the decision makers here and in the Executive Summary. To offer choices to decision makers, not to call such choices infeasible out of hand is the proper function of an EIS. The Board is attempting to offer such a choice, and the mitigation should be incorporated in the document. This would replace the unrealistic alternative suggested in the text by a realistic means that is consistent with the actions proposed. It would not eliminate development sites but would restrict actions taken on them. (CB4)

Response: All selected alternatives, including the CB4 Alternative, are assessed in the “Alternatives” Chapter of the EIS, and the results are compared with the proposed action.

R. Miscellaneous

Comment R1: I want to register my disappointment at the time and place for this hearing. Holding it here and not in Chelsea, has effectively deprived large numbers of elderly and working citizens from participating in its deliberations. (Glaberman) (Rabban) (Florian)

Response: Comment noted.

Comment R2: All new buildings within the proposed rezoning area should be required to achieve certification of at least silver under the LEED Green Building Rating System. (CB4)

Response: Comment noted.

Comment R3: A West Chelsea Affordable Housing Fund should be established to acquire additional sites for affordable housing production. (CB4)

Response: Comment noted. The allocation of budgetary resources is not determined in the land use review process.

Comment R4: Planning for West Chelsea will be seriously incomplete without actions by other agencies, as to acquire the High Line and provide affordable housing. Similarly, the rezoning of West Chelsea must be accompanied by actions to preserve the area’s extraordinary stock of industrial buildings dating from the manufacturing

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of NYC in the last part of the 19th century and the first part of the 20th century. We urge the Commission to support our approach to the LPC and other agencies to provide the mitigation that the EIS makes clear only they can provide. (Kirkland)

Response: **Comment noted.**

Comment R5: For affordable housing development, we specifically ask the commission to work with HPD to find sites, such as parking sites in the NYCHA projects, for public resources to provide part of the 30% commitment for affordable housing. (Restuccia)

Response: **Comment noted.**

Comment R6: The following three City-owned sites should be developed as affordable housing: (1) NYCHA parking lot- Elliott-Chelsea houses (W. 25th Street and Ninth Avenue); (2) NYCHA parking lot- Elliott-Fulton houses (W. 18th Street and Ninth and Tenth avenues); and (3) parking lot, proposed #7 line subway work site (east side of Eleventh Avenue between W. 25th and W. 26th streets). (CB4)

Response: **Comment noted.**

Comment R7: The High Line will generate substantial economic benefits for the City. It will add value to neighborhood properties and create an estimated \$262 million in additional tax revenues over the next 20 years. (Hammond)

Response: **Comment noted.**

Comment R8: The High Line will link with the East Coast Greenway, a 2,600-mile, off road trail that connects all the major cities of the East Coast from Maine's Canadian border to Key West, Florida. (Votava)

Response: **Comment noted.**

Comment R9: The affordable housing crisis is of particular concern for elderly and disabled New Yorkers who live on fixed incomes and have little hope of raising their incomes to match growing housing costs. (Toussaint) (Kestenbaum) It is imperative that housing be set aside for veterans. (Heyden)

Response: **Comment noted.**

S. Modified ULURP Applications

Comment S1: The Board thanks the Department for proposing an A-Text which addresses many of its concerns about the proposed rezoning of the west side of Tenth Avenue immediately adjacent to the High Line. New development opposite the historic district should have a maximum height of 80 feet, which would be compatible with the brownstone-scale character to the east. North of W. 24th Street, the A-Text building height limit of 120 feet tall is generally compatible with the lower buildings to the east of the avenue. (Kirkland) (Borock)

Response: **Comment noted.**

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Comment S2: The proposed A-Text would institute height limits in particularly sensitive parts of the rezoning area, such as adjacent to the Chelsea Historic District and along the waterfront. I urge the Commission to adopt this new text at this time. (Gottfried) It's my understanding that the amended text submitted by the Department of City Planning includes height limits for the buildings on the west side of Tenth Avenue across the Historic District, to prevent the blocking off of the waterfront with buildings with excessive bulk, density, and height. We believe that is a step in the right direction. (Gazinelli).

Response: **Comment noted.**

Comment S3: It is our understanding that the 8-story (limit) has been incorporated into DCP's A-Text of the zoning plan; if not, strongly request that the CPC revise that portion of the A-Text. (Swartz)

Response: **Comment noted.**

Comment S4: The original plan did not have enough affordable housing, and (had) major faults; the A-Text comes relatively close to meeting our needs, except in a few specialized areas, including insufficient affordable housing, density and FAR issues, and the protection of the High Line as open space.(Mankoff) (Newton)

Response: **Comment noted.**

Comment S5: The A-Text is a significant improvement over the original proposal. (Compton)

Response: **Comment noted.**

Comment S6: Proposed calendered modifications are a clear example of the efforts DCP has made to listen to community concerns about affordable housing, density, and building heights. (Hammond)

Response: **Comment noted.**

Comment S7: The proposed residential rezoning even at these lower levels [proposed in the A-Text] threatens the displacement of an existing diverse residential community north of W. 21st Street consisting of some 200 units of low-income housing in low redbrick tenements in favor of a new monolithic upscale development, unless protections are put in place. (Kirkland)

Response: **Comment noted.**

Comment S8: Even though the A-Text (helps), affordable housing is not addressed. The issue of affordable housing is crucial for economic diversity to balance the economic benefit from this rezoning. Zoning protections- must provide expanded opportunity to provide affordable housing by maintaining a Base FAR of 5.0 in Subareas H and A. (Restuccia)

Response: **Comment noted.**

III. DRAFT SCOPE COMMENTS AND RESPONSES

SPECIAL WEST CHELSEA DISTRICT REZONING PUBLIC COMMENTS AND DCP RESPONSES ON THE DRAFT SCOPE OF WORK FOR THE EIS

Comments were received on the Draft Scope of Work document for the Special West Chelsea District Rezoning during a period commencing with the public scoping hearing held at the New York City Department of City Planning on October 2, 2003 and extending through October 16, 2003.

This document lists and responds to comments on the Draft Scope of Work. The comments include those made during the public hearing, as well as written comments received through the close of the comment period. The comments are organized by subject area, following the organization of the Draft Scope of Work. The organization and/or individual that made the comment is identified next to each comment. Comments were received from the following individuals and organizations:

1. Clinton Housing Development Corporation (CHDC) [Jennifer Cody, et al] (Written statement not dated)
2. Community Board 4, Manhattan (CB4) (Oral statement at public hearing and written statement dated 10/09/03)
3. Friends of the High Line (FHL) [Joshua David] (Oral statement at public hearing)
4. Hon. Thomas K. Duane, State Senator, 29th Senatorial District (Oral statement at public hearing and written statement not dated)
5. Hon. Richard N. Gottfried, State Assembly Member, 75th Assembly District (Written statement dated 10/02/03)
6. Historic Districts Council [Simeon Bankoff] (Written statement dated 10/14/03)
7. Hudson Guild [Miriam Rabban] (Oral statement at public hearing and written statement dated 10/10/03)
8. Samuel Holztenner (Written statement not dated)
9. Irene Kelly (Oral statement at public hearing)
10. Linda Longstreet (Written statement not dated)
11. Municipal Arts Society (MAS) [Kimberly Miller] (Oral statement at public hearing and written statement dated 10/01/03)
12. New York City Department of Environmental Protection (DEP) [Darryl Cabbagestalk] (Written statement dated 10/29/03)
13. New York City Housing Authority (NYCHA) [Sherry M. Schuh] (Written statement dated 10/10/03)
14. New York Industrial Retention Network (NYIRN) [Marnie McGregor] (Oral statement at public hearing and written statement dated 10/02/03)
15. New York Nightlife Association (NYNA) [Bob Zuckerman] (Oral statement at public hearing)
16. Ginger Oliver, Fulton Houses resident (Oral statement at public hearing)
17. Hon. Christine C. Quinn, City Council Member, District 3 (Oral statement at public hearing and written statement dated 10/04/03)
18. Responsive Realty [Melanie Meyers, Esq.] (Written statement dated 10/14/03)
19. Leni Schwendinger (Written statement dated 10/03/03)
20. Society for the Architecture of the City (SAC) (Written statement dated 10/14/03)
21. John C. Tyler (Written statement dated 10/06/03)
22. The West 400 Block Association (W400BA) [Mary Swartz, et al.] (Oral statement at public hearing and written statement dated 09/30/03)

Complete written comments are attached as an appendix.

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PROJECT DESCRIPTION (INCLUDING DEVELOPMENT SCENARIO)/GENERAL PROJECT INFORMATION/GENERAL SCOPE ISSUES

A1 CB4 opposes gaining High Line amenities at the cost of providing additional bulk that will have a negative impact on the visual quality of the community, and if used near Tenth Avenue, on the High Line itself. CB4 is concerned about DCP's calculations regarding the transfer of development rights as it ignores proposed bonuses for providing High Line amenities. As a result, these calculations are too conservative, i.e., too low. [2]

Response **Comment regarding High Line amenities noted. The Urban Design/Visual Resources section of the DEIS will assess the visual quality effects of the proposed action. Concerning the calculations of the transfer of development rights and the calculations of the reasonable worst case development scenario (RWCDS) in general, it is assumed that both available bonus and transfer of development rights would be used. Also, please refer to the response to Comment A3. It should be noted that the proposed action includes maximum height restrictions for buildings located in the vicinity of the High Line (refer to text on page 4 of the Draft Scope).**

A2 The environmental review of the West Chelsea Rezoning should be conducted in full conjunction with that of the Hudson Yards/No. 7 Line Extension project, as that project would have effects on the proposed action. [2]

Response **The environmental review of the Hudson Yards/No. 7 Line Extension and related actions is also currently being prepared (the City Planning Commission issued the FGEIS for these actions in November 2004 and the City Council adopted the Hudson Yards ULURP actions in January 2005). As these are separate actions covering distinct areas which are being considered independent of each other and are not contingent on each other for implementation, they are being addressed by separate environmental reviews. However, there is active coordination between the environmental reviews for the two projects. This is being done to establish consistency in terms of existing conditions and future development associated with the proposed actions. The Hudson Yards analyses will take account of expected development in West Chelsea as part of its No-Action conditions. Similarly, the West Chelsea Rezoning EIS, using an analysis year of 2013, will include developments in the Hudson Yards area projected to occur by that time as part of No-Action conditions. Accordingly, these respective EISs will fully take account of the cumulative effects development and changes expected to occur as a result of both the Hudson Yards and West Chelsea proposed actions. Additional text for Task 1 has been added noting that information on other relevant No-Action projects that could affect conditions will be included, with the text referring specifically to the Hudson Yards project.**

A4 A build date likely to include the major thrust of development should be used. Adequate review requires a build date that is likely to include a clear majority of foreseeable impacts rather than the routine acceptance of a 10-year horizon. A build analysis year of 2025, the outer build date set for Hudson Yards, would contribute to a reasonable likelihood of fulfilling this standard and to the alignment of this action with the larger one occurring next door. [2]

Response **The analysis year of 2013 is being used as a ten-year period is typically believed to be the length of time over which developers would act on the change in zoning and the effects of the proposed action would be felt. This is generally used as the analysis year in CEQR environmental reviews of rezoning actions. The 2013 analysis year is expected to incorporate all development projected to occur as a result of the proposed action. A later analysis year is used for Hudson Yards due to several considerations, including the**

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extraordinary scale of anticipated development and multiple elements involved. Therefore, no change to the Draft Scope text relating to this comment is warranted.

A5 Page 4, second paragraph: add row houses to the residential land uses to the east of the directly affected area. Row houses are a frequent land use east of Tenth Avenue between W. 20th and W. 25th streets and this use is a dominant one in the Chelsea Historic District. [2]

Response The text on page 4, second paragraph, refers to the “area’s context of high street wall buildings” in describing the bulk and height provisions of the proposed zoning. This does not refer in particular to land uses and building types in the area east of Tenth Avenue. To make this text more clear that it is not referring to neighboring areas, the text has been revised to refer to the “rezoning area’s context of high streetwall loft buildings and, along Tenth Avenue, walk-up apartment buildings”.

A6 Page 5, second paragraph: review the effectiveness of the retention of existing uses, especially art galleries, in the midblock cores. The significant reduction of midblock space that would remain zoned M1-5, especially south of W. 23rd Street, risks excessive pressure on the heart of the art gallery district located here. The change in character of the immediate neighborhood is likely to lead to higher rents for ground-floor spaces and conflicts with galleries. The details of the analysis required are found in comments under individual tasks. [2]

Response Comment noted. The Land Use, Zoning, and Public Policy chapter of the DEIS will assess the appropriateness of the proposed zoning, including the midblock areas. The Socioeconomic Conditions chapter of the DEIS will assess secondary effects of the proposed action, including the potential for indirect business displacement and effects on specific industries. This will include consideration of likely changes in rents due to the proposed action and any effects on local businesses, including art galleries. As this is already discussed in the Draft Scope in general terms, albeit not referring specifically to art galleries, no change to the Draft Scope text on page 5 relating to this comment is warranted. However, as discussed in the response to Comment C12, the text of the scope for “Task 3, Socioeconomic Conditions,” has been revised to specifically refer to potential displacement of art galleries.

A7 The RWCDS is inadequate; more development sites are likely to be developed as a result of the proposed action and therefore these sites and the additional development that would occur should be assessed in the EIS. DCP’s draft scoping document anticipates the creation of approximately 4,174 DUs of housing by 2013. CB4 believes that this number understates probable development over the next 10 years, the Board believes that 6,000 to 8,000 new housing units is a more likely scenario. [2]

Response Refer to responses to Comments A1 and A3 above. It should be noted that DCP has revised the RWCDS to be analyzed in the DEIS. The final RWCDS is based on the 25 projected and 28 potential development sites identified, as compared to 20 and 33, respectively, in the original RWCDS. This has resulted in an increase in the projected number of DUs. The projected development program is enumerated on pages 8 through 12 of the Final Scope. As discussed therein, the proposed action is projected to result in the development of 4,809 DUs and with a credit for removing 101 No-Action DUs, the incremental net change in development on the projected development sites would be 4,708 DUs. The Final Scope has been revised to reflect the changes to the RWCDS.

A8 DCP’s draft scoping document anticipates none of the action-generated residences would be low- to moderate-income DUs.

In a public presentation to CB4, DCP and the Department of Housing Preservation and Development (HPD) outlined mechanisms that could generate affordable housing in or near

West Chelsea. (Refer to enclosed comments for a description.) While the Board welcomes any mechanism for the creation of affordable rate housing in West Chelsea, it believes that the quantity and type of housing would not fulfill the Board's affordable housing objectives. The existing programs are inadequate.

CB4 strongly encourages the retention of existing housing and the full use of existing affordable housing programs. In summary, CB4 housing proposals for the West Chelsea Rezoning include: zoning provisions to prohibit the demolition of existing housing by including zoning text similar to Section 96-108 of the NYC Zoning Resolution (Special Clinton District); anti-harassment provisions to prevent tenant harassment by including zoning text similar to ZR Sections 96-109 and 96-110 (Special Clinton District); and the Board also believes that any Inclusionary Bonus included in a West Chelsea rezoning plan should be for housing alone, as DCP and HPD have proposed, and should require that the bonus housing be designated for households 80 percent of area median income, and should be built in West Chelsea. The Board believes that the Special District should also require affordable housing and in particular that which does not expire and convert to market rate.

DCP should work with HPD/HDC to consider the broadest possible range of zoning, financing, and policy mechanisms to achieve the Board's housing policy (refer to CB4 comments letter). The impacts of these alternatives should be studied in the EIS, with special attention to Task 2, Land Use, Zoning, and Public Policy; Task 3, Socioeconomic Conditions, and Task 5, Community Facilities and Services.

CB4 believes that the City should leverage its public investments in public in parks, transportation, sewers, and other public infrastructure, which will create significant private wealth, to achieve its stated goal of affordable housing.

Most importantly, CB4 wants a commitment from the City to achieves these goals even if individual mechanisms fail. [2]

Response

Comment noted regarding CB4's position on and proposals for affordable housing. Based on land development trends in Chelsea, site conditions, and the proposed zoning, the Department estimates that approximately 13.66 percent of dwelling units developed as a result of the proposed action would be affordable to low- and moderate-income households. Accordingly, of the 4,708-DU net increase expected on the projected development sites, it is expected that 657 DUs would be affordable to low- and moderate-income households. This would include some projected developments that are expected to provide affordable units in order to receive the Inclusionary Housing bonus. Since the 1999 Chelsea Rezoning, DCP data indicate that approximately 13 percent of the new residential construction has resulted in low-income housing units. Regarding alternatives, as discussed in the Draft Scope, it is anticipated that four (4) alternatives to the proposed action will be identified and assessed for their environmental effects. The alternatives analysis is primarily qualitative, except where impacts of the proposed action have been identified. For technical areas where impacts have been identified, the alternatives analysis will determine whether these impacts would still occur under each alternative. Therefore, no change to the Draft Scope text relating to this comment is warranted.

A9

I urge you to take into consideration every one of the 53 or more possible development sites identified by Community Board 4 (CB4) as potentially immediately developable, i.e., projected developments, in the EIS. [4]

Response

Refer to response to Comment A7.

A10

The EIS must be conducted in the broadest possible terms, both in terms of geography and length of time to extend the scope of the study, preferably reaching further

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into the future. The West Chelsea Rezoning should be considered comprehensively, both in terms of the extension of the Chelsea community and as a link to new developing communities along the Hudson River. As much as possible, the plan and the EIS must take into account all ramifications that could result from the complicated and still unresolved Hudson Yards plan. [4]

Response **Refer to responses to Comment A2, addressing the Hudson Yards environmental review, and Comment A4, which addresses the year used for the analysis. As discussed in the Draft Scope, the DEIS will consider study areas for the various areas of environmental concern, which are delineated in accordance with CEQR guidelines.**

A11 DCP and HPD have announced that they intend to work with the City Council to include West Chelsea in the 421-a exclusion zone, which would require that developers receiving a 421-a tax abatement build 20 percent of their units at rents affordable to low-income households. However, the 80/20 program has not proven an adequate solution to the neighborhood's affordable housing needs. DCP has also emphasized the availability of the inclusionary housing bonus in the small area of the rezoning area that will be zoned 10.0 FAR (C6-4). But this is a current feature in the zoning text and is rarely utilized. Also, I appreciate the fact that DCP has offered to work with HPD and CB4 to find appropriate publicly-owned sites to develop for affordable housing, but everyone understands that such an effort would at best produce a limited number of affordable DUs. I propose that the Special District's provisions contain a mandatory inclusionary housing component, which would require that developers set aside a certain number of DUs for low- to moderate-income households at affordable rents. (For details on proposal, please see attached draft document.) (Also, refer to Comment O5 under Alternatives.) [5]

Response **Comment noted. Refer to response to Comment O1.**

A13 Pages 5-6: churches and schools. The decision to exclude the sites of churches and schools as projected and potential development sites is based on a faulty rationale. It would be wrong to assume that the Guardian Angel RC Church is immune from redevelopment pressures. This argument ignores the new uses that would become available with the proposed action. [20]

Response **As noted in the Draft Scope, all schools and churches that meet the development site criteria are built to less than half the permitted FAR under the current zoning designation. They have not been rebuilt or expanded despite the ability to do so, and it is very unlikely that the increment of additional FAR permitted under the proposed zoning would induce redevelopment or expansion of these substantial community structures. These sites have not been rebuilt or expanded despite the ability to do so under existing zoning. Therefore, no change to the Draft Scope text relating to this comment is warranted.**

A14 Pages 5-6: the criteria for identifying likely development sites are very conservative. We strongly support the request of CB4 and State Sen. Duane for inclusion of all development sites the Board has identified in the evaluation of environmental impacts. [20]

Response **Refer to response to Comment A7 above.**

A15 There should be a more comprehensive assessment of the High Line. It is considered piecemeal under Tasks 5, 6, 8, 10, 16, and elsewhere. Can the High Line survive its own preservation on these terms? Will the new park be a narrow, dark, walled-in-alley with repetitive views of the backs of ordinary apartment tower, cheap modern glazed brick, and prefabricated metal windows, over and over again? [20]

Response **As noted in the Draft Scope, the proposed action is intended to complement the plan to convert the High Line into a publicly accessible open space. Since DCP issued the Draft Scope, acquisition and site selection actions for City purchase of the High Line and its conversion to a publicly accessible open space have been incorporated into the proposed**

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action. The EIS will also analyze certain issues related to any future reuse of the High Line structure. The High Line open space will be considered a part of the With-Action scenario in the West Chelsea DEIS and the effects of the proposed action's projected developments on the High Line open space will be considered in the various chapters covering the CEQR technical areas. This reflects the standard format for CEQR analyses. Therefore, no change to the Draft Scope text relating to this comment is warranted.

LAND USE, ZONING, AND PUBLIC POLICY

B1 Page 13: the description of standard methodology, i.e., subtasks, lacks reference to significant items specific to this area. These include: assessing the compatibility of the proposed action with the Chelsea 197-a Plan; assessing loss of manufacturing zoning on the art gallery district; and, assessing compatibility of the proposed action with public policy in favor of providing affordable housing and record and assess other DCP and HPD actions that are presumed to create significant amounts of affordable housing as mitigation for the lack of significant provisions for affordable housing in the zoning action. [2]

Response As noted in the Draft Scope, the DEIS will include an assessment of the proposed action and its effects relating to land use, zoning, and public policy. The specific items cited in the comment will be considered in the analysis, as appropriate, as will other relevant items relating to the proposed action, the rezoning area, and the study areas. In response to this comment, the Scope has been revised to specifically refer to items addressed in this comment. In addition, the replacement of manufacturing zoning with the proposed Special District provisions would be considered as part of the assessment of zoning effects.

B2 Extend the Land Use study area to include the proposed Hudson Yards rezoning area. This would require expanding the radius to one-half mile of the West Chelsea rezoning area, as is proposed for the Community Facilities and Open Space study areas. [11]

Response The land use study area, specifically the secondary study area which extends a quarter-mile radius from the boundary of the rezoning area, was determined in accordance with *CEQR Technical Manual*. The *Manual* states that the secondary study area should include areas where indirect effects may be felt and generally will be a quarter-mile to a half-mile radius of the directly affected area. Given the patterns and density of land uses in the area, it is considered unlikely that indirect effects of the proposed action would be felt beyond a quarter-mile radius of the rezoning area. The area surrounding the proposed rezoning area is a high density, pedestrian-oriented urban area in which development trends are very localized reflecting patterns of uses and catchment areas for developments. In these areas, only conditions within the immediate vicinity of a site generally affect development conditions, including such factors as proximity to public transportation services and uses on adjoining and neighboring blocks. Development at a distance of more than five street blocks or one-and-a-half avenue blocks is very unlikely to indirectly effect land use, zoning and public policy conditions. Areas between a quarter-mile and a half-mile radius of the proposed rezoning area are already experiencing development trends based on factors present in those areas which are expected to continue to indirectly effect conditions irrespective of the adoption of the proposed action. However, development expected as part of the Hudson Yards project will be considered where they have the potential to affect No-Action conditions in 2013 in the land use study areas. Therefore, no change to the Draft Scope text relating to this comment is warranted.

B3 The effects of the extreme shift in development pattern for the single block between W. 17th and W. 18th streets along the Eleventh Avenue/West Side Highway corridor must be analyzed in terms of its potential impacts on land use, zoning, and public policy. [18]

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Response As discussed in the Draft Scope, as part of the assessment of the proposed action's effects on land use, zoning, and public policy, the DEIS will consider the effects of the various proposed zoning districts and expected action-generated development associated with the proposed action. The DEIS will discuss project effects related to issues of compatibility with surrounding land use, the consistency with zoning and other public policy, the effect of the loss of manufacturing zoning, and the effect of the project on ongoing development trends and conditions in the area. Although not discussed specifically in the Draft Scope, this discussion and assessment of effects includes consideration of changes in development patterns resulting from the variation in zoning districts. This includes the variation among the proposed districts as well as the differences between the proposed districts and existing zoning districts to be retained in the secondary study area. As the general issues of concern are listed in the Draft Scope, no change to the Draft Scope text relating to this comment is warranted.

B4 Because of the narrowness of the blocks between W. 18th and W. 20th streets in their north/south dimension (184 feet rather than the usual 200 feet), and because of rear yard and legal light and air requirements, there is only 62 feet of depth available for residential development within the midblock. If a setback is required at 60-85 feet as proposed, viable residential development will not be possible above the base height. The adverse effects of these envelopes on the ability to construct the desired development must be examined. [18]

Response The proposed zoning would allow a higher streetwall than 85 feet on these blocks.

B6 Setting the boundary of the M1-5 zone at W. 20th Street leaves an M zone too small to be viable and removes one of the few remaining opportunities for traditional gallery expansion through adapting existing buildings. CB4 believes its proposal for the southern boundary of the M1-5 zone at the midline between W. 19th and W. 20th streets would produce a stronger district and one that would benefit the flourishing arts community and desirable future uses. [2]

Response Comment noted.

B7 CB4 believes that at least some of the adverse consequences of the proposed rezoning can be mitigated by specifying permitted and excluded uses. The Board has made specific proposals (refer to letter to DCP of June 6, 2003) and awaits details of DCP's position on this issue. [2]

Response Comment noted.

B8 CB4 welcomes DCP's proposed controls for buildings adjacent to the High Line. In particular the Board agrees with DCP's proposal that no more than 85 percent of avenue frontage should be higher than 45 feet. The Board requests that DCP require the positioning of mandated low sections adjacent to cross streets. [2]

Response Comment noted.

B9 CB4 strongly opposes proposed 7.5/10.0 FAR for the block bounded by W. 17th and W. 18th streets and Tenth and Eleventh avenues where DCP expects two towers to be built, one 290 feet tall and one 390 feet tall. The Board has proposed and continues to support an FAR of 5.0/7.5 and a height limit of 280 feet for this site, which is consistent with the scale of the Robert Fulton Houses. The extraordinary size of the buildings is predicated on the provision of a major High Line access plaza; this is too steep a price to pay for the proposed "High Line amenity." [2]

Response Comment noted.

B10 The two half-blocks east of Tenth Avenue between W. 16th and W. 18th streets should have an FAR of 5.0/7.5 and a maximum height of 220 feet to be more consistent with the scale of the Robert Fulton Houses to the east and the projected building on the

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Edison/DEA parking lot to the west. The narrow half-block between W. 17th and W. 18th streets does not form an effective transition to the lower buildings on the blocks to the north and it is better used as a receiving site for bulk transferred away from the west side of Tenth Avenue directly across from the Chelsea Historic District. [2]

Response

Comment noted.

B11

The area along the east side of Eleventh Avenue between W. 18th and W. 22nd streets should have a maximum height of 160 feet and maximum tower coverage of 40 percent, to better address concerns over walling off Chelsea from the Hudson River with large buildings. [2]

Response

Comment noted.

B12

There should be a uniformly high zoning district for the entire block bounded by W. 29th and W. 30th streets, rather than DCP's proposal which would wrap a lower core with very high buildings extending down to W. 28th Street on both Tenth and Eleventh avenues. There is no good reason to split the block. Extending very high buildings south along the avenues would damage the lower midblock area and push shadows and other effects of very tall buildings into the lower rise portions of Chelsea and West Chelsea, including Chelsea Park just to the east. [2]

Response

Comment noted. As discussed in the Draft Scope, the EIS will include an assessment of shadows effects created by the proposed action. This assessment will focus on natural features, publicly accessible open space, and historic features that are dependent on sunlight.

B13

The only FAR bonus in the C6-4 district should be the inclusionary housing bonus. There should not be a plaza bonus or any other bonuses, to ensure that the inclusionary housing bonus is utilized. Experience has shown that the inclusionary housing bonus will not be used if there are other bonus alternatives. [1, 2]

Response

The only mechanism to increase from 10 to 12 FAR in the C6-4 district is through the inclusionary housing bonus.

B14

DCP should explore use group limitations within the proposed Special District that will discourage uses that are incompatible with a residential neighborhood, such as "big box" retail establishments and large dance clubs. [5]

Response

Comment noted.

B15

DCP should limit building height on Tenth Avenue adjacent to the Chelsea Historic District to 80 feet, even if that will result in some additional height in other areas of the Special District. [5]

Response

Comment noted. Also, the effects of the projected developments on the Chelsea Historic District are addressed in the response to Comment G6 below under "Historic Resources."

B16

Expand the Inclusionary Housing programs to all C6 zoning districts proposed for remapping. With over 4,000 DUs anticipated as a consequence of this rezoning, there are significant opportunities to employ this tool. DCP should identify additional sites that could accept the density associated with the bonus and lead to the creation of more units with a wider geographic distribution. [11]

Response

Comment noted.

B17

To the north of the rezoning area, the tallest development should be pressed as far north as possible, avoiding wrapping a lower midblock core with buildings reaching down to W. 28th Street. A gradually rising and falling - but never overwhelming - west side is the best way to create a new vibrant area. [4]

Response

Comment noted.

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B18 To the south, as the proposed district approaches Gansevoort Market, I do not believe a plaza surrounded by towers with potential FARs of 10 is intended to or would make a desirable segue into the two-story meatpacking buildings. A maximum FAR of 7.5, height limited to 280 feet, is more consistent with the scale of the nearby Robert Fulton Houses. This is absolutely as tall and bulky as development needs to be at that site and as much as this area can rationally bear. [4]

Response **Comment noted.**

SOCIOECONOMIC CONDITIONS

C4 The scope of the EIS must be broadened to include a thorough survey of all the existing non-conforming residential units within the proposed rezoning area. The EIS must study the impact the proposed rezoning would have on these tenants. [5]

Response **The DEIS will include an assessment of direct and indirect residential displacement. In order to make a determination for the preliminary assessment, as noted in the Draft Scope, the DEIS will estimate housing changes associated with the proposed rezoning and assess impacts on housing, if any. This will include identifying housing units, including non-conforming units, on the projected development sites that may be subject to direct displacement. In addition, housing conditions throughout the rezoning area and the secondary study area, including non-conforming units, will be considered in the assessment of indirect residential displacement. Therefore, no change to the Draft Scope text relating to this comment is warranted.**

C5 The EIS should study the impact of the proposed plan on displacement of low- and middle-income residents. [8, 10]

Response **The likely income status of any displaced residents would be determined based on the type of housing involved, information on rents in the area, and Census data on incomes. As the Draft Scope notes that these types of information will be provided, no change to the Draft Scope text relating to this comment is warranted.**

C6 We urge serious attention to the impact of proposed zoning on displacement of low- and moderate-income residents. We feel particularly strongly about the need to prevent displacement given the history of displacement in this community, and our strong desire to learn from past experience and maintain a vibrant and diverse community. [7]

Response **See response to Comment C5 above.**

C7 The EIS should consider the effects of the proposed action on live/work occupants and loft residents whose units would remain non-conforming. [9]

Response **See response to Comment C4 above.**

C8 Extend the Socioeconomic Conditions study area to include the proposed Hudson Yards rezoning area. This would require expanding the radius to one-half mile of the West Chelsea rezoning area, as is proposed for the Community Facilities and Open Space study areas. [11]

Response **As discussed in the Draft Scope, the socioeconomic conditions study area is based on the land use secondary study area, which is a quarter-mile radius of the rezoning area, but adjusted to reflect census tract boundaries. Although the *Manual* recommends that up to a half-mile radius be used, given the intensity and scale of development of this highly urbanized area of Manhattan, the proposed action is considered unlikely to affect socioeconomic conditions beyond a quarter-mile radius of the rezoning area. Refer to the response to Comment B2 which further discusses the rationale for using a quarter-mile radius for the land use secondary study area; this rationale is also applicable to the**

secondary study area for socioeconomic conditions. No change to the Draft Scope text relating to this comment is warranted.

C11 The development constraints imposed by the proposed envelopes for the Tenth Avenue corridor should be reexamined for their potential adverse impacts on Socioeconomic Conditions. (See also Comment B4 above, under Land Use, Zoning, and Public Policy.) [18]
Response The Department has developed the proposed envelopes and determined that they would accommodate available permitted floor areas. Accordingly it is not anticipated that the proposed envelopes would have potential adverse impacts on Socioeconomic Conditions.

C12 The ostensible attempt to preserve the new galleries and artists' lofts in West Chelsea is probably on track for failure. The small islands the rezoning allows to stay zoned M1-5 for manufacturing may not be enough to retain the character of this desirable district, either economically or visually. The EIS should include a census of individual art galleries and their location, noting whether they are inside or outside the M1-5 zones that are meant to preserve them. This inventory must include the large multi-gallery buildings such as 210 Eleventh Avenue and 502 W. 26th Street/259-273 Tenth Avenue – buildings where residential use would be allowed under the new zoning. The EIS should establish what percentage of existing galleries are in areas to be rezoned. Cabarets and little theatres are also a part of the artistic mix and should be inventoried, as well as artists' living lofts. [20]
Response Comment noted. As noted above, the Scope text has been revised to include specific issues that will be considered, including art galleries.

C13 Provide mitigation for expected residential displacement by such means as provisions against harassment and displacement based on those in place for the Clinton Special District. [2]
Response As with all mitigation issues, the analyses in the DEIS will make determinations as to whether the proposed action is likely to result in significant adverse impacts in the various CEQR impact categories. Based on guidance in the *CEQR Technical Manual*, mitigation will be identified, if feasible, to minimize or lessen the effects of such impacts. It should be noted that mitigation measures, to be feasible, must be actions that DCP can implement or cause to have implemented by others.

C14 Provide mitigation for expected indirect residential displacement by grandfathering DUs in the M-zones not to be rezoned to a C district. [2]
Response Refer to response to Comment C13 above.

C15 The well-being of the art gallery district would be threatened by the conditions created by the proposed action. Mitigation will be required. Art galleries should be relocated at reasonable rents within the gallery area in order to preserve and enhance the art gallery district. Devise further measures for mitigation of displacement pressures on the integrity of the gallery district. [2]
Response Refer to response to Comment C12 above.

C16 We are supportive of the retention of the M1-5 zoning within the midblocks. However, the fact remains that real estate speculation doesn't stop at the zoning line. Manufacturing companies that are currently operating within this area are facing tremendous real estate pressures, and ultimately will be pushed out. The City needs to work with these companies to mitigate any negative impacts from the rezoning. Relocation assistance is needed, as well as dedicated districts where manufacturers can have stability which will allow them to invest in their businesses over the long term and possibly even expand employment. [14]
Response Refer to response to Comment C13 above.

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C17 There are residential tenants in the current West Chelsea M zone whose units converted to residential use after 1982. These nonconforming uses should be permitted, even if they remain in an M zone, through a Special District provision or other mechanism, as long as the units were residential before (e.g., January 1, 2003). [2]

Response **Comment noted. Refer to response to Comment C13 above.**

C18 Regarding the inclusionary housing bonus, we want to make sure that any affordable housing provided are limited in location to the Special West Chelsea District, to make sure there is economic integration. [1]

Response **The inclusionary housing bonus provision requires that affordable housing be provided either on-site or at an off-site location in the same community district as the compensated development or an adjacent community district if it is within a half-mile of the compensated development. The program is only applicable in R10 or equivalent districts such as C6-4, with a 10.0 base FAR . The proposed action does not include any changes to this provision or its applicability to lower density zoning districts.**

C19 The 421-a tax abatement program (80/20 program) should cover the entire rezoning area and should be modified so that there are no expiration dates for the provision of affordable housing DUs. Also, we encourage the modification of the program to expand the income ranges for affordable housing to a level greater than 50 percent [1, 2]

Response **The 421-a tax abatement program is a statutory program which in effect has several different programs, including the 80/20 program in which developers who set aside at least 20 percent of units in a development in Manhattan below 110th Street for low- or moderate-income households receive a 20-year tax abatement. When abatements expire, rents may rise to market rates. In addition, NYC HDC and NYS HFA offer 80/20 programs which offer tax free bond financing which can be used in addition to the property tax abatement. Modifying these programs, so that there is no expiration date for the low- and moderate-income DUs, or changing the exclusion zone that applies to some portions of the 421-a program, is well beyond the scope of the proposed action. It should be noted that DCP projects that approximately 13.66 percent of the units generated by the proposed action will be units classified as affordable for low and/or moderate income households, through the Inclusionary Housing program, the 421-a tax abatement program, and other programs.**

C20 We encourage investigation into alternative and additional programs that utilize tax-exempt bond financing for affordable housing. The extension of HPD’s NEW Hop program below 96th street would be a valuable tool for the Chelsea neighborhood. Extension of these programs will bring valuable and diverse financing alternatives into this neighborhood. [1]

Response **Comment noted.**

C21 Loft tenants in the area require special consideration. If mid-block manufacturing-zoned (M-zoned) areas are not specially tailored to take into account their own non-conforming uses, the status of these loft tenants will be cemented as non-conforming (“illegal”). Loft tenants, already subject to significant landlord harassment, intimidation, and eviction, must be integrated into the West Chelsea Plan and protected from further displacement. [4]

Response **Comment noted. Refer to response to Comment C13 above.**

C22 We need affordable housing in *West Chelsea*. We need affordable housing so badly that we will accept higher bulk and density than we might otherwise consider. Residential and commercial anti-harassment provisions and prohibited residential development demolition, while not always enforced have worked well as guidelines for the Special Clinton District, and perhaps a similar provision in West Chelsea would help the City make a commitment to a diverse, vibrant Chelsea. [4]

Response **Comment noted. Refer to responses to Comments A8 and C13 above.**

C23 Loft tenants in units first occupied since 1982 are not protected by the state’s Loft Law. It is critically important that the EIS scope be revised to protect them. The proposed action would explicitly shut out those loft tenants who will still be in the M zones. It is unacceptable to leave midblock loft tenants out of compliance while their neighbors on the avenues are brought in. If manufacturing zoning is maintained on the midblocks, *the Special District must contain provisions that would permit the continued residential use of all currently non-conforming residential uses.*

Response **Comment noted. Also, refer to the response to Comment C4.**

C24 The proposed rezoning should realize the opportunity to address the critical community need for affordable housing. [8, 10]

Response **Comment noted.**

C25 We call for tracking the number of units of affordable housing actually created in the special district - the number of units, the income eligibility levels established, and the actual rents. (Refer to Comment O8, which discusses proposed alternative requiring 15 percent of units affordable to low-income people and 15 percent to moderate-income people.) [7]

Response **Comment noted. Please note that tracking activities described above would be outside the scope of the DEIS, as the environmental review of the proposed action must be completed prior to consideration of adoption of the proposed action by the CPC and the City Council. Tracking of affordable housing units would require a different mechanism than the CEQR process.**

C26 The scope needs to examine the cumulative impacts of all the zoning changes that are being proposed throughout the City. The cumulative loss of manufacturing space must be the basis for developing and assessing mitigation measures in the EIS. [14]

Response **These are separate and independent actions subject to separate approvals under the City’s ULURP process throughout the City. As discussed in the Draft Scope, the DEIS will include an analysis of the effects of the proposed action on land use conditions, including the effect of the loss of manufacturing zoning. As discussed in the Socioeconomic Conditions section of the Draft Scope, that chapter of the DEIS will include an assessment of direct and indirect business displacement and effects on specific industries, if any.**

C28 I strongly urge DCP to work to broaden the opportunities for the generation of affordable housing in this rezoning. I believe it would be a massively wasted effort if we cannot come up with other ways, beyond those already proposed by DCP, to create the mix of incomes and diversity upon which this neighborhood so prides itself. I urge DCP to continue to dialogue with CB4, housing advocates, and others to try to identify and pursue other realistic mechanisms to expand the number and mix of affordable housing units that this proposed rezoning would create. [17]

Response **Comment noted. Refer to response to Comment A8 above.**

C29 I would like to see the proposed action amended to contain protections for residential loft tenants. [19, 21]

Response **Comment noted. Refer to response to Comment C13 above.**

COMMUNITY FACILITIES AND SERVICES

D1 Carry out a detailed analysis of health care facilities and day care centers. The related and supporting actions associated with this rezoning will create low-to-moderate DUs in excess of the 600-DU threshold within the directly affected area. [2]

Response DCP has determine that the proposed action would generate approximately 657 low-moderate income DUs (affordable housing). Once the expected mix is identified, then the projected number of low- and moderate-income units will be calculated. As the projected number of units exceeds the 600-DU threshold of low- and moderate-income households, detailed analysis of heath care and day care facilities will be provided.

D2 We highlight the need for new community facilities given the number of new low- and moderate-income DUs to be created by the programs proposed by the City as well as the larger number that we hope for from the proposed alternatives we have asked to be included in the EIS (refer to Comment O8). In addition to studying the need for schools and libraries, DCP should study the need for health care facilities and day care centers. [7]

Response Refer to response to Comment D1 above.

OPEN SPACE

E1 Page 16: analyze planned open space, especially the Hudson River Park, with attention to its availability on schedule and its appropriateness for active recreation. Funding for the section of Hudson River Park near the rezoning area is uncertain, as are the uses of the some planned sections of the park. There will be limited active recreation space. [2]

Response As discussed in the Draft Scope, the assessment of No-Action conditions will take account of any new publicly accessible open space and recreational facilities expected in the study area, including development of portions of Hudson River Park located within the study area. As with any possible No-Action publicly accessible open space, confirmation of this section of Hudson River Park’s schedule, programing (split between active and passive recreation space), and acreage will be made. Therefore, no change to the Draft Scope text relating to this comment is warranted.

E2 Evaluate the actual availability and utility of the open space planned directly to the north of W. 30th Street in the Hudson Yards proposal. Consider the effects of shadows and user populations generated by the Hudson Yard actions. [2]

Response Refer to response to Comment E1 regarding availability of publicly accessible open space. As already discussed in the Draft Scope, the effects of action-generated incremental shadows on publicly accessible open space will be assessed in the DEIS and discussed in the Open Space as well as the Shadows sections. As also discussed in the Draft Scope, the DEIS will assess the effects of use of publicly accessible open spaces in the open space study area by local residents and the changes to conditions resulting from the proposed action. Therefore, no change to the Draft Scope text relating to this comment is warranted. (The Hudson Yards EIS will evaluate the availability and utility of open space planned as part of that proposal.)

E3 Provide open space mitigation by such means as speeding up the construction of planned open space, as in the Hudson River Park or elsewhere, reviewing plans for such space to provide more useful resources, or committing such resources as Gansevoort Peninsula to the Hudson River Park. [2]

Response Refer to response to Comment C13 above. Although funding issues are outside the scope of the DEIS, it should be noted that the Hudson River Park Trust has formally committed to completing the sections of the park within the open space study area.

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SHADOWS

- F1 Page 17: the list of areas to be evaluated is incomplete. As the proposed action would generate high, 10.0 FAR buildings, include in review such public resources as the playgrounds and sitting areas of public projects like Fulton and Chelsea-Elliott Houses, planned open spaces in the Hudson Yards actions (including shadows cast by Hudson Yards generated buildings), and the Chelsea Historic District, including its extension. [2]
- Response** **As referenced in the Draft Scope, following guidance set forth in the *CEQR Technical Manual*, shadow study areas for the buildings generated by the proposed action will be identified and reviewed to determine if there are any natural features, publicly accessible open spaces, or historic resources that are dependent on sunlight. Any projected or potential development found to have the potential to cast shadows on a sunlight sensitive location will be assessed in further detail to identify the resulting incremental shadows that would occur. The Draft Scope lists some examples of resources that possibly could be affected by action-generated shadows, given their proximity to the rezoning area. Although this list is not intended to be inclusive of all possible resources, the text of the scope has been revised to specifically mention the Chelsea Historic District and planned Hudson Yards open spaces. In addition, specific reference to natural features has been added, in accordance with the *CEQR Technical Manual* although a determination as to whether there are natural features that are sunlight-sensitive has not been made at this time.**
- F2 The effects of the extreme shift in development pattern for the single block between W. 17th and W. 18th streets along the Eleventh Avenue/West Side Highway corridor must be analyzed in terms of its potential shadows impacts. [18]
- Response** **As discussed in the Draft Scope and in the response to Comment F1 above, the DEIS will assess the effects of incremental shadows generated by the proposed action for all projected and potential development sites, including Projected Development Site 21, the full block site on the block bounded by W. 17th and W. 18th streets and Tenth and Eleventh avenues. Therefore, no change to the Draft Scope text relating to this comment is warranted.**
- F3 We believe that all sites along the west side of Tenth Avenue below W. 23rd Street, including Guardian Angel RC Church, have some development potential and should be evaluated. Historic buildings and publicly accessible spaces that may be affected should be identified and considered. These include stained glass windows in the Hoffman Hall of Chelsea General Seminary and on the western wall of the Chapel of the Good Shepherd, the General Theological Seminary Garden (formerly Chelsea Square), and Clement Clark Moore Park. [20]
- Response** **As discussed in the Draft Scope and in the response to Comment F1, the DEIS will assess all projected and potential developments for potential incremental shadows effects. However, as discussed in the response to Comment A13, Guardian Angel RC Church is not a projected or potential development site. As also discussed in the response to Comment F1, the DEIS will assess the effects of incremental shadows generated by the proposed action on sunlight-sensitive natural features, publicly accessible open spaces, and historic resources, in accordance with *CEQR Technical Manual* guidance. As noted in the *Manual*, stained glass windows are likely to be sunlight-sensitive and therefore will be considered in shadows analyses. Accordingly, the DEIS will consider any such resources that would be affected by action-generated incremental shadows. Therefore, no change to the Draft Scope text relating to this comment is warranted.**

HISTORIC RESOURCES

- G1 Pages 17 and 18: supplement the methodology proposed for identifying historic resources by involving the State Historic Preservation Office (SHPO) in the evaluation of properties for eligibility for the State/National Register of Historic Places. Note that the EAS for this action stated on page 4 that there were no properties on or eligible for the S/NR in or directly facing the affected area. At a minimum there are five. This indicates that the methodology proposed for this task is inadequate. Previous CEQR environmental reviews for the Chelsea Plan and Chelsea Rezoning failed to detect two significant buildings in the 500 block of W. 23rd Street that SHPO recently declared eligible for the S/NR. (A private owner has since demolished them.) This is partially the result of the chronically inadequate staffing of the Landmarks Preservation Commission. [2]
- Response** **As the proposed action does not involve any state or federal funding, permits, or discretionary actions, consultation with LPC for architectural and archaeological resources is required. Therefore, as noted on page 4 of the EAS, “LPC will be consulted and research will be conducted to (1) determine if there are any resources eligible for the State or National Registers; and (2) clarify potential for archaeological resources.” At the time the EAS and Draft Scope were prepared, this consultation with LPC had not yet been made. LPC has provided a list of landmark and eligible resources and has made a determination regarding the potential for archaeological resources. This information will be provided in the DEIS. As discussed in the Draft Scope, the analysis in the DEIS includes coordination with LPC for its review and determination of effects. Therefore, no change to the Draft Scope text relating to this comment is warranted.**
- G2 Follow a procedure comparable to that of the Route 9A EIS in order to evaluate properly existing historic resources. Only the collaboration of SHPO, which is to participate in the evaluation of Hudson Yards, can provide adequate review. In addition, a starting point for such action might be the draft study report of the area, produced by the 2000 preservation studio of Columbia University School of Architecture, Planning, and Historic Preservation (which was submitted with comment). Also, submit documentation of historic resources in the area to SHPO and NYC LPC so that they may recommend mitigation. This should include designation of individual properties or historic district. [2]
- Response** **Regarding methodology, refer to response to Comment G1 above. Thank you for submitting the Columbia information. It will be considered in identifying historic resources in the study area, subject to verification with LPC.**
- G3 Page 18, archaeological resources: include the Route 9A EIS among the sources for possible archaeological sites in the study area. [2]
- Response** **As discussed in the Draft Scope, the DEIS will identify areas that are thought to be archaeologically sensitive through consultation with LPC or other record searches. As appropriate, this may include other environmental review documents. Therefore, no change to the Draft Scope text relating to this comment is warranted.**
- G4 The proposal will put at risk much of the built industrial heritage in the neighborhood. (Also, see Comment I2 under “Neighborhood Character, below.) [6]
- Response** **Comment noted. As discussed in the Draft Scope, the proposed action will include an assessment of the proposed action’s effects on historic resources. The identification of historic resources in the study area and the effects on these resources due to the proposed action will be assessed in coordination with LPC. Therefore, no change to the Draft Scope text relating to this comment is warranted.**
- G5 One building that is at risk from the proposed action is the Seaman’s House at Eleventh Avenue and W. 20th Street, which was deemed eligible for listing on the State and National Registers of Historic Places in 1989. That this listed historic resource is not

addressed in the scope of the EIS is very troubling and suggests that other historic resources in the area may have also been over-looked. [6]

Response **The inclusion of the Seaman’s House will be considered, in consultation with LPC. Refer to responses to Comments G1 and G4 above regarding the process of identifying historic resources in the area that will be used in the DEIS.**

G6 The West 400 Block Association strongly recommends and requests that the City Planning Commission reconsider its plan and reduce to 8 stories the allowable height of the Tenth Avenue street wall opposite the Chelsea Historic District. The effect of allowing 12-story buildings in this area will be to destroy the natural flow of the historic district going west and create a visual, isolating barrier between it and the western sections of Chelsea. If, however, the new zoning plan limits the height of those buildings to 8 stories, it will significantly increase the residential capacity of West Chelsea without creating an artificial barrier wall on the border of the historic district. [20]

Response **As discussed in the Draft Scope, the effects of the proposed action on the areas within a 400-foot radius of the development sites will be assessed in the DEIS. As part of this assessment, all historic resources within a 400-foot radius of the rezoning area will be identified and graphically identified. This assessment of effects will include the Chelsea Historic District, as it is located within a 400-foot radius of the rezoning area. The determination of effects will be completed in consultation with the Landmarks Preservation Commission. Effects relating to the height and bulk of action-generated buildings on historic resources will also be considered in the assessments of urban design/visual resources and historic resources.**

G7 As part of the Historic Resources task submit documentation of historic resources in the area to SHPO and LPC so that they may recommend mitigation. This should include designation of individual properties or historic district. [2]

Response **Refer to response to Comment C13 above.**

G8 Unprotected historic resources which contribute to neighborhood character should be identified and incentives for demolition should not be applied to them. In particular, W. 22nd Street between Tenth and Eleventh avenues. [20]

Response **Buildings or districts that are not listed on the S/NR, designated as NYC Landmarks, or determined to be eligible for these listings, would not be subject to review of possible historic resources impacts under CEQR. If W. 22nd Street between Tenth and Eleventh avenues is not found to be eligible for historic listing, then any effects relating to neighborhood character would be assessed in the Urban Design/Visual Resources or Neighborhood Character chapters only, as appropriate.**

G9 To reflect the scale of the Chelsea Historic District (located on the east side of Tenth Avenue), buildings on the west side of Tenth Avenue between the W. 19th/W. 20th streets midline and the W. 22nd/W. 23rd streets midline should have an FAR of 5.0, a maximum height of 80 feet, and should not be a receiving site for transferred High Line bulk. [2]

Response **Comment noted.**

G10 I appreciate that DCP has heeded the Community Board and residents in lowering the allowable FAR opposite the Chelsea Historic District to 6.0, but I strongly urge that this be lowered further to 5.0. Doing so is critical to preserving the integrity of the historic district. [17]

Response **Comment noted. Refer to response to Comment G6.**

G11 I urge DCP to further scale down its proposals for the western side of Tenth Avenue opposite the Chelsea Historic District, roughly W. 19th to W. 22nd streets. The historic

district deserves to be complemented by a similarly scaled extension across Tenth Avenue. [4]

Response Comment noted. Refer to response to Comment G6.

URBAN DESIGN/VISUAL RESOURCES

H1 Page 18: establish diversity as an essential element of the description of the urban design and built form of the area. There are various types of buildings and the “high streetwall buildings” cited in the document as the dominant form dominate only on some streets in the area. Only a handful of the buildings in West Chelsea reach the 140 feet anticipated along much of Tenth and Eleventh avenues. Also, the description of land uses on page 6 omits the row houses that are strongly represented in the traditional brownstone core between W. 20th and W. 25th streets, which may lead to an underestimation of the contrast between the two sides of Tenth Avenue in this area. [2]

Response Regarding the presence of row houses between W. 20th and W. 25th streets east of Tenth Avenue, refer to response to Comment A5. As noted in that response, an edit to the text on page 4, referring to walk-up apartment buildings, has been made to the Final Scope to clarify its meaning. As discussed in the Draft Scope, the DEIS will provide a description of the rezoning area and adjacent areas, with photographs used to illustrate the characteristics identified in the text. Accordingly, the DEIS will note the built context, including various types of buildings and open areas present. As also noted in the text, the proposed action would result in the construction of a building type not currently permitted in the rezoning area, and therefore has the potential to result in impacts related to urban design and visual resources. Therefore, no change to the Draft Scope text relating to this comment is warranted.

H2 Page 18: study the affected area in the larger context of the Chelsea community of which it has always been a part. The urban form of West Chelsea cannot be studied in isolation from the rest of the community. It is necessary to evaluate the row of action-generated buildings for its compatibility with the built form of the community directly to the east and the visual unity of Chelsea. [2]

Response As discussed in the Draft Scope, the DEIS will consider Existing and No-Action conditions in the rezoning area and adjacent areas. Accordingly, this will include other areas of Chelsea, with emphasis on those areas closest to the rezoning area as these areas are the most likely to be affected by the proposed action. Therefore, no change to the Draft Scope text relating to this comment is warranted.

H3 Use the urban form of Chelsea used as a basis for the Chelsea 197-a Plan as an approach for evaluating the proposed action. [2]

Response Existing urban design characteristics will be identified by several means, including field surveys and photographs. In addition, as is typically done when identifying Existing conditions sections for CEQR documents, secondary sources, such as previous environmental reviews and 197-a plans, are reviewed to help with this task. It should be noted that the Chelsea 197-a Plan, which focused on an area east of the rezoning area, was published in 1996 while existing conditions identified in the DEIS will include changes to urban design and visual resources that have occurred since then. As noted in response to Comment B1, the assessment of land use, zoning, and public policy will include consideration of the Chelsea 197-a Plan.

H4 Evaluate views to the water as the major visual resource. The relatively high buildings planned along Tenth Avenue and to some extent the towers planned for Eleventh Avenue south of W. 23rd Street threaten to reinforce this obstacle. [2]

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Response Under CEQR, visual resources are defined as an area’s unique or important public view corridors, vistas, or natural or built features. The Hudson River is a visual resource and the Scope has been revised to specifically identify this. For the purposes of CEQR, this includes only views from public and publicly accessible locations. As noted in the Draft Scope, a detailed preliminary screening analysis will be undertaken to identify whether the proposed action would exceed any of the thresholds identified in the *CEQR Technical Manual*. The DEIS will assess whether action-generated development would affect any visual resources in the rezoning area based on guidance in the *Manual*, comparing conditions under No-Action conditions with With-Action conditions. It should be noted that as the proposed action would not change the city map or alter the block form, all projected developments within the proposed rezoning areas would be located within existing blocks. As such, those developments would not block or impair any existing view corridors to the waterfront along east-west public streets. As such, the proposed action generally does not have the potential to affect views to the Hudson River from public and publicly accessible locations. Therefore, no change to the Draft Scope text relating to this comment is warranted.

H5 Analyze loss of views of the Empire State Building and Midtown [2]
Response Refer to response to Comment H4 above. As noted therein, the analysis focuses on views from public and publicly accessible locations, and includes only unique or important views of built features. The DEIS will determine if any such views are present in the study area and if so, whether the proposed action would affect such views. The Final Scope has been revised to specifically identify the Empire State Building as an example of a visual resource viewable from the rezoning area.

H6 Waterfront access is a concern for West Chelsea. Even slender towers will create an effective physical and psychological barrier to the evolving Hudson River Park. I urge you to enact stringent height (e.g., to approximately 150 feet at most) and lot coverage restrictions (e.g., approximately 40 percent at most) in order to avoid these roadblocks to the waterfront. [4]
Response As the action-generated developments would occur within existing blocks and would not involve any changes to the city map or block form, the proposed action’s potential affect on waterfront access could only be related to urban design effects. As discussed in the Draft Scope, the DEIS will assess the urban design effects of expected building types, including their affect on views to the waterfront. Therefore, no change to the Draft Scope text relating to this comment is warranted.

H7 Define the relationship of structures to the High Line. Design guidelines regarding these relationships should be carefully articulated, addressing whether the rezoning proposal intends to require the majority of structures to set back at 30 feet, which is the level of the High Line, or at 45 feet, which rises 15 above the level of the elevated rail. The benefits and drawbacks of creating additional open, commercial, or residential space abutting the High Line should be fully explored. [11]
Response The proposed envelopes will require a portion of adjacent buildings to set back from the High Line while allowing a portion of the building to meet and provide access to the High Line.

H8 The effects of the extreme shift in development pattern for the single block between W. 17th and W. 18th streets along the Eleventh Avenue/West Side Highway corridor must be analyzed in terms of its potential urban design and visual resources impacts. [18]
Response As discussed in the Draft Scope, the DEIS will focus on general building types for sites that are assumed for development. Photographs and/or other graphic material will be utilized, where applicable, to assess the potential effects on urban design and visual resources. Regarding the block bounded by W. 18th Street, Tenth Avenue, W. 17th

Street, and Eleventh Avenue, as with all locations that would experience projected development as a result of the proposed action, the DEIS will analyze the effects of new construction and conversions on urban design and visual resources. Factors considered will include, inter alia, building heights, envelopes, and relation to surrounding buildings such as the effects of the varying building height and envelopes that would be developed under With-Action conditions on the different portions of the rezoning area. As the Draft Scope states that the DEIS will describe the potential changes that could occur in the urban design character of the rezoning area, no change to the Draft Scope text relating to this comment is warranted.

H9 If street wall requirements do not permit substantial recesses and articulation within the street wall fabric, there is a potential for unwarranted uniformity and unimaginative design. The EIS must disclose in detail the proposed street wall controls, and consider their impact on urban design and neighborhood character. [18]

Response As is typical under CEQR, the DEIS will describe the proposed rezoning's height, bulk, setback, and related controls. This will include proposed street wall controls and their impact on urban design and visual character. As discussed in the Draft Scope, the DEIS will assess the urban design effects of building to be developed as a result of the proposed action. Text has been added to the Scope to specifically state that the analysis will focus on elements such as street wall height, setback, and building envelope.

H10 We are pleased with the design controls for properties to be developed adjacent to the High Line. These will provide access points, make the High Line safer, provide more open space, and create more artistic uses under and adjacent to the line. We are also grateful that DCP proposes to retain the M1-5 zoning in many midblock areas. This will be crucial to the future of the art galleries and art institutions in West Chelsea. We have reviewed this Draft Scope and believe it addresses all the areas of environmental concern related to the proposed action. We look forward to reviewing the EIS that follows. [3]

Response Comment noted. Refer to response to Comment H7.

H11 Of great concern is the proposed scale of development for the block bounded by W. 17th and W. 18th streets and Tenth and Eleventh avenues. I believe that the scale of the proposed buildings on this block is simply far too large and grossly out-of-scale with the neighborhood. Likewise, the current building envelope proposed for buildings on Eleventh Avenue between W. 18th and W. 22nd streets must be scaled back as well. [17]

Response Comment noted. Refer to responses to Comment H8.

H12 The proposal for the Eleventh Avenue/West Side Highway corridor describes a uniform character for development along the length of the frontage, then introduces a drastically different development envelope in terms of density, height, and street wall for a single block between W. 17th and W. 18th streets. The scope as drafted does not suggest that there is any planning rationale for this departure from the overall planning scheme. It is our view that the portions of the rezoning area to the south of the Chelsea Historic District should be zoned a uniform C6-3 to provide a compatible district to and transition between the block between W. 17th and W. 18th streets and the areas to the north. [18]

Response Comment noted.

H13 We believe a higher street wall and higher building height is warranted to the west of the High Line between W. 18th and W. 20th streets to encourage new development. The proposed midblock and Tenth Avenue development envelopes do not provide sufficient flexibility to permit the type of development that is anticipated to proceed and which the proposed action is intended to facilitate. See also Comment B4 under Land Use, Zoning, and Public Policy. [18]

Response Comment noted. Refer to response to Comment B4 above.

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NEIGHBORHOOD CHARACTER

I1 Page 19: include in the evaluation of impacts for Neighborhood Character the comments on Socioeconomic Conditions, Historic Resources, and Urban Design/Visual Resources. [2]

Responses As discussed in the Draft Scope, neighborhood character analysis is an amalgam of impact categories, that considers the combined impacts of land use, urban design, visual resources, historic resources, socioeconomic conditions, traffic, and noise issues. Accordingly, the comments provided on these areas will also be considered in relation to the neighborhood character analysis. Therefore, no change to the Draft Scope text relating to this comment is warranted.

I2 Historic Districts Council has grave concerns about the effects the proposed Special West Chelsea District Rezoning will have on the character and historic fabric of the West Chelsea neighborhood. We are particularly concerned with the proposed transfer of development rights (TDR) within the proposed Special District. We believe this proposal goes too far in providing incentives and bonuses for owners of the land under and adjacent to the High Line. If the Special District is approved as currently proposed, then the large buildings that will result will completely obliterate the industrial and warehouse streetscape that gives the High Line its historic and urban context. The Historic Districts Council is particularly concerned about the areas that will be zoned C6-3 and C6-4, with a maximum FAR of 7.5 and 10.0, respectively. [6]

Response Comment noted. As discussed in the response to Comment I1, the neighborhood character analysis considers the effects related to a variety of impact categories, including among others land use and urban design. No change to the Draft Scope text relating to this comment is warranted.

I3 The Draft Scope of Work anticipates development of “largely market rate units.” We believe the EIS should examine ways to preserve economic diversity in the community as part of its analysis of neighborhood character. [7]

Response As noted in the response to Comment C19 above, DCP projects that approximately 13.66 percent of the units generated by the proposed action will be units classified as affordable for low and/or moderate income households, through the Inclusionary Housing program, the 421-a tax abatement program, and other programs. This rate is based in part on recent land development trends in Chelsea. Since the 1999 Chelsea rezoning to the east, DCP data indicate that approximately 13 percent of the new residential construction has resulted in low-income housing units.

I4 The effects of the extreme shift in development pattern for the single block between W. 17th and W. 18th streets along the Eleventh Avenue/West Side Highway corridor must be analyzed in terms of its potential impacts on neighborhood character. [18]

Response Refer to responses to Comments B3, F2, and H8. In particular, the effects on urban design and visual resources (Comment H8) are relevant to the assessment of neighborhood character.

HAZARDOUS MATERIALS

J1 Page 19: Western Chelsea is an old industrial area where previous reviews have shown many polluted sites. Include the extensive Route 9A EIS in the documents used for approaching this problem. [2]

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Response As discussed in the Draft Scope and in accordance with the *CEQR Technical Manual*, the Hazardous Materials analysis will first use a preliminary screening analysis to identify past or present uses on the development sites that may involve hazardous materials and therefore will receive (E) designations. For sites not screened out, a Phase I Environmental Site Assessment will be conducted to determine if an (E) designation is warranted. As appropriate, previous studies, including past environmental reviews, will be consulted. As the Draft Scope states that “readily available public records will be requested and reviewed, where applicable”, no change to the Draft Scope text relating to this comment is warranted.

J2 The first sentence of “Task 10: Hazardous Materials” states that a “preliminary screening assessment will be conducted to determine which sites require further assessment.” The final scope of work should state that a detailed protocol for the preliminary screening assessment will be submitted to DEP for review and approval. [12]

Response The Scope has been revised to note the role of DEP vis-a-vis (E) designations. The preliminary screening assessment will be conducted pursuant to Title 15, §24-04 “Preliminary Screening,” of the Rules of the City of New York, which is incorporated into the *CEQR Technical Manual, Technical Appendices*.

J3 Immediately following the revision above (Comment J2), the final scope of work should state, “If the potential for contamination is not identified on a development site, the screening assessment will be conducted on adjacent properties. If impacts are not identified on the adjacent properties, the screening assessment will be expanded to include properties within 400 feet of the development sites to determine if an (E) designation on the property is warranted.” [12]

Response The Scope refers to the RCNY regulations, which specify the applicable procedures for hazardous materials preliminary assessments.

NATURAL RESOURCES

K1 Page 20: include in the evaluation of the health of the Hudson River the impacts from Shadows, discussed in Task 6, and from sewage and stormwater, under Task 13, Infrastructure. Both shadows from taller buildings and the drainage into the Combined Sewer Outlets caused by the proposed action must be added to the possible impacts listed under this task. [2]

Response The Draft Scope notes that the potential impacts of the proposed action on identified natural resources will be assessed. Two types of possible effects are listed, new outfalls and expected run-off, followed by “etc.” As this listing is not meant to be exhaustive, it is not necessary to list additional example of possible issues of concern. Therefore, no change to the Draft Scope text relating to this comment is warranted.

TRANSPORTATION

M3 Evaluate the validity of the “annual background growth rate of 0.5%” cited in the *CEQR Technical Manual*. This figure is widely regarded as outdated and not corresponding to the reality of the last few years. Studies should be made to check this rate against reality. [2]

Response The background growth rate reflects general increases and trends in the area. Other growth can be attributed to specific developments and actions which are considered on a project-specific basis. As discussed in the Draft Scope, traffic expected to be generated for significant development projects anticipated to be in place by the analysis year will be included in the No-Action traffic network.

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- M4 Page 23: evaluate the ability to provide parking to replace the spaces expected to be lost to new development. Include an examination of the full implications of the probable restrictions on excavation such as limiting underground parking. Problems of construction in the old landfill of the area may have significant impacts on the availability of parking in the study area. [2]
- Response** **As discussed in the Draft Scope, the DEIS will provide an analysis of parking conditions that will assess the changes that will occur as a result of the proposed action. In addition to changes in parking demand, this assessment will also consider changes in parking supply. As noted in the Draft Scope, the analysis will assume that new developments will include the maximum as-of-right accessory parking allowed. For this assessment, it is not considered likely that the site conditions would preclude the provision of underground parking. Other developments with similar site conditions have been developed with underground parking and other basement uses.**
- M5 There has been no adequate recognition of the effect of displacing the fleets of service vehicles, buses, trucks and trailers, taxis, and private cars that normally park and are serviced in West Chelsea and the Hudson Yards area. [20]
- Response** **As noted in the Draft Scope, the DEIS will account for credits that can be applied from No-Action land uses to be replaced in the rezoning area. The traffic and parking analyses will assess the changes in conditions that would occur as a result of the proposed action. This will include the removal and of Existing and No-Action facilities used for vehicle storage and parking lots. The effects of these changes, including removed and diverted traffic, will be considered along with other changes induced by the proposed action. Also, as discussed in the Socioeconomic Conditions section of the Draft Scope, that section of the DEIS will assess the potential for direct business displacement impacts.**
- M6 What is the alternative to having vehicles displaced by the proposed action (refer to Comment M5 above) enter and leave the island through the already catastrophically congested bridges and tunnels every morning and every night? How will this traffic ever be accommodated? [20]
- Response** **Please refer to response to Comment M5 above. As discussed in the Draft Scope, the traffic study area for the proposed action is anticipated to include up to 60 intersections analyzed in detail however, as warranted, the number of analyzed intersections could be increased up to approximately 100. The traffic analysis focuses on those locations that would be most affected by the proposed action, receiving the greatest concentrations of action-generated or diverted vehicle trips. Relative to their vehicular capacity and volumes under Existing and No-Action conditions, the demand generated by the proposed action that would be processed at the bridges and tunnels linking Manhattan with surrounding areas would be very small and not expected to appreciably affect level of service operating conditions at these locations. The bridges and tunnels linking Manhattan with other areas are not included in the traffic study area.**
- M7 The transportation issues arising from Hudson Yards and West Chelsea must be considered together, without segmentation. [20]
- Response** **As discussed in the Draft Scope, the DEIS will consider Hudson Yards related development expected to occur by 2013 as No-Action development. The DEIS will then analyze the effects of the proposed action under With-Action conditions. Similarly, the Hudson Yards environmental review will consider expected West Chelsea development as No-Action development for its analysis years. Therefore, these analyses will take account of both initiatives cumulatively while focusing on the environmental effects associated with each separately as these are separate actions covering distinct areas.**

- M8 Avoid mitigating traffic impacts by street widenings in built-up and especially residential areas. Pedestrian traffic from increased development in an area far from public transportation will put a severe burden on sidewalks, many of which have already been narrowed to ease vehicular traffic. [2]
- Response Refer to response to Comment C13 above. If traffic or pedestrian impacts are identified, DCP will consult with DOT to review the analysis results and identify possible mitigation solutions.**
- M9 Study mitigating traffic on narrow streets near the waterfront by street reversals. [2]
- Response Refer to responses to Comments C13 and M8 above.**
- M10 Evaluate effects of *increasing* bicycle usage as mitigation for increased traffic volumes. Many residents will be situated near the major bicycle route in the Hudson River Park. Study possible mitigation of impacts from auto traffic through increased bicycle travel by means of additional on-street bicycle parking facilities, additional bike lanes, and the mandatory inclusion of indoor bicycle parking facilities in new developments. [2]
- Response Refer to responses to Comments C13 and M8 above.**
- M11 Evaluate “bulb-outs” and similar sidewalk modifications as mitigation for increased pedestrian traffic. Study mitigation through sidewalk reconstruction, including appropriate widenings and bulb-outs to enhance pedestrian safety and to allow higher levels of pedestrian use. [2]
- Response Refer to responses to Comments C13 and M8 above.**
- M12 Exclude widening sidewalks within the building line in built-up areas as mitigation of pedestrian congestion. The sidewalks should not be further narrowed or widened beyond the traditional building line to the detriment of the character of the block. IN addition, partially widened sidewalks invite sitting or sleeping in the recesses thus provided. [2]
- Response Refer to responses to Comments C13 and M8 above.**

CONSTRUCTION

- N1 Page 23: restrict and monitor construction in this area of polluted 19th-century landfill. [2]
- Response As discussed in the Draft Scope, because this is a zoning action and not a site-specific development the DEIS will include a qualitative assessment of construction effects likely to be associated with the proposed action. The analysis will focus on areas where construction activities may pose environmental problems, including hazardous materials, traffic, and noise issues. Also, please refer to response to Comment J1.**
- N2 Evaluate the mutual impacts of the construction of the No. 7 subway line extension along the section of Eleventh Avenue in northern part of West Chelsea and projected development sites in the rezoning area. Expected construction raises serious practical and environmental issues. [2]
- Response Construction related to the No. 7 subway line extension would not be a consequence of the proposed action and therefore the DEIS will not make a determination as to its environmental effects. An assessment of this action and a determination of its effects are being included in the Hudson Yards/No. 7 Extension environmental review. This will consider the effects of construction on surrounding properties, including projected development sites associated with the proposed West Chelsea Rezoning. However, because of the unique nature of the No. 7 construction, to be completed by 2009, the Construction chapter will reference text from the Hudson Yards EIS. For analysis purposes, the Special West Chelsea District DEIS will assume that the construction of**

the Hudson Yards project elements, including the No. 7 subway extension, Javits Convention Center expansion, and multi-use facility, will occur.

ALTERNATIVES

O1 Page 29: a lesser density alternative must be fully evaluated. Rather than simply reducing bulk throughout in order to reduce presumed impacts in a general way, this alternative should be crafted so as to include such reductions as will reduce the specific anticipated impacts that CB4's comments have indicated in such sections as shadows, urban design, and neighborhood character. [2]

Response As discussed in the Draft Scope, the DEIS will likely include a lower density alternative, a no non-mitigable impact alternative, as well as other alternatives. (Although not mentioned specifically in the Scope, this includes an alternative proposed by Community Board 4.) The no non-mitigable impact alternative would be considered, specifically to avoid all identified significant, adverse impacts. The DEIS will evaluate this and other alternatives in terms of feasibility and how well they address project needs and goals. The analysis will primarily be qualitative, except where impacts of the proposed action have been identified. For technical areas where impacts have been identified, the alternatives analysis will determine whether these impacts would still occur under each alternative.

O2 The EIS should consider alternative rezoning scenarios that permit the continued residential use of non-conforming DUs and include current loft tenants (regardless of zone) in the anti-displacement provisions that CB4 has suggested as potential mitigation measures. [2, 5]

Response Refer to response to Comment O1 above.

O3 The scope should include a study of inclusion of provisions from the Special Clinton District, specifically the anti-harassment provisions. We feel this is important, because the development pressures are extreme during a major rezoning. By including reference to ZR section 91-08, it will prohibit demolition of existing occupied residential buildings. [1]

Response Refer to response to Comment O1 above.

O4 DCP should consider, and fully study, other alternatives that have been suggested by CB4, such as rezoning for residential use with commercial overlays along the avenues, rather than for commercial use. [5]

Response Refer to response to Comment O1 above.

O5 Before the affordable housing proposal (see Comment A11 above) is accepted or rejected, it must be thoroughly studied. The ULURP decision-makers deserve to know that all alternatives that might provide more affordable housing have been completely evaluated. The West Chelsea EIS should study, as an alternative, rezoning with an inclusionary housing provision and measure its potential for impact on the housing market, compared to the proposed rezoning. [5]

Response Refer to response to Comment O1 above.

O6 Study a zoning alternative of a special district which requires development of low- and moderate-income housing, whenever housing is built in this area after rezoning. This would include analysis of effects on land use, zoning, and public policy (task 2) and neighborhood character (task 9). Assemblyman Richard Gottfried has presented a proposal for affordable housing in the special district which merits study. We encourage DCP to study special district provisions requiring that developers build 15 percent of units affordable to low-income people and 15 percent of units affordable to moderate-income people. [7]

Response Refer to response to Comment O1 above.

- O7 The EIS should study the alternative of making a requirement for the Special West Chelsea District that developers include a substantial amount of housing affordable to low- and moderate-income residents. The EIS should study the inclusionary zoning proposal presented by Assembly Member Richard Gottfried. I ask that the EIS measure the effect of a requirement that any development in the Special District include 15 percent of units that are affordable to low-income people and 15 percent that are affordable to moderate-income people. [8, 10]
- Response** **Refer to response to Comment O1 above.**
- O8 The EIS should study the proposal for Special District requirements presented by Assembly Member Richard Gottfried. The impact of creation of 15 percent of the DUs as affordable to low-income people and another 15 percent of the DUs as affordable to moderate-income people merits study in the EIS. [7]
- Response** **Refer to response to Comment O1 above.**
- O9 Examine lower-density, lower-rise alternatives at the edges of the rezoning area. As proposed, the northernmost sites from W. 27th to W. 30th streets could create a wall of buildings at the railyards west of Penn Station. The large receiving sites between W. 17th and W. 18th streets at the rezoning area’s southern edge also have the potential to create visual barriers and cast long shadows to the entrance of the site. Since a high-rise, high-density outcome could potentially isolate residents of the area from the planned amenities to the north, we believe the density and design of these areas merits further consideration. [11]
- Response** **Refer to response to Comment O1 above.**
- O10 The alternatives section should include an assessment of the effect of retaining existing zoning in all areas where substantial numbers of art galleries are found, even when these are on the avenues. [20]
- Response** **Refer to response to Comment O1 above.**
- O11 The alternatives section should evaluate alternate zoning options for W. 22nd Street between Tenth and Eleventh avenues. This block, although not listed or designated, is a street of distinguished historic character. [20]
- Response** **Refer to response to Comment O1 above. The proposed action includes a required street wall within the M1-5 district (including W. 22nd Street) to reinforce existing character.**
- O12 The EIS should formulate zoning alternatives that redirect development in a more restrained and focused manner, whether by retaining more of the existing M1-5 district, by imposing height limits, or through other strategies. We need to see an alternative plan that protects sensitive areas. We should see a proposal to maintain a low street wall on Tenth Avenue opposite the Chelsea Historic District and Extension. [20]
- Response** **Refer to response to Comment O1 above.**
- O13 Alternatives: those areas of the avenues where galleries have located should retain their existing zoning and their existing character. [20]
- Response** **Refer to response to Comment O1 above.**
- O14 Please plan for affordable housing by studying Assembly Member Gottfried’s proposal to require development in the area to include housing that is affordable to low- and moderate-income New Yorkers, as CB4 has requested. The West Chelsea EIS should study, as an alternative, rezoning with an inclusionary housing provision, and measure its potential impact on the housing market, compared to the proposed rezoning. [19, 21]
- Response** **Refer to response to Comment O1 above.**

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