

2
3 January X, 2025

4
5 Chair Dan Garodnick
6 City Planning Commission
7 New York, NY

8
9 RE: Western Rail Yards Modifications
10 Western Rail Yards Mapping Action
11 Draft Environment Impact Statement
12 Manhattan Block 676, Lots 1 and 5
13 Project Number 2024M0108
14 CEQR No.: 24DCP091M
15 ULURP Nos.: 250098ZRM, 250099ZSM, 250100LDM, 250024MMM
16

17 Dear Chair Garodnick,

18
19 At its January 6, 2025 Board meeting, Manhattan Community Board 4 (MCB4) voted by XX
20 votes in favor, XX votes opposed, XX abstentions, and XX Present Not Eligible to **deny** the
21 application from Related for the granting of a Zoning Text Amendment, Special Permits, and
22 Street Map Change to alter the 2009 Western Rail Yards zoning. The proposal fails to satisfy the
23 findings to approve the requested zoning alterations, and the Draft Environmental Impact
24 Statement (DEIS) shows an overabundance of unmitigated negative impacts on the
25 neighborhoods of West Chelsea and Hell's Kitchen.
26

27 The Public Hearing for this ULURP action was held at the December 4, 2024 MCB4 Full Board
28 meeting. The applicant presented their proposal at two consecutive Clinton/Hell's Kitchen Land
29 Use Committee meetings on November 13, 2024 and December 11, 2024; to the Transportation
30 Planning Committee on November 20, 2024; and to the Waterfront, Parks and Environment
31 Committee on December 12, 2024.
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33

34 **INTRODUCTION**

35 The Western Rail Yards covers a 3-block area in Midtown Manhattan across Twelfth Avenue
36 from the Hudson River. It is occupied by the LIRR rail yards and is adjacent to the High Line.
37 This state-owned property presents an opportunity to make significant inroads in the city's
38 affordable housing goals and do so with minimal environmental impacts. The 2009 plan detailed
39 in the Western Rail Yard Points of Agreement¹ and the 2009 Final Environmental Impact
40 Statement² (the 2009 Plan) achieves these goals, while this current proposal does none of those
41 things.

¹ Western Rail Yard Points of Agreement, executed on December 9, 2009, by Jay Cross for RGWRY LLC (Related Companies' ownership entity for the Western Railyards) and Deputy Mayor Robert Leiber for the City of New York.

² Western Rail Yard Final Environmental Impact Statement (CEQR No. 09DCP007M; ULURP Nos. N090434ZRM, C090435ZSM, C090436ZSM, C090433ZMM).

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The proposal fails this community and New York City in three notable ways:

1. HOUSING: Today’s housing demands are the top priority of the City and our elected officials. Recent votes show that creating housing is above all other considerations.³ Over the past several years, MCD4 resident surveys to determine budget district needs have consistently placed the need for affordable housing at the top of all results. It is antithetical to support a proposal that eliminates approximately 4,000 planned residential units.

2. FINANCING: The applicant claims construction of new housing as envisioned in the 2009 Plan will not generate the financing necessary to support the development of this site. However, this new proposal is dependent on a casino being built on the site to obtain financing. No license has been issued for this site, and there is no guarantee that such a license will be granted. Thus, the procurement of this funding is untenable.

3. ENVIRONMENT: The DEIS shows catastrophic traffic and air quality impacts on our neighborhoods that remain unmitigated in the applicant’s own analysis. This proposal simply isn’t a fit for this site.

MCB4 recommends that the applicant withdraw the application and work with all stakeholders to develop a plan that provides much-needed housing units, is financed in a secure and successful way, and leads the way in sustainable and safe environmental practices.

APPLICATION OVERVIEW

Approved 2009 Plan

In 2009, after the Stadium bid failed, Hudson Rail Yards was zoned to C6-4, and the Western Rail Yards zoning incorporated a site plan as part of that zoning.

The existing approved plan was for six buildings with pedestals ranging in height from 50 feet to 150 feet, on top of which would be a total of eight towers ranging in height from 350 feet to 950 feet, seven of which would be residential. The height of those towers would decrease in height as the buildings approached the western edge closest to the Hudson River; the tallest being at the northeast corner closest to the Eastern Rail Yards development. This change in height also corresponded to the natural topography in the area, which is a 30-foot grade change as the property traverses east to west from Eleventh Avenue to Twelfth Avenue closest to the River.

The approved 2009 Plan was for buildings which would have provided around 4.8M SF of residential, or approximately 5,700 housing units, about 1.2M SF of commercial, then additional square footage for a school, community space, and retail, and approximately 5.4 acres of open space. The six buildings would be interspersed with publicly accessible open space and the reintroduction of the street grid onto these blocks.

³ [Include Citation/Reference, if available]

86 This configuration and mix between commercial and residential use were the inverse of the
87 development on the Eastern Rail Yards, which entails approximately 4.9M SF of commercial and
88 1.2M SF of residential space. The intent of this balance of commercial and residential between
89 the two sides of Eleventh Avenue was to cultivate a thriving and sustainable community. The
90 negotiations to achieve this goal were based on sound urban planning.

91
92 The development of both the Eastern Rail Yards and Western Rail Yards would have brought
93 thousands of union jobs to the region. The continuation of the residential plan to the western
94 side would have continued to provide the kind of jobs seen as the eastern side was built out.

95
96 In subsequent years, neighboring sites applied for special permits and zoning amendments for
97 which decisions were made based on the approved 2009 Plan on the Western Rail Yards.
98 Notably, Block 675 directly south of Western Rail Yards received development rights from the
99 Hudson River Park Trust. Their proposed heights were reduced to align with the heights of the
100 2009 Plan for the Western Rail Yards.

101
102 **The 2009 Plan was agreed upon by key stakeholders and aligned with the goals and needs**
103 **of the communities.**

104 Current Proposal

105
106 The current proposed plan (2024 Plan) is to build a platform above the LIRR rail lines that would
107 create a level grade from Eleventh Avenue to Twelfth Avenue; the western edge of the platform
108 would be 33-feet above the Eleventh Avenue grade; and the public West 33rd Street would
109 become a private cul-de-sac requiring a mapping change. The proposal revises the 2009 Plan by
110 consolidating six buildings into three buildings. The 8-FAR would be maintained, and the
111 overall square footage of the new proposal would remain essentially the same as the 2009 Plan;
112 however, the composition and usage of the site would be drastically different and contradictory
113 to the intention from the 2009 Plan.

114
115 The three buildings would have pedestals of 200 feet on top of which would be a total of three
116 towers ranging in height from 375 feet to 1,300 feet. The proposed plan includes 1.2M SF of
117 residential, or approximately 1,500 housing units, about 2M SF of commercial, and a 2.7M SF
118 resort including the casino and accessory uses, with a 1,750-room hotel. Then there's additional
119 square footage for a school, community space, retail, and approximately 5.6 acres of open space.

120
121 This formula mimics the Eastern Rail Yards with regards to the percentage of commercial space
122 versus residential space instead of being complementary to it.

123
124 By consolidating the buildings from six to three, the applicant is intending to concentrate the
125 open space in a single, cohesive open space, oriented east to west in the middle of the
126 Development Site, without any interruptions by private streets. There is a gain of overall open
127 green space by only approximately .2 acres on this 13-acre site.

128
129 The intent is that the largest of the three buildings on the northern edge along West 33rd Street
130 would accommodate the gaming facility, accessory uses, and hotel. The podium of this building
131 would be 200-feet tall and encompass the equivalent of a full avenue block east to west, and a

132 city block plus a half block from north to south. The resort's hotel tower would rise above this
133 pedestal.

134

135 Alternate Proposal

136 Under City Environmental Quality Review (CEQR) guidelines, an alternative development
137 proposal needs consideration. If the casino license is not granted for this site, then an alternative
138 under the revised zoning is being proposed. The alternative proposed plan converts the largest
139 building along 33rd Street with the same 200-foot-tall pedestal, but instead of one 1,100 foot tall
140 hotel tower, it would instead be three towers: a 980 foot tall office building, a 545-foot-tall hotel,
141 and a 300-foot-tall residential tower, with approximately 300 affordable housing units.

142

143 A Street Map Change of West 33rd Street would still be needed such that the street could be
144 raised to the same level as Eleventh Avenue and converting it to a private cul-de-sac in order to
145 provide full access to the northern side of the building.

146

147 The applicant presented lessons learned from building the platform over the eastern rail lines.
148 They provided information on additional complications identified during construction of the
149 eastern portion of the site, and the increased costs of construction since 2009. The applicant
150 claims these factors result in increased costs which can no longer be financed from building the
151 currently approved residential units.

152

153 Planning Application

154 The applicant is seeking a Zoning Text Amendment, Special Permits, and a Street Map Change
155 to alter the site plan to meet their proposed new development. The required findings to accept
156 these changes are based on the consolidation of the open space into one undivided park, and their
157 findings include a subjective analysis that an undivided park is a better use of space. In contrast,
158 the 2009 Plan incorporated a strategic distribution of green space.

159

160 Specifically, the applicant is pursuing the following approvals:

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- 162 1. A text amendment to ZR Section 93-58 (Special Permit for Modification of Height and
163 Setback Regulation) to allow the ground floor level requirements and public open space
164 regulations applicable to the Development Site to be modified or waived;
- 165 2. A special permit pursuant to ZR Section 93-58 (Special Permit for Modification of
166 Height and Setback Regulation) to modify the following regulations applicable to the
167 Development Site:
 - 168 a. ZR Section 93-10 (Use Regulations) with respect to ground floor level
169 requirements regarding retail space, lobby space, and transparency,
 - 170 b. ZR Section 93-56 (Special Height and Setback Regulations in Subdistrict F) with
171 respect to height and setback rules and building locations,
 - 172 c. ZR Sections 93-75 (Publicly Accessible Open Spaces in Subdistrict F), 93-76
173 (Publicly Accessible Private Streets and Pedestrian Ways in Subdistrict F), 93-77
174 (Design Criteria for Public Access Areas in Subdistrict F), and 93-78 (Site and
175 Landscape Plans for Public Access Areas in Subdistrict F) with respect to the
176 public open space to be provided on the Development Site, and

- 177 d. ZR Section 13-242 (Maximum width of curb cuts) to accommodate a turnaround
178 for fire apparatus and other vehicular traffic at the western end of the elevated
179 portion of West 33rd Street; and
- 180 3. A modification of a previously approved Restrictive Declaration for the Development
181 Site to conform to the Proposed Project including providing for a public access easement
182 for the portion of a proposed cul-de-sac at the western end of the elevated portion of West
183 33rd Street that will be located within the property line of the Development Site.

184
185 Another action in conjunction with the proposed zoning amendments and special permits is a
186 City Map Change. The proposed City Map Change would establish the majority of West 33rd
187 Street between Eleventh and Twelfth Avenues at higher elevations than presently exist. This
188 section of West 33rd Street currently has a significant slope, having an elevation of
189 approximately +32 above the intersection with Eleventh Avenue and dropping down to an
190 elevation of +4.6 at its intersection with Twelfth Avenue. Pursuant to this application, the grade
191 of West 33rd Street will be adjusted to roughly match the elevation of Eleventh Avenue (between
192 +32 and +34.7 feet above Manhattan Borough Datum) and align with the ground floor level of
193 the Proposed Project. The elevated private cul-de-sac would service the newly built podium; at-
194 grade access to LIRR would continue at Twelfth Avenue below the raised street.

195
196 **MCB4 thinks that the applicant's analysis that an undivided green space is better than an**
197 **integrated green space is unsubstantiated. The presented findings are insufficient to justify**
198 **approval of these zoning alterations. Without the zoning amendments and special permits,**
199 **the Street Map Change would be unnecessary.**

200
201 As noted above, the current proposal fails to meet the needs of Manhattan Community District 4
202 (MCD4) and New York City in three notable ways:

203 204 **1. HOUSING PLANNING**

205 MCB4 has a long history of promoting housing development. This Board is the only
206 Community Board in the City with a Housing Plan that advocates for the building of a mix of
207 market rate, and affordable units - including moderate- and middle-income housing.⁴ This
208 Housing Plan results from decades of strategic planning and includes the housing units at the
209 Western Rail Yards. The removal of 4,000 units of planned housing on this undeveloped parcel
210 would eliminate approximately 10% of the overall MCB4 Housing Plan.

211
212 The PABT redevelopment process resulted in the missed opportunity for developing housing
213 units. The original plan included a mix of housing and commercial, yet the final approved plan
214 has converted all the residential square footage to commercial. This loss in residential zoning
215 means that the City has removed the chance to build a mix of affordable and market rate housing
216 in Midtown Manhattan. The loss of even more residential units at Western Rail Yards will only
217 exacerbate the housing problems in our city.

218

⁴ See MCB4 Affordable Housing Plan, revised June & July 2022, available at
<https://cbmanhattan.cityofnewyork.us/cb4/wp-content/uploads/sites/10/2020/01/Affordable-Housing-Plan-Summary-of-Sites-12.15.22.pdf>.

219 Through the combination of City of Yes, the lifting of the 12-FAR cap on residential units, and
220 the extension of residential use to the north, the Western Rail Yards could build a higher density
221 residential community with even more units to solve the current housing crisis.

222
223 In addition to the MCB4 Housing Plan, there have been other forces at work to create new
224 housing.

225 226 2009 Hudson Yards Rezoning Plan

227 The rezoning negotiations that took place in 2009 to create the Hudson Yards development
228 included the creation of approximately 5,700 housing units including approximately 1,100
229 affordable housing units. The approved plan included approximately 300 units on-site plus the
230 utilization of state-owned off-site locations to build the remaining affordable units. Over the past
231 15 years all the off-site units have either been built or were recently approved for construction.

232
233 The on-site housing plan included a mix of market rate condominiums, rental units, and
234 affordable units. The intent was to provide a mix of housing stock to create a vibrant
235 neighborhood within close proximity to job opportunities, public transit, and integrated open
236 space. The seven towers would have been oriented towards the views of the river and integrated
237 into the traditional City Street grid.

238 239 City of Yes

240 The current City administration recently enacted a sweeping change to the housing zoning
241 regulations with the goal of increasing housing in small increments in every part of the City. The
242 support for this legislation was buttressed by the Governor committing significant funding for
243 affordable housing.

244
245 While the City is aggressively pursuing housing construction across the city, it is unreasonable to
246 support a proposal that reduces the planned housing stock by almost 4,000 units in MCD4.

247
248 With the passage of City of Yes – Housing Opportunity, the applicant should work with the City
249 to find solutions to the housing crisis through innovative methods to develop housing on this
250 parcel. This site is close to transit, is zoned for higher density, has reserved space for school
251 construction, and is in a highly desirable area for residential use which are all arguments used for
252 the passage of City of Yes.

253 254 Residential FAR increase

255 After years of debate, the State eliminated the 12-FAR residential cap. MCB4 is the only
256 Community Board to tackle the issues surrounding higher density housing and is offering
257 solutions to the demands for such housing within MCD4. With the current high-density zoning
258 surrounding the Western Rail Yards, this site is an opportunity to map higher density residential
259 above the 12-FAR. MCB4 is looking to work together to devise a plan for this area to increase
260 density such that even more housing units – notably affordable units – could be built.

261 262 State lands

263 The Western Rail Yards is under the control of the MTA. Immediately to the north is the block
264 referred to as the Marshaling Yards, also under control of the State. The State is aggressively

265 looking for opportunities to build additional housing. The State needs to consider working with
266 the MTA and the applicant to create a housing plan for the full four blocks between Eleventh
267 Avenue and Twelfth Avenue extending from West 30th Street to West 34th Street.
268

269 In 1989, there was a Master Plan commissioned by the MTA which envisioned a housing
270 development on the Marshalling Yards of 3,600 dwelling units. This plan included a pedestrian
271 bridge over the highway on axis with the main open space and West 32nd Street. The State and
272 the applicant need to revisit this possibility.
273

274 By combining all four blocks the State would lead the way in the creation of thousands of new
275 housing units. With thoughtful planning, this four block area would become a vibrant
276 neighborhood of mixed income households with access to transit, community benefits, and open
277 space.
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280 **2. FINANCING**

281 The applicant is presenting information from its lessons from building a platform over the
282 Eastern Rail Yards as arguments that housing units won't generate enough revenue to build the
283 platform above the Western Rail Yards. The arguments of higher construction costs and
284 logistical challenges are reasonable explanations as to why the project hasn't been completed to
285 date, but are not grounds to support changing the 2009 Plan.
286

287 The calculations used for projected revenues from the approved housing are reliant on sales from
288 2024 and do not extend possible revenues into 2040 when the total development would likely be
289 completed. The applicant also does not take into consideration an increase in the number of
290 available housing units that could result from reconfigurations based on City of Yes nor
291 considerations of increased housing density above 12-FAR.
292

293 They are instead offering a funding scheme that is unfulfilled and offers no guarantee of future
294 financial resources. Their funding proposal is dependent on the granting of a license that may or
295 may not be issued.
296

297 The increased costs and logistical challenges for building a platform over the Western Rail Yards
298 should not be the grounds for altering the approved 2009 Plan. Instead, the applicant should
299 work to find funding resources to complete the approved plan through collaborative efforts with
300 the State, City, and local Community Boards.
301

302 **2009 Financing**

303 In 2009, when the rezoning was negotiated, the applicant utilized a variety of creative funding
304 mechanisms to accomplish their development goals. The designation of Hudson Yards as a
305 Targeted Employment Area (TEA) allowed for EB-5 Visa investors which generated revenue for
306 the developer. The placement of a new subway terminal within the development zone allowed
307 for the sale of bonds to support the development. It is through similar creative financing that the
308 applicant should pursue means to accomplish the construction of the platform above the Western
309 Rail Yards.
310

311 State Involvement

312 The State of New York is aggressively working to develop new housing by pursuing
313 opportunities on State controlled lands. The State recently approved a proposal to build housing
314 above the Amtrak rail lines at Site K which shows that working with the development
315 community to reach its housing goals is something which can be accomplished – even on sites
316 with restrictive parameters of rail lines. The Marshalling Yards between West 33rd Street and
317 West 34th Street offers an opportunity for the State to involve itself in a comprehensive
318 development plan for four city blocks of housing development.

319
320 City of Yes Funding

321 With the passage of City of Yes, the State committed \$2 billion to support the development of
322 housing. The funding isn't earmarked for any specific site but rather is focused on providing
323 affordable housing. The applicant should investigate how to utilize some of this funding to build
324 the housing as approved in 2009 at Western Rail Yards with the addition of affordable units.

325
326
327 **3. ENVIRONMENTAL IMPACTS**

328 The development of the Western Rail Yards, the equivalent of three full city blocks presents an
329 opportunity to adopt ambitious environmental standards for future generations. Unfortunately, to
330 the contrary, the proposal will result in significant adverse impacts related to shadows,
331 transportation, air quality, and construction period noise burdening the area's residents with a
332 toxic environment for generations to come.

333
334 MCB4 requested during the scoping period to extend the analysis beyond the 2031 build horizon.
335 Despite the applicant denying the use of a longer time horizon, the DEIS still concludes that this
336 proposal simply does not work.

337
338 Shadows

339 The proposal would result in significant adverse shadow-related impacts to two open space
340 resources: the High Line and the Hudson Yards Public Square and Gardens open space. The
341 proposal would result in project-generated shadows on several other public open spaces and
342 historic resources with sunlight-sensitive features. Consequently, the DEIS concludes that
343 significant adverse impact would be unavoidable.

344
345 The proposed development would have to be substantially shorter and less bulky in order to
346 avoid eliminating the limited areas of remaining sunlight that would otherwise be there in the No
347 Action condition.

348
349 Transportation

350 Detailed analyses were prepared for vehicular traffic, transit, pedestrians, street user safety,
351 parking, bicycles, buses, and construction transportation. Potential significant adverse impacts
352 have been identified for traffic intersections, subway station elements, bus line-haul conditions,
353 and pedestrian elements (sidewalks, corner reservoirs, and crosswalks):

354
355 *Traffic:*

356 Traffic intersections were evaluated at 75 intersections showing adverse impacts on more
357 than half of the intersections studied.

358
359 25 intersections are severely impacted during PM peak hour and cannot be mitigated.
360 They include the Lincoln tunnel entrance at West 33rd Street and West 30th Street and
361 Eighth Avenue, the entrance to Penn and Moynihan stations and Madison Square Garden
362 arena.

363 Significant delays are expected at many intersections. For example, it will take 10
364 minutes for cars to exit the new West 33rd Street service road. And 3 minutes for west
365 bound West 33rd street traffic to clear the signal.

366 It should be noted that the CEQR methodology does not require cumulative analysis.
367 Thus the numbers provided do not reflect the queuing and gridlock caused by such
368 volumes. The effects in real life will be much larger than represented.

369 All the mitigations consist in reducing the green time on the avenues and increasing it on
370 the east- west streets. This exacerbates the existing congestion on the north-south arteries.
371 For example, one measure would shift green time from the southbound phase to the
372 east/west phase at West 34th Street and Ninth Avenue. Currently the east-west path is
373 often gridlocked due to the limited capacity on West 34th street. Adding green time
374 would worsen these conditions.

375 For those intersections that were mitigated, the negative impact on pedestrians has not yet
376 been studied.

377

378 *Transit:*

379 Detailed analysis was conducted for the 34th Street-Hudson Yards subway station,
380 subway line-haul conditions on the No. 7 subway line, and bus line-haul conditions on
381 the M23 and M34 bus routes. Significant adverse impacts were identified for two
382 stairway elements and four escalator elements.

383

384 *Pedestrians:*

385 Eight sidewalks, four corners, and 10 crosswalks are severely impacted in the weekday
386 PM peak hour; most of the impacts cannot be mitigated.

387

388 Per the DEIS, 29 intersections experience high crash numbers in the project area and the
389 conditions will be worsened by the project. The proposed mitigation is entirely
390 inadequate. For those intersections where conflicts exist between pedestrians and
391 vehicles, and where DOT does not have a Street Improvement Project, new split phase
392 signals should be installed. This is particularly important since so much more traffic is
393 planned for these intersections.

394

395 For example, in order to mitigate pedestrian crowding, a few blocks of West 33rd Street
396 would have to be closed to traffic and dedicated to pedestrians. However, West 33rd Street
397 is also a major path for vehicles to reach the project.

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399 The applicant's proposal to widen Eleventh Avenue sidewalks is inadequate.

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Parking:

This application requires the maximum amount of permitted parking for each use plus 500 spaces for the gaming facility. These requirements exceed by 68% the needs documented in the modal split analysis which shows a maximum of 196 vehicles for gaming and lower needs for all other categories.

There is no mention of electric chargers to be used internally or for the public.

Bicycles:

The DEIS does not reflect the installation of a bike lane on Eleventh Avenue which will continue south from West 38th Street to West 23rd Street. This is a major deficiency in the study and will affect results.

The applicant indicates that 88 racks would be installed in the park. This is a safety issue as it will encourage riding on pedestrian paths and will create conflicts between cyclists, e-bikes, and pedestrians.

There is no mention of e-bike chargers nor deliverista rest stations on site.

Charter Buses:

While the traffic analysis shows eight buses, this number seems to be underestimated, especially if visit by bus is encouraged – as it should- to alleviate traffic volumes.

Bus passengers will be dropped off and picked up on the west side of Eleventh Avenue between West 33rd Street and West 32nd Street. Buses will conflict with trucks lined up to enter the loading dock located in the middle of the block.

It is not clear if the impact of this activity on pedestrian volumes and sidewalk capacity has been estimated. Similar operations in the city show sidewalks obstructed by travelers and the sidewalk

Construction Transportation:

A cumulative analysis has not been performed taking in account other very large concurrent projects in the area.

- From 2026 to 2029 the Gateway project will use cut and cover techniques on Tenth Avenue between West 30th and West 33rd Streets. This will severely constrain the number of avenue through lanes.
- From 2025 to 2033, the Port Authority of New York and New Jersey will be rebuilding the bus terminal with certain bus operations moved to surface streets and many traffic disruptions between West 33rd and West 40th Streets from Eighth to Tenth Avenues.

There is no detailed plan for the queuing of the cement trucks for each phase of the project.

446 The proposal would result in significant adverse air quality-related impacts with respect to
447 mobile sources and the LIRR platform ventilation system.
448

449 The mobile source analyses determined that for PM2.5, the results showed that the daily (24-
450 hour) PM2.5 increments are predicted to be below the de minimis criteria. However, the
451 maximum annual incremental PM2.5 concentration is predicted to exceed the annual de minimis
452 criterion at the analyzed intersection.
453

454 In a neighborhood that experiences the third worst air quality in the city, overwhelming traffic
455 delays and idling will generate negative impacts in the project area. “Based on the magnitude of
456 the predicted PM2.5 incremental concentrations at this location for the With Action condition a
457 significant reduction in annual PM2.5 concentrations are not expected with the proposed traffic
458 mitigation measures in place.”
459

460 Of the intersections analyzed, traffic mitigation measures were determined to be feasible at only
461 one location, Eleventh Avenue and West 30th Street for the weekday evening peak period for the
462 Proposed Project. At all other intersections, the significant adverse air quality impact is deemed
463 as unavoidable
464

465 Maximum concentrations from the LIRR ventilation exhaust system are predicted to occur on
466 Site C podium locations closest to the exhaust. These concentrations, which require further
467 evaluation and refinement, would potentially constitute a significant adverse impact on air
468 quality.
469

470 With the existing State and City Air Quality goals for 2050 it is unconscionable that such a
471 development be allowed to proceed.
472

473 Construction Noise

474 The Proposed Actions would result in significant adverse construction noise impacts at sensitive
475 receptors in the vicinity of the proposed construction work areas, including residential buildings
476 and open spaces. There would be no feasible and practicable mitigation measures to further
477 reduce noise levels at buildings or units that have been identified as potentially experiencing
478 significant adverse construction noise impacts that already have insulated glass windows and air
479 conditioning units. Therefore, the impact would remain unmitigated.
480

481 Because these impacts cannot be fully mitigated, the impacts would constitute an unavoidable
482 significant adverse impact.
483

484 Further, these unmitigated negative impacts on shadows, transportation, air quality and
485 construction noise are not limited to the Proposed Action. The significant adverse impacts remain
486 under the Alternative Proposed Action, as well. Thus, according to the studies, either scenario
487 will result in unmitigated adverse impacts.
488

489 RECOMMENDATIONS 490

491 MCB4 is interested in working together to create solutions to our housing crisis by utilizing this
492 opportunity of three city blocks of undeveloped land in Midtown Manhattan. We recognize that
493 the situation has changed since the negotiations of 2009 that implemented the currently approved
494 plan, while the city-wide housing crisis has exacerbated. MCB4 is willing to pursue a variety of
495 options to build even more housing, and notably more affordable housing, through continued
496 negotiations with the development community, the City, and the State.

497
498 Immediate Solutions Needed

499 This land was originally slated for development in 2013. In the subsequent years, the parcel has
500 remained undeveloped. There are many factors that impacted the delays in deliverables. Even
501 though many issues have changed, there needs to be immediate action to move the approved
502 2009 Plan forward.

503
504 The MTA which controls the land is in dire need of the promised revenue from this site. The
505 applicant is claiming a forecasted revenue stream of approximately \$2 billion to the MTA which
506 cannot be delayed any further. The City and State need to step in to demand that Related fulfill
507 its promises and commitments from 2009.

508
509 Renegotiate Lease

510 Related has claimed that the 2009 Plan simply can't be completed and they won't be able to
511 provide the development as promised. MTA needs to consider a renegotiation of the lease with
512 Related and open the opportunity for other developers to be considered for the site. Three city
513 blocks in midtown Manhattan adjacent to the Hudson River is a desirable location to most
514 developers. If the MTA offered solutions to make this a reasonable financial investment, other
515 developers are likely to work together to find solutions to the platform concerns.

516
517 Extend Housing North

518 The block immediately to the north bordered by West 33rd Street and West 34th Street is under
519 State control. The State needs to consider a plan to develop all four blocks as housing. If the
520 1989 Master Plan is accurate that 3,600 housing units could fit onto that space, this combined
521 with Western Rail Yards would result in close to 10,000 new housing units providing opportunity
522 for housing at a wide range of income levels.

523
524 Increase Housing Density

525 The Hudson Yards area is already zoned for high density buildings. With the state's recent
526 removal of the 12-FAR residential cap, these blocks offer an opportunity to increase the housing
527 density beyond the current 6-FAR. By increasing housing density, more affordable units could
528 be integrated with additional market rate units for an overall increase in projected revenue for the
529 development team willing to build on this site.

530
531 Consider Alternative Percentages

532 The original 2009 Plan envisioned an overall Hudson Yards configuration of 80% commercial
533 and 20% residential on the eastern portion with an inverse configuration of 80% residential and
534 20% commercial on the western portion. The Eastern Rail Yards portion is now complete and
535 financially secure. Recognizing that commercial revenue for new Class A office space is
536 currently highly desirable, then perhaps slightly more commercial space could be considered at

537 the western side of Hudson Yards. By capturing more housing units through increased density,
538 the overall number of housing units won't be decreased from the approved 2009 Plan, yet more
539 commercial space could assist in funding future development.

540

541 Requirements for Additional Affordable Units

542 If the State would offer financial incentives for the completion of the 2009 Plan, then the
543 percentage of affordable housing units must be increased. Any State plan that maintains the
544 same number of housing units above the Western Rail Yards needs to include a greater
545 commitment to on-site affordable housing beyond the 2009 Plan. MCB4 historically navigates
546 the integration of affordable housing into all new developments to create vibrant communities.
547 Western Rail Yards is no exception.

548

549

550 CONCLUSION

551 During the public hearing sessions, MCB4 heard from many community members, some of
552 whom expressed support for the proposal, citing possible job creation and economic
553 revitalization and prior positive experiences with Related. However, **the majority of the local**
554 **residents expressed concern and opposition to the proposed plan, noting its impact on**
555 **housing, public safety, community environment, and social services.** MCB4 appreciates all
556 those who attended the meetings to voice their views and to Related for attending and responding
557 the questions raised.

558

559 This proposal will alter the approved 2009 Plan to accommodate a casino that does not have a
560 license. This could result in our community being left with a flawed plan with no funding to
561 support it and an overall reduction in residential zoned square footage. We suggest our
562 government leaders bring all stakeholders together to produce a plan that cultivates an
563 opportunity to knit the neighborhoods of Chelsea and Hell's Kitchen together through a
564 thoughtful residential plan, a plan that embraces the High Line and Hudson River Park and
565 addresses the needs and concerns of our district.

566

567 Beyond the negative ramifications to MCD4, the findings presented by the applicant to justify
568 the Zoning Text Amendment and the Special Permits are not sufficient to support the approval of
569 these changes. Therefore, MCB4 urges our elected officials and government leaders **deny** this
570 proposal.

571

572 Sincerely,

573

574 Jessica, JD, Paul

575

576 CC: Mayor Adams

577 Speaker Adams

578 Mark Levine

579 Erik Bottcher

580

581