

**Appendix C: Written Comments Received on the Draft Scope of Work**

## 53 West 53<sup>rd</sup> Street Scoping Questions

### Traffic Concerns:

1. During the construction phase of the project, being that the site is relatively small, where will construction materials, vehicles and the project trailer(s) be located?
2. Where will the loading and unloading of construction materials and equipment take place?
3. How will the construction activity affect the already heavy traffic on 54<sup>th</sup> street, especially by the MOMA entrance?
4. (A.) Once the project is completed, is there a feasible alternative to an outdoor loading dock?  
(B.) What if any design modifications can be made to create an indoor loading area?  
(C.) Assuming that an outdoor loading dock remains part of the design, what will be the day-to-day procedures trash collection, deliveries, etc...?
5. Does the building design include a garage?
6. Would you provide a copy of the traffic study?

### Noise and Air Concerns:

1. What provisions are being made to prevent construction activity from disturbing nearby properties?
2. What provisions are being made to control dust made by construction activity (i.e. trucks and other construction vehicles, excavation etc...)?
3. Are there any provisions for an off-site staging area for construction vehicles, to limit noise and disruption for nearby properties?
4. Do you anticipate obtaining permission for weekend and after hours work for construction activity?

Geo-Technical Concerns:

1. (A.) Was there a geo-technical survey of the site and the surrounding area?  
(B.) If so would you provide a copy?  
(C.) Are you aware of any underground streams in the vicinity of the project, more specifically, along 54<sup>th</sup> Street?  
(D.) Were provisions made against preventing damage to nearby properties from de-watering, chipping, blasting or any other construction activity?

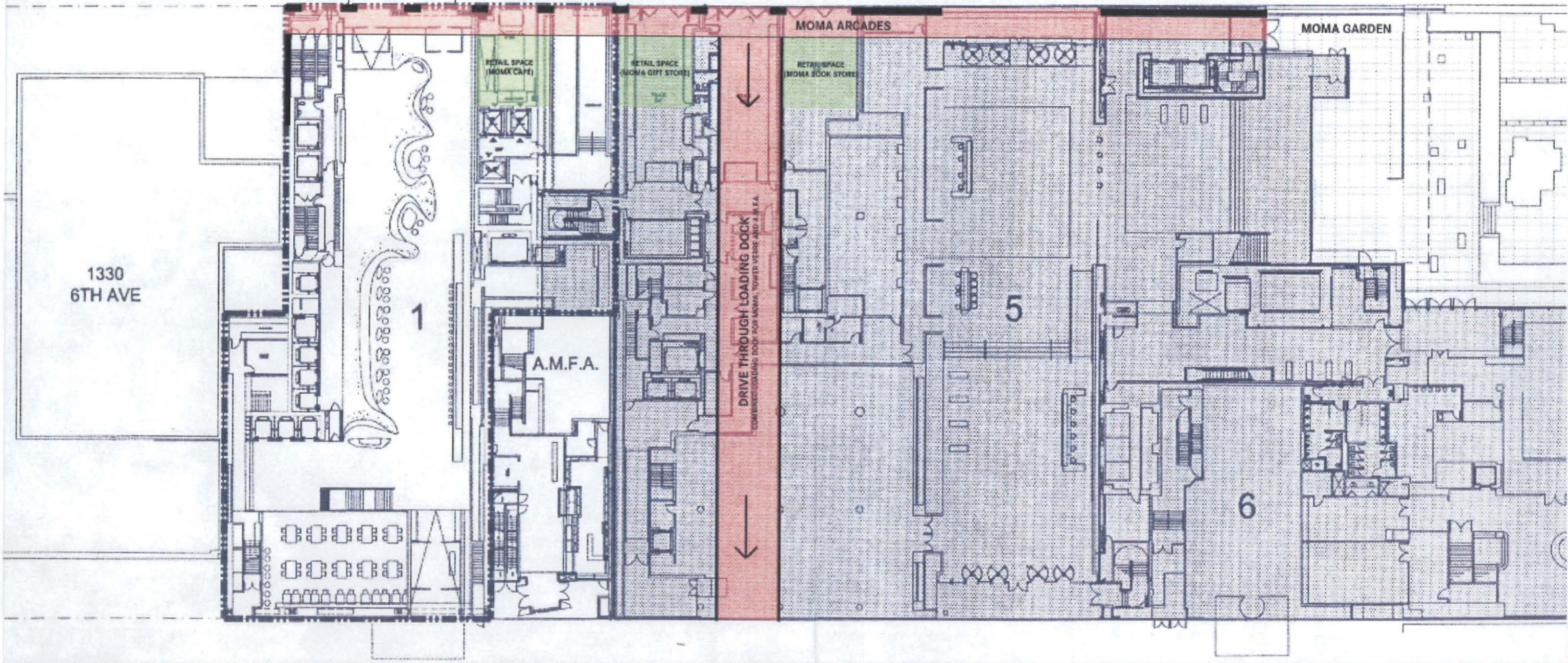
Construction Operation Concerns:

1. We understand that the building will be designed beyond the building line, with no recess. In light of this, what safety measures will be taken to protect pedestrians and/or drivers on 54<sup>th</sup> Street from falling debris or otherwise?
2. Is there a logistics plan in place for staging including placement of cranes on the site?

54TH STREET

53RD STREET

1330  
6TH AVE



1

A.M.F.A.

DRIVE THROUGH LOADING DOCK  
CONSTRUCTING BODY FOR MOMA, POWER VEHICLES AND A.R.T.A.

MOMA ARCADES

MOMA GARDEN

5

6

100 Carver Loop  
Bronx, New York 10475  
December 3, 2008

Mr. Robert Dobruskin  
Director, Environmental Assessment & review  
Dept. of City Planning  
221 Reade Street  
New York, NY 10007

Dear Mr, Dobruskin,

I am writing to you to express my disappointment and incredulity regarding the plans for the Hines Corporation building going up at 53 W. 53<sup>rd</sup> Street.

I understand that this project that started out at an already too tall 750 feet has now magically increased to 1250 feet. This puts this building at the same height as the Empire State building in a neighborhood where the existing office buildings are less than half its height! Would the City actually permit such a massive building on such a small lot about 1/3 the size of that of the Empire State Building?

Mayor Bloomberg has been trying to steer New York into becoming a more Green and sustainable city. This project does not support that goal. A 1250 foot building, mid block-facing two narrow one-way streets will only bring more pedestrian traffic, increased vehicular traffic, issues with light and shadow and the increased activity associated with a mix-use building that includes a hotel (guest parking, deliveries, services, etc...).

A building this tall will also bring a host of problems even during the construction period, creating a traffic nightmare in an already overly congested area, not to mention the safety issue of cranes 1000 feet in the air. This especially needs to be considered in light of this past year's debacles with safety issues on construction sites around the City.

This project will also put additional stress on an already beleaguered residential community that is trying very hard to maintain some semblance of a neighborhood while developers continue to encroach unchecked from all sides.

I would ask that the Dept. of City Planning take a stand against such a massive building on such a small lot and insist that the developer submit designs more in keeping with the existing neighborhood. Allowing this design to go through as planned will change this community forever.

Sincerely,

Maria Bortoluzzi

**Allison Ruddock**

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**From:** Butler, Clyde ["CBUTLER@planning.nyc.gov">"@citymail4.nycnet]  
**Sent:** Monday, December 01, 2008 3:26 PM  
**To:** Allison Ruddock; rdobrus@planning.nyc.gov  
**Subject:** Re MOMA/Hines

**Dear Mr. Dobrus,**

**I am writing you about the MOMA/Hines and their desire to build a mid block tower, taller than the Empire State building. I am against it for the following reasons:**

**It is much too large for MOMA's small lot, our block does not have the infrastructure for such a huge under taking.**

**54<sup>th</sup> Street is considered a thru street for emergency vehicles. already fire engines, police cars are continuously backed up from 7<sup>th</sup> Ave thru to Park.  
I have seen cars having pull up on the side**

**The tallest tower in Manhattan is possibly a terrorist opportunity.**

**Why would the planning Commission give a developer the right to build mid block tower of that size when it has never been done before? There by destroying our small and getting smaller everyday mid town land mark homes. We take great pride in our community this development will destroy it. It is clear MOMA doesn't care about its neighbors they have made a deal with Hines and that's all that matters.**

**We have heard from architects hired by The Warwick Hotel, they are concerned about the this project, the digging that would have to be done and also about a stream coming from the north that may cause flooding in our area.**

**I live at The Rockefeller Apartments for many years please turn this project down for these reasons and many more. Hines needs to build on a more appropriate "Avenue" block.**

**Thank you for your consideration.**

**Ms. Clyde Butler  
17 West 54<sup>th</sup> St.  
New York, N.Y. 10019**

**Allison Ruddock**

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**From:** Francis Conant [fconant@hunter.cuny.edu]  
**Sent:** Friday, November 21, 2008 3:31 PM  
**To:** rdobrus@planning.nyc.gov  
**Subject:** my testimony re MoMA/Hines hearing 18/Nov/08

Francis P. Conant  
45 West 54th Street, Apt. 7C  
New York City, NY 10019  
Tel:212 581-1895 e: [fconant@hunter.cuny.edu](mailto:fconant@hunter.cuny.edu)

to

Robert Dobruskin, AICP  
Director, Environmental Assessment and Review  
22 Reade Street, Suite 4E  
New York, NY 10007-1216

Dear Mr. Dobruskin:

Attached is my testimony which I had hoped to give at the 18/Nov/2008 hearing on the MoMA/Hines proposed skyscraper mid-block on 54 & 53rd street. Unfortunately I took a bad tumble on my way to the site of your hearing. When I was picked up I was handed my cane but not the text of my testimony. This apparently had joined other debris in the gutter! You kindly gave me your card and agreed I could send it to you later. I believe I was supposed to be speaker #13 but I could only wave my cane and speak extemporaneously. About what I don't clearly recall. Now at home I down loaded the text of my testimony, and append it herewith.

Thank you for your courtesy.  
Francis Conant

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Testimony before the NYC Planning Commission, 18 November 2008, 10 am,  
by  
Francis P. Conant, Apt. 7C, 45 West 54th Street, NYC, NY 10019  
Tel: 212 581-1895 e: [fconant@hunter.cuny.edu](mailto:fconant@hunter.cuny.edu)

My testimony is based on §5 ["Construction Impacts"] of the Draft Environmental Quality submitted by MoMA/Hines for their 53rd/54th street skyscraper project:

1. MoMA/Hines has proposed closing a traffic lane on 54th street be blocked off for storing construction equipment and materials.

How does MoMA/Hines hope to mitigate the plight of pedestrians seeking to cross the street to use the 54th or 53rd entrances to the museum and at the same time dodge on-coming traffic and avoid the construction process?

2. Construction of the proposed building adds additional hazards for pedestrians. Like other skyscrapers mini-cyclones are generated near the top of a tall building which, are intensified at street level. Seek shelter? Grab a traffic no-parking sign? Even hold onto a fireplug? At street level these winds can flatten a person, young or old. Different 'spoilors' have been developed for tall buildings to break up these cyclones: setbacks on the

Empire State, four eagles on the Chrysler building, gargoyles atop the Sherry Netherlands? These, and many more. Except on top of the proposed MoMA/Hines building.

3. Dangers to pedestrian and vehicle traffic will be caused by objects falling from the building. For example, winds can suck out windows from their frames, even rip cladding from its frame. As we know, tower cranes collapse and in recent months we have seen the damage and heard the grief over lives lost. Debris from the construction of the MoMA/Hines building will fall directly onto pedestrians, neighboring buildings, school busses, and passing cars.

4. Temblors have been recorded in the City generally and Manhattan since 1677. They cause shifts in below grade water levels and this seriously threatens the stability of foundations. Even a slight shake becomes an enormous force at the top of a sky-scraper, thus threatening the occupants, and the integrity of cladding and windows. Where does it all fall? Pedestrians beware.

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Thank you for this hearing.

Francis P. Conant



## Allison Ruddock

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**From:** Veronika Conant [vaconant@yahoo.com]  
**Sent:** Wednesday, December 03, 2008 2:23 PM  
**To:** Robert Dobruskin  
**Cc:** Hugo Hoogenboom  
**Subject:** Letter and Comments about 53 West 53rd Street, CEQR no. 09DCP004M  
**Attachments:** BA scoping comments letter to DCP dec 2 08.doc; Land Use Zoning and Public Policy and MoMA Expansion W5454StBA Dec2 08.doc

Dear Mr. Dobruskin,

On behalf of the West 54 - 55 Street Block Association I am enclosing in two attachments our letter with our Comments and Recommendations for the Nov 18, 2008 public scoping meeting for the Environmental Impact Statement (EIS) Draft Scope of Work (CEQR No. 09DCP004M) for the West 53 West 53rd Street project (MoMA/Hines project).

I will also bring them to you in print along with printed documentation but want to make sure they reach you in time.

Sincerely,

Veronika A. Conant, President, West 54 - 55 Street Block Association  
45 W 54th St, Apt. 7C, New York, NY 10019  
(212) 581-1895 [vaconant@yahoo.com](mailto:vaconant@yahoo.com)



## West 54 – 55 Street Block Association

### Land Use, Zoning and Public Policy, and MoMA Expansion

Additional comment for the November 18, 2008 public scoping meeting for the Environmental Impact Statement (EIS) Draft Scope of Work (CEQR No 09DCP004M) for the 53 West 53<sup>rd</sup> Street project, "MoMA/Hines project"

**The lot on which the Museum of Modern Art (MoMA) and Hines Interests plan to construct the 53 West 53<sup>rd</sup> Street project is across from our mostly residential North side of West 54 Street. The West 54 – 55 Street Block Association is deeply concerned about the negative impact of the plans on our mixed residential/commercial, low scale blocks on West 54, 55 and 56 Street, North of MoMA, in the Preservation Subdistrict of the Special Midtown District. Below is the summary of the history of the Preservation Subdistrict and MoMA expansion.**

**1979. Midtown West Survey, by the Landmarks Preservation Commission (LPC) was completed (see Summary attached). 33 historic buildings were in our blocks.**

**In the late '70's MoMA sold its unused development rights for \$17 million to a developer to build the 54-story, 588-foot high Museum Tower (MT) mid-block on West 53<sup>rd</sup> Street, with condominiums over six floors of MoMA's galleries. Architect was Cesar Pelli. Completed in 1984, Museum Tower blocked access to sunlight and air for the low scale blocks north of it and its loading dock was placed on residential West 54 Street. Two landmark quality buildings, 23 and 35 West 53<sup>rd</sup> Street were demolished to permit this construction (see photos attached).**

**1982. Midtown Development Review by the Department of City Planning recommended that the LPC designate the Preservation Subdistrict a Historic District (see attached pages). LPC did not act on the request. The Review followed a three year Midtown Development Study, which also recommended stabilization of the area bounded by Third Ave, 40 Street, Sixth Ave and Central Park South, leaving areas South and West of it recommended for development.**

**1982. Midtown Rezoning – Creation of the Special Midtown District and within it the Preservation Subdistrict, including (except for Museum Tower's footprint) the North side on West 53 Street and both sides of West 54, 55 and 56 Street between Fifth and Sixth Avenues. Zoning became C5-P (max FAR 8) (downzoned from max FAR 10) (See attached Zoning Map and ZR Section 81-00 General Purpose).**

**MoMA's second expansion started in 2000 and was completed in 2004, except for the Education Wing, which was completed in 2005. The architect was Yoshio Taniguchi. As part of this expansion, MoMA successfully sought a rezoning, which removed the North side of West 53<sup>rd</sup> Street from the Preservation Subdistrict, and upzoned that area from C5-P (max. FAR 8) to C5-2.5 (max. FAR 12) (higher than it was before the 1982 rezoning). The 250,000 sf expansion included: a 16-story, 245-foot midblock office tower west of the Museum Tower, with office space for commercial rental above the six floors of new MoMA galleries (creating 40,000 sf new gallery space, 16% of the expansion) and**



## West 54 – 55 Street Block Association

three new loading docks on West 54 Street, one for the Museum Tower. The new tower blocked additional access to sunlight and air for the historic blocks north of it.

For this expansion, MoMA demolished the landmark quality Dorset Hotel at 30 W 54 Street (see attached page) and several smaller townhouses on the block.

In recent years, except for the American Folk Art Museum on W 53 Street, MoMA bought every small property West of the museum all the way to the Financial Times building at Sixth Ave, demolished landmark quality City Athletic Club at 40 W 54 Street (about 100 feet tall, see attached pages) and the last few original townhouses on the block, and created an empty lot of about 17,000 sf (about 0.4 acre), which it sold to the Hines Interests for \$125 million in 2007 to build a museum/condo/hotel.

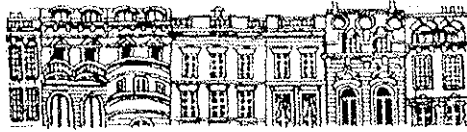
With the demolition of these buildings, the land within 150 feet of Sixth Avenue reverted to avenue, C6-6 zoning (max. FAR 15). This was the equivalent of an “upzoning” and though the lot has no direct avenue access, because it is avenue-zoned, developers can use development rights that permit a tripling of allowed square footage, with no height limit. This is how now the developer can plan to build a 1,250 ft, 82-story high building midblock on a small, 0.4 acre lot. Only floors 2, 4 and 5 of the 82 floors will be part of the museum. (The 1,250 ft tall Empire State Building stands on 2 acres of land on an Avenue and also wide 34 Street). This allows MoMA/Hines to build even as-of-right a rather tall, 25-26 story, 288 ft high building, much taller than the under 100 ft structures there before, blocking access to sunlight and air and open space.

This history shows that over the years MoMA has systematically eroded the Preservation Subdistrict. In September 2005 the Block Association applied for Historic Designation for the blocks and, working with Prof. Andrew Dolkart and graduate students at the School of Architecture, Planning and Preservation at Columbia University, documented the architectural history of every single building in this area. The LPC turned down our first request. However, we are continuing our research, and have also applied for individual landmark designations for many buildings. Two were designated landmarks in 2007, increasing the total number of landmarks to thirteen (1, 5, 7, 9, 11, 13, 15, 17 West 54 Street, The Peninsula Hotel at 700 Fifth Ave & 55 Street, 24 West 54 Street, 10, 12-14 & 30 West 56 Street). Many more received Resolutions of support from Community Board Five. The Preservation Subdistrict shows what Midtown used to look like, it is a vibrant, thriving, low scale, mixed commercial/residential neighborhood, filled with unique townhouses, smaller apartment buildings, small businesses and restaurants. It is a major tourist attraction, also favored by the film industry. It should be protected and preserved.

The Preservation Subdistrict was stable from 1982 to 2005, except for the MoMA expansion.

Since MoMA’s last expansion developers have been descending on the Preservation Subdistrict:

- A developer bought four historic townhouses at the northern tip of the Preservation Subdistrict at 31, 33, 35, & 37 West 56 Street (listed in the Midtown



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West Survey), and in spite of efforts by us, our public officials and Community Board Five, LPC allowed them to be demolished, and replaced by Centurion, a condo with a 76 car garage, listed on p.10 in the 53 West 53<sup>rd</sup> Street EIS Draft Scope of Work (lawyer also Kramer Levin). The four buildings housed many small businesses and some had tenants. All these were lost and displaced;

- In 2005 a developer bought four historic buildings at 12, 14, 16 and 18 West 55 Street, wants to demolish them and, using air rights bought from landmark buildings on West 54 Street, replace them with a 22 story high condo hotel. This is also on p.10 of the draft EIS document, see above. Most of the then thriving small businesses and tenants have been displaced, a few long term tenants are still fighting eviction;
- Two rental apartment buildings at 15 & 19 West 55 Street were sold to a developer, and resold to the Shoreham Hotel, evicting tenants and killing off thriving small businesses there. A few of the long term tenants are still fighting eviction, however the businesses have closed or moved elsewhere;
- The American Cancer Society on the North side of West 56 Street was sold to another developer and is no longer there;
- On the South side of West 56 Street, 18 West 56 Street sold to the owner of other adjacent buildings and a landmark quality parking garage on W 55 St;
- On the South side of West 56 Street three other buildings were sold;
- On West 54 Street developers have been approaching owners of the small townhouses and even a small coop, offering to buy up the properties or their air rights.

The museum's expansions involved relatively small increments in the growth of gallery space compared to the total development. For the last expansion 16% of the space was used for 40,000 sf new galleries. Plans for 53 West 53<sup>rd</sup> Street will use 8-9% of the space for MoMA's galleries (again 40,000sf), the rest for the hotel and condo. On the whole the advantages of this project are not balanced by the enormous negative impacts on the community around it mentioned above and in our comments.

Submitted by Veronika Conant  
President, West 54 – 55 Street Block Association



## West 54 – 55 Street Block Association

December 2, 2008

Robert Dobruskin, AICP, Director  
Environmental Assessment and Review Division  
Department of City Planning  
22 Reade Street, Room 4E  
New York, NY 10007-1216

Dear Mr. Dobruskin,

This letter sets out and amplifies points made by members of the West 54 – 55 Street Block Association at the November 18, 2008 public scoping meeting for the Environmental Impact Statement (EIS) Draft Scope of Work (CEQR No 09DCP004M) for the 53 West 53<sup>rd</sup> Street project.

The Environmental Impact Statement is of enormous importance in the whole ULURP process: it forms the record for the anticipated impact of the 53 West 53 Street project on New York City and on the neighborhood in which it is proposed to be constructed. We want the EIS to avoid the problems of the Environmental Impact Statement that was prepared for the 2000 MoMA expansion. The 2000 EIS compared as-of-right construction with expanded construction from zoning changes instead of comparing preconstruction and post construction impacts. More specifically, that EIS contained a number of errors of fact and of approach that understated the impact of that expansion. Mistakes included: measuring air quality at the wrong location; undercounting loading docks on West 54<sup>th</sup> Street; understating the amount of solid waste to be generated, failing to indicate that one-half of the 250-foot office building constructed would be used for commercial rental; failed to analyze the effect of the shadow of the expanded building.

The proposed project is so immense and so out of scale with the neighborhood into which the developer plans to insert it that it will be particularly important to carefully measure the potential adverse impacts of the project by establishing accurate and realistic baselines for the various impacts to be measured and then projecting the additional burden that the project will create, wherever this burden is likely to fall. (*CEQR Chapter 2. Establishing the Analysis Framework*)

Environmental studies should compare multiple circumstances: existing conditions, conditions as they would be in 2013 without any development, as they would be in 2013 under each of the two alternative as-of-right options, and as they would be in 2013 with the proposed development in place.

The area of study proposed for the Environmental Impact Statement is too limited. Because the proposed development involves so much bulk and such a great height, we believe that the radius of the area within which impact is to be studied needs to be increased from one-quarter ( $\frac{1}{4}$ ) mile proposed in the draft EIS scope to a minimum of one-half ( $\frac{1}{2}$ ) mile; moreover, where circumstances warrant, it should be extended beyond that (for example, for shadow studies going into Central Park and for traffic studies river to river for 53<sup>rd</sup> and 54<sup>th</sup> Streets, designated as through streets by the Department of Transportation).



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Moreover, as Community Board 5 has already recommended, the EIS scope of work should explicitly take into account the cumulative impact of this project *and* other developments proposed for this area, especially for the following tasks: 4 - Community Facilities and Services; 7 - Historic Resources; 8 - Urban Design/Visual Resources; 9 - Neighborhood Character; 11 - Infrastructure; 12 - Solid Waste and Sanitation Services; 13 - Energy; 14 - Traffic and Parking; 15 – Transit and Pedestrians; 16 - Air Quality; 17 - Noise; 18 - Construction Impacts; 19 – Public Health.

Although the height and relative prominence of the proposed development in its setting would make it a high-profile target, the EIS task outline does not include assessment of risk and damage on the residential and commercial tenants in the buildings near the project including MoMA of an attack and the consequences of such an attack such as smoke and fire and falling debris. This assessment should be included in the EIS and such an assessment should be added to the EIS outline. We urge that the EIS include assessment of the risk of an attack from the creation of a high-profile target in midtown. The architect of the project at the hearing of the Landmarks Preservation Commission proclaimed in his presentation of the design that, “Now everyone will know where MoMA is.”

Following are our comments on each task listed in the Draft Scope of Work.

### TASK 2 – LAND USE, ZONING, AND PUBLIC POLICY

To fully understand the context in which this project is being proposed, the EIS should fully document the development history of the site and the study area *since* the founding of MoMA. This should include: (1) the removal of parts of the area around MoMA from the Preservation Subdistrict; (2) other zoning changes and exceptions; (3) the construction of residential and office space not for MoMA’s use; and (4) the demolition of landmark-worthy buildings like the City Athletic Club on West 54<sup>th</sup> Street, and the town houses on West 53<sup>rd</sup> and West 54<sup>th</sup> Street, resulting in plans for a building mid-block on a small lot without height limits.

*(Article VIII, Ch. 1 Special Midtown District. ZR Section 81-00 General Purposes ... f) to continue the historic pattern of relatively low building bulk in midblock locations compared to avenue frontages... m) to preserve the midblock area north of the Museum of Modern Art for its special contribution to the historic continuity, function and ambience of Midtown;)*

*(For an account of how land use, zoning, and public policy have changed over the course of MoMA’s expansion since the late 1970s, see the attached annex, “Land Use, Zoning, Public Policy and MoMA Expansion.”)*

### TASK 4 – COMMUNITY FACILITIES AND SERVICES

As already noted, the EIS should take into account the cumulative impact of the proposed project and other projects planned or underway in the area on community facilities and services. Development projects that in themselves have impacts smaller than the required triggers in the Environmental Impact Statement for Community Facilities may together cause such an impact.



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As urged by Community Board 5, the EIS should examine the following items in terms of the cumulative effect of planned development:

The educational needs of the area, especially considering the new residential development that has occurred throughout Midtown. The building of one or more new schools should be required if it is found to be necessary in the Environmental Impact Statement. Community Board 5 has neither an elementary nor a middle school within its borders.

The library needs of the area, especially considering that the Donnell Library has been temporarily closed and is being torn down to develop a new hotel leaving only a much smaller branch at this location.

Public safety needs including ensuring there is adequate fire and police service for a 1,250 foot building, both from the point of view of the need for expanded service, and from the point of view of the impact of severe traffic congestion on the availability of police, fire, ambulance and other emergency services to the area.

### TASK 5 – OPEN SPACE

We fully support the position of Community Board 5 on open space: “The impact of a 1,250 foot building on open space. The Mayor’s Plan NYC 2030 recommends 1.5 acres of open space for every 1,000 residents. Community Board 5 has substantially less open space than this standard especially in the midtown area.”

### TASK 6 – SHADOWS

A 1,250-foot building between West 53 and 54 Streets will dwarf the buildings around it and it will take away access to sunlight and air from the blocks around it, which the zoning laws were enacted to preserve, casting a deep shadow north over the low scale buildings in the Preservation Subdistrict and beyond, including well into Central Park. The 1979 Midtown West Survey found 200 buildings that merited consideration for landmark designation. 33 of these buildings were on the three blocks of West 54, 55, and 56 Streets between Fifth Avenue and the Avenue of the Americas. West 54 Street has many of these buildings, some of which are now designated landmarks: 1 (the University Club), 5, 7 (the Lehman Mansion), 9-11, 13, 15, 17 (the Rockefeller Apartments), 35, and 41. 65 West 54 Street (The Warwick Hotel), while not a landmark, is on the national register of historic sites. Other landmarked or historic buildings in the area that would be affected include the Peninsula Hotel (700 Fifth Avenue at West 55 Street), 12, 14, 16, 18, and 23 West 55 Street, 24 West 55 Street (the Rockefeller Apts.), 46 West 55 Street, the Fifth Avenue Presbyterian Church, 17, 10 (Frederick C & Birdsall Otis Edey Residence), 12-14, 26, 28, 30 West 56 Street (Henry Seligman Residence), 36, 39 and 46 West 56 Street. There are also several historic buildings on the West 57 Street block: 29 (Chickering Hall), 31 (Sohmer building), 33, 35 (Samuel W Bowne House), 57 West 57 Street, 109 -113 West 57 Street (Steinway Building) and many more.



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The shadow study must include Central Park. *The CEQR section on shadows, 3E-200, says: "The longest shadow cast during the year (except within an hour and half of sunrise or sunset) is 4.3 x height".* For height of 1,250 feet the longest shadow will be 5,375 feet long, for height of 1,000 feet it will be 4,300 feet. Central Park is five blocks from the site, about 1,400 feet away. Shadows would impact on vegetation, sports areas and playgrounds.

### TASK 7 – HISTORIC RESOURCES

Historic resources are scarce in Manhattan, especially in midtown, so it is important to save them and also, in this case, to preserve the context in which they exist.

To properly understand how this development will impinge on the neighborhood into which it is being squeezed, the defined study area should be increased from 400 feet to at least 1,000 feet from the site. This is because a 1,250-foot building between West 53 and 54 Streets will dwarf the buildings around it and it will take away access to sunlight and air from the blocks around it, which the zoning laws were enacted to preserve, casting a deep shadow north over the low scale buildings in the Preservation Subdistrict and beyond, including well into Central Park. The 1979 Midtown West Survey found 200 buildings that merited consideration for landmark designation. 33 of these buildings were on the three blocks of West 54, 55, and 56 Streets between Fifth Avenue and the Avenue of the Americas. West 54 Street has many of these buildings, some of which are now designated landmarks: 1 (the University Club), 5, 7 (the Lehman Mansion), 9-11, 13, 15, 17 (the Rockefeller Apartments), 35, and 41. 65 West 54 Street (The Warwick Hotel), while not a landmark, is on the national register of historic sites. Other landmarked or historic buildings in the area that would be affected include the Peninsula Hotel (700 Fifth Avenue at West 55 Street), 12, 14, 16, 18 and 23 West 55 Street, 24 West 55 Street (the Rockefeller Apts.), 46 West 55 Street, the Fifth Avenue Presbyterian Church, 17, 10 (Frederick C & Birdsall Otis Edey Residence), 12-14, 26, 28, 30 West 56 Street (Henry Seligman Residence), 36, 39 and 46 West 56 Street. There are also several historic buildings on the West 57 Street block: 29 (Chickering Hall), 31 (Sohmer building), 33, 35 (Samuel W Bowne House), 57 West 57 Street, 109 -113 West 57 Street (Steinway Building) and many more.

### TASK 8 – URBAN DESIGN/VISUAL RESOURCES and TASK 9 – NEIGHBORHOOD CHARACTER

The EIS should carefully study the impact of this project on the environment of the street. West 54<sup>th</sup> Street between Fifth Avenue and the Avenue of the Americas is one of the few outstanding residential streets left in midtown Manhattan and is part of the Preservation Subdistrict. It is characterized by a mix of row houses (many already designated landmarks and others deemed landmark-worthy) and low-scale apartments and businesses. It is architecturally distinctive and intimate in scale. See the attached illustration comparing the scale of the 53 West 53 Street project with the rest of the neighborhood.

However, the south side of this block is dominated by one long wall resembling corrugated tin. This corrugated metal wall hides from view three loading bays and the sculpture garden of MoMA. Hiding the sculpture garden from public view is a rude affront to the neighborhood and to the city, which supports MoMA. With the introduction of a new 82-story building, in fact twice





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the height of the towering 40-story FT Building to its west, little West 54 Street will become further isolated and hemmed in. Pedestrian life is already sorely challenged by the loading docks for the avenue buildings to the north and south in addition to the loading bays of MoMA; all in all there are 6 loading docks and two drive-through parking garages on one single block. The proposed development would add a seventh. As noted under our comments at the beginning of this letter, the EIS for the year 2000 MoMA expansion miscounted the number of loading docks on the block.

The development would be grossly out of scale with the other buildings in the area, including several designated landmarks on West 54<sup>th</sup> Street, and the landmark CBS building on West 52<sup>nd</sup> Street, and would overwhelm the area's infrastructure and services. The proposed project is situated mid-block in an already densely populated area and could only be proposed as the result of a transfer of development rights from St. Thomas Church and the University Club. Without the transfer of development rights, any building constructed at the site could only be one-third the size of the proposed 53 West 53 Street project – 258,097 square feet rather than 786,562 square feet. Given the substantial additional density the developer would be able to transfer to 53 West 53 Street if granted the four discretionary Special Permits from the City, it is absolutely essential for the Department of City Planning to closely evaluate the negative impacts of such a large project on the surrounding community.

See the attached photographs of blocks of West 55<sup>th</sup> and 56<sup>th</sup> Streets between Fifth Avenue and the Avenue of the Americas, showing the low scale of these blocks. See also the attached article and photograph from the *New York Times* of June 18, 2006 by Christopher Grey, which also shows the low scale of the same block on West 54<sup>th</sup> Street.

### TASK 11 – INFRASTRUCTURE

Anecdotal evidence suggests that the water supply system and the sewer system are already under strain in the area of the proposed development; the EIS should include a realistic analysis of the existing situation and a projection of the impact of the new development (taking into account the impact of other planned developments in the area) on these systems. Additional considerations include cable, telephone lines steam (see energy), traffic, public transportation, roadways.

### TASK 12 – SOLID WASTE AND SANITATION SERVICES

As in Task 11, the baseline for assessing the impact of the proposed development on solid waste and sanitation services should include other planned developments in the area.

### TASK 13 – ENERGY

It is necessary to evaluate the adequacy and safety of the electric grid and access to steam.

### TASK 14 – TRAFFIC AND PARKING

Because the Department of Transportation has designated West 53<sup>rd</sup> and West 54<sup>th</sup> Streets as



## West 54 – 55 Street Block Association

through streets and because there is anecdotal and photographic evidence of intermittent substantial traffic congestion, the study of traffic on these streets should be from river to river, not the draft scope's proposed quarter mile. The study should also include response times for police and other emergency vehicles. The study should be done at random times during the day and at night, because blockage occurs at any time; for example, on the evening of November 5<sup>th</sup>, West 54<sup>th</sup> Street was totally blocked from Broadway eastbound so that fire trucks on call had to go South on Broadway and thence East on 52<sup>nd</sup> to get around the 54<sup>th</sup> street block. In another incident, on Sep 22, 2008, at 8:26 p.m. an ambulance on Sixth Avenue turned north to go onto West 55 Street. The street was congested, so two men got had to get out with a stretcher and to run north on Sixth and west onto 55<sup>th</sup> Street. Also, beginning in December and going into January, the traffic on West 54<sup>th</sup> Street slows down even more than usual because of Fifth Avenue holiday and Rockefeller Center Christmas tree slow-downs. Often, the street is completely immobilized for substantial periods. During this period, in partial recognition of the problem, the Department of Transportation prohibits all right turns onto Fifth Avenue.

The EIS should take into account the impact of loading, standing and parking practices on these streets. Delivery trucks have to back into loading bays or unload on the sidewalk, buses deliver students to MoMA, and then remain standing on the block for substantial periods. Private cars and limousines and car services arrive at MoMA for MoMA and corporate functions to discharge passengers and often stand for substantial periods. MoMA has at least one corporate event a week, frequently many more (see enclosed booklet, Corporate Entertaining at MoMA). On these days there is already a substantial flow of party rental trucks and deliveries made day and night on both sides of West 54 Street, many of which deliver from the street instead of behind closed docks. We are deeply concerned that the frequency will further increase after the addition of extra gallery space. We need to know the baseline for the current year. The hotel in the 53 West 53 Street project will doubtless also have social and corporate events that will add to truck deliveries, car and taxi drop-offs and pedestrian traffic. There is need for a plan to handle street traffic, deliveries and pickups for these events and a plan to regulate their frequency and minimize their negative impact on West 54 Street. Under Task 21, Mitigation, we suggest two approaches to minimize street garbage pick-up and compacting: onsite garbage compacting and drive-through loading. To illustrate this point, we have attached a plan for a drive-through loading dock, a statement, "Advantages of Drive Through Loading Docks," and a copy of the *New York Times* March 7, 2001 article by Clyde Haberman, "An Ode Conceived in Traffic."

It would also be useful to have a study of real time loading dock use on West 54<sup>th</sup> Street to accurately gauge the existing impact of loading docks on traffic and provide a baseline for the impact of the additional loading dock, deliveries and pick-ups on traffic.

Parking and regulation of standing cars also need to be studied: there will be additional pressure on parking availability resulting from this development to the east and west. The analysis should take into account the number of curb feet that will be needed for the hotel for all forms of delivery, idling and drop-off.

### TASK 15 – TRANSIT AND PEDESTRIANS

It is evident that the sidewalks around MoMA are already extremely crowded. The 2000 expansion of MoMA added 40,000 square feet of gallery space and attendance increased



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(according to MoMA's figures) from 1.8 million to 2.5 million. The next expansion will add another 40,000 square feet, and it seems reasonable to assume (absent strong evidence to the contrary) that attendance would increase by the same amount. While adding another 700,000 or so visitors, the development would take away the vacant lot where visitors lined up, putting them onto the sidewalks around MoMA. Now, on Fridays (when admission is free), lines stretch around the block from West 53<sup>rd</sup> Street, along the Avenue of the Americas, and onto West 54<sup>th</sup> Street (see the attached panoramic view of MoMA visitor lines taken on August 8, 2008 at 4:26 pm).

Under the rules of CEQR, it is necessary for the applicant to project how many additional visitors the expanded museum could accommodate in the baseline projections for the as-of-right environmental impacts. With a more accurate baseline projection, the full extent of the environmental impacts of the proposed actions could be better understood. Though the proposed development site may currently be a vacant lot, it plays an important role as a queuing area for museum visitors. Therefore, the EIS should study how losing this space as the visitors' queue would affect pedestrian conditions and then develop a plan to adequately address any overflow. Rather than having no building recess, evaluate the need for increasing pedestrian circulation space and widening the sidewalk on both West 53 and West 54 Street. According to MoMA's estimates about 1/3 of MoMA's visitors use West 54 Street.

### TASK 16 – AIR QUALITY

Traffic congestion, truck and bus idling already affect air quality in the area; establishing a baseline for this will require careful monitoring of air quality at multiple locations, especially midblock along West 54<sup>th</sup> and West 53<sup>rd</sup> Streets when they are heavily congested and when traffic is at a standstill. The EIS should add projections to this baseline estimating the pollution that will result from other planned developments in the area. Then it must make realistic projections of the impact of the MoMA expansion (based on an additional 700,000 visitors a year) and of the impact of the residential and hotel portions of the project. An inventory of emergency generators for the area is needed, since they contribute to pollution and noise. Will the new development have one and where? Preference: not on West 54 Street.

### TASK 17 – NOISE

Noise has been a major problem on West 54 Street. The EIS should address noise in much the same fashion as for Task 16, Air Quality: with real time measurements made midblock at peak noise hours day and night to establish the baseline in the area around the proposed development to which should be added the projected impact of other planned development in the area. Then it must make realistic projections of the impact of the MoMA expansion (based on an additional 700,000 visitors a year) and of the impact of the residential and hotel portions of the project. See also emergency generators and noise from construction debris removal.

### TASK 18 – CONSTRUCTION IMPACTS

Construction impacts include a number of subheads: traffic, noise and air quality, geo-technical and construction operations.



## West 54 – 55 Street Block Association

1. Traffic: The EIS should carefully study the impact of construction on traffic congestion, fire and emergency vehicle response times, air pollution and noise. This analysis will have to take into account the reduction of traffic lanes on the affected blocks of West 53<sup>rd</sup> and 54<sup>th</sup> Streets, and the location of storage sites for construction materials, vehicles and project trailers, the availability of street side locations on the south side of West 53<sup>rd</sup> Street and the north side of West 54<sup>th</sup> Street for normal passenger discharge and normal household deliveries. Moreover, the EIS should study the impact of construction on traffic on West 53<sup>rd</sup> and West 54<sup>th</sup> Streets, which are through streets as noted in our comments under Task 14.
2. Noise and Pollution: The EIS should state what provisions will be made for controlling dust and dirt from trucks, excavation, etc., including off-site staging areas; also, the EIS should address whether and under what circumstances weekend and after-hours work would be undertaken. The community opposes any extension of construction hours. There is need for a noise and pollution mitigation plan. The EIS should also detail how and at what times construction debris will be removed.
3. Construction Safety: The EIS should state what provisions will be made for managing construction safety, including crane safety, in terms of placement and in terms of protection from falling debris. This is an even greater concern than normal because the building goes to the sidewalk on both sides of its lot, because of the extraordinary height of the building and because of heavy pedestrian and vehicular traffic in the area as well as because of the many landmarks.
4. The EIS should also state what provisions there will be to avoid damage to nearby buildings from vibration, de-watering, excavation and blasting and what provisions the developer will make to insure or otherwise make whole owners of buildings damaged by construction (these should be preceded by a survey, at the expense of the developer, of the state of nearby buildings.) In addition, the EIS should also include a geological survey of the area that includes underground streams and earthquake fault lines. An article on earthquake risk in New York City was included with my written statement handed in after the November 18, 2008 public scoping hearing at the Department of City Planning.
5. The EIS should include wind tunnel studies of the likely effect of wind during and after construction and plans to mitigate these effects. For example, the Nouvel Galeries Lafayette building in Berlin had to replace all its windows after they started falling to the ground.

### TASK 19 – PUBLIC HEALTH

Effects of pollution, excessive noise, especially night noise and loss of access to sunlight and air and open space all have effects on public health, excessive noise causing stress and hearing disorders, sleep deprivation causing problems with concentration, memory and cardiovascular diseases, pollution affecting lungs and heart, aggravating asthma, and causing Seasonal Affective Disorder (SAD). Mitigation of these must be of the highest priority.

### TASK 21 – MITIGATION



## West 54 – 55 Street Block Association

The stated sale price of the lot together with the bulk and height of the proposed project indicate that the profit from this development will be hundreds of millions of dollars. For this gain, the Hines Interests and the Museum of Modern Art will place a heavy burden on the community and the city and are giving nothing back both during the four-year construction phase of the project and during the life of the building. The EIS should state what mitigation may be offered. This could include the following:

The construction of the 53 West 53 project offers an opportunity to right some of the mistakes of the past regarding truck traffic and street level amenities with respect to the loading and service areas of the proposed building. The proposed loading dock for the new structure should be integrated with the existing loading docks of MoMA as drive-through truck passageways from 53<sup>rd</sup> Street to 54<sup>th</sup> Street. Drive-through loading areas would allow off-street space for deliveries and pick-ups, service and emergency vehicles. Having service elevators nearby would cut time needed to perform these functions, and traffic congestion and pedestrian safety would be improved significantly. In addition, the proposed project also offers MoMA a unique opportunity to rethink the closing off of the sculpture garden from the life of the 54<sup>th</sup> Street pedestrian community, which will now include guests and residents of 53 West 53 Street as well as the increased number of visitors to MoMA. A sidewalk arcade, in effect a widening of the sidewalk, would offer pedestrians amenities and more space, which will likely be needed to accommodate increased pedestrian traffic. An architect and neighborhood resident, Andreas Benzing, has offered a suggested approach for your consideration, for drive-through loading and for an arcade for pedestrians along West 54 Street. (See the attached plan for drive-through loading and sidewalk arcade.)

Other amenities to mitigate the impact of the proposed project could include: a public swimming pool; integration of open public space into the new building; onsite garbage compactors for minimizing street garbage pick-up and compacting.

Sincerely yours,

Veronika Conant  
President, West 54 – 55 Street Block Association

### Attachments:

1. Proposed MoMA/Hines Development Plan, 53 West 53 Street
2. Photographs (two in all) of the blocks of West 55<sup>th</sup> and West 56<sup>th</sup> Streets between Fifth Avenue and the Avenue of the Americas
3. *New York Times* article dated June 18, 2006, showing the block of West 54<sup>th</sup> Street between Fifth Avenue and the Avenue of the Americas
4. Plan for a possible drive-through loading dock with a statement, "The Advantages of Drive Through Loading Docks, and a *New York Times* article dated March 7, 2007, "An Ode Conceived in Traffic," by Clyde Haberman
5. A panoramic view of MoMA lines taken on August 8, 2008, at 4:26 pm.
6. Booklet Corporate Entertaining at MoMA and Corporate Membership information.



DEPT OF CITY PLANNING

West 54 – 55 Street Block Association 2008 DEC -3 PM 3: 07

**Land Use, Zoning and Public Policy, and MoMA Expansion**

Additional comment for the November 18, 2008 public scoping meeting for the Environmental Impact Statement (EIS) Draft Scope of Work (CEQR No 09DCP004M) for the 53 West 53<sup>rd</sup> Street project, "MoMA/Hines project"

**The lot on which the Museum of Modern Art (MoMA) and Hines Interests plan to construct the 53 West 53<sup>rd</sup> Street project is across from our mostly residential North side of West 54 Street. The West 54 – 55 Street Block Association is deeply concerned about the negative impact of the plans on our mixed residential/commercial, low scale blocks on West 54, 55 and 56 Street, North of MoMA, in the Preservation Subdistrict of the Special Midtown District. Below is the summary of the history of the Preservation Subdistrict and MoMA expansion.**

**1979. Midtown West Survey, by the Landmarks Preservation Commission (LPC) was completed (see Summary attached). 33 historic buildings were in our blocks.**

**In the late '70's MoMA sold its unused development rights for \$17 million to a developer to build the 54-story, 588-foot high Museum Tower (MT) mid-block on West 53<sup>rd</sup> Street, with condominiums over six floors of MoMA's galleries. Architect was Cesar Pelli. Completed in 1984, Museum Tower blocked access to sunlight and air for the low scale blocks north of it and its loading dock was placed on residential West 54 Street. **Two landmark quality buildings, 23 and 35 West 53<sup>rd</sup> Street were demolished to permit this construction (see photos attached).****

**1982. Midtown Development Review by the Department of City Planning recommended that the LPC designate the Preservation Subdistrict a Historic District (see attached pages). LPC did not act on the request. The Review followed a three year Midtown Development Study, which also recommended stabilization of the area bounded by Third Ave, 40 Street, Sixth Ave and Central Park South, leaving areas South and West of it recommended for development.**

**1982. Midtown Rezoning – Creation of the Special Midtown District and within it the Preservation Subdistrict, including (except for Museum Tower's footprint) the North side on West 53 Street and both sides of West 54, 55 and 56 Street between Fifth and Sixth Avenues. Zoning became C5-P (max FAR 8) (downzoned from max FAR 10) (See attached Zoning Map and ZR Section 81-00 General Purpose).**

**MoMA's second expansion started in 2000 and was completed in 2004, except for the Education Wing, which was completed in 2005. The architect was Yoshio Taniguchi. As part of this expansion, MoMA successfully sought a rezoning, which removed the North side of West 53<sup>rd</sup> Street from the Preservation Subdistrict, and upzoned that area from C5-P (max. FAR 8) to C5-2.5 (max. FAR 12) (higher than it was before the 1982 rezoning). The 250,000 sf expansion included: a 16-story, 245-foot midblock office tower west of the Museum Tower, with office space for commercial rental above the six floors of new MoMA galleries (creating 40,000 sf new gallery space, 16% of the expansion) and**



## West 54 – 55 Street Block Association

three new loading docks on West 54 Street, one for the Museum Tower. The new tower blocked additional access to sunlight and air for the historic blocks north of it.

For this expansion, MoMA demolished the landmark quality Dorset Hotel at 30 W 54 Street (see attached page) and several smaller townhouses on the block.

In recent years, except for the American Folk Art Museum on W 53 Street, MoMA bought every small property West of the museum all the way to the Financial Times building at Sixth Ave, demolished landmark quality City Athletic Club at 40 W 54 Street (about 100 feet tall, see attached pages) and the last few original townhouses on the block, and created an empty lot of about 17,000 sf (about 0.4 acre), which it sold to the Hines Interests for \$125 million in 2007 to build a museum/condo/hotel.

With the demolition of these buildings, the land within 150 feet of Sixth Avenue reverted to avenue, C6-6 zoning (max. FAR 15). This was the equivalent of an “upzoning” and though the lot has no direct avenue access, because it is avenue-zoned, developers can use development rights that permit a tripling of allowed square footage, with no height limit. This is how now the developer can plan to build a 1,250 ft, 82-story high building midblock on a small, 0.4 acre lot. Only floors 2, 4 and 5 of the 82 floors will be part of the museum. (The 1,250 ft tall Empire State Building stands on 2 acres of land on an Avenue and also wide 34 Street). This allows MoMA/Hines to build even as-of-right a rather tall, 25-26 story, 288 ft high building, much taller than the under 100 ft structures there before, blocking access to sunlight and air and open space.

This history shows that over the years MoMA has systematically eroded the Preservation Subdistrict. In September 2005 the Block Association applied for Historic Designation for the blocks and, working with Prof. Andrew Dolkart and graduate students at the School of Architecture, Planning and Preservation at Columbia University, documented the architectural history of every single building in this area. The LPC turned down our first request. However, we are continuing our research, and have also applied for individual landmark designations for many buildings. Two were designated landmarks in 2007, increasing the total number of landmarks to thirteen (1, 5, 7, 9, 11, 13, 15, 17 West 54 Street, The Peninsula Hotel at 700 Fifth Ave & 55 Street, 24 West 54 Street, 10, 12-14 & 30 West 56 Street). Many more received Resolutions of support from Community Board Five. The Preservation Subdistrict shows what Midtown used to look like, it is a vibrant, thriving, low scale, mixed commercial/residential neighborhood, filled with unique townhouses, smaller apartment buildings, small businesses and restaurants. It is a major tourist attraction, also favored by the film industry. It should be protected and preserved.

The Preservation Subdistrict was stable from 1982 to 2005, except for the MoMA expansion.

Since MoMA’s last expansion developers have been descending on the Preservation Subdistrict:

- A developer bought four historic townhouses at the northern tip of the Preservation Subdistrict at 31, 33, 35, & 37 West 56 Street (listed in the Midtown



## West 54 – 55 Street Block Association

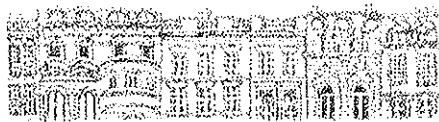
West Survey), and in spite of efforts by us, our public officials and Community Board Five, LPC allowed them to be demolished, and replaced by Centurion, a condo with a 76 car garage, listed on p.10 in the 53 West 53<sup>rd</sup> Street EIS Draft Scope of Work (lawyer also Kramer Levin). The four buildings housed many small businesses and some had tenants. All these were lost and displaced;

- In 2005 a developer bought four historic buildings at 12, 14, 16 and 18 West 55 Street, wants to demolish them and, using air rights bought from landmark buildings on West 54 Street, replace them with a 22 story high condo hotel. This is also on p.10 of the draft EIS document, see above. Most of the then thriving small businesses and tenants have been displaced, a few long term tenants are still fighting eviction;
- Two rental apartment buildings at 15 & 19 West 55 Street were sold to a developer, and resold to the Shoreham Hotel, evicting tenants and killing off thriving small businesses there. A few of the long term tenants are still fighting eviction, however the businesses have closed or moved elsewhere;
- The American Cancer Society on the North side of West 56 Street was sold to another developer and is no longer there;
- On the South side of West 56 Street, 18 West 56 Street sold to the owner of other adjacent buildings and a landmark quality parking garage on W 55 St;
- On the South side of West 56 Street three other buildings were sold;
- On West 54 Street developers have been approaching owners of the small townhouses and even a small coop, offering to buy up the properties or their air rights.

The museum's expansions involved relatively small increments in the growth of gallery space compared to the total development. For the last expansion 16% of the space was used for 40,000 sf new galleries. Plans for 53 West 53<sup>rd</sup> Street will use 8-9% of the space for MoMA's galleries (again 40,000sf), the rest for the hotel and condo. On the whole the advantages of this project are not balanced by the enormous negative impacts on the community around it mentioned above and in our comments.

Submitted by Veronika Conant  
President, West 54 – 55 Street Block Association





West 54 - 55 Street Block Association

Midtown West Survey  
NYC Landmarks Preservation Commission  
December 1979  
Summary by V. Conant

The Midtown West Survey was done by Community Development staff for LPC's consideration and discusses in three zones different parts of Midtown, a total of 200 buildings in about 131+ blocks between the south side of West 59 Street and the south side of West 40 Street, and between the West side of Fifth Avenue and the East side of Twelfth Avenue. **Thirty-three of the buildings discussed are in our three blocks.**

Each part discusses already landmarked buildings (in 1979) and offers two sets of recommendations for other buildings according to priority of importance.

**Zone 1. Fifth Avenue to Avenue of Americas.**

**Landmarked buildings: 1 (University Club, 1 W 54 St)**

**1) Group 1.**

Architecturally significant buildings which they consider first priority for landmark designation: they listed 18 for us on the three blocks. Two of these ( The City Athletic Club and 2 W 56 Street) have since been demolished, and **since 1979 ten have been landmarked. Seven buildings recommended but not yet landmarked are: Fifth Avenue Presbyterian Church, 31, 33, 35, 37, 39 W 56 St, & 30 W 56 St.**

**2) Group 2.**

These buildings are second priorities for landmark designation but still worthy of landmark designation - 16 are listed. Two of these have been demolished (Dorset Hotel on W 54 and 20 W 55 St). **The fourteen buildings recommended include 12, 14, 16, 18 W 55 St, 35, 41 and 65 W 54 St, and 3-9, 10, 17, 26, 28, 36, and 46 W 56 Street.** None have been landmarked.

**Clearly, 31, 33, 35, 37 & 39 W 56 St are among the best.**  
**Also, 12, 14, 16 & 18 W 55 are there too, positively described.**

There is a good introduction and summary.

From: Midtown Development June 1981  
DCP 81-8 City Planning Commission

## Area Goals and Strategy

The planning framework proposed to help overcome the obstacles to implementing the development strategy is to divide Midtown into three basic types of areas—stabilization, growth and preservation.

The three-area planning framework has had widespread public acceptance not only in pointing a general direction but in providing an explicit basis for the policies required to meet the needs of the three types of areas.

### The Stabilization Area

The stabilization area consists of the East Side office core, Third Avenue to Avenue of the Americas, 40th to 60th Streets. It is an area where public development incentives should no longer be given. They only fuel an overheated private market. Although available sites and development opportunities are becoming limited, the area will continue to attract corporate headquarters and prestigious, top-of-the-line office buildings. There is no intent to stop new development of this type. It remains in the City's interest. But the ground rules should respect the historically developed character that gives the area its great value and makes it so desirable. Buildings should be in scale and not further overburden crowded streets and congested subway stations. Public improvements and services should relieve congestion and improve circulation.

### The Growth Areas

The major areas that can accommodate Midtown expansion are: the Theatre District including Broadway, Times Square and Seventh Avenue; Eighth Avenue between 42nd and 57th Streets; Fifth Avenue from 40th to 34th Streets; Sixth Avenue from 42nd to 34th Streets; the 34th Street corridor from Fifth to Eighth Avenue; and the Herald Square-Penn Station area.

Despite advantages of access, openness and availability of sites, development of the proposed growth areas is handicapped because developers believe they cannot produce space at rents sufficiently below East Side rents to attract a market under current conditions. The goal of public policy is to make these areas competitive with the East Side—by targeting available tax and zoning incentives, at least initially; and by concentrating public investment on projects that will directly improve the areas' environment and ability to command higher rents.

### The Preservation Areas

In 1968, when the office building boom was peaking

and starting to move west, there was concern that it would wipe out the old theatres. The special theatre district, the first of the special districts, was created by the Planning Commission. It provided an additional floor-area bonus for new office buildings that would include new theatres. This seemed necessary to save the Broadway legitimate theatre, an invaluable economic as well as cultural asset of the City. Since then, the theatre industry has prospered and we have learned that in many ways the old theatres work better than the few new ones built under the theatre district provisions. Their preservation, not replacement, is key to maintaining a vital theatre industry. We think this can be accomplished by providing incentives for preservation and facilitating the transfer of theatre development rights to avenue development sites.

As we suggested in the draft report, the Museum of Modern Art midblock area is likewise worthy of preservation. It is characterized by landmark-quality buildings, well-kept townhouses, low and medium rise apartments and residential hotels, street level shops and restaurants including the 56th Street "restaurant row." Its relief of scale and variety of uses contribute to the well-being and sound functioning of the surrounding densely developed commercial core area. If lost, its unique combination of quality, scale and use is not likely to be replaced.

Since publication of the draft report, several buildings within the area on 54th Street have been given landmark status by the Landmarks Preservation Commission. The area is presently zoned lower, at FAR 10, than the rest of Midtown; and we propose to downzone it further, to FAR 8, to reflect more accurately its built character. But zoning cannot guarantee preservation. We therefore recommend that the Landmarks Preservation Commission consider designating the area an historic district, which would subject the area to preservation controls and permit imposition of a height limitation.

We examined the East Side stabilization area for other possible mid-block preservation areas, but concluded that additional designations were unnecessary as a result of mapping changes recommended for midblocks generally and for two small areas at the northern periphery of the study area specifically. These proposals are set forth in the Zoning Overview chapter of this report.

recommended by the City  
Plan of Midtown  
Dept. of City Planning

from:

Midtown Development June 1981  
DCP 81-8 City Planning Commission.

## Recommendations

A comprehensive revision of Midtown zoning is proposed to achieve these goals. It consists of a package of closely knit recommendations for 1) density limits 2) mandated planning and urban design requirements 3) bonusable amenities, 4) special districts, 5) bulk regulations, and 6) administration.

### 1. Density (FAR) Limits

Changes in density limits are proposed in order to distinguish between the stabilization area and the growth areas, particularly on the West Side, and to retain and enhance New York's traditional development pattern of higher bulk on the avenues and lower bulk on the midblocks. These are appreciable changes since the draft report, responsive to Midtown's needs and to public comments.

#### Growth Areas

Avenues in the theatre district (Sixth, Seventh and Broadway) would have their base FAR increased to 18 subject to a "sunset" provision of five to seven years.

Midblocks would remain at FAR 15.

Fifth Avenue, Sixth Avenue and 34th Street growth corridors would be increased to base FAR 15 from base FAR 10.

Eighth Avenue would remain at FAR 10 base.

#### Stabilization Area

Avenues would be zoned base FAR 15 with substantially reduced opportunity to get to maximum FAR 18. This includes reducing Fifth Avenue from its present FAR 21.6.

Midblocks would be reduced to FAR 12.

#### Preservation Areas

The Museum of Modern Art preservation area would be reduced to FAR 8 from its present FAR 10; and we would propose a height limit if it were to be designated an historic district by the Landmarks Preservation Commission.

### 2. Mandated Planning and Urban Design Features

In the discussion draft we proposed a system of mandated features; targeted bonusable amenities, one of which was mandated and all of which had to be addressed in a priority order; and a number of additional bonusable amenities that were not prioritized. We are now proposing a simpler and more direct

this exactly  
what we need



from Midtown Zoning 1982 Dept. of City Planning

above FAR 15-16 is unlikely. In addition, the special design and retail use controls of the Fifth Avenue sub-district would apply. The real estate consultant to the Department has advised that such new development would strengthen the lower Fifth Avenue department stores, a judgment in which the Commission concurs. The Fifth Avenue Association agrees and supports the rezoning of this portion of the Avenue. Indeed it urges that we include Fifth Avenue down to 25th Street as well as Park Avenue South in the Growth Area. The Real Estate Board and the Park Avenue South Association concur. As indicated in the final report, we think a decision on these areas should not proceed before we have seen the effect of our policies on the area north of 34th Street.

8. Penn Station Area. We did not extend the Special Midtown District to Eighth Avenue here because of the high concentration of industrial jobs in the area. Any changes should protect existing industry and jobs, and reflect the needs arising out of the Special Convention Center Area Study now underway.

### C. Density and Bulk Issues

A number of points under this heading were made at the Public Hearing. These included arguments to increase density (FAR) limits in the Growth Area, to decrease them in the Stabilization Area, to retain or do away with the distinction between midblock and avenue zoning, to modify split lot regulations and their impact on zoning lot mergers, and whether to "grandfather."

1. FAR Limits. The Commission considered a number of alternatives in arriving at its recommendations contained in the proposed amendment. The alternatives were weighed in relation to their effectiveness in implementing the Commission's basic policy of stabilizing development in the East Midtown core and encouraging growth in the West and South Midtown areas. Alternatives were similarly considered in achieving the Commission's preservation objectives.

#### a. East Midtown

Alternatives ranged from continuing present FAR levels with stricter enforcement of height and setback regulations and public amenities to consideration of a moratorium on further development. The mid range of considered options included the reduction of the allowable as-of-right FAR in this area in different amounts; it also included variations between avenue and midblock development.

The Commission rejected both extremes. Continuance of the present FAR levels with strict enforcement of daylight and public amenity standards was rejected because of the inherent rigidity of the present bulk regulations. It was felt that on lots of less than 40,000 square feet, which represent the great majority of developable sites, developers would invariably seek special permit and variance relief from the rigid building

envelope regulations in order to take advantage of the full FAR still accorded by the ordinance under this alternative.

At the other end of the spectrum, a moratorium for any significant period of time would raise serious constitutional and other legal questions dealing with the rights of property owners in the affected area and was therefore rejected.

The Commission considered the economic impact of the recommended downzoning on property owners. The Commission concluded that, while potentially diminishing values in some areas, on balance property values would be protected. Significant factors in reaching this conclusion were the Commission's confidence in the increased flexibility of the new daylight recommendations, which remove rigidities imposed by the present ordinance, and the adverse impact of increased congestion on existing values.

#### b. Preservation Area

There were a number of options for preserving the scale, quality and function of the unique midblock area between Fifth Avenue and the Avenue of the Americas in the vicinity of the Museum of Modern Art.

Alternatives ranged from removing the basic bonus applicable in the area, thereby reducing allowable floor area, to designation as a historic district with a height limitation by the Landmarks Preservation Commission. The first alternative would still have permitted FAR 10 development where study revealed that the prevailing bulk within the area approximates FAR 8. The Historic District approach was suggested to the Landmarks Preservation Commission; it has not acted on the recommendation for the area.

Based on its analysis of the area's existing character, the Commission chose the middle ground: a zoning district with maximum FAR 8. The Commission considered the economic effect of downzoning to be balanced by the preservation of the area's unique character and the reduction of potential congestion, which would work to preserve or enhance property values.

#### c. West Midtown

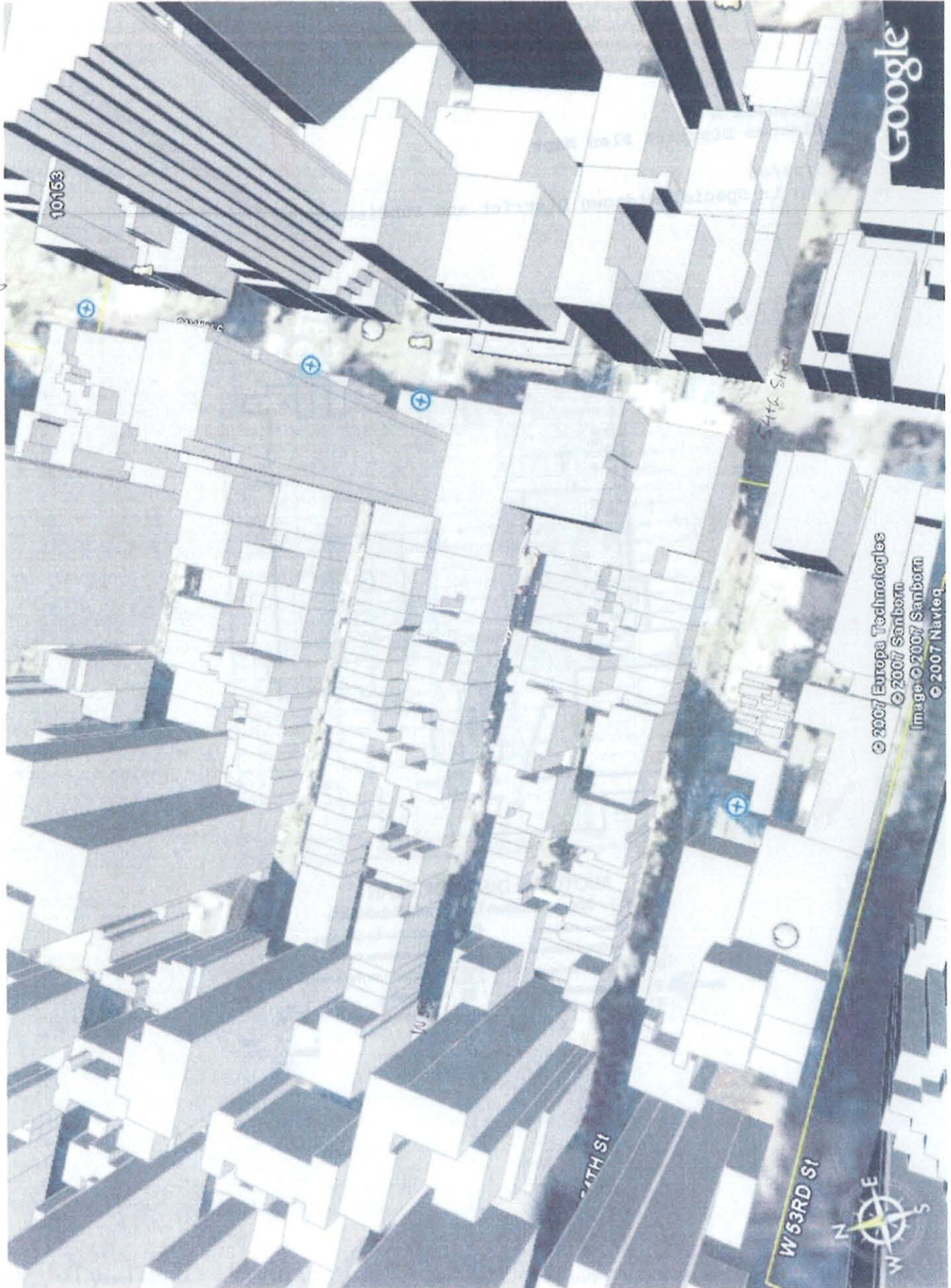
Here the Commission's policy was to encourage growth and relate zoning recommendations to this goal. While disposed to use zoning creatively in this regard, the Commission remained conscious of its responsibility to safeguard public standards of light and air, public amenities and environmental quality, including impacts on public infrastructure. The

AERIAL VIEW - MIDTOWN MANHATTAN



West 54-55 Street Block Association, Nov 18, 2008 Scoping meeting, DCP, 53 W 53 Street  
(Plata Hives development project)

Aerial View — Preservation Subdistrict, Midtown Manhattan Fifth Avenue Attachment C)

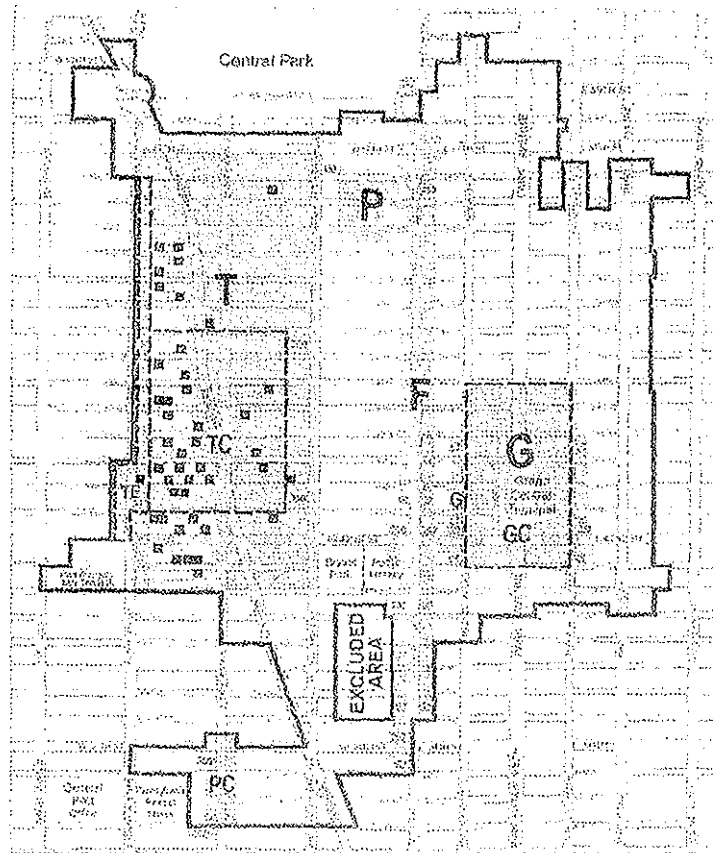


West 54-55 Street Block Association - Nov 18, 2008, Scoping meeting DCP - 53 W 53 Street (HOMA/Hines development project)

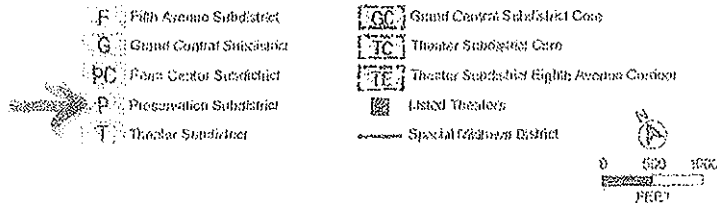
Appendix A  
 Midtown District Plan Maps

6/23/05

Map 1: Special Midtown District and Subdistricts



MIDTOWN DISTRICT PLAN  
 MAP 1 - Special Midtown District and Subdistricts







West 54th Street Block Association, Nov 18, 2008 Signify meeting of DCP - 53 W 53rd Street (7/10/11/11/15  
 10/10/11/11/15)

10/31/01

81-00

**GENERAL PURPOSES**

The "Special Midtown District" established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) to strengthen the business core of Midtown Manhattan by improving the working and living environments;
- (b) to stabilize development in Midtown Manhattan and provide direction and incentives for further growth where appropriate;
-  (c) to control the impact of buildings on the access of light and air to the streets and avenues of Midtown;
-  (d) to link future Midtown growth and development to improved pedestrian circulation, improved pedestrian access to rapid transit facilities, and avoidance of conflicts with vehicular traffic;
-  (e) to preserve the historic architectural character of development along certain streets and avenues and the pedestrian orientation of ground floor uses, and thus safeguard the quality that makes Midtown vital;
-  (f) to continue the historic pattern of relatively low building bulk in midblock locations compared to avenue frontages;
- (g) to improve the quality of new development in Midtown by fostering the provision of specified public amenities in appropriate locations;
- (h) to preserve, protect and enhance the character of the Theater Subdistrict as the location of the world's foremost concentration of legitimate theaters and an area of diverse uses of a primarily entertainment and entertainment-related nature;
- (i) to strengthen and enhance the character of the Eighth Avenue Corridor and its relationship with the rest of the Theater Subdistrict and with the Special Clinton District;
- (j) to create and provide a transition between the Theater Subdistrict and the lower-scale Clinton community to the



west;

- (k) to preserve, protect and enhance the scale and character of Times Square, the heart of New York City's entertainment district, and the Core of the Theater Subdistrict, which are characterized by a unique combination of building scale, large illuminated signs and entertainment and entertainment-related uses;
- (l) to preserve, protect and enhance the character of Fifth Avenue as the showcase of New York and national retail shopping;
- (m) to preserve the midblock area north of the Museum of Modern Art for its special contribution to the historic continuity, function and ambience of Midtown;
- (n) to expand and enhance the pedestrian circulation network connecting Grand Central Terminal to surrounding development, to minimize pedestrian congestion and to protect the area's special character;
- (o) to expand the retail, entertainment and commercial character of the area around Pennsylvania Station and to enhance its role as a major transportation hub in the city;
- (p) to provide freedom of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms without the need for special development permissions or "negotiated zoning"; and
- (q) to promote the most desirable use of land and building development in accordance with the District Plan for Midtown and thus conserve the value of land and buildings and thereby protect the City's tax revenues.

8/6/98

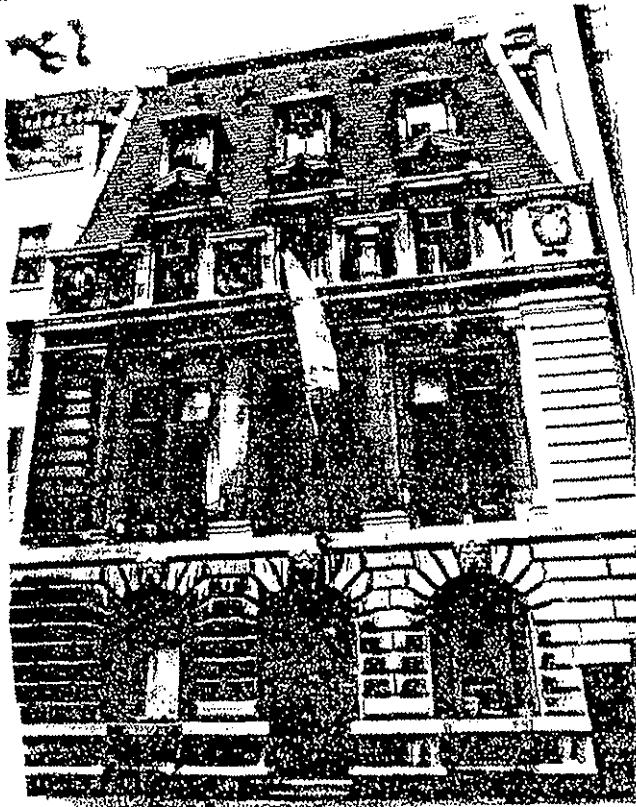
**81-01  
Definitions**

For purposes of this Chapter, matter in italics is defined in Sections 12-10 (DEFINITIONS), 81-261 (Definitions) or 81-271 (Definitions).

Special Clinton District

from Madison West Survey, 1979  
NYC Landmarks Preservation Commission

Attachment 2



16. George Blumenthal Residence/later Theatre Guild/now Museum of Modern Art Bookstore and Offices  
23 West 53rd Street  
Hunt & Hunt, 1902-04

**DEMOLISHED**

When Museum  
Tower was built by MoMA

This elegant limestone-front house in the Beaux-Arts style was designed by the firm of Hunt & Hunt and constructed in 1902-04 as the residence of George Blumenthal (1858-1941), a prominent banker, philanthropist, and art collector. Blumenthal emigrated from his native Germany to settle in New York while still a young man, and became a partner in the prestigious banking firm of Lazard Frères in 1893. He was for many years a major patron of Mount Sinai Hospital and the Metropolitan Museum of Art, and served as president of both institutions. A devoted Francophile, Blumenthal helped to form the American Foundation for French Art and Thought, contributed funds to the Sorbonne, and amassed an important collection of French books which he donated to the New York Public Library in 1937. During his later years Blumenthal maintained a chateau in France, near Cannes, and a New York residence at 50 East 70th Street. He bequeathed the latter house to the Metropolitan Museum of Art, along with a valuable collection of Renaissance sculpture and old master paintings.

The Blumenthal residence at 23 West 53rd Street was modeled on late 17th- and early 18th-century French buildings, a source that was familiar to architect Richard Howland Hunt (1862-1931) and to his brother and partner Joseph (1870-1924) from their studies in Paris at the Ecole des Beaux Arts. Their father, Richard Morris Hunt (1827-1895), had been the first American to enroll at the Ecole and became one of this country's most eminent architects during the later 19th century. Among his best-known

West 54-55 Street Block Accessible Nov 18 '08 Senate meeting - DCP - 53 W 53 Street project (MoMA/Hig)

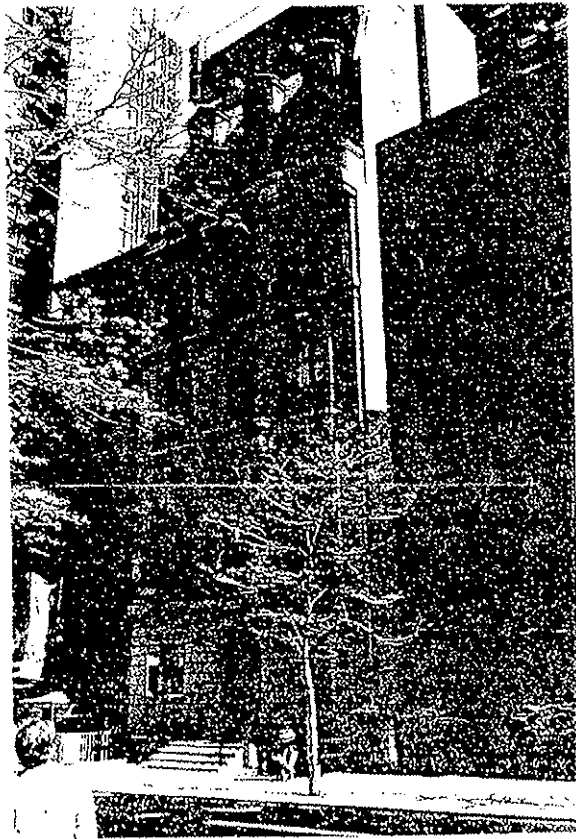
works are a series of Fifth Avenue mansions in the French Renaissance style and lavish country houses for the Vanderbilt family. Hunt's last project was the neo-Classical central Fifth Avenue facade of the Metropolitan Museum of Art (1902), which was completed after his death by his elder son.

The successor firm of Hunt & Hunt was established in 1901 and enjoyed great esteem in the fields of residential and institutional design. Their many distinguished commissions included the Sixty-seventh Regiment Armory on Lexington Avenue, the Old Slip Police Station, country houses in Newport, Tuxedo Park, and on Long Island, and town houses for such wealthy New York families as the Coulds, Belmonts, and Goelets. The Beaux-Arts style residence at 647 Fifth Avenue, which the Hunt brothers designed for George W. Vanderbilt in 1902, is now a designated New York City Landmark.

The nearby Blumenthal house is no less monumental, rising four stories above its double-lot (50 feet) frontage on West 53rd Street. Three round-arched openings with keystones in the form of grotesque faces penetrate beveled rustication at the ground floor level, now inset with modern windows and doors. On the second story, rusticated piers frame three French windows placed between engaged Ionic columns, while pedimented dormers and a frieze with putti at either end surmount the crowning cornice. Another tier of dormers emerges from a steep mansard roof to culminate this richly sculptural facade.

After serving as the headquarters of the Theatre Guild, the building was acquired in 1956 by the neighboring Museum of Modern Art, which uses it for offices and a bookstore. It is unfortunate that the projected expansion of the museum calls for demolition of this exceptionally handsome structure, one of the best examples of turn-of-the-century domestic architecture still standing in the Midtown area.

From Midtown West Survey 1979  
NYC Landmarks Preservation Commission



17. Archibald Rogers residence  
35 West 53rd Street  
Robertson & Potter,  
1905; penthouse;  
Thomas Markoe Robert-  
son, 1914

**DEMOLISHED**

when Museum Tower  
was built by NOLTA

Comparison of this facade with the almost contemporary elevation of 23 West 53rd Street (q.v.) demonstrates the great variety possible within the Beaux-Arts style. Even though both buildings derive from French Classical sources, the robust sculptural composition of No. 23--based on late-17th- and early-18th-century models--contrasts markedly with the delicate linearity of No. 35, which recalls the later Louis XVI style.

This handsome residence was designed in 1905 for Archibald Rogers, a wealthy iron merchant, by the firm of Robertson & Potter. Robert Henderson Robertson (1849-1919) had long been one of New York's most distinguished architects (see 5 West 54th Street). His junior partner, Robert Burnside Potter (1869-1934), was the nephew of two prominent architects, Edward T. Potter (1831-1904) and William A. Potter (1842-1909), best known for churches and college buildings in the Gothic and Romanesque styles. Robert Potter studied in Paris at the Ecole des Beaux Arts and in 1902 entered into practice with Robertson, who had earlier shared a successful partnership with William A. Potter. The second firm of Robertson & Potter, which lasted barely five years, designed a number of town houses in New York, generally in the neo-Georgian style, several neo-Tudor country houses, and the neo-Greek Revival Skull and Bones clubhouse at Yale University.

The limestone-front house at 35 West 53rd Street, which originally stood

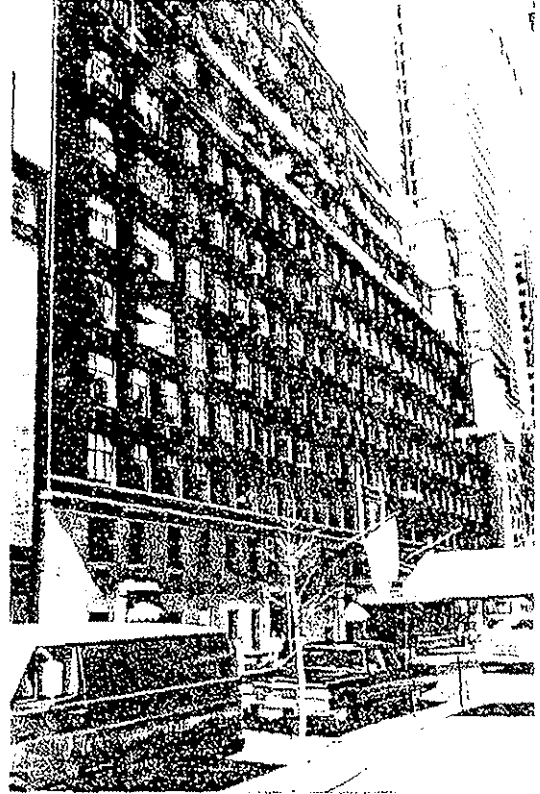
six stories high above a sunken basement, was enlarged in 1914 when Mrs. Archibald Rogers commissioned Thomas Markoe Robertson, the son and final partner of Robert H. Robertson, to design a penthouse atop the slate-covered mansard roof for use as a laundry. The facade has otherwise remained largely intact, except for the round-arched front door and a ground-floor window, which were altered to accommodate an art gallery. Smooth ashlar masonry faces the basement, forming a podium for the fine banded rustication of the upper stories, where garlands, consoles, keystones, and fretwork balcony railings enrich symmetrical ranges of French windows.

Along with 23 West 53rd Street, this house is one of the best surviving examples of Beaux-Arts residential architecture in Midtown. Unfortunately, Nos. 23 and 35 may both soon be demolished since these sites are within the area proposed for future expansion of the Museum of Modern Art (q.v.).

*Demolished by EBM  
in 2001*

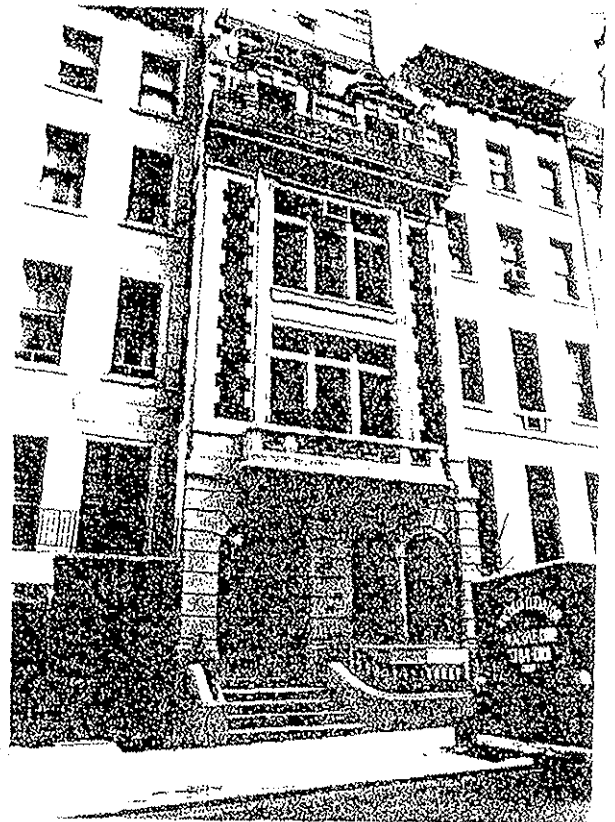
52. Dorset Hotel  
30 West 54th Street  
Emery Roth, 1925-26

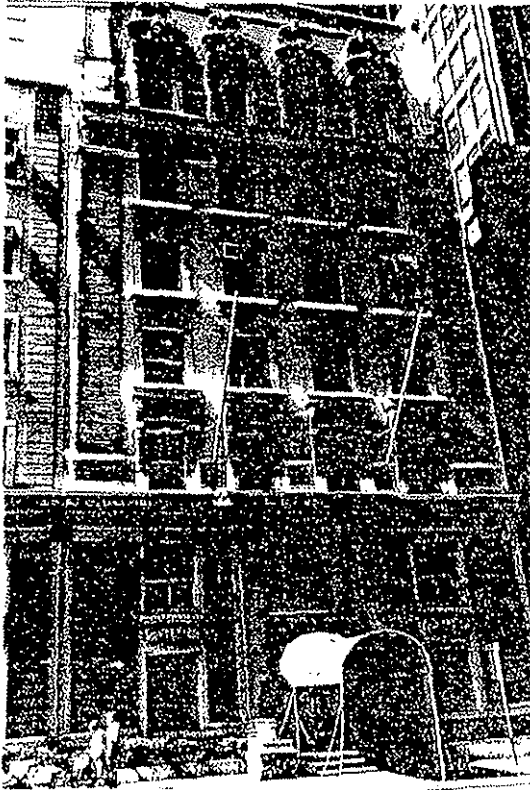
Designed by one of 20th-century New York's most prolific architects, the Dorset exemplifies the vestigial historicism of the 1920s. Neo-Renaissance moldings and cartouches provide decoration for the brick and limestone facade.



53. 35 West 54th Street  
James G. Lynd, 1878;  
facade: Foster, Gade  
& Graham, 1905

Originally one of a row of five five-story brownstones (35-43 West 54th Street) designed by owner-architect Lynd, this house had its original neo-Grec facade replaced by a new French Renaissance Revival front. The variegated effect of brick wall surfaces and limestone quoins above a rusticated ground floor, along with vigorous Classical carving, balconies, and a mansard roof, furnish a picturesque contrast to the sober uniformity of the neighboring brownstones. The remodeling was commissioned by Mrs. Anne O'Neill Thomas (1869-1949), one of New York's best known actresses of the 1890s.





23. private school/nov  
City Athletic Club  
50 West 54th Street  
Robert T. Lyons, 1906

demolished by Hotta in  
2003

Opulent ornament based on the decorative style of mid-18th-century France adorns the six-story facade and two-story mansard roof of this imposing Beaux-Arts structure. Designed as a private school in 1906 by Robert T. Lyons, the building has long been occupied by the City Athletic Club. Another example of Lyons' skillful adaptation of French elegance can be seen in the Carnegie Hill Historic District at 70 East 91st Street, the site of a limestone-front residence which he designed in the Louis XV manner in 1904.

For his larger commission at 50 West 54th Street, Lyons exploited the contrast of various tones of light-colored brickwork against richly carved limestone in order to achieve a complex range of textures. Particularly effective are the bands of brick rustication that face the entire first and second stories and compose two pilaster strips flanking the remainder of the facade. This elevation is further enriched by a prominent entrance framed by giant Ionic pilasters, and by Classical window surrounds, the composition of which varies from story to story. Ornate sculpture in high relief adorns the segmental pediments of four dormers, which are crowned in turn by a tier of round lucarnes. Lion-head masks carved above the dormer keystones and incorporated into the Ionic capitals of the entrance bay provide an engaging visual pun on the architect's name.

The penthouse above the mansard was added in 1927 by W.L. Rouse as an

enclosure for a golf school, solarium, and squash and handball courts. Another alteration of 1946 remodeled the doorway and introduced glass brick windows into the first two stories. Although the latter changes were unympathetic to the spirit of Lyons' original scheme, they are nonetheless noteworthy, if only because they were designed by William Lescaze (1896-1969), a pioneer of International Style architecture in this country. Lescaze is best known for his design, with George Howe, of the Philadelphia Savings Fund Society (1929-32), and for his collaboration in the planning of the Williamsburg Houses, a model public housing project in Brooklyn (1937). Glass bricks are a major component of the architect's own International Style house (1934) at 211 East 48th Street, a designated New York City Landmark.





## West 54 – 55 Street Block Association

DEPT OF CITY PLANNING  
2008 DEC -3 PM 3:09  
ENVIRONMENTAL REVIEW DIV.

December 2, 2008

Robert Dobruskin, AICP, Director  
Environmental Assessment and Review Division  
Department of City Planning  
22 Reade Street, Room 4E  
New York, NY 10007-1216

Dear Mr. Dobruskin,

This letter sets out and amplifies points made by members of the West 54 – 55 Street Block Association at the November 18, 2008 public scoping meeting for the Environmental Impact Statement (EIS) Draft Scope of Work (CEQR No 09DCP004M) for the 53 West 53<sup>rd</sup> Street project.

The Environmental Impact Statement is of enormous importance in the whole ULURP process: it forms the record for the anticipated impact of the 53 West 53 Street project on New York City and on the neighborhood in which it is proposed to be constructed. We want the EIS to avoid the problems of the Environmental Impact Statement that was prepared for the 2000 MoMA expansion. The 2000 EIS compared as-of-right construction with expanded construction from zoning changes instead of comparing preconstruction and post construction impacts. More specifically, that EIS contained a number of errors of fact and of approach that understated the impact of that expansion. Mistakes included: measuring air quality at the wrong location; undercounting loading docks on West 54<sup>th</sup> Street; understating the amount of solid waste to be generated, failing to indicate that one-half of the 250-foot office building constructed would be used for commercial rental; failed to analyze the effect of the shadow of the expanded building.

The proposed project is so immense and so out of scale with the neighborhood into which the developer plans to insert it that it will be particularly important to carefully measure the potential adverse impacts of the project by establishing accurate and realistic baselines for the various impacts to be measured and then projecting the additional burden that the project will create, wherever this burden is likely to fall. (*CEQR Chapter 2. Establishing the Analysis Framework*)

Environmental studies should compare multiple circumstances: existing conditions, conditions as they would be in 2013 without any development, as they would be in 2013 under each of the two alternative as-of-right options, and as they would be in 2013 with the proposed development in place.

The area of study proposed for the Environmental Impact Statement is too limited. Because the proposed development involves so much bulk and such a great height, we believe that the radius of the area within which impact is to be studied needs to be increased from one-quarter (¼) mile proposed in the draft EIS scope to a minimum of one-half (½) mile; moreover, where circumstances warrant, it should be extended beyond that (for example, for shadow studies going into Central Park and for traffic studies river to river for 53<sup>rd</sup> and 54<sup>th</sup> Streets, designated as through streets by the Department of Transportation).



## West 54 – 55 Street Block Association

Moreover, as Community Board 5 has already recommended, the EIS scope of work should explicitly take into account the cumulative impact of this project *and* other developments proposed for this area, especially for the following tasks: 4 - Community Facilities and Services; 7 - Historic Resources; 8 - Urban Design/Visual Resources; 9 - Neighborhood Character; 11 - Infrastructure; 12 - Solid Waste and Sanitation Services; 13 - Energy; 14 - Traffic and Parking; 15 – Transit and Pedestrians; 16 - Air Quality; 17 - Noise; 18 - Construction Impacts; 19 – Public Health.

Although the height and relative prominence of the proposed development in its setting would make it a high-profile target, the EIS task outline does not include assessment of risk and damage on the residential and commercial tenants in the buildings near the project including MoMA of an attack and the consequences of such an attack such as smoke and fire and falling debris. This assessment should be included in the EIS and such an assessment should be added to the EIS outline. We urge that the EIS include assessment of the risk of an attack from the creation of a high-profile target in midtown. The architect of the project at the hearing of the Landmarks Preservation Commission proclaimed in his presentation of the design that, "Now everyone will know where MoMA is."

Following are our comments on each task listed in the Draft Scope of Work.

### TASK 2 – LAND USE, ZONING, AND PUBLIC POLICY

To fully understand the context in which this project is being proposed, the EIS should fully document the development history of the site and the study area *since* the founding of MoMA. This should include: (1) the removal of parts of the area around MoMA from the Preservation Subdistrict; (2) other zoning changes and exceptions; (3) the construction of residential and office space not for MoMA's use; and (4) the demolition of landmark-worthy buildings like the City Athletic Club on West 54<sup>th</sup> Street, and the town houses on West 53<sup>rd</sup> and West 54<sup>th</sup> Street, resulting in plans for a building mid-block on a small lot without height limits.

*(Article VIII, Ch. 1 Special Midtown District. ZR Section 81-00 General Purposes ... f) to continue the historic pattern of relatively low building bulk in midblock locations compared to avenue frontages... m) to preserve the midblock area north of the Museum of Modern Art for its special contribution to the historic continuity, function and ambience of Midtown;)*

*(For an account of how land use, zoning, and public policy have changed over the course of MoMA's expansion since the late 1970s, see the attached annex, "Land Use, Zoning, Public Policy and MoMA Expansion."*

### TASK 4 – COMMUNITY FACILITIES AND SERVICES

As already noted, the EIS should take into account the cumulative impact of the proposed project and other projects planned or underway in the area on community facilities and services. Development projects that in themselves have impacts smaller than the required triggers in the Environmental Impact Statement for Community Facilities may together cause such an impact.



## West 54 – 55 Street Block Association

As urged by Community Board 5, the EIS should examine the following items in terms of the cumulative effect of planned development:

The educational needs of the area, especially considering the new residential development that has occurred throughout Midtown. The building of one or more new schools should be required if it is found to be necessary in the Environmental Impact Statement. Community Board 5 has neither an elementary nor a middle school within its borders.

The library needs of the area, especially considering that the Donnell Library has been temporarily closed and is being torn down to develop a new hotel leaving only a much smaller branch at this location.

Public safety needs including ensuring there is adequate fire and police service for a 1,250 foot building, both from the point of view of the need for expanded service, and from the point of view of the impact of severe traffic congestion on the availability of police, fire, ambulance and other emergency services to the area.

### TASK 5 – OPEN SPACE

We fully support the position of Community Board 5 on open space: "The impact of a 1,250 foot building on open space. The Mayor's Plan NYC 2030 recommends 1.5 acres of open space for every 1,000 residents. Community Board 5 has substantially less open space than this standard especially in the midtown area."

### TASK 6 – SHADOWS

A 1,250-foot building between West 53 and 54 Streets will dwarf the buildings around it and it will take away access to sunlight and air from the blocks around it, which the zoning laws were enacted to preserve, casting a deep shadow north over the low scale buildings in the Preservation Subdistrict and beyond, including well into Central Park. The 1979 Midtown West Survey found 200 buildings that merited consideration for landmark designation. 33 of these buildings were on the three blocks of West 54, 55, and 56 Streets between Fifth Avenue and the Avenue of the Americas. West 54 Street has many of these buildings, some of which are now designated landmarks: 1 (the University Club), 5, 7 (the Lehman Mansion), 9-11, 13, 15, 17 (the Rockefeller Apartments), 35, and 41. 65 West 54 Street (The Warwick Hotel), while not a landmark, is on the national register of historic sites. Other landmarked or historic buildings in the area that would be affected include the Peninsula Hotel (700 Fifth Avenue at West 55 Street), 12, 14, 16, 18, and 23 West 55 Street, 24 West 55 Street (the Rockefeller Apts.), 46 West 55 Street, the Fifth Avenue Presbyterian Church, 17, 10 (Frederick C & Birdsall Otis Edey Residence), 12-14, 26, 28, 30 West 56 Street (Henry Seligman Residence), 36, 39 and 46 West 56 Street. There are also several historic buildings on the West 57 Street block: 29 (Chickering Hall), 31 (Sohmer building), 33, 35 (Samuel W Bowne House), 57 West 57 Street, 109 -113 West 57 Street (Steinway Building) and many more.



## West 54 – 55 Street Block Association

The shadow study must include Central Park. *The CEQR section on shadows, 3E-200, says: "The longest shadow cast during the year (except within an hour and half of sunrise or sunset) is 4.3 x height"*. For height of 1,250 feet the longest shadow will be 5,375 feet long, for height of 1,000 feet it will be 4,300 feet. Central Park is five blocks from the site, about 1,400 feet away. Shadows would impact on vegetation, sports areas and playgrounds.

### TASK 7 – HISTORIC RESOURCES

Historic resources are scarce in Manhattan, especially in midtown, so it is important to save them and also, in this case, to preserve the context in which they exist.

To properly understand how this development will impinge on the neighborhood into which it is being squeezed, the defined study area should be increased from 400 feet to at least 1,000 feet from the site. This is because a 1,250-foot building between West 53 and 54 Streets will dwarf the buildings around it and it will take away access to sunlight and air from the blocks around it, which the zoning laws were enacted to preserve, casting a deep shadow north over the low scale buildings in the Preservation Subdistrict and beyond, including well into Central Park. The 1979 Midtown West Survey found 200 buildings that merited consideration for landmark designation. 33 of these buildings were on the three blocks of West 54, 55, and 56 Streets between Fifth Avenue and the Avenue of the Americas. West 54 Street has many of these buildings, some of which are now designated landmarks: 1 (the University Club), 5, 7 (the Lehman Mansion), 9-11, 13, 15, 17 (the Rockefeller Apartments), 35, and 41. 65 West 54 Street (The Warwick Hotel), while not a landmark, is on the national register of historic sites. Other landmarked or historic buildings in the area that would be affected include the Peninsula Hotel (700 Fifth Avenue at West 55 Street), 12, 14, 16, 18 and 23 West 55 Street, 24 West 55 Street (the Rockefeller Apts.), 46 West 55 Street, the Fifth Avenue Presbyterian Church, 17, 10 (Frederick C & Birdsall Otis Edey Residence), 12-14, 26, 28, 30 West 56 Street (Henry Seligman Residence), 36, 39 and 46 West 56 Street. There are also several historic buildings on the West 57 Street block: 29 (Chickering Hall), 31 (Sohmer building), 33, 35 (Samuel W Bowne House), 57 West 57 Street, 109 -113 West 57 Street (Steinway Building) and many more.

### TASK 8 – URBAN DESIGN/VISUAL RESOURCES and TASK 9 – NEIGHBORHOOD CHARACTER

The EIS should carefully study the impact of this project on the environment of the street. West 54<sup>th</sup> Street between Fifth Avenue and the Avenue of the Americas is one of the few outstanding residential streets left in midtown Manhattan and is part of the Preservation Subdistrict. It is characterized by a mix of row houses (many already designated landmarks and others deemed landmark-worthy) and low-scale apartments and businesses. It is architecturally distinctive and intimate in scale. See the attached illustration comparing the scale of the 53 West 53 Street project with the rest of the neighborhood.

However, the south side of this block is dominated by one long wall resembling corrugated tin. This corrugated metal wall hides from view three loading bays and the sculpture garden of MoMA. Hiding the sculpture garden from public view is a rude affront to the neighborhood and to the city, which supports MoMA. With the introduction of a new 82-story building, in fact twice



## West 54 – 55 Street Block Association

the height of the towering 40-story FT Building to its west, little West 54 Street will become further isolated and hemmed in. Pedestrian life is already sorely challenged by the loading docks for the avenue buildings to the north and south in addition to the loading bays of MoMA; all in all there are 6 loading docks and two drive-through parking garages on one single block. The proposed development would add a seventh. As noted under our comments at the beginning of this letter, the EIS for the year 2000 MoMA expansion miscounted the number of loading docks on the block.

The development would be grossly out of scale with the other buildings in the area, including several designated landmarks on West 54<sup>th</sup> Street, and the landmark CBS building on West 52<sup>nd</sup> Street, and would overwhelm the area's infrastructure and services. The proposed project is situated mid-block in an already densely populated area and could only be proposed as the result of a transfer of development rights from St. Thomas Church and the University Club. Without the transfer of development rights, any building constructed at the site could only be one-third the size of the proposed 53 West 53 Street project – 258,097 square feet rather than 786,562 square feet. Given the substantial additional density the developer would be able to transfer to 53 West 53 Street if granted the four discretionary Special Permits from the City, it is absolutely essential for the Department of City Planning to closely evaluate the negative impacts of such a large project on the surrounding community.

See the attached photographs of blocks of West 55<sup>th</sup> and 56<sup>th</sup> Streets between Fifth Avenue and the Avenue of the Americas, showing the low scale of these blocks. See also the attached article and photograph from the *New York Times* of June 18, 2006 by Christopher Grey, which also shows the low scale of the same block on West 54<sup>th</sup> Street.

### TASK 11 – INFRASTRUCTURE

Anecdotal evidence suggests that the water supply system and the sewer system are already under strain in the area of the proposed development; the EIS should include a realistic analysis of the existing situation and a projection of the impact of the new development (taking into account the impact of other planned developments in the area) on these systems. Additional considerations include cable, telephone lines steam (see energy), traffic, public transportation, roadways.

### TASK 12 – SOLID WASTE AND SANITATION SERVICES

As in Task 11, the baseline for assessing the impact of the proposed development on solid waste and sanitation services should include other planned developments in the area.

### TASK 13 – ENERGY

It is necessary to evaluate the adequacy and safety of the electric grid and access to steam.

### TASK 14 – TRAFFIC AND PARKING

Because the Department of Transportation has designated West 53<sup>rd</sup> and West 54<sup>th</sup> Streets as



## West 54 – 55 Street Block Association

through streets and because there is anecdotal and photographic evidence of intermittent substantial traffic congestion, the study of traffic on these streets should be from river to river, not the draft scope's proposed quarter mile. The study should also include response times for police and other emergency vehicles. The study should be done at random times during the day and at night, because blockage occurs at any time; for example, on the evening of November 5<sup>th</sup>, West 54<sup>th</sup> Street was totally blocked from Broadway eastbound so that fire trucks on call had to go South on Broadway and thence East on 52<sup>nd</sup> to get around the 54<sup>th</sup> street block. In another incident, on Sep 22, 2008, at 8:26 p.m. an ambulance on Sixth Avenue turned north to go onto West 55 Street. The street was congested, so two men got had to get out with a stretcher and to run north on Sixth and west onto 55<sup>th</sup> Street. Also, beginning in December and going into January, the traffic on West 54<sup>th</sup> Street slows down even more than usual because of Fifth Avenue holiday and Rockefeller Center Christmas tree slow-downs. Often, the street is completely immobilized for substantial periods. During this period, in partial recognition of the problem, the Department of Transportation prohibits all right turns onto Fifth Avenue.

The EIS should take into account the impact of loading, standing and parking practices on these streets. Delivery trucks have to back into loading bays or unload on the sidewalk, buses deliver students to MoMA, and then remain standing on the block for substantial periods. Private cars and limousines and car services arrive at MoMA for MoMA and corporate functions to discharge passengers and often stand for substantial periods. MoMA has at least one corporate event a week, frequently many more (see enclosed booklet, Corporate Entertaining at MoMA). On these days there is already a substantial flow of party rental trucks and deliveries made day and night on both sides of West 54 Street, many of which deliver from the street instead of behind closed docks. We are deeply concerned that the frequency will further increase after the addition of extra gallery space. We need to know the baseline for the current year. The hotel in the 53 West 53 Street project will doubtless also have social and corporate events that will add to truck deliveries, car and taxi drop-offs and pedestrian traffic. There is need for a plan to handle street traffic, deliveries and pickups for these events and a plan to regulate their frequency and minimize their negative impact on West 54 Street. Under Task 21, Mitigation, we suggest two approaches to minimize street garbage pick-up and compacting: onsite garbage compacting and drive-through loading. To illustrate this point, we have attached a plan for a drive-through loading dock, a statement, "Advantages of Drive Through Loading Docks," and a copy of the *New York Times* March 7, 2001 article by Clyde Haberman, "An Ode Conceived in Traffic."

It would also be useful to have a study of real time loading dock use on West 54<sup>th</sup> Street to accurately gauge the existing impact of loading docks on traffic and provide a baseline for the impact of the additional loading dock, deliveries and pick-ups on traffic.

Parking and regulation of standing cars also need to be studied: there will be additional pressure on parking availability resulting from this development to the east and west. The analysis should take into account the number of curb feet that will be needed for the hotel for all forms of delivery, idling and drop-off.

### TASK 15 – TRANSIT AND PEDESTRIANS

It is evident that the sidewalks around MoMA are already extremely crowded. The 2000 expansion of MoMA added 40,000 square feet of gallery space and attendance increased



## West 54 – 55 Street Block Association

(according to MoMA's figures) from 1.8 million to 2.5 million. The next expansion will add another 40,000 square feet, and it seems reasonable to assume (absent strong evidence to the contrary) that attendance would increase by the same amount. While adding another 700,000 or so visitors, the development would take away the vacant lot where visitors lined up, putting them onto the sidewalks around MoMA. Now, on Fridays (when admission is free), lines stretch around the block from West 53<sup>rd</sup> Street, along the Avenue of the Americas, and onto West 54<sup>th</sup> Street (see the attached panoramic view of MoMA visitor lines taken on August 8, 2008 at 4:26 pm).

Under the rules of CEQR, it is necessary for the applicant to project how many additional visitors the expanded museum could accommodate in the baseline projections for the as-of-right environmental impacts. With a more accurate baseline projection, the full extent of the environmental impacts of the proposed actions could be better understood. Though the proposed development site may currently be a vacant lot, it plays an important role as a queuing area for museum visitors. Therefore, the EIS should study how losing this space as the visitors' queue would affect pedestrian conditions and then develop a plan to adequately address any overflow. Rather than having no building recess, evaluate the need for increasing pedestrian circulation space and widening the sidewalk on both West 53 and West 54 Street. According to MoMA's estimates about 1/3 of MoMA's visitors use West 54 Street.

### TASK 16 – AIR QUALITY

Traffic congestion, truck and bus idling already affect air quality in the area; establishing a baseline for this will require careful monitoring of air quality at multiple locations, especially midblock along West 54<sup>th</sup> and West 53<sup>rd</sup> Streets when they are heavily congested and when traffic is at a standstill. The EIS should add projections to this baseline estimating the pollution that will result from other planned developments in the area. Then it must make realistic projections of the impact of the MoMA expansion (based on an additional 700,000 visitors a year) and of the impact of the residential and hotel portions of the project. An inventory of emergency generators for the area is needed, since they contribute to pollution and noise. Will the new development have one and where? Preference: not on West 54 Street.

### TASK 17 – NOISE

Noise has been a major problem on West 54 Street. The EIS should address noise in much the same fashion as for Task 16, Air Quality: with real time measurements made midblock at peak noise hours day and night to establish the baseline in the area around the proposed development to which should be added the projected impact of other planned development in the area. Then it must make realistic projections of the impact of the MoMA expansion (based on an additional 700,000 visitors a year) and of the impact of the residential and hotel portions of the project. See also emergency generators and noise from construction debris removal.

### TASK 18 – CONSTRUCTION IMPACTS

Construction impacts include a number of subheads: traffic, noise and air quality, geo-technical and construction operations.



## West 54 – 55 Street Block Association

1. Traffic: The EIS should carefully study the impact of construction on traffic congestion, fire and emergency vehicle response times, air pollution and noise. This analysis will have to take into account the reduction of traffic lanes on the affected blocks of West 53<sup>rd</sup> and 54<sup>th</sup> Streets, and the location of storage sites for construction materials, vehicles and project trailers, the availability of street side locations on the south side of West 53<sup>rd</sup> Street and the north side of West 54<sup>th</sup> Street for normal passenger discharge and normal household deliveries. Moreover, the EIS should study the impact of construction on traffic on West 53<sup>rd</sup> and West 54<sup>th</sup> Streets, which are through streets as noted in our comments under Task 14.
2. Noise and Pollution: The EIS should state what provisions will be made for controlling dust and dirt from trucks, excavation, etc., including off-site staging areas; also, the EIS should address whether and under what circumstances weekend and after-hours work would be undertaken. The community opposes any extension of construction hours. There is need for a noise and pollution mitigation plan. The EIS should also detail how and at what times construction debris will be removed.
3. Construction Safety: The EIS should state what provisions will be made for managing construction safety, including crane safety, in terms of placement and in terms of protection from falling debris. This is an even greater concern than normal because the building goes to the sidewalk on both sides of its lot, because of the extraordinary height of the building and because of heavy pedestrian and vehicular traffic in the area as well as because of the many landmarks.
4. The EIS should also state what provisions there will be to avoid damage to nearby buildings from vibration, de-watering, excavation and blasting and what provisions the developer will make to insure or otherwise make whole owners of buildings damaged by construction (these should be preceded by a survey, at the expense of the developer, of the state of nearby buildings.) In addition, the EIS should also include a geological survey of the area that includes underground streams and earthquake fault lines. An article on earthquake risk in New York City was included with my written statement handed in after the November 18, 2008 public scoping hearing at the Department of City Planning.
5. The EIS should include wind tunnel studies of the likely effect of wind during and after construction and plans to mitigate these effects. For example, the Nouvel Galeries Lafayette building in Berlin had to replace all its windows after they started falling to the ground.

### TASK 19 – PUBLIC HEALTH

Effects of pollution, excessive noise, especially night noise and loss of access to sunlight and air and open space all have effects on public health, excessive noise causing stress and hearing disorders, sleep deprivation causing problems with concentration, memory and cardiovascular diseases, pollution affecting lungs and heart, aggravating asthma, and causing Seasonal Affective Disorder (SAD). Mitigation of these must be of the highest priority.

### TASK 21 – MITIGATION





## West 54 – 55 Street Block Association

The stated sale price of the lot together with the bulk and height of the proposed project indicate that the profit from this development will be hundreds of millions of dollars. For this gain, the Hines Interests and the Museum of Modern Art will place a heavy burden on the community and the city and are giving nothing back both during the four-year construction phase of the project and during the life of the building. The EIS should state what mitigation may be offered. This could include the following:

The construction of the 53 West 53 project offers an opportunity to right some of the mistakes of the past regarding truck traffic and street level amenities with respect to the loading and service areas of the proposed building. The proposed loading dock for the new structure should be integrated with the existing loading docks of MoMA as drive-through truck passageways from 53<sup>rd</sup> Street to 54<sup>th</sup> Street. Drive-through loading areas would allow off-street space for deliveries and pick-ups, service and emergency vehicles. Having service elevators nearby would cut time needed to perform these functions, and traffic congestion and pedestrian safety would be improved significantly. In addition, the proposed project also offers MoMA a unique opportunity to rethink the closing off of the sculpture garden from the life of the 54<sup>th</sup> Street pedestrian community, which will now include guests and residents of 53 West 53 Street as well as the increased number of visitors to MoMA. A sidewalk arcade, in effect a widening of the sidewalk, would offer pedestrians amenities and more space, which will likely be needed to accommodate increased pedestrian traffic. An architect and neighborhood resident, Andreas Benzing, has offered a suggested approach for your consideration, for drive-through loading and for an arcade for pedestrians along West 54 Street. (See the attached plan for drive-through loading and sidewalk arcade.)

Other amenities to mitigate the impact of the proposed project could include: a public swimming pool; integration of open public space into the new building; onsite garbage compactors for minimizing street garbage pick-up and compacting.

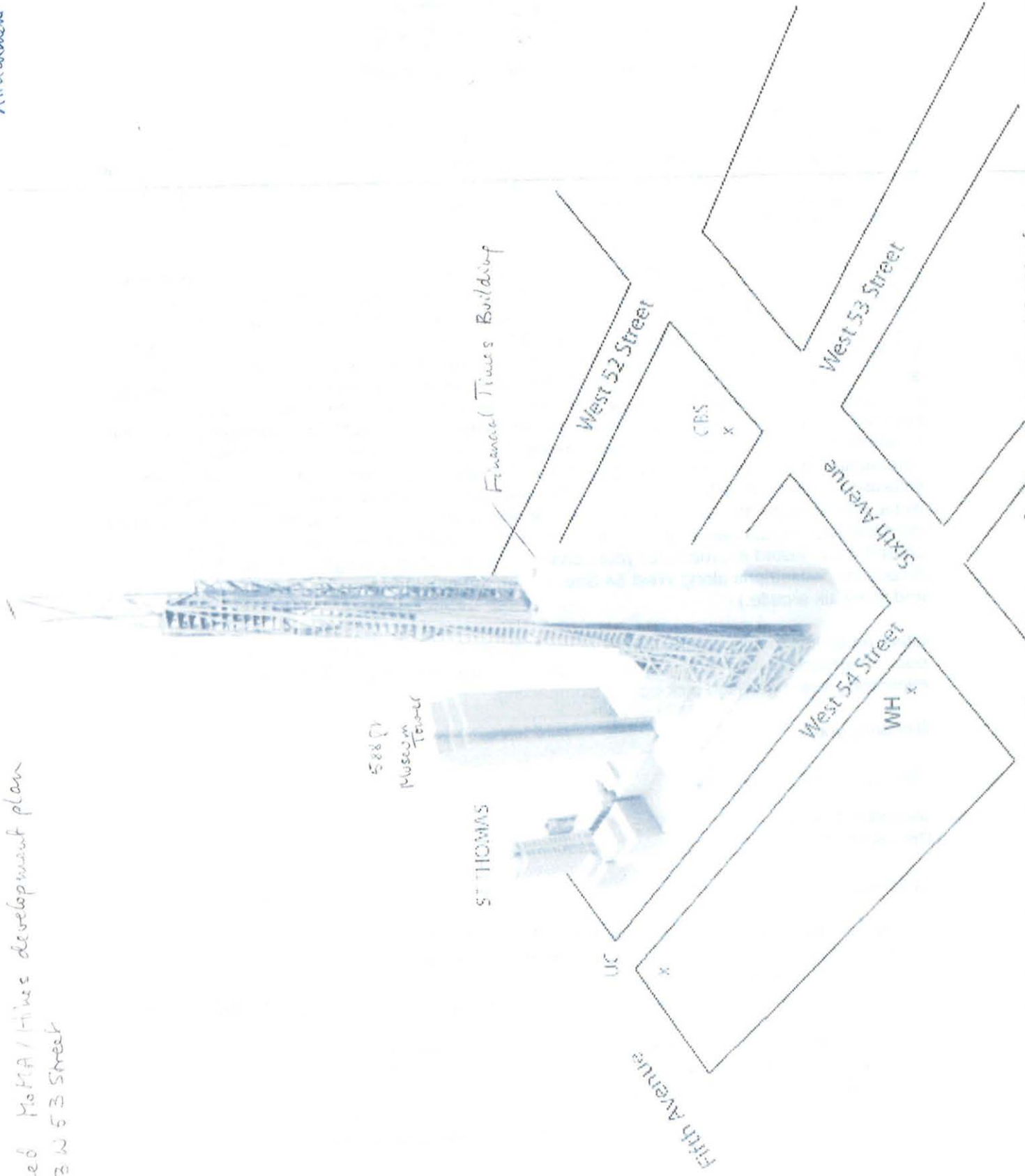
Sincerely yours,

Veronika Conant  
President, West 54 – 55 Street Block Association

### Attachments:

1. Proposed MoMA/Hines Development Plan, 53 West 53 Street
2. Photographs (two in all) of the blocks of West 55<sup>th</sup> and West 56<sup>th</sup> Streets between Fifth Avenue and the Avenue of the Americas
3. *New York Times* article dated June 18, 2006, showing the block of West 54<sup>th</sup> Street between Fifth Avenue and the Avenue of the Americas
4. Plan for a possible drive-through loading dock with a statement, "The Advantages of Drive Through Loading Docks, and a *New York Times* article dated March 7, 2007, "An Ode Conceived in Traffic," by Clyde Haberman
5. A panoramic view of MoMA lines taken on August 8, 2008, at 4:26 pm.
6. Booklet Corporate Entertaining at MoMA and Corporate Membership information.

Proposed MoMA/Times development plan  
EW 53 W 53 Street



West 54 - 55 Street Block Association Nov 18, 2008 Scoping Meeting, DCP about 53 W 53 Street



THE PENINSULA

THE PENINSULA

MINGLE

West 55 Street between 5th and 6th Avenues - low scale buildings; two landmarks at 700 Fifth Avenue at 55 Street (The Peninsula) and 24 West 55 Street (The Rockefeller Apartments), others are historic buildings, eligible for the State and National Registers - in the Preservation Subdistrict of the Special Midtown District.

Attachment 2a

West 54-56 Street Block Association - Nov 18, 2008 Scoping meeting, DCP about 53W 53 Street (NotRA/Hines Project)



West 56 Street between Fifth and Sixth Avenues - low scale buildings, three landmarks at 10 W 56, 12-14 W 56 and 30 West 56 Street (Henry Seligman Residence). Others are historic buildings, eligible for the State and National Register of Historic Places - in the Preservation Subdistrict of the Special Midtown District.

10 West 56 Street - Frederick C. & Birdsell O'is Edey Residence Warren & Wetmore, 1901-1903

12-14 West 56 Street - Harry B. Hollis Residence Stanford White of McKim, Meade & White 1899-1901

30 West 56 Street - Henry Seligman Residence CPT Gilbert 1899-1901

Attachment 2B

West 54-55 Street Block Association - Nov 18, 2008 Seminar meeting DEP - about 53 W 53 Street (No MA/Hines Project)

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North Side of West 54 Street between 5th & 6th Avenues

STREETSCAPES | WEST 54TH STREET

## Interior Details Come Home Again to Millionaires' Row



Cary Conover for The New York Times

JUST OFF THE AVENUE Midtown has only one real strip of mansions evoking its days as a neighborhood of millionaires, 5-15 West 54th Street.

By CHRISTOPHER GRAY  
Published: June 18, 2006

THE restoration of the 1900 Lehman town house at 7 West 54th Street really does deserve the term "museum quality." Some of the interiors are coming back from the [Metropolitan Museum of Art](#), which removed them more than three decades ago.

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(MetMuseum project)

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Hiroko Masuike for The New York Times

Midtown has only one real strip of mansions evoking its days as a neighborhood of millionaires. The Beaux-Arts Lehman house at 7 West 54th is notable for its second-floor balcony and circular windows on the top floor.



Library of Congress

The Beaux-Arts Lehman house at 7 West 54th Street.

neighborhood of millionaires: 5 through 15

West 54th Street. These six houses all went up from 1896 to 1900 on land opposite the single brownstone at 4 West 54th occupied by John D. Rockefeller and its large, open plot, now the Museum of Modern Art's sculpture garden.

Among the original owners was Moses Allen Starr, a neurologist who had worked with [Sigmund Freud](#). In 1897, Dr. Starr had Robert H. Robertson design a house for him at 5 West 54th in light brown brick and stone with crisp, even hard-edged, classical detailing.

At 7 West 54th, Philip Lehman, the head of Lehman Brothers, the family financial firm, had John H. Duncan design a rich Beaux-Arts-style house, completed in 1900. The deep recesses between the courses of limestone and details like the triple circular windows at the top floor — called oculi — set it apart from most Midtown mansions.

In 1898, James Junius Goodwin, a banker and a cousin of J. Pierpont Morgan, retained McKim, Mead & White for his double house at 9-11 West 54th. Although admirable, its brick and marble facade has a prim Bostonian reserve that does not rest easy on New York's jumbled streets. Mr. Goodwin needed only three-fifths of the 50-foot-lot, so he had the architects design what appears to be a single mansion five bays wide, but the eastern two bays are actually a separate house, which he rented out.

Mr. Goodwin died in 1915, with an estate estimated at \$30 million. His son Philip and [Edward Durell Stone](#) later designed the Museum of Modern Art on 53rd Street.

Last in the row are two rather clunky high-stoop limestone houses, built in 1897, designed by Henry Hardenbergh for William Murray, who appears to have been a developer who was building for sale or rental.

Russell Sturgis found the block interesting enough to make it the centerpiece for his 1900 article "The Art Gallery of the New York Streets," published in *The Architectural Record*. He described the Starr house as confused, without a clear conception. And although the Goodwin house struck him as handsome, he suggested that the camouflaged door to the

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The critic reserved his real praise for the Lehman house, calling it "simple and direct," even though it was by then common to deride the fad for highly styled Beaux-Arts work. He particularly appreciated the solidity of the facade — clearly and firmly centered by the entry door and the bowed-out stone balcony on the second floor.

The young John D. Rockefeller Jr. moved into 13 West 54th in 1901, at the time of his marriage to Abby Aldrich. The 1910 census records him, his wife and three children, including little Nelson, and six servants.

The Lehmans had the highest servant ratio: seven were listed in the census of 1920, serving Philip Lehman; his wife, Carrie; and one son. That was Robert Lehman, who succeeded his father as the head of Lehman Brothers and expanded his art collection, turning it into the reservoir of European masterpieces that now forms the Lehman Wing of the Metropolitan Museum of Art.

By the 1940's, big houses, particularly those in Midtown, were going begging — a New York Times article in 1941 described the Goodwin house as having "boarded up windows and a generally unoccupied appearance." It became the Rhodes School, and the neighboring buildings drifted into commercial occupancy. The Rockefellers retained No. 13 as an office; it was where Nelson Rockefeller died of a heart attack in 1979.

Robert Lehman held onto 7 West 54th Street — not to live in, but as a private gallery — until he died in 1969. In exchange for his collection, Mr. Lehman had dearly wanted the Metropolitan to dismantle and rebuild his entire house at the museum. The Met worked out a compromise in which the rooms were stripped of much of their paneling and other architectural elements, then taken apart and rebuilt in the Lehman Wing, which opened in 1975.

Since Mr. Lehman's death, the house has had a succession of owners and has received indifferent care. Now a hedge fund and real estate investment group, Zimmer Lucas Partners, is restoring it as an office building, and the Met has agreed to deaccession some of the original elements so that they can be reinstalled: stained-glass windows, fireplace surrounds, doors and other items that the museum never had any hopes of using.

The architect for the renovation, Belmont Freeman, said that technicians have been allowed to make molds and patterns for crown moldings, door frames and other details at the museum.

In most places, the interior of the Lehman house has been taken down to the bare brick. But some large elements remain, like a projecting Gothic-style window bay — a bank of leaded-glass casement windows in Gothic surrounds framed by small spiral-fluted columns.

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thus creating a small projecting balcony. The roof of the stair hall is pushed up two stories high into a theatrical dome, another novel touch.

Mr. Freeman says the work will be finished next year — a "museum quality" job, for a house that was once going to be part of a museum.

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**Editorial:  
Expert or Shill?**

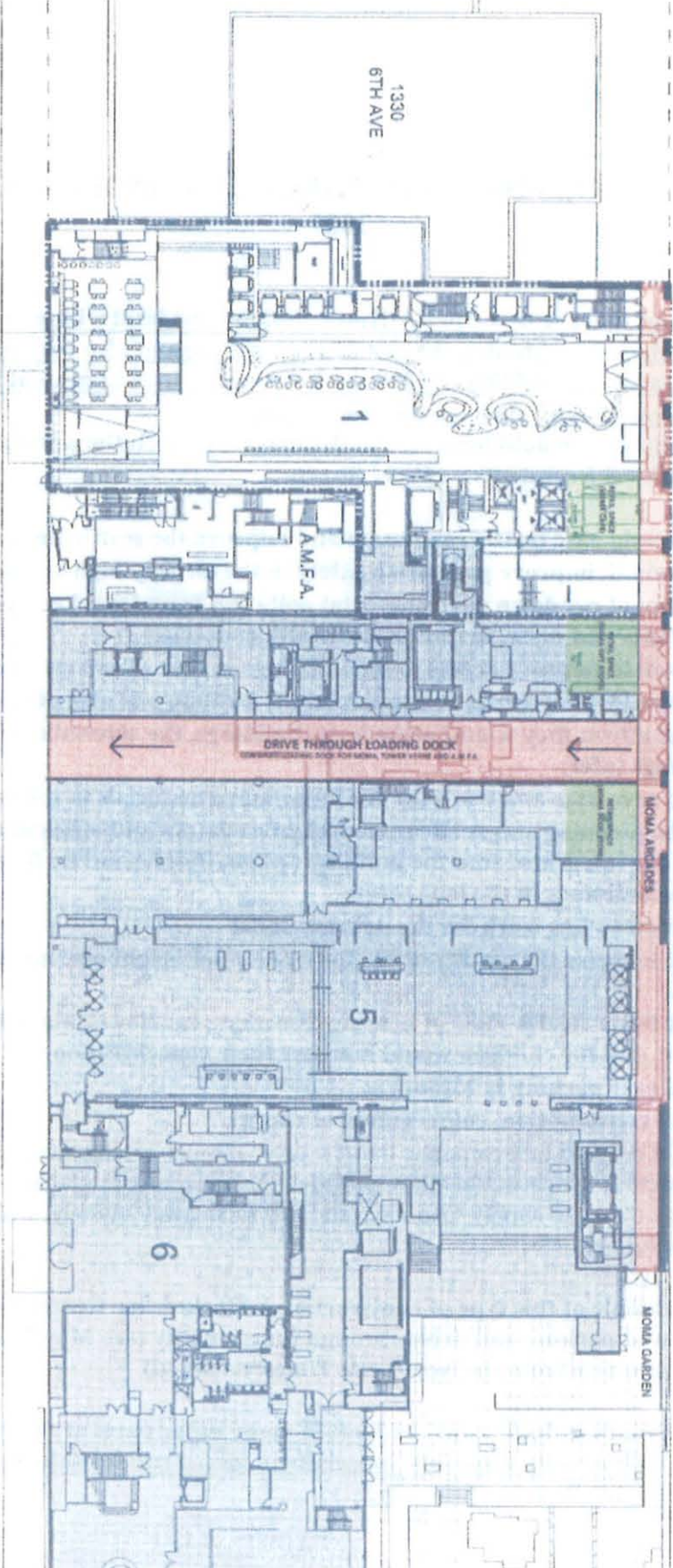
More needs to be done to crack down on conflicts of interest between psychiatrists and pharmaceutical companies.

Proposed Drive through loading + Mohr Arcade

MOMA / HINES  
 Project Address:  
 The Museum of Modern Art  
 11 West 53rd Street  
 New York, NY 10019

54TH STREET

Client:  
 11 West 53rd Street  
 New York, NY 10019  
 Tel: 212 512 1819



53RD STREET

Scale:  
 1/8" = 1'-0"  
 Date: 1/23/08

Ground Level  
 A 100

West 54-55 Street Block Association, Signing Meeting Nov 18, 2008, DCP - 53W 53 Street (Mohr / Hines project)

## ADVANTAGES OF DRIVE THROUGH LOADING DOCKS 2007

We recommend that the new MoMA/Hines building be built with a drive through loading area, shared by MoMA, the new Hines building and also the Financial Times, now Macklowe building at 1330 Sixth Avenue (which at present has a grossly inadequate, small, totally open loading dock area).

Such an arrangement would have many advantages for both the commercial buildings and for the residents on W 54 Street:

- They would ease traffic congestion and improve the traffic flow;
- They would improve pedestrian safety in the already high-traffic blocks;
- They would cut down environmental pollution from Diesel engines, particle pollutants and noise, major public health concerns;
- They would improve access to the buildings in case of emergencies;
- They would allow faster evacuation of the buildings in case of emergencies;
- Overall effect: they would make large buildings, the sidewalks and street crossings safer;
- Would save time and work for staff who move materials in the buildings;
- If at the planning stages adequate freight elevators and efficient delivery plans are integrated into the building design, there could be financial savings for the buildings in the long term;
- Would mean less work for the delivery staff;
- Would increase the quality of life for residential neighbors: more sleep, less stress;
- Would lower health risks of hearing disorders, cardiovascular diseases and cancer, and for children would increase their concentration and memory;
- Would ease parking in Midtown;
- Less oil consumption, conservation of energy.
- It would be good to incorporate into the drive through arrangement **standing compactors** which would allow compacting and storing of garbage, allowing the garbage trucks to simply load them and cart them away quickly, without noise and pollution.

A good example of this type of construction is Rockefeller Center, with terrific underground parking and drive-through functionality (see May 7, 2001 Clyde Haberman article from the New York Times, enclosed)

Drive through loading docks could be built in many other parts of the city where highrises are built on very large lots, especially in mixed residential-commercial areas, but really, in all areas of the city.



CLYDE HABERMAN  
NYC

# An Ode Conceived In Traffic

"I don't know if you can appreciate this," Arthur LaMarche was saying, "but to me this is a beautiful loading dock."

We had to admit he had us there. The loading dock as a place loaded with sex appeal was not something that had crossed our minds. But then, what did we know? Not much, as it turned out.

"I've seen a lot of loading docks in my time," Mr. LaMarche said. "This one is clean and well organized. To me, it's like a subterranean city down here."

"Down here" was two levels below the street, in the bowels of Rockefeller Center, where Mr. LaMarche is the director of administration. The object of his pride was a sprawling space that accommodates the 400 to 500 trucks delivering freight to the 12-acre complex on a typical mid-week day.

That could lead to an awful lot of vehicles idling on the street, blocking traffic and filling the air with noxious fumes.

But it seems that the people who designed Rockefeller Center seven decades ago were clever rascals in several respects. One was their decision to create a winding driveway that leads from West 50th Street to a cavern below ground where as many as 65 trucks at a time can pull up to the dock.

"What makes it so good," Mr. LaMarche said, "is that it keeps trucks off the streets. That's the beauty of it." His point was well taken. As any sentient New Yorker knows, traffic in that part of Manhattan is miserable enough. Add to the mix a few hundred trucks, sitting double-parked for hours on the street, and an already difficult situation would become unendurable.

For its efforts, Rockefeller Center and the company that runs it, Tishman Speyer, received an award on Monday for having "the best receiving dock" in the heart of town. The honor was bestowed by the Center for Logistics and Transportation, a branch of Baruch College, and by a trade group called the National Small Shippers Conference.

Now, a confession is in order. When Anne Morris, the director of the logistics center, first called about the award, the reaction at this end

York moment. For best loading dock in Midtown, may we have the envelope, please. It turns out to be a serious, if generally overlooked, business.

One reason New York streets are so crowded, duh, is that too many trucks from the likes of Federal Express and United Parcel Service sit double-parked, seemingly forever. But a reason they double-park is that too many buildings lack adequate docking space. There is often no alternative for these trucks but to claim squatters' rights on the streets, even if it drives the rest of us crazy.

"It's one of the biggest obstacles in our day," said Onny Urena, a U.P.S. supervisor who took part in the awards ceremony, held at the Municipal Art Society, on Madison Avenue.

Freight elevators are another complication. "There just aren't enough of them," Mr. Urena said.

"When you have one elevator for 40 floors, there's not much you can do."

Except, of course, wait and wait for that elevator to come. In the meantime, the driver, his packages and his truck clog the streets and sidewalks.

All too many buildings, including new ones, pay little heed to a mundane matter like this. Nor are there city regulations requiring a 40-story building to have more elevators than a building that is half the size.

Ms. Morris herself was not aware of the issue a few years ago when she began to study what it cost trucking concerns to do business in New York. "The problem is absolutely off the radar screen," she said. But it's growing.

MANY companies now embrace a "just in time" system, by which supplies are delivered as they are needed. That spares them the need for considerable storage space. With Midtown office rents averaging \$60 a square foot or more, the savings are obvious. But an inevitable result of "just in time" is that ever more delivery trucks slog their way through jammed streets.

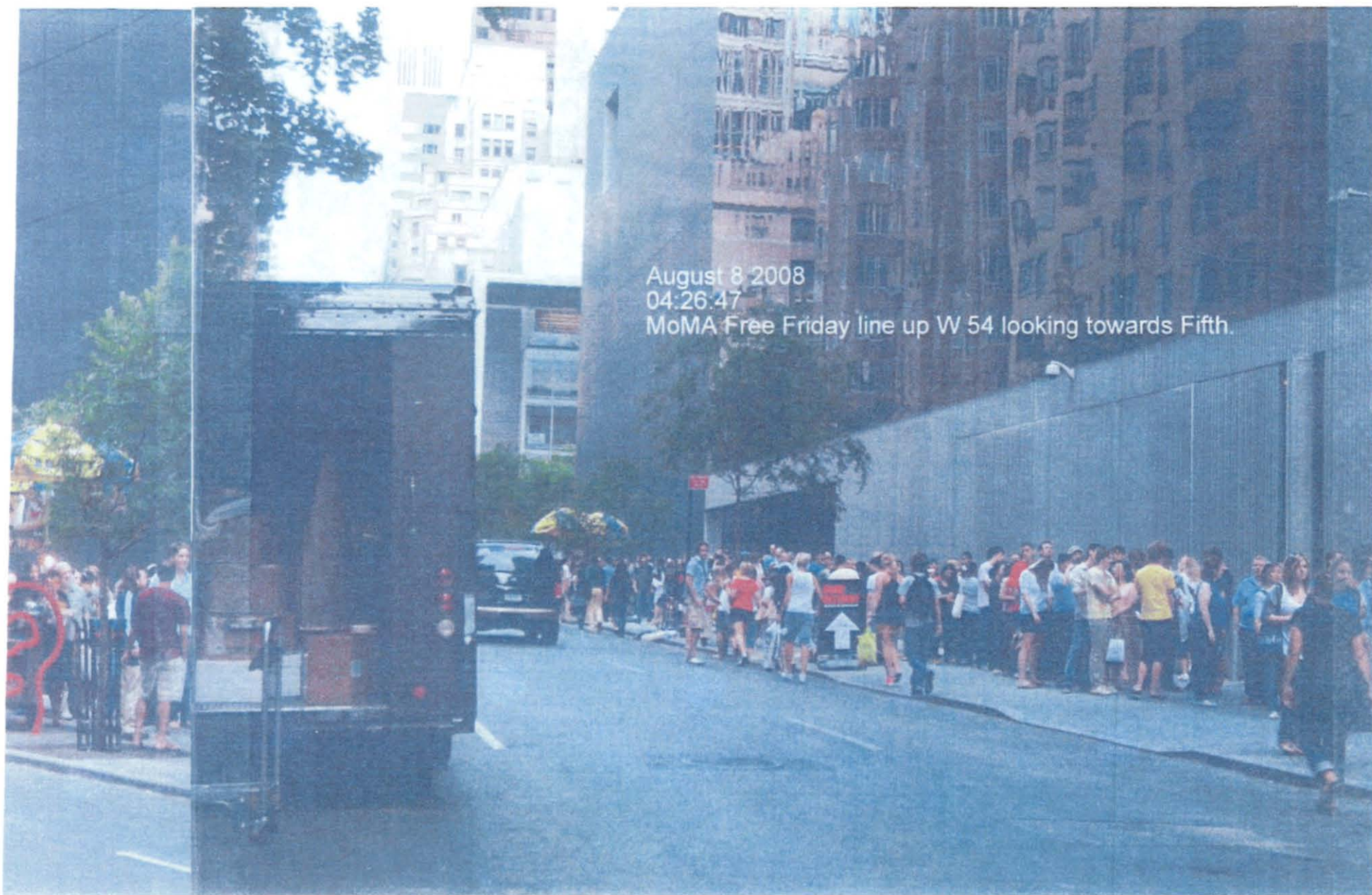
It is a given that New York's traffic congestion costs billions of dollars a year in reduced business productivity and wasted time for drivers. How much could be saved with better loading docks is hard to determine, Ms. Morris said. But clearly this is one element of the traffic equation that has long been ignored. The best-dock award was a way to draw some attention.

Not that Rockefeller Center's huge freight space can be replicated everywhere, acknowledged Geoffrey P. Wharton, a senior official at Tishman Speyer. Still, a loading dock as an object of desire! Who'd have thunk it?

Watch for colorful Part 2's of The New York Times Magazine.



Meeting with the Association - Scoping meeting about the MoMA/Hines development plans 12/1, 55W 5th



moment of time 1711. 53rd Street Nov 18, 2008



August 8 2008  
04:26:11  
MoMA free Fridays line up in front of MoMA Hines site.



# Corporate Entertaining at MoMA







## Corporate Entertaining at MoMA

The Museum of Modern Art is pleased to extend entertaining privileges to corporations that maintain an annual Corporate Membership at or above the \$40,000 Partner Level. Privileges are also extended to corporations that support the Museum through the sponsorship of exhibitions or programs. The Museum's professional and accomplished Special Events team offers complete planning for all of your corporation's events—ranging from investors' meetings to celebratory dinners, receptions, and exhibition previews—and can provide qualified guidance on the selection of caterer, decor, and entertainment. They can also arrange private tours of the collection and special exhibitions with a specially trained Museum lecturer as part of your event, which many of MoMA's Corporate Members have found a perfect way to entertain clients.

Architect Yoshio Taniguchi has designed an elegant Museum building that provides an ideal showcase for MoMA's world-renowned collection of modern and contemporary art. With soaring, light-filled spaces, intimate galleries, and public areas that reflect the vitality of midtown Manhattan, the Museum can accommodate from 50 to 3,500 guests in an extraordinary atmosphere that will impress the most discerning executives and clients.

**Front cover:** Installation view: Cy Twombly, Untitled, 1970. Oil-based house paint and crayon on canvas. The Museum of Modern Art. Acquired through the Lillie P. Bliss Bequest and The Sidney and Harriet Janis Collection (both by exchange). ©2007 Cy Twombly

**Back Cover:** Exterior view of the Museum from Fifty-third Street. Photo © 2007 Timothy Hursley

All photos © 2007 Steph Goralnick, unless otherwise noted.





## The Lobby

The Museum lobby, which encompasses The Agnes Gund Garden Lobby and The Eli and Edythe Broad Reception Center, is a flexible 12,400-square-foot space stretching between Fifty-third and Fifty-fourth Streets. The Eli and Edythe Broad Reception Center is a spacious, inviting area that welcomes guests using the Fifty-third Street entrance, while The Agnes Gund Garden Lobby, with its stunning views of The Abby Aldrich Rockefeller Sculpture Garden, lends itself perfectly to cocktail receptions, dinners, and dancing.

Capacity for dinner: 700

Capacity for reception: 1,000



The Lobby  
The Reception  
The Dining Room  
The Bar  
The Stage

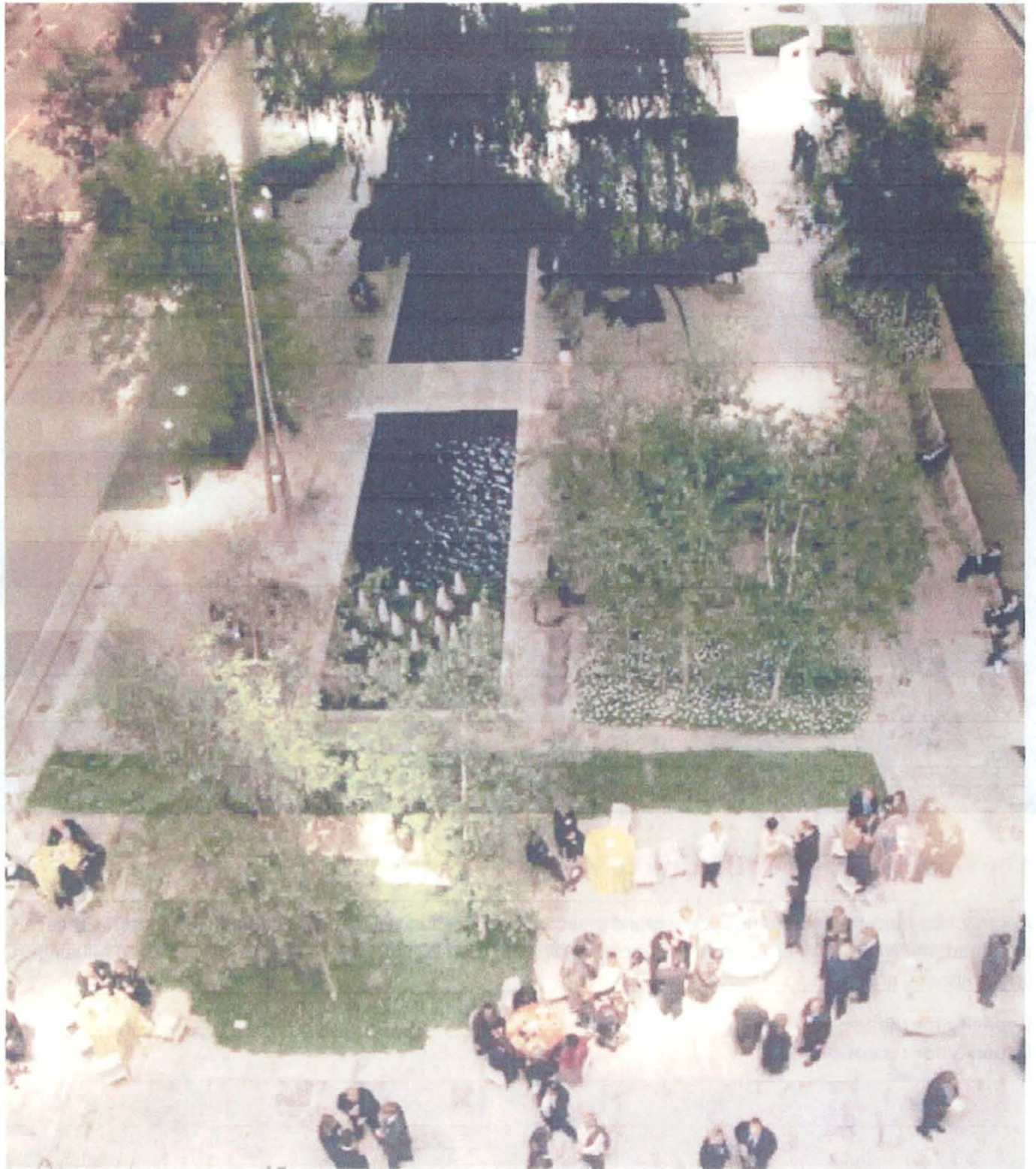


## **The Donald B. and Catherine C. Marron Atrium**

Approached from the ground floor via a grand staircase and dramatically situated beneath skylights 110 feet overhead, the Marron Atrium stands at the center of more than 20,000 square feet of gallery space housing contemporary art.

Capacity for dinner: 400

Capacity for reception: 700







## **The Abby Aldrich Rockefeller Sculpture Garden**

Designed by the renowned architect Philip Johnson for the display of outstanding examples of sculpture from the Museum's collection, the magnificent Sculpture Garden features beautiful landscaping, seasonal plantings, and reflecting pools.

Capacity for reception: 1,500



Photo © 2007 Julie Skarratt



## Cafés and Upper Floors

On the upper floors, promenades, platforms, and two distinctive cafés are located immediately outside of our collection and special exhibition galleries. Each of these spaces offers a unique, intimate atmosphere and is perfect for smaller events.

### Sixth-floor Atrium

Capacity for dinner: 70

Capacity for reception: 250

### Terrace 5 (The Carroll and Milton Petrie Café)

Capacity for dinner: 60

Capacity for reception: 100

### Cafe 2

Capacity for dinner: 150

Capacity for reception: 250



### **The Roy and Niuta Titus Theaters 1 and 2**

We are also pleased to present two state-of-the-art theaters that have excellent film- and video-projection capabilities and are ideal for shareholders' meetings or other business presentations.

#### **Titus Theater 1**

Capacity: 400

#### **Titus Theater 2**

Capacity: 200

## **Corporate Membership**

We invite you to become a Corporate Member of The Museum of Modern Art, the foremost institution of its kind in the world. Corporate contributions are essential to MoMA's mission of presenting its unparalleled collection of modern and contemporary art as well as a wide range of special exhibitions and educational programs. Depending on the level of Corporate Membership, your company and its employees enjoy fabulous benefits, such as:

- Entertaining privileges
- Free admission for all employees and two accompanying guests
- Recognition in annual support listings, Museum publications, and on our Web site, [www.moma.org/corporate](http://www.moma.org/corporate)
- Guest passes for distribution to clients, associates, and friends
- Executive Courtesy Cards, which entitle the holder and up to four guests to unlimited free admission to the Museum and discounts at the MoMA Stores
- Priority reservations for group tours and lectures
- Discounts when using MoMA's Corporate Gift Service
- Corporate Member shopping days
- Tax deduction for your donation

For more information on Corporate Entertaining at The Museum of Modern Art, please contact us at:

Corporate Entertaining  
The Museum of Modern Art  
11 West 53 Street  
New York, NY 10019  
(212) 708-9840  
[corporate\\_entertaining@moma.org](mailto:corporate_entertaining@moma.org)

## Corporate Entertaining Testimonials

**"MoMA's elegant architecture and special venues provide a beautiful, welcoming environment for our client and employee events. Our guests appreciate the opportunity to wander around this wonderful museum at their own pace."**

LOREN TAUFIELD, HEAD OF SPONSORSHIP AND EVENTS US, UBS

**"Our events at MoMA have been wonderful opportunities for our business. MoMA provides a unique and beautiful venue where we can enrich our guests' experience while supporting MoMA's world-class collections and important work."**

FRANCINE KITTREDGE, MANAGING DIRECTOR, LERMAN BROTHERS

**"MoMA is a wonderful venue to host an array of corporate events. The Museum is such a draw, it continues to captivate our guests. Having the exclusivity of the space gives our events a unique feeling."**

FRANCESCA PEDEMONTI, EVENT MANAGEMENT AT GOLDMAN, SACHS & CO.

**"The Museum of Modern Art is one of the most exquisite venues in New York City at which to host a client event."**

MARIA P. GRAY, FULBRIGHT & JAWORSKI L.L.P.

## Corporate Membership Enrollment

Yes, we would like to become a Corporate Member of MoMA! Enclosed is our check for the following level of annual support:

**\$60,000 Sponsor**

**\$40,000 Partner**

**\$25,000 Leader**

**\$15,000 Benefactor**

**\$7,500 Associate**

**\$3,000 Friend**

Thank you!

Please send enrollment form and contribution to:

Corporate Relations

The Museum of Modern Art

11 West 53 Street, New York, NY 10019

Telephone (212) 708-9840 Fax (212) 333-1168

E-mail: [corporate\\_membership@moma.org](mailto:corporate_membership@moma.org)

.....  
Name

.....  
Title

.....  
Company name

.....  
Address

.....  
City

State

Zip

.....  
E-mail address

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Telephone

Fax

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Name of person completing this form (print)

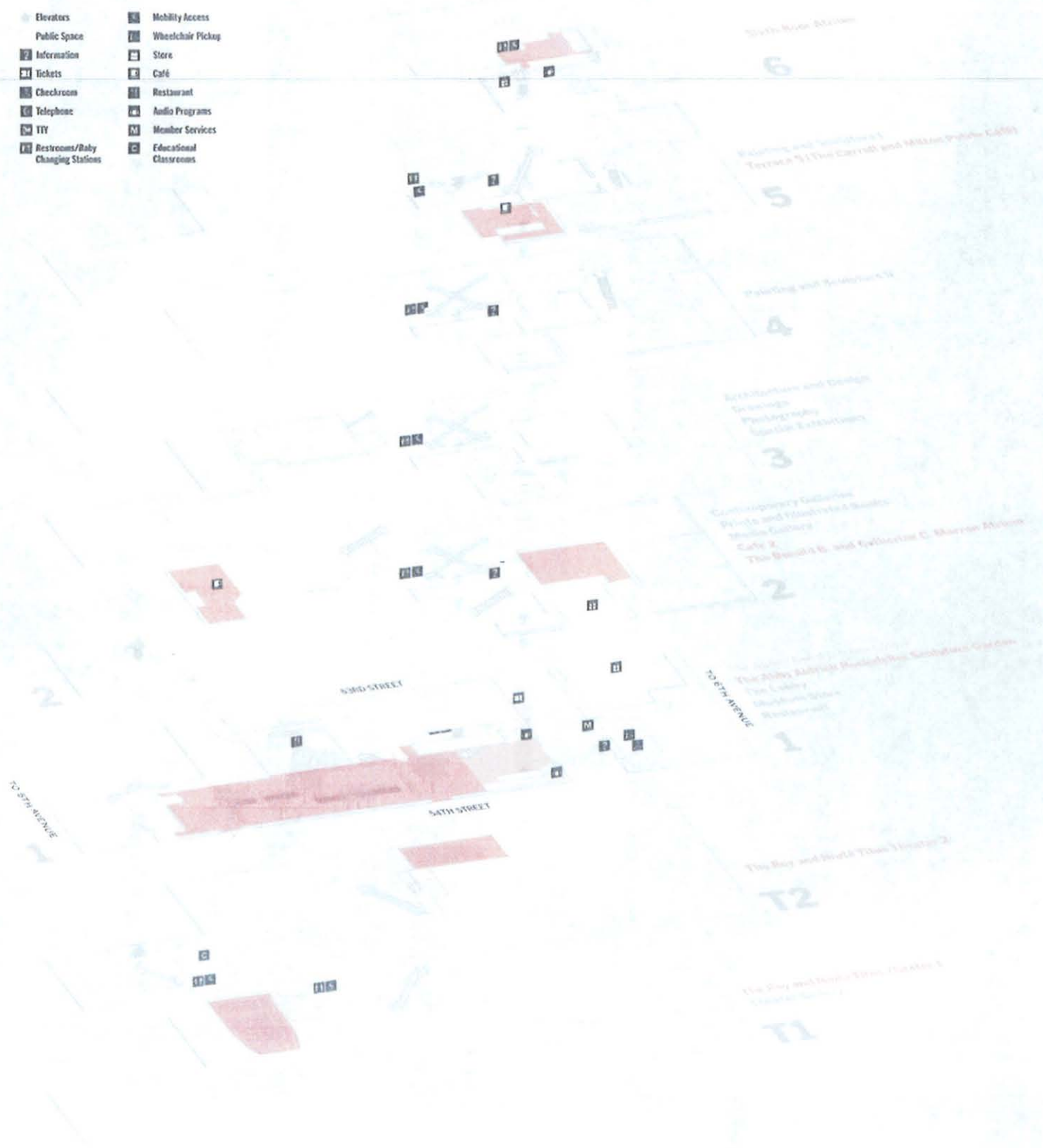
Signature

Date

June 2007

# Event Spaces at MoMA

- |                                  |                        |
|----------------------------------|------------------------|
| Elevators                        | Mobility Access        |
| Public Space                     | Wheelchair Pickup      |
| Information                      | Store                  |
| Tickets                          | Café                   |
| Checkroom                        | Restaurant             |
| Telephone                        | Audio Programs         |
| TTY                              | Member Services        |
| Restrooms/Baby Changing Stations | Educational Classrooms |







## Support MoMA | Corporate Membership

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### Corporate Entertaining

The Museum of Modern Art is pleased to extend entertaining privileges to corporations that maintain an annual [Corporate Membership](#) at the Partner level and above, or that support the Museum through the [sponsorship](#) of exhibitions or programs. The Museum's professional and accomplished [Special Events](#) team offers complete planning for all of your corporation's events—ranging from celebratory dinners and receptions to exhibition previews—and can provide qualified guidance on the selection of caterer, decor, and entertainment. They can also arrange private tours of the collection and special exhibitions with a specially trained Museum lecturer, which many of MoMA's Corporate Members have found an ideal way to entertain clients.

The [corporate entertaining brochure](#) is available in PDF format ([Adobe Acrobat Reader](#) required).

**If you are interested in hosting an event and would like further information, please fill out our [Corporate Entertaining Inquiry Form](#).**

**Please note:** All entertaining privileges are subject to additional fees and availability. The Museum does not permit the use of its facilities by third parties for press conferences, award ceremonies, benefits, fashion shows, or political, merchandising, fundraising, or promotional events. Personal events such as weddings, graduations, or birthdays are not permitted. No products, services, or tickets may be sold at the Museum in conjunction with an event, nor may any products be displayed.

The [guidelines for entertaining](#) are available in PDF format ([Adobe Acrobat Reader](#) required). You may also refer to the [Frequently Asked Questions](#) page. For more information about Corporate Entertaining, please contact:

Corporate Entertaining  
The Museum of Modern Art  
11 West 53 Street, New York, NY 10019  
Phone: (212) 708-9840  
Fax: (212) 333-1168  
E-mail: [corporate\\_entertaining@moma.org](mailto:corporate_entertaining@moma.org)

To attend a MoMA benefit event, please contact [Special Events](#).

For information on group visits and guided tours of the Museum, please contact [Group Services](#).

### Entertaining Spaces in the Museum

Architect Yoshio Taniguchi has designed an elegant Museum building that provides an

ideal showcase for MoMA's world-renowned collection of modern and contemporary art. With soaring, light-filled spaces, intimate galleries, and public areas that reflect the vitality of midtown Manhattan, the Museum can accommodate from 50 to 3,500 guests in an extraordinary atmosphere that will impress the most discerning executives and clients.



[View photo gallery](#)

#### **The Lobby**

The spacious lobby is a flexible 12,400-square-foot space stretching between Fifty-third and Fifty-fourth Streets. With inviting views of The Abby Aldrich Rockefeller Sculpture Garden, it lends itself perfectly to cocktail receptions, seated dinners, and dancing.

Capacity for dinner: 700  
Capacity for reception: 1000

#### **The Donald B. and Catherine C. Marron Atrium**

Approached from the ground floor via a grand staircase and dramatically situated beneath skylights 110 feet overhead, the Atrium stands at the center of more than 20,000 square feet of gallery space housing contemporary art.

Capacity for dinner: 400  
Capacity for reception: 700

#### **The Abby Aldrich Rockefeller Sculpture Garden**

Designed by the renowned architect Philip Johnson for the display of outstanding examples of sculpture from the Museum's collection, the magnificent Sculpture Garden features beautiful landscaping, seasonal plantings, and reflecting pools.

Capacity for reception: 1500

#### **The Sixth Floor Atrium**

Located immediately outside of MoMA's Rene d'Harnoncourt Exhibition Galleries, this distinctive platform provides guests with an intimate space and convenient access to special exhibitions.

Capacity for dinner: 70  
Capacity for reception: 250

#### **Terrace 5 (The Carroll and Milton Petrie Café)**

Located immediately outside the Painting and Sculpture Galleries, this café on the fifth floor offers a unique, intimate atmosphere and is perfect for smaller events.

Capacity for dinner: 50-60  
Capacity for reception: 100

#### **The Roy and Niuta Titus Theaters 1 and 2**

We are also pleased to present two state-of-the-art theaters that have excellent film and video projection capabilities and are ideal for shareholders meetings or other business presentations.

Titus Theater 1 capacity: 400  
Titus Theater 2 capacity: 200

#### **The Lewis B. and Dorothy Cullman Education and Research Building**

The opening of The Lewis B. and Dorothy Cullman Education and Research Building, in November 2006, marked the completion of The Museum of Modern Art's expansion and renovation project and the fulfillment of architect Yoshio Taniguchi's vision. The building is designed to mirror the gallery building across The Abby Aldrich Rockefeller Sculpture Garden, on the west side of MoMA's campus, with the dynamic interplay between the two serving as a visual reminder of the Museum's twin missions of art and education. The Cullman Education and Research Building provides warm, intimate spaces for corporate entertaining, including theaters and screening rooms.

#### **The Edward John Noble Education Center Lobby and The Celeste Bartos Lobby**

The Edward John Noble Education Center Lobby and The Celeste Bartos Lobby create an elegant bi-level space for a cocktail reception or dinner. Both lobby areas overlook The Abby Aldrich Rockefeller Sculpture Garden, while simultaneously providing for extraordinary views of Manhattan's midtown skyline.

Capacity for dinner: 100

Capacity for reception: 400

**The Celeste Bartos and Time Warner Theaters**

In addition to The Roy and Niuta Titus Theaters 1 and 2 in the main Museum building, we are now pleased to offer two smaller theaters with the same state-of-the-art film and video projection capabilities-perfect for smaller meetings or business presentations.

**The Celeste Bartos Theater**

Capacity: 120

**Time Warner Theater**

Capacity: 50

[top](#)

*Pictured at top:*

Installation view: Cy Twombly, *Untitled*. Oil-based house paint and crayon on canvas. The Museum of Modern Art. Acquired through the Lillie P. Bliss Bequest and The Sidney and Harriet Janis Collection (both by exchange). Photo © 2006 Stephanie Gorainick

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### Support MoMA



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We invite you to become a Corporate Member of The Museum of Modern Art and to enjoy the many advantages that Corporate Membership brings. Corporate contributions are critical to MoMA's ability to present exhibitions and public programs. In return, MoMA's corporate program provides your company and employees with exclusive benefits, such as [entertaining privileges](#), [Executive Courtesy Cards](#), special access to exhibitions, exclusive shopping events, and [corporate gift service discounts](#).

We invite you to sign-up below for Corporate Membership e-mail updates regarding upcoming shopping days, special offers, and our quarterly e-news. E-mails from MoMA Corporate Membership will arrive approximately once every two months.

\*E-mail:  
 \*First Name: \_\_\_\_\_ \*Last: \_\_\_\_\_  
 \*Company: \_\_\_\_\_  
 \*Zip Code: \_\_\_\_\_  
 \*E-mail Type:  HTML  Text  
 \* denotes required field

#### Benefits of Corporate Membership

##### Sponsor (\$60,000 and above)

- 2 Entertaining privileges
- 1 Complimentary private group tour for clients or employees
- Free admission for all employees and up to two accompanied guests
- 25 Executive Courtesy Cards
- 25 Invitations to special exhibition previews and receptions
- 250 Guest passes
- Exclusive shopping events in the MoMA Stores for all employees
- Recognition of support in annual contribution listings
- Invitation for CEO and Contributions Officer to annual Corporate Member recognition reception
- Selected MoMA exhibition catalogues for CEO and Contributions Officer
- Priority reservations for group tours and lectures
- Corporate gift service discounts
- Discounted rate on purchase of 50 or more Individual Memberships (i.e. for client gifts)

##### Partner (\$40,000-\$59,999)

- 1 Entertaining privilege
- Free admission for all employees and up to two accompanied guests
- 20 Executive Courtesy Cards
- 20 Invitations to special exhibition previews and receptions
- 200 Guest passes
- Exclusive shopping events in the MoMA Stores for all employees
- Recognition of support in annual contribution listings
- Invitation for CEO and Contributions Officer to annual Corporate Member recognition reception

- Selected MoMA exhibition catalogues for CEO and Contributions Officer
- Priority reservations for group tours and lectures
- Corporate gift service discounts
- Discounted rate on purchase of 50 or more Individual Memberships (i.e. for client gifts)

**Leader (\$25,000–\$39,999)**

- Free admission for all employees and up to two accompanied guests
- 20 Executive Courtesy Cards
- 20 Invitations to special exhibition previews and receptions
- 200 Guest passes
- Exclusive shopping events in the MoMA Stores for all employees
- Recognition of support in annual contribution listings
- Invitation for CEO and Contributions Officer to annual Corporate Member recognition reception
- Selected MoMA exhibition catalogues for CEO and Contributions Officer
- Priority reservations for group tours and lectures
- Corporate gift service discounts
- Discounted rate on purchase of 50 or more Individual Memberships (i.e. for client gifts)

**Benefactor (\$15,000–\$24,999)**

- Opportunity to host one Corporate Family Day during regular Museum hours
- 15 Executive Courtesy Cards
- 15 Invitations to special exhibition previews and receptions
- 150 Guest passes
- Exclusive shopping events in the MoMA Stores for all employees
- Recognition of support in annual contribution listings
- Invitation for CEO and Contributions Officer to annual Corporate Member recognition reception
- Selected MoMA exhibition catalogues for the CEO and Contributions Officer
- Priority reservations for group tours and lectures
- Corporate gift service discounts
- Discounted rate on purchase of 50 or more Individual Memberships (i.e. for client gifts)

**Associate (\$7,500–\$14,999)**

- 5 Executive Courtesy Cards
- 5 Invitations to special exhibition previews and receptions
- 100 Guest passes
- Exclusive shopping events in the MoMA Stores for all employees
- Recognition of support in annual contribution listings
- Invitation for CEO and Contributions Officer to annual Corporate Member recognition reception
- Selected MoMA exhibition catalogues for CEO and Contributions Officer
- Priority reservations for group tours and lectures
- Corporate gift service discounts

**Friend (\$3,000–\$7,499)**

- 2 Executive Courtesy Cards
- 2 Invitations to special exhibition previews and receptions
- 50 Guest passes
- Exclusive shopping events in the MoMA Stores for all employees
- Recognition of support in annual contribution listings
- Invitation for CEO and Contributions Officer to annual Corporate Member recognition reception
- Selected MoMA exhibition catalogues for CEO and Contributions Officer
- Priority reservations for group tours and lectures
- Corporate gift service discounts

Please note, all entertaining privileges are subject to additional fees as well as availability.

For tax-deductible amounts, please call (212) 708-9858.

For more information about the benefits of Corporate Membership, please contact:

Corporate Membership  
The Museum of Modern Art  
11 West 53 Street, New York, NY 10019  
Phone: (212) 708-9840  
Fax: (212) 333-1168  
E-mail: corporate\_membership@moma.org

Download the enrollment form (Adobe Acrobat Reader required).

The Corporate Member roster

[top](#)

*Pictured Above:*  
The Museum of Modern Art, Fifty-third Street entrance. Photo © 2005 Timothy Hursley

## Allison Ruddock

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**From:** Veronika Conant [vaconant@yahoo.com]  
**Sent:** Wednesday, December 03, 2008 4:40 PM  
**To:** rdobrus@planning.nyc.gov  
**Subject:** draft EIS CEQR #09DCP004M for 53 West 53  
**Attachments:** 54&55 BA letter to CPD re MoMa EIS.doc

Robert Dobruskin, AICP, Director  
Environmental Assessment and Review Division  
Department of City Planning  
22 Reade Street, 4E  
New York, NY 10007-1216

Dear Mr. Dobruskin,

This informative communication by and from William Shea, 25 West 54<sup>th</sup> Street, which address is directly across from and among the most directly affected residences by the CPC decisions regarding this matter, sets out and amplifies many of the solid long-term public policy and good neighborhood points made by the Museum of Modern Art (herein MoMA ) neighbors and members of the West 54 55 Street Block Association (herein 54-55 BA ) and some of the points made by representatives of elected officials plus Community Board 5, copies of whose testimony against this project you already possess, at the **November 18, 2008 public scoping meeting for the Environmental Impact Statement (EIS) Draft Scope of Work (CEQR No 09DCP004M) for the 53 West 53<sup>rd</sup> Street project (herein EIS )**.

Nowhere within the enabling relevant legislation(s) does there appear to be sufficient provision for the unacceptable but all too common MoMA EIS related deflection and distraction comments regarding tasks and general comments within the current draft EIS and also within the entirety of two prior EIS related legal productions connected to the two other massive MoMA developments during the prior two plus decades (the past is prolog to the future) including but not limited to expressions indicating that MoMA doesn't know, or cannot distinguish or discern, or that MoMA cannot determine or ascertain, or that such is irrelevant or immaterial or moot. In contrast, in this draft EIS study almost all is factually knowable in full, can be determined if the developer either wishes to or is forced to have such be determined, and is all, every task subject outlined in the draft EIS, as extremely relevant to this draft EIS and to the resultant EIS post this draft EIS and to the neighborhood as the developers huge profits are to MoMA and partners, in addition to being reasonably able to be accomplished. And, to make this point clear, such proper and informing studies of impacts and effects, using a variety of baselines including zero or nothing, definitely would be provided in full detail and factual fashion by MoMA if MoMA were to have to provide such in full and factual detailed and illuminating unbiased and untweaked by lawyer exclusion writings or be withheld approval of all of the special permits and requests by MoMA through their cadre of lawyers related to this development which non-approval decision would appear to replicate on target rejection-of-this-project-as-currently-presented reasoning by Community Board 5 suggestions.

Furthermore, all of such EIS studies should be based upon or be provided over and above the only real basic comparatives of ZERO as in nothing developed, which is the current status of this development lot, and the only other real comparative of as-of-right zoning provisions based upon the various legal basic lot FAR s is of approximately 258,000 sq ft. Moreover, prior allowances for continuous dodgy non-answers and avoidances in MoMA s prior EIS filings over the past two plus decades is not, and should not be, allowable precedent for continuation of such a wrong, such

bad public policy, such dodging by MoMA, who has become a growingly rapacious real estate developer over the past two decades hiding behind a current status as a non-profit public benefit entity with a museum moniker who has been but should not be allowed to issue non-complimentary to common sense and observable facts and reality written and oral statements at will with no apparent consequences, in my humble opinion.

Although not directly related to this draft EIS, it is interesting to note that the same law firm made rather similar questionable, as far as good public policy and public benefit are concerned, CPC requests-for-approval by special permit related to current early stage developments at 610 Lexington (which tore down a public benefit YMCA building and replaced it with nothing) and 400 Fifth Avenue (this same law firm represented the developer who misused all city ordinances and regulations and played the DOB to tear down 4 unique landmark quality, beginning of the prior century, townhouses in order to build a glass and metal non-harmonious building last year) . Thereby, it should be allowed to be stated that examples of these two current early-stage developments used the same destroyer lawyer game plan which has always been, in my humble opinion, pointed as an apparent approval precedent toward this massively larger than the above stated developments MoMA real estate development with too many similar permit and exception requests, the same objections to any public change requests, as in none, and absence of any semblance of public good or public benefit, while creating huge profits which may not be fully NYS or NYC tax continuing revenue events.

This raises simple questions, a few of which follow herein; (1), stop it here at CPC because this development violates good public planning policy, which Community Board 5 appears to be suggesting, or, (2), allow developers to destroy neighborhoods if they hire the correct real estate practices which properly interdict-with-the-Mayor s-office as law firms all under the guise of city planning? (3), are there any NYC or NYS benefits to this current misuse of zoning intending to build overly tall buildings on small mid-block footprint plots such as this development around residences in and around residential neighborhoods which offer no discernable public offsets to such clear permanent neighborhood harm/destruction? (4), why are the construction, **crane**, debris and **terrorist** risks to surrounding landmarked buildings, residential buildings and commercial buildings ignored when the past is usually repeated in obvious fashion and manner considering the extravagant height of MoMA s latest real estate development? (5), why, in the end, ignore the effect of these huge developments upon the surrounding neighborhood as agents of major long-term destruction change to those neighborhoods? (6), shouldn t MoMA be forced to state all of the midtown Manhattan mid-block, as in not on an avenue, developments which exceed 40 to 1 total size to buildable lot size ratios? (7), what reasoning can support ignoring the relevant continuous comments of those public officials most knowledgeable with the neighborhoods to be destroyed since no CPC commissioners live in this area? (DPC employees living around the affected area could be seriously comment and observation compromised or challenged by their desire to keep their job). (8), where is the public benefit and public good inside the EIS, the special permits and requests and the plans of this humongous development, which could be viewed in the future as mitigating the obvious and purely bad public and CPC policy as MoMA s current real estate development currently exists? (9), what are the additions and abatements to NYC and NYS revenue streams during this time of extreme NYS and NYC financial distress, by MoMA, and by the Museum tower condo owners and the condo itself, and by the several commercial efforts housed in the 2000 MoMA development, and then what is the plan for copying MoMA s tax avoidance or abatement programs and policies for the above by the new condos and hotel and restaurant and any other commercial efforts connected with this development, and how did/do they specifically occur in detail, plus the obvious quantification of the revenue loss, a follow on question of what would the revenue streams actually be if each of the above were totally and completely unconnected to MoMA s non-profit status and located elsewhere far from 54<sup>th</sup> street, and, thereby, more importantly, what tax and fee and charge revenue streams are

prevented from benefitting NYS and NYC by MoMA's 501-C3 purported public benefit charitable status, and then same by out-of-state corporations such as Hines and many of the developments future sub-contractors compared to NYC based entities? (10), why do independent, but unprofessional and unofficial, calculations regarding the available development rights MoMA claims the University Club possess appear to overstate MoMA's claims by approximately 20% thereby raising question as to the veracity of the entire draft EIS? (11), since several elected officials plus myself have asked MoMA and its lawyers a simple question and received distraction and diversion answers, ergo no factual answer, as to exactly who owns the dirt, or grade and below grade land, of each lot from 5<sup>th</sup> Avenue to the empty lot between 53<sup>rd</sup> and 54<sup>th</sup>, and why is there an obvious continuous lot ownership problem to the chain of common ownership over which all the imported development rights must travel to the MoMA real estate development site (see the bottom of page 2 of the draft EIS re this uncompleted key term for almost two years zoning lot merger has not yet occurred. ), since this alone prevents this development from occurrence and consideration and negates the necessity for the EIS and all hearings unless the air rights have a clear common ownership path to travel? (12), what is probably outside this EIS but is the 800 pound gorilla constantly in the room when ever the MoMA's real estate development comes up is a dual headed set of common sense futuristics, such as since MoMA expands every decade or two, what exactly are the plans for expansion in the 2020 decade, if not before, since such has already been discussed and since established lines of alternatives have already been established by MoMA's officers and directors and lawyers, considering the valid historical point that each MoMA pac-man grab and request for special permits game plan is followed by another one? (13), could MoMA have selected their hot shot architect because he is on the cheap since this architect has never done anything this big, having had one Barcelona building and a Mercer Street one in NYC as their only experience higher than say one-half the height of the proposed MoMA development, considering that all engineering and construction and operational and safety problems multiply exponentially as a building goes ever higher, and considering the minute base for this building? (14), since a foundation is the key to this building, why is there no in depth water and water table and underground stream study for several blocks, and what in this study protects the environment and the public from this proposed humongous building on a small lot being blown up, blown down, earthquaked down, etc. when all experience suggests that extremely tall and huge on a small footing is easy to topple and those who dislike us know this, and why cannot MoMA be forced to either buy demand insurance or place sufficient assets into an escrow account to guarantee the residential neighborhood against damages from crane, construction, debris, etc.? (15), since Hines has not had that noticeable or large a presence in NYC since the lipstick building on Third Avenue, and since, curiously, the Hines web site lists their senior Northeast area officers as being located in Connecticut and not NYS or NYC, was Hines also contracted by MoMA with at a discount deal price in order to allow Hines to gain some local NYC recent accomplishment stature? It is not unusual to avoid using the cheap surgeon or the dramatically meaningfully less experienced surgeon when brain surgery is the subject. (16), given that lawyers for MoMA and those professional service providers they hire, and MoMA's general counsel, all observed by lawyers for Mr. Speyer who appears to be the primary senior MoMA director acting as business, land use, real estate developer, etc. strategist who is behind the existing but apparently not yet effected faux real estate deals MoMA may have executed related to this development, have as their legal mission to obtain as many special permits and exemptions from existing laws and regulations as they can obtained in order to build the biggest, the tallest, gain the most money for MoMA, create the most profits, etc., which would be their legal mission in a capitalist democracy, and, given that DPC and CPC, along with the Mayor, are supposed to represent the current and future New York City public in this process, just how does the public benefit from any of the currently requested special permits and from the truncated scopes of each study task and of the EIS, and from either non-disclosure or opaque writings regarding each task or any tasks true long-term effects on the entire scope of midtown NYC, and why are such NOT based upon studies which show fact instead of bent or ignored or curious mishandling of facts? (17), why would full and



factual wind tunnel studies, observed by members of the above stated 54-55 BA, be excluded from this EIS since hurricanes can and have hit NYC? (18), why would MoMA be allowed to adhere to the relevant building codes which are developed for the usual height and mass over large footprint lots as the height of their code compliance when it is obvious and common sense that this towering building will be a terrorist target housing works deemed by certain religious beliefs to be the work of the devil, thereby raising the obvious question as to what prevents forcing MoMA to adhere to the most stringent and difficult building code available in the entire country for buildings suspected to be subject to possible WTC replication attacks like, maybe, those in place right here in NYC regarding the WTC rebuild site? (19), what large financial penalty, like either \$1mm per floor or \$100,000 per condo, can be imposed upon this development if it does not obtain the highest LEED level MoMA claims to be their objective since absent penalty MoMA has a history of missing ? (20), since MoMA gained LPC approval last year based upon what may be false by excess University Club availability of air rights discussed above, and since all prior approvals excluded use of American Folk Art Museum air rights why should the LPC decision, which I would obviously view as a mistake, be valid if it is based upon an absence of such a change in facts? (21), after the residents of 54<sup>th</sup> Street suffered over four years of pure hell while the last MoMA real estate development was under construction, why should they be subjected to the same for another four to six years without a real period of respite from construction intrusion and lifestyle impairments? (22), In the same vein, since MoMA already has THREE (3) back-in loading docks on Western half of 54<sup>th</sup> Street, and since there are another two for the two avenue buildings also at the Western end of the block, at what point does overload of back-in docks become a CPC problem on an all to often congested NYC designated through street servicing police, fire and ambulance traffic headed Eastbound on 54<sup>th</sup> and return traffic on another often congested NYC designated through street headed Westbound on 53<sup>rd</sup> Street when the simple solution is to have a drive-through loading dock in this building, which would also apparently add strength to its foundation? (23) why should MoMA not be forced to maintain a huge amount of direct immediate payment to damaged parties and buildings insurance policies and forego causes of action to delay such payment in order to insure the neighboring buildings against damage during construction and for decades thereafter, since MoMA alone desires and chooses this monstrosity and since the obvious future fact that MoMA will whine and delay if real damages every occur while hiding behind their museum moniker and purported public good which is their fantasy alone, has history as proof. (24), why would MoMA hold a recent neighborhood residents meeting in the theatre space of the Educational Wing attended by a good number of neighborhood residents with such public relations sneak moves as requiring all questions to be written on a MoMA generated form, none from the floor, so that their PR person could ask 1 of those questions and then ask the rest which were pre-selected ones to, apparently, the CEO of MoMA and to the VP of Hines, and start with a documentary type of film of the architects accomplishments which indicated he never build anything half as tall as this development, followed by attempts to try to prevent any questions from the audience, and then claim that the theatre is [intentionally] booked for another group as the Q&A from the audience rose up in order to block any sort of Q&A afterwards, and then be surprised that the purported by MoMA dumb residents figured out that it was a programmed sham intended to allow MoMA lawyers claim that they met with the neighborhood residents who seemed to be enthused about the building and asked very few questions during a proposed Q&A? Kindergarten ethics and morals would find this sort of PR harmful.

The proposed MoMA project is so immense and so out of scale with the surrounding residential neighborhood into which the developer plans to insert it and so absent of any public contributions and benefits or community facilities or public services that it will be particularly important to carefully and fully measure the potential adverse impacts of the project by establishing accurate and realistic baselines for the various impacts to be measured and then projecting the additional burden that the project will create, wherever this burden is likely to fall (*CEQR Chapter 2. Establishing the Analysis Framework*). As previously stated those baselines should, but in the draft EIS do not, include real

basic comparatives of ZERO as in nothing, which is the current status of this development lot, and the only other real comparative of as-of-right zoning provision based upon the development lots unadjusted upward by moved air rights of approximately 258,000 sq ft. Irrelevant comparatives currently used in the draft EIS are irrelevant to any form of common sense as a baseline, but if MoMA wants to include them along with the real basic baseline comparatives, why should CPC allow such?

To repeat with different words, environmental studies should examine in detail and compare multiple circumstances: existing conditions, conditions as they would be in 2013 without any development, as they would be in 2013 under each of the two alternative as-of-right options, and as they would be in 2013 with the proposed development in place, in order to be a valid informative and investigative study instead of an extended pro-developer public relations piece.

The area of study proposed for this EIS is far too limited. Because the proposed development involves so much bulk and such a great height, we believe that the radius of the area within which impact is to be studied needs to be increased from one-quarter ( ) mile proposed in the draft EIS scope in order to intentionally EXCLUDE Central Park from any study, as one of MoMA's lawyers unstated reasons, to no less than a minimum of one-half ( ) mile with the normal distance being almost one (1) mile, as is stated in the CEQR (4.3 times the 1,250 height of this structure), where and when common sense and good public policy circumstances warrant a one mile distance. As examples, (1), shadow studies should occur during Winter months when the sun is lower in the Southern skies, when this buildings shadows cast their longest blockage of sunlight to include the large areas of the Southern area of Central Park through to the 66<sup>th</sup> Street cross road, instead of the developers desire to accomplish such during summer months when massively shorter shadows are cast and the shadow effect is into Central Park but not out to the 66<sup>th</sup> Street cross road -- it should be almost one mile to the North and must conform to the stated CEQR formula requirement of 4.3 times the height of MoMA's development; and, (2), traffic studies, as correctly decided by those who know this area better than CPC, must be from river to river for 53<sup>rd</sup> and 54<sup>th</sup> Streets and for the surrounding cross streets which must absorb the excess cross-town traffic (51<sup>st</sup>, 52<sup>nd</sup>, 55<sup>th</sup> and 56<sup>th</sup> at a minimum) caused by congestion on 53<sup>rd</sup> and 54<sup>th</sup> Streets, and must study the effects upon turns on to these streets from 7<sup>th</sup> Avenue, Broadway, 6<sup>th</sup> Avenue, 5<sup>th</sup> Avenue and Madison, as well as weekday turns from 53<sup>rd</sup> and 54<sup>th</sup> Street, which are designated as congested through streets by the Department of Transportation, on to avenues from 6PM to 10AM, since MoMA has huge parties causing more congestion several times a week, and must study the effects mid-block to determine the overall congestion effects which all residents of this neighborhood are fully aware of.

Moreover, the EIS should explicitly take into account the cumulative impact of this project and all of the other developments proposed for this area as well as those already under construction, especially for the following tasks: 4 - Community Facilities and Services; 7 - Historic Resources; 8 - Urban Design/Visual Resources; 9 - Neighborhood Character; 11 - Infrastructure; 12 - Solid Waste and Sanitation Services; 13 - Energy; 14 - Traffic and Parking; 15 - Transit and Pedestrians; 16 - Air Quality; 17 - Noise; 18 - Construction Impacts; 19 - Public Health.

Following are our comments on each task listed in the Draft Scope of Work.

## TASK 2 LAND USE, ZONING, AND PUBLIC POLICY

To fully understand the baseline context in which this project is being proposed, the EIS should fully document the development history of the site and the study area *since* the founding of MoMA decades ago. This should include: (1) the removal by acts of MoMA of parts of the area around MoMA from the Preservation Subdistrict; (2) numerous other zoning changes and exceptions which are primarily the result of acts of MoMA; (3) the construction of residential and office space not for

MoMA's use but contained within the MoMA block of 5<sup>th</sup> to 6<sup>th</sup> and 53<sup>rd</sup> to 54<sup>th</sup>; and (4) the demolition of landmark-worthy buildings like the City Athletic Club on West 54 Street, and the town houses on West 53 and West 54 Street, which have all led to further neighborhood demolitions on 56<sup>th</sup> and the promise of more demolitions on 55<sup>th</sup>, resulting in plans for a building mid-block on a small lot without height limits. Obviously the following stood in the way of MoMA's rapacious real estate development plans while removing a number of tax and revenue generating buildings from NYC revenues which were replaced by abated and non-revenue MoMA and MoMA related buildings. (*Article VIII, Ch. 1 Special Midtown District. ZR Section 81-00 General Purposes f) to continue the historic pattern of relatively low building bulk in midblock locations compared to avenue frontages m) to preserve the midblock area north of the Museum of Modern Art for its special contribution to the historic continuity, function and ambience of Midtown;*).

In addition, a full disclosure should be made of the actual current ownership as well as a history of all prior ownership of the numerous plots and lots within the block between 53<sup>rd</sup> and 54<sup>th</sup> and between 5<sup>th</sup> Avenue and 6<sup>th</sup> Avenue reaching back to the same baseline founding of MoMA as it appears that MoMA refusal to disclose this for over two years to Community Board 5, to the elected officials serving this area and to the neighborhood block association obviously suggests something being hidden in the chain of ownership along which all air rights (development rights) must travel to the mid-block development site.

Consideration must be given to above mentioned, and Community Board 5 stated public benefits including but not limited to library facilities (since the Donnell will be replaced by almost a fifty percent reduction of facilities space); open to the public lobby and walk-through floor space with double high or higher ceilings; schools for the added students which this development and other future developments created and allowed by the precedent of this development will create; renovation of the ugliest fence/wall on 54<sup>th</sup> street this side of a UPS or FedEx depo which looks like it was meant to keep Frankenstein's village opponents out of the castle area, which forces pedestrians to walk on the residential North side of 54<sup>th</sup> Street instead of the bulk ugly South side of 54<sup>th</sup> Street, which should allow public access to the Sculpture Garden 24x7 since the public is picking up the taxes abated by MoMA; A sky lobby over the drive through loading dock or an underground loading dock with either drive down and up or aircraft carrier elevators to move trucks in and out; an indoor local public pool one or two floors below grade; a U. S. Post Office inside on the ground floor; dedication of several floors to neighborhood, unaligned with MoMA charity, Community Board, local Block Association office space; a PEDESTRIAN covered walkway with stores along the South side of 54<sup>th</sup> Street starting at the FT building and heading Eastward till the public open sculpture garden; some of whom are discussed in more detail below

Garbage is a huge concern as to noise, and as to existence, and as to the trucks which pick it up and compact it during early morning hours. A compactor, not exactly a new technology, would dramatically reduce the garbage problem if it served all MoMA and Museum Tower facilities.

Public policy must include the above stated terrorist and hurricane types of effect including fact based wind tunnel studies including category 5 and higher winds.

#### TASK 4 COMMUNITY FACILITIES AND SERVICES

As already noted, the EIS should take into account the cumulative impact of the proposed project and other projects planned or underway in the area on all of the neighborhood and community facilities and services. Development projects that in themselves have impacts smaller than the required triggers in the EIS for Community Facilities together with larger development projects shall add

cause, concern and effect to such a cumulative impact. As urged by Community Board 5, the EIS should examine the following items in terms of the cumulative effect of planned development:

The educational needs of the area, especially considering the numerous new residential developments that has occurred throughout Midtown. The building of one or more new schools should be required if it is found to be necessary in the Environmental Impact Statement, as it should be found as impact. Community Board 5 has neither an elementary nor a middle school within its borders.

The library needs of the area, especially considering that the formerly large Donnell Library has been temporarily closed and is being torn down to develop a new mid-block hotel to be purportedly replaced by leaving a much smaller branch at this location; almost one-half reduction in size.

Public safety needs including ensuring there is adequate fire and police service for a 1,250 foot, approximately 786,000 square foot building, both from the point of view of the need for expanded service, and from the point of view of the impact of severe traffic congestion on the availability of police, fire, ambulance and other emergency services to reach and to service the entire midtown area from river to river, by a block by block study including, as importantly, mid-block impact observations. Consideration that 53<sup>rd</sup> and 54<sup>th</sup> are designated as congested through streets, which is why no turns are allowed on to 5<sup>th</sup> Avenue or Madison Avenue from these streets during weekdays, and that East 53<sup>rd</sup> is a major off ramp street for the FDR Drive and that 54<sup>th</sup> to 57<sup>th</sup> is a major on/off street area to and from the West Side highway is also required as well as the traffic effect upon Midtown North Police, the Firehouse on either 8<sup>th</sup> or 9<sup>th</sup> Avenue and the hospital and emergency room facilities between 54<sup>th</sup> and 59<sup>th</sup> Street, plus the current and future effect of the New York City bus facilities on 54<sup>th</sup> street.

Public transportation and pedestrian passage impact due to numerous subway entrance/exit facilities from Third Avenue to Eighth Avenue within the area of study need to be considered as they effect already congested avenue and street traffic.

Daytime and early evening pedestrian impact as pedestrians move between West of 6<sup>th</sup> Avenue business and residence areas to East of 5<sup>th</sup> Avenue businesses.

Evening pedestrian and traffic impacts of MoMA s several times a week ongoing private party and meeting efforts, including idling limos, taxis, busses, and party delivery trucks, plus party garbage left curbside for early morning pick-up and compaction.

## TASK 5 OPEN SPACE

We fully support the position of Community Board 5 on open space: The impact of a 1,250 foot building on open space. The Mayor s Plan NYC 2030 recommends 1.5 acres of open space for every 1,000 residents. Community Board 5 has substantially less open space than this standard especially in the midtown area. Continued removal of low rise, low density, historically significant buildings within the scope of this small oasis of a neighborhood area of study for huge mid-block residential replacements and additions along with empty lot conversions to similar huge residential replacements and additions must be studied in both the current and future time frame.

Were the swoop which closely replicates 9 West 57<sup>th</sup> Street to be converted to a flat roof, that floor could be used by the public as open space.

## TASK 6 SHADOWS

A 1,250-foot building between West 53 and 54 Streets will dwarf the buildings around it, and around the midtown area. It will take away access to sunlight and air from the blocks around it, which the zoning laws were enacted to preserve, and will cast a deep shadow north over the low scale buildings in the Preservation Subdistrict and beyond, including well into Central Park. There are many historic buildings eligible for the State and National Register in that area. On W 54 Street this includes most of the block, especially, University Club (1 West 54 Street), 5, 7 (the Lehman Mansion), 9-11, 13, 15, 17 (the Rockefeller Apartments), 35, 41 and 65 West 54 Street (The Warwick Hotel). Other historic buildings that also would be affected include the Peninsula Hotel, 12-18 and 23 West 55 Street, 24 West 55 Street (the Rockefeller Apts.), 46 West 55 Street, the Fifth Avenue Presbyterian Church, 17, 10 (Frederick C & Birdsall Otis Edey Residence), 12-14, 26, 28, 30 West 56 Street (Henry Seligman Residence), 36, 39 and 46 West 56 Street. There are also several historic buildings on the West 57 Street block: 29 (Chickering Hall), 31 (Sohmer building), 33, 35 (Samuel W Bowne House), 57 West 57 Street and 109-113 West 57 Street (Steinway Building) and much more).

The shadow study must include Central Park. *The CEQR section on shadows, 3E-200, says: The longest shadow cast during the year (except within an hour and half of sunrise or sunset) is 4.3 x height*. For height of 1,250 feet the longest shadow will be 5,375 feet long, for height of 1,000 feet it will be 4,300 feet. Central Park is five blocks from the site, about 1,400 feet away. Shadows would impact on vegetation, sports areas and playgrounds.

## TASK 7 HISTORIC RESOURCES

Historic resources are scarce in Manhattan, especially in midtown, so it is important to save them and also, in this case, to preserve the context in which they exist.

To properly understand how this development will impinge on the neighborhood into which it is being squeezed, the defined study area should be at least doubled from 400 to 800 feet from the site. This is because the proposed 1,250-foot building - as high as the Empire State - is likely to overwhelm the landmarks - named or to be named or eligible for the State and National Register - around it and to dwarf the low-scale buildings around it. These include, on West 54<sup>th</sup> Street, 1 West 54 Street (University Club), 5, 7 (the Lehman Mansion), 9-11, 13,15 (The Rockefeller Mansion), 17 (the Rockefeller Apartments), 35, 41 and 65 West 54 Street (The Warwick Hotel). Additional historic buildings that would be affected include The Peninsula Hotel, 12-18 West 55 Street, 24 West 55 Street (the Rockefeller Apts.), 23 and 46 West 55 Street, the Fifth Avenue Presbyterian Church, and 17, 10 (Frederick C & Birdsall Otis Edey Residence), 12-14, 26, 28, 30 (Henry Seligman residence), 36, 39 and 46 West 56 Street. There are also several historic buildings on the West 57 Street block (29 West 57 Street (Chickering Hall), 31 West 57 Street (Sohmer Building), 33, 35 West 57 Street (Samuel W Bowne House), 57 West 57 Street, 109-11 West 57 Street (Steinway Building) and many more).

## TASK 8 URBAN DESIGN/VISUAL RESOURCES +

It is difficult to not notice that this design is about as original as Levittown tract housing. The swoop up during the early floors replicates 9 West 54<sup>th</sup> and the old white building on 42<sup>nd</sup> and 6<sup>th</sup>. The tower is essentially an early 20<sup>th</sup> century skyscraper design with stone replaced by glass and metal.

As to visual, this will be seen, as is intended by the architect and MoMA, from Western New Jersey and maybe Eastern Pennsylvania all the way to the end of Long Island. That means all of Central Park will get to look at this misfit, unhindered by other surrounding buildings. Just because sand fill ended up with a lot of empty tall buildings doesn't mean NYC has to copy architectural mistakes.

## TASK 9 NEIGHBORHOOD CHARACTER

The EIS should carefully study the impact of this project on the environment of the street. West 54<sup>th</sup> Street between Fifth Avenue and the Avenue of the Americas is one of the few outstanding residential streets left in midtown Manhattan and is part of the Preservation Subdistrict. It is characterized by a mix of row houses (many already designated landmarks and others deemed landmark-worthy) and low-scale apartments and businesses. It is architecturally distinctive and intimate in scale.

However, the south side of this block is dominated by one long wall resembling corrugated tin. This corrugated metal wall hides from view three loading bays and the sculpture garden of MoMA. Hiding the sculpture garden from public view is a rude affront to the neighborhood and to the city, which supports MoMA. With the introduction of a new 82-story plus building, in fact twice the height of the towering 40-story FT Building to its west, little 54 Street will become further isolated and hemmed in. Pedestrian life is already sorely challenged by the loading docks for the avenue buildings to the north and south in addition to the loading bays of MoMA; all in all there are 6 loading docks and two drive through parking garages on one single block. The proposed development would add a seventh.

The development would be grossly out of scale with the other buildings in the area, including several designated landmarks on West 54 Street, and the landmark CBS building on West 52 Street, and would overwhelm the area's infrastructure and services. The proposed project is situated mid-block in an already densely populated area and cannot be built as of right. In fact, under the existing zoning, any building constructed at the site would be required to be nearly one-third the size of the proposed Tower Verre (258,097 gross square feet and 786,586,562 gross square feet respectively). Given the substantial additional density the developer would be able to transfer to 53 West 53 Street if granted the four discretionary Special Permits from the City, it is absolutely essential for the Department of City Planning to closely evaluate the negative impacts of such a large project on the surrounding community.

## TASK 11 INFRASTRUCTURE

The water supply system and the sewer system already appear to be under strain in the area of the proposed development; the EIS should include a realistic analysis of the impact of the new development (taking into account the impact of other planned developments in the area) on these already strained systems. Additional considerations include cable and coaxial cable, telephone and fiber optic lines, steam (see energy), electric power, traffic, public transportation, roadways, all of which are already experiencing strain, or the relevant service trucks seen on 54<sup>th</sup> street are merely hot-dogging crews taking day long rests. All infrastructure will be further strained by this development.

## TASK 12 SOLID WASTE AND SANITATION SERVICES

As in Task 11, the baseline for assessing the impact of the proposed development on solid waste and sanitation services should include other planned developments in the area and that combined future need should be further tested with deep snow and ice run-off and with huge and long lasting rain run-off, both of which are more real than this draft EIS. 25 West 54<sup>th</sup> has already experienced flooded basement.

## TASK 13 ENERGY

It is necessary to evaluate the adequacy and safety of the electric grid and access to steam since both are currently strained as the constant tear up activity of the streets suggest, and the hot box

in front of the University Club also attests.

#### TASK 14 TRAFFIC AND PARKING

Because the Department of Transportation has designated West 53<sup>rd</sup> and West 54<sup>th</sup> Streets as through streets and because there is anecdotal and photographic evidence of intermittent substantial traffic congestion, the study of traffic on these streets should be from river to river, not the draft scope's proposed quarter mile. The study should also include response times for police and other emergency vehicles. The study should be done at random times during the day and at night, because blockage occurs at any time; for example, on the evening of November 5<sup>th</sup>, West 54<sup>th</sup> Street was totally blocked from Broadway eastbound so that fire trucks on call had to go South on Broadway and thence East on 52<sup>nd</sup> to get around the 54<sup>th</sup> street block.

The EIS should take into account the impact of loading, standing and parking practices on these streets. Delivery trucks have to back into loading bays or unload on the sidewalk, buses deliver students to MoMA, and then remain standing on the block for substantial periods. Private cars and limousines and car services arrive at MoMA for MoMA and corporate functions to discharge passengers and often stand for substantial periods. MoMA has at least one corporate event a week, frequently many more (see enclosed booklet, Corporate Entertaining at MoMA). On these days there is already a substantial flow of party rental trucks and deliveries made day and night on both sides of West 54 Street, many of which deliver from the street instead of behind closed docks. We are deeply concerned that the frequency will further increase after the addition of extra gallery space. We need to know the baseline for the current year. There is need for a plan to handle street traffic, deliveries and pickups for these events and a plan to regulate their frequency and minimize their negative impact on West 54 Street.

It would also be useful to have a study of real time loading dock use on West 54<sup>th</sup> Street to accurately gauge the existing impact of loading docks on traffic and provide a baseline for the impact of the additional loading dock, deliveries and pick-ups on traffic.

Parking and regulation of standing cars also need to be studied: there will be additional pressure on parking availability resulting from this development to the east and west. The analysis should take into account the number of curb feet that will be needed for the hotel for all forms of delivery, idling and drop-off.

Daytime busses and trucks idling on the MoMA side of the street and party trucks with pink elephants idling on the residential side of the street, coupled with constant blockage as trucks back in and then drive out of the MoMA loading docks, along with MoMA officer and director private limos would be part of the problem regarding congestion and traffic.

#### TASK 15 TRANSIT AND PEDESTRIANS

It is evident that the sidewalks around MoMA are already extremely crowded. The 2000 expansion of MoMA added approximately 40,000 square feet of gallery space, plus office space and commercial currently rented office space, and attendance increased (according to MoMA's figures) from 1.8 million to 2.5 million. The next expansion will add another approximately 40,000 square feet of gallery space, and it seems reasonable to assume (absent strong evidence to the contrary) that attendance would increase by the same amount. While adding another 700,000 or so visitors, the development would take away the vacant lot where visitors lined up, putting them onto the sidewalks around

MoMA. Now, on Fridays (when admission is free), lines stretch around the block from West 53<sup>rd</sup> Street, along the Avenue of the Americas, and onto West 54<sup>th</sup> Street (see photos).

Under the rules of CEQR, it is necessary for the applicant to project how many additional visitors the expanded museum could accommodate in the baseline projections for the as-of-right environmental impacts. With a more accurate baseline projection, the full extent of the environmental impacts of the proposed actions could be better understood. Though the proposed development site may currently be a vacant lot, it plays an important role as a queuing area for museum visitors. Therefore, the EIS should study how losing this space as the visitors queue would affect pedestrian conditions and then develop a plan to adequately address any overflow. Rather than having no building recess, evaluate the need for increasing pedestrian circulation space and widening the sidewalk on both West 53 and West 54 Street. According to MoMA's estimates about 1/3 of MoMA's visitors use West 54 Street.

The net effect of a terrorist attack similar to WTC would cause huge pedestrian death and wounded, and the effects of that, along with high hurricane wind and strength of foundation have to be covered in this study.

#### TASK 16 AIR QUALITY

Traffic congestion, truck and bus idling already affect air quality in the area; establishing a baseline for this will require careful monitoring of air quality at multiple locations, especially midblock along West 54<sup>th</sup> and West 53<sup>rd</sup> Streets when they are heavily congested and when traffic is at a standstill. The EIS should add to this baseline projections of pollution that will result from other planned developments in the area. Then it must make realistic projections of the impact of the MoMA expansion (based on an additional 700,000 visitors a year) and of the impact of the residential and hotel portions of the project. An inventory of emergency generators for the area is needed, since they contribute to pollution and noise. Will the new development have one and where? Preference: not on West 54 Street.

#### TASK 17 NOISE

Noise has been a major problem on West 54 Street. The EIS should address noise in much the same fashion as for Task 16, Air Quality: with real time measurements made midblock at peak noise hours day and night to establish the baseline in the area around the proposed development to which should be added the projected impact of other planned development in the area. Then it must make realistic projections of the impact of the MoMA expansion (based on an additional 700,000 visitors a year) and of the impact of the residential and hotel portions of the project. See also emergency generators and noise from construction debris removal.

#### TASK 18 CONSTRUCTION IMPACTS

Construction impacts include a number of subheads: traffic, noise and air quality, geo-technical and construction operations.

Traffic: The EIS should carefully study the impact of construction on traffic congestion, fire and emergency vehicle response times, air pollution and noise. This analysis will have to take into account the reduction of traffic lanes on the affected blocks of West 53<sup>rd</sup> and 54<sup>th</sup> Streets, and the location of storage sites for construction materials, vehicles and project trailers, the availability of street side locations on the south side of West 53<sup>rd</sup> Street and the north side of



West 54<sup>th</sup> Street for normal passenger discharge and normal household deliveries. Moreover, the EIS should study the impact of construction on traffic on West 53<sup>rd</sup> and West 54<sup>th</sup> Streets, which are through streets as noted in our comments under Task 14.

Noise and Pollution: The EIS should state what provisions will be made for controlling dust and dirt from trucks, excavation, etc., including off-site staging areas; also, the EIS should address whether and under what circumstances weekend and after-hours work would be undertaken. The community opposes any extension of construction hours. There is need for a noise and pollution mitigation plan.

Construction Safety: The EIS should state what provisions will be made for managing construction safety, including crane safety, in terms of placement and in terms of protection from falling debris. This is an even greater concern than normal because the building goes to the sidewalk on both sides of its lot, because of the extraordinary height of the building and because of heavy pedestrian and vehicular traffic in the area as well as because of the many landmarks.

The EIS should also state what provisions there will be to avoid damage to nearby buildings from vibration, de-watering, excavation and blasting and what provisions the developer will make to insure or otherwise make whole owners of buildings damaged by construction (these should be preceded by a survey, at the expense of the developer, of the state of nearby buildings.) In addition, the EIS should also include a geological survey of the area that includes underground streams and earthquake fault lines.

Finally, the EIS should include wind tunnel studies of the likely effect of wind during and after construction and plans to mitigate these effects.

SK 19 PUBLIC HEALTH Effects of pollution, noise, especially night noise and loss of access to sunlight and air and open space all have effects on public health, causing stress, sleep deprivation causing problems with concentration, memory and cardiovascular diseases, particle pollution affecting lungs and heart and lack of sunshine causing Seasonal Affective Disease (SAD)

## TASK 20 ALTERNATIVES

OTHER safety from terrorism

- prior problems with Nouvel's Galerie Lafayette building in Berlin window panes fell to the ground and all 1800 had to be replaced

## TASK 21 MITIGATION

The stated sale price of the lot together with the bulk and height of the proposed project indicate that the profit from this development will be hundreds of millions of dollars. For this gain, Hines Interests and the Museum of Modern Art will be placing a heavy burden on the community and the city and are giving nothing back both during the four-year construction phase of the project and during the life of the building. The EIS should state what mitigation may be offered. This could include the following:

The construction of the 53 West 53 project offers an opportunity to right some of the mistakes of the past regarding truck traffic and street level amenities with respect to the loading and service areas of the proposed building. These should be integrated with the existing loading docks of MoMA and opened as through truck passageways from 53<sup>rd</sup> Street to 54<sup>th</sup> Street. Drive through loading would allow off-street space for deliveries and pick-ups, service and emergency vehicles. Having service elevators nearby would cut time needed to perform these functions, and traffic congestion and pedestrian safety would be improved significantly. In addition, this construction offers MoMA a unique opportunity to rethink the closing off of the sculpture garden from the life of the 54<sup>th</sup> Street pedestrian community, which will now include guests and residents of 53 West 53<sup>rd</sup> Street as well as the increased number of visitors to MoMA. An architect and neighborhood resident, Andreas Benzing, has offered a suggested approach for your consideration, with drive through loading and an arcade for pedestrians

along West 54 Street.(see attached).

# DRAFT PLAN 2035

## Appendix A

### **Developing Plan 2035: Public Outreach**



**NORTH JERSEY TRANSPORTATION PLANNING AUTHORITY**

## Introduction

A critical component of the North Jersey Transportation Planning Authority (NJTPA) planning process is public outreach and involvement to engage the region's residents, business community, interested organizations and other public agencies to help create a Regional Transportation Plan that is responsive to the needs of the NJTPA region.

Through this public outreach and participation, the NJTPA sought to ensure that the planning process was inclusive, sensitive, and responsive to the diverse issues of stakeholders and the general public. At a minimum, federal legislation, as spelled out in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), requires that such participation include the following:

- Creating early and continuous opportunities to provide timely information to citizens, stakeholders, and other interested parties;
- Allowing reasonable public access to technical and policy information;
- Providing adequate public notice of public involvement activities and time for public review and comment at key decision points;
- Holding public meetings at convenient times and in accessible locations;
- Using visualization techniques to describe and promote understanding of the RTP;
- Making information available in electronic and accessible formats;
- Taking explicit consideration of, and responding to, public input;
- Developing a process for seeking out and considering the needs of those traditionally underserved by existing transportation systems; and
- Periodically reviewing the effectiveness of the public involvement process to ensure that the process provides full and open access to all interested parties and revising the process as appropriate.

To meet and exceed these requirements, a strategic, flexible, and dynamic participation process was crafted to guide the outreach and engagement activities throughout the RTP development. The process was designed to be nimble to allow for mid-course corrections. Building upon the 2005 RTP update, the NJTPA incorporated several important outreach enhancements in this update to actively engage the public and to explore critical issues that will shape the region in the coming years. Some of those enhancements included:

- *Broad visioning and scenario testing.* With guidance from the NJTPA Board of Trustees, these efforts offered opportunities for input from state, county and municipal officials, planners, engineers, stakeholders, and the general public.
- *Discussion of the impact on transportation needs and investments of factors beyond the control of the state or region,* such as climate change, rising energy prices, changes in the global economy, broad demographic shifts, and sweeping changes in technology.
- *Exploration of opportunities for innovatively funding transportation projects,* particularly those needing large capital investments or presenting long-term operational funding needs.

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Specific outreach activities included as part of the RTP update were:

- A symposium of experts on the future challenges facing the NJTPA region
- Another symposium of experts on financing transportation investments
- Visioning workshops held in each of NJTPA's 15 sub-regions (13 counties and two cities)
- Individual roundtable discussions focusing on freight; climate change; and socioeconomic, housing, and transportation issues
- A technical advisory committee
- Interaction and consultation with the NJTPA Board of Trustees
- Interagency coordination and coordination with the NJTPA Strategy Refinement outreach process
- An interactive RTP update website offering information about the plan, an online survey, an online version of the visioning tool, and opportunities to submit comments and feedback.

Each of these elements is described in subsequent sections of this appendix.

## **Symposium on the Future of Transportation**

On June 26, 2008 the NJTPA hosted a symposium on the future of transportation, entitled "Transportation 2035: Where are We Headed." Nearly 100 people attended to hear presentations by a panel of experts and to join in an interactive discussion of the critical issues facing the region. Topics discussed included:

- The impact of the price and availability of oil on the future of the region
- How the region can address climate change and what it will mean for transportation
- Maintaining and investing in transportation infrastructure in an era of limited funding availability
- The impact of changes in the global economy on the NJTPA region

The panel of experts included:

- James W. Hughes, Dean of the Edward J. Bloustein School of Planning and Public Policy at Rutgers University
- Anne Canby, President of the Surface Transportation Policy Partnership
- Joseph Giglio, Senior Academic Specialist and Executive Professor of General Management at Northeastern University
- Daniel Lerch, Program Manager for the Post Carbon Cities Program at the Post Carbon Institute
- Eileen Swan, Executive Director of the New Jersey Highlands Council
- Robert Ceberio, Executive Director of the NJ Meadowlands Commission

The goal of the symposium was to develop a shared understanding of the external forces that will shape the future of transportation in the region. Several key themes emerged from the symposium that became key aspects of the three scenarios presented in the visioning tool at the sub-regional workshops:

- The era of reliably cheap energy and oil is over, which will have profound impacts on where people live, how and where they travel, and where they produce goods.

- As less funding becomes available from traditional sources for transportation projects, new and innovative funding sources must be considered. Increasing costs for commodities and resources will also mean transportation dollars will buy less than in the past. Free highway usage may quickly end as value pricing and user fees may need to be considered to fund improvements. However, with new fees, customers will demand accountability and better system performance.
- As these issues play out there will be an increasing need for a real linking of transportation to both land-use and resource protection. This will have to go well beyond past practice to address the growing scarcity of resources and increasing concern about climate change.

## **Symposium on Financing Our Transportation System**

On June 25, 2009, the NJTPA hosted a symposium on transportation funding entitled "Financing Our Transportation System: Options and Actions." Nearly 100 people attended to hear several experts speak about the challenges and opportunities for funding needed transportation improvements in the region, state and nation.

The symposium was particularly timely, coming very shortly after the released of draft authorization legislation by the House Transportation & Infrastructure Committee. Martin E. Robins, Senior Fellow at the Rutgers University Voorhees Transportation Center, moderated the event.

Topics discussed included:

- The challenge of maintaining the state's vast network of roads and bridges, including the looming funding need of the region's high cost bridges.
- The need to invest more heavily in transit and transportation efficiency projects to reduce dependence on foreign oil and provide economic, social and environmental benefits.
- The need to reform funding mechanisms to ensure that investment is driven by national goals rather than political expedience.
- Educating the public on the level of investment needed and alternative funding approaches such as HOT lanes, congestion pricing and the like.
- The need for a bipartisan approach to establishing a dedicated source of transportation funding, as accomplished in New Jersey in 1984 with the creation of the Transportation Trust Fund.

In addition to Robins, the following experts participating in the symposium:

- Richard T. Hammer, Assistant Commissioner for Capital Program Management, NJDOT.
- Emil Frankel, Director of Transportation Policy, National Transportation Policy Project
- Steven Van Beek, President and CEO, Eno Transportation Foundation

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- Ferrol Robinson, Hubert Humphrey Institute of Public Affairs, University of Minnesota
- Philip Beachem, President, New Jersey Alliance for Action

The financing symposium took place just before the initiation of the public comment period for Plan 2035 and provided another opportunity to inform interested parties about the release of the draft document for public review.

## **Sub-regional Visioning Workshops**

Between September 20 and November 5, 2008, the NJTPA conducted visioning workshops in each of its fifteen sub-regions. These workshops were an opportunity for elected officials, stakeholders, planners, and the public to learn more about the challenges facing the region and to discuss a direction and vision for the region. Using an interactive visioning tool, participants at each workshop discussed options for land use and transportation strategies as well as opportunities for funding improvements to the regional transportation system.

The workshops were arranged through close coordination between the RTP project team, the Regional Transportation Advisory Committee, and the Board of Trustees. Each sub-region was given the flexibility to determine the list of invitees as well as the optimal format for the workshop. Attendance ranged from 10 to more than 50 people.

The interactive visioning tool used in the workshops presented three land use strategies (mix of uses, clustering development, and transit oriented development (TOD)) and an option to select a desired intensity level for each (high, medium, or low). The tool also presented five transportation strategies (maintenance and preservation of infrastructure, roadway improvements, transit improvements, ridesharing and transit support, and freight movement) and an option for the desired investment level for each (high, medium, or low). Finally, an information component showed the estimated funding gap between the desired transportation investment levels and the region's current funding. Numerous options were presented that could be used to increase funding. As was stressed at each workshop, the actual selection of high, medium, or low was less important than the discussion of each strategy. What follows are the main themes that emerged across all of the workshops. Following this section is a brief summary of the key themes and issues from each of the 15 workshops.

### **Land Use Strategies**

Participants saw numerous benefits from pursuing a greater mix of land uses, clustering development, and promotion of TOD. These benefits generally fell into four major categories: transportation, economic, environmental, and quality of life. The transportation benefits included decreased travel times and costs for many types of trips, provision of more viable choices for travel modes other than cars, reduction in traffic congestion, and increased efficiency of the public transit system. Economic benefits included the creation of economies of scale for other types of infrastructure, such as water and sewer, and supporting main streets and revitalizing distressed downtowns. Benefits for the environment included preservation of open space, reducing the impact of development, conservation of resources, and using the limited land available for

development more efficiently. Finally for quality of life, these land use strategies were seen as providing for better delivery of services, providing a diversity of living options, positively influencing the type and direction of growth and providing an opportunity to undo past errors in planning and development.

While there were many benefits to the land use strategies, participants also cited many challenges that might hamper the region's ability to implement them. State mandates and regulations including those on affordable housing, the Highlands and other developmental and environmental issues, were the most commonly mentioned challenges. Local regulations and conditions including overcoming established land use development patterns, "home rule", the different needs and desires of local communities, and lack of coordination at all levels of government were an additional set of concerns. Participants also noted that these land-use strategies might not be viable due to limited opportunities for future development in much of the region; the need for a significant increase in transit service to make these strategies viable; and the challenge of overcoming prevailing market forces. The final set of major challenges was public perception and preferences. Across the region there is significant public resistance to anything that is perceived as higher density or that might destroy the current character of towns and counties. Finally, the "not in my back yard" (NIMBY) mentality poses a challenge for local municipalities to pursue these strategies.

#### Transportation Strategies

*Maintenance and Preservation of Infrastructure* – There was almost universal agreement on the need to invest heavily in infrastructure maintenance and preservation. Some felt that transit maintenance be a higher priority than roadway maintenance. Maintenance was seen as offering a good return on investment and helping to promote economic growth while producing fewer impacts than building new infrastructure. It also was noted that maintenance and preservation improvements could incorporate alternative modes of travel such as walking and biking. However, many worried that bringing the system to a state of good repair would encourage driving. Some also felt that maintenance needed to be balanced with operational improvements, and that a lack of funds would make significant investment impossible.

*Roadway Improvements* – Few thought investing in capacity expansion made sense for the region. Most said the region should focus on fixing existing infrastructure and making it work better. Operational improvements to enhance traffic flow and targeted investments in new capacity were seen as the best choices. Major concerns over roadway improvements included right-of-way constraints, induced demand, and that the region's focus should be on reducing the amount of automobile traffic.

*Transit Improvements* – In counties both well served and underserved by public transportation, there was a strong desire for greater investment in transit improvements in all parts of the region, including areas already well-served by public transportation and those with little such service. A viable transit system was seen as critical to maintaining the region's economic strength. Some felt rail or light rail were the best options, while others felt focusing on bus service was more practical. In various subregions, participants stated there was a need for better intra- and inter-county connections, increased capacity, and more parking at transit stations. The primary concerns were inadequate funding and existing development patterns that make transit impractical.



*Ridesharing and Transit Support* – The three main needs that emerged from discussions of this strategy were for well-planned park-and-ride facilities to support transit use and intercept drivers at key locations; bicycle and pedestrian improvements; and promoting work-at-home incentives. Opportunities to be explored here included looking for shopping centers with excess parking to host park-and-rides and opening up special transit services such as those for seniors and the disabled for public use. The primary concern here was being able to attract people to use services such as shuttle buses and van pools.

*Freight Movement* – Workshop participants understood the importance of freight to the region's economy. Most of the discussion for this strategy focused on shifting the mode by which freight moves – using rail and barges to move more freight. Many also wanted to see more development of freight-related activity (particularly warehousing and distribution centers) around the port to reduce the freight traffic destined for eastern Pennsylvania which to a large extent returns to the NJTPA region after repackaging or other value-added processing.

#### **Funding**

Participants generally understood that the region faces a significant funding shortfall to adequately address its transportation problems. Many agreed that the funding level needs to be increased but there was disagreement on the best ways to achieve that. Others felt that New Jersey could not afford to impose more costs on its residents and recommended that the state revise spending priorities and streamline the planning and construction of projects.

In addition to the funding options presented in the tool, workshop attendees proposed several other possibilities for increased transportation funding. These included establishing local (county) transportation trust funds paid for by a county sales tax; creating more public-private partnerships; implementing a cordon tax similar to London; increasing fees for billboard advertising on agency properties; increasing fees for moving violations and dedicating that revenue to transportation; assessing higher registration fees on larger and less fuel-efficient vehicles; and tolling currently non-tolled facilities.

#### **Somerset County**

Thirty-nine people attended the Somerset County visioning workshop, held at the Somerset Vocational Technical School in Bridgewater at 9 a.m. on Saturday, September 20, 2008. This workshop was a joint meeting with the Somerset County Planning Department. For this workshop, the participants were broken into small groups and worked through the interactive tool guided by a facilitator. Note takers from the NJTPA were stationed at each table.

#### **Land Use Strategies**

The combined strategies of mixing land uses, clustering development and promoting TOD had general support among the participants. For some, these strategies presented a more efficient form of development and an opportunity to positively impact the type and direction of growth in Somerset County by directing it toward new and established centers. Key goals of the participants were reducing travel times and distances, encouraging alternative modes of travel, preserving open space and natural resources, and maintaining local character. Concerns included possible unintended consequences of TOD and center development, such as additional traffic; speculation over whether employers would actually choose to locate in downtowns; and whether those who work in local businesses would actually live nearby.

### **Transportation Strategies**

For the transportation strategies, the workshop participants felt maintenance and preservation of infrastructure was very important – particularly as it related to improved safety. For roadway improvements there was a general desire for minimal capacity increases and emphasis instead on operational improvements such as Intelligent Transportation Systems (ITS) and better signal timing. There was strong support for transit improvements that could create better connectivity within the county and around the I-287 corridor. The “last mile” connection for transit was noted by many as a critical missing piece in transit strategies. Park-and-rides and shuttles were seen as ways to provide low-cost connections. Finally, for freight strategies, many wanted to see more freight move by rail to reduce the number of trucks on highways. Some saw rail as the only viable option for increasing freight capacity.

As with the land use strategies, participants noted several concerns. First was the need to balance maintenance with necessary operational improvements for roadways. However, many felt that any improvement in the road system’s ability to handle cars would induce more traffic. While many were supportive of transit, some questioned whether Somerset County had the density to support it; if it was affordable; and if people would use shuttle and feeder services.

### **Funding**

Many saw no single answer to the funding problem. Ideas for increasing funding for transportation included having agencies collect more advertising revenue from billboards on their property, instituting a “gas guzzler” tax, requiring developer contributions for transportation improvements, and streamlining the project development process.

### **Hudson County**

Eighteen people attended the Hudson County visioning workshop, held at The Gallo Center in Jersey City at 9 a.m. on Tuesday, September 23, 2008. For this workshop, the participants worked through the interactive tool as a single group guided by a facilitator. Several note takers from the NJTPA and the consultant team captured comments from the participants.

### **Land Use Strategies**

There was general consensus that Hudson County had no choice except the “high,” or most intense, option for each of the land use strategies. Some noted that the higher densities and compact, walkable development of the county was what has attracted new residents. In addition, this was seen as a more environmentally sustainable form of development. Access to mass transit was universally seen as a critical element of supporting these strategies including both light rail and bus services. The major concern regarding these strategies was the need to recognize that even though Hudson County is geographically small, it is a diverse county. Some areas will be receptive to higher densities, while others will not and it is important to provide different living options to the county’s residents.

### **Transportation Strategies**

Due to the age and condition of existing infrastructure - and already high and increasing traffic volumes, participants strongly supported heavy investment in maintenance and preservation. Participants felt the state needs to view expenditures in infrastructure as

investments and that Hudson County offered a good return on that investment. For roadway improvements, capacity expansion should be limited to strategic targeted investments such as a new Newark Bay crossing. There is little room in the county for expansion and would only induce more traffic. Participants also expressed a desire for transit to be incorporated into any new infrastructure to create multimodal corridors. For transit improvements there was a desire for a high investment level to provide better service to the western portion of the county. To support the existing system and relieve traffic congestion within the county, interceptor park-and-ride lots outside the county are needed. A major issue in terms of freight system investment was the need to raise the Bayonne Bridge to accommodate the largest “post-Panamax” ships.

#### **Funding**

Ideas for increasing funding for transportation included developing public-private partnerships where those who would benefit directly from a transportation improvement, such as those seeing an increase in property values from a light rail stop, help pay for the cost of facility maintenance. Other ideas included a container tax for the port and looking to other agencies as funding partners.

#### **Middlesex County**

Thirty-five people attended the Middlesex County visioning workshop, held at the Middlesex County Planning Department in the New Brunswick Elks Building at 7 p.m. on Tuesday, September 23, 2008. This visioning workshop was held as part of Middlesex County’s Transportation Coordinating Committee meeting. The participants worked through the interactive tool as a single group, guided by two facilitators. Several note takers from the NJTPA and the consultant team captured comments from the participants.

#### **Land Use Strategies**

Participants saw a general trend in Middlesex County toward a greater mix of land uses, clustering, and transit-oriented development. Benefits noted from these strategies included the ability to walk to work, accommodation of residents of various income levels, a focus on redevelopment, preservation of open space, reduced per capita infrastructure development costs, and an opportunity to undo “bad” planning of the past. Participants placed a particular emphasis on the need for transit-oriented development, noting that the county and its residents were generally receptive of the concept. Some of the challenges included some people’s preference for having a geographic separation between work and home, limited capacity for future development, overcoming public resistance to the idea of “density”, and working within state mandates such as COAH.

#### **Transportation Strategies**

There was consensus that the transportation system is important to sustaining economic growth and vitality and that funding issues will take strong political leadership to resolve. The overall goals of the transportation strategies for the participants were to shift travel from automobiles to other modes and to use transportation improvements to drive local land use. There was strong support for maintaining and improving the condition of the current system, but focusing on near-term improvements such as intersections and signal timing. There was little support for increasing highway capacity, but strong support for transit improvements. Concerns focused primarily on right of way cost and constraints. The major issues for ridesharing and transit support were the need to address the parking shortage at transit stations and the issue of connectivity to and from

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transit. The major issues for freight were moving more freight by rail and grade separation for major freight lines.

#### **Funding**

To increase funding, participants felt the region needed a menu of options that included parts of nearly all of the funding strategies presented. Other new or increased revenue sources included public-private partnerships, an increase in the federal gas tax, and a new integrated fare structure for NJ Transit.

#### **Sussex County**

Thirty-four people attended the Sussex County visioning workshop, held at the Sussex County Vocational Technical School in Sparta at 5 p.m. on Thursday, October 2, 2008. At this workshop the participants worked through the interactive tool as a single group, guided by a facilitator. Laptops were available both before and after the meeting for participants to use the interactive tool individually. Several note takers from the NJTPA and the consultant team captured comments from the participants.

#### **Land Use Strategies**

Participants explained that many of the county's residents travel to Morris County for employment but that rising fuel cost might push jobs to Sussex County. Land use strategies need to guide growth to increase the availability of jobs closer to residences and create mixed-use centers to serve outlying areas. There was also a desire to focus development efforts on redeveloping existing areas and town centers. The concerns over land use were mostly related to state-imposed constraints, such as COAH, Highlands and the State Plan, as well as environmental regulations and conditions. Participants felt these constraints do not allow for significant future growth. Other concerns were that municipalities do not have the infrastructure to accommodate dense growth and that different land use approaches would be needed for different parts of the county.

#### **Transportation Strategies**

The workshop attendees saw the transportation strategies as an opportunity to link rural areas to local centers. Operational and safety improvements were seen as more important than roadway capacity increases. For transit there was a desire for high investment – particularly in bus service and to provide last mile connections. In the ridesharing and transit support strategy, there was support for park and rides, vanpool services, and better incentives for telecommuting. A major problem noted was the lack of park-and-ride areas with good access to transit. A possible solution included opening up senior transit services to all riders to provide a circulator-type system. While most felt that freight issues in Sussex County were not significant enough to warrant a high investment, participants did want to remove trucks from the county's highways, particularly during peak hours, and shift freight to rail. Options for achieving this included stipulating certain hours for truck movements, financial incentives for off-peak shipping, dedicated lanes on highway, and truck route restrictions.

#### **Funding**

In the discussion about funding there was significant opposition to anything that would be seen as a new tax. Some saw new taxes as forcing more people and businesses to leave the state. Specifically in reference to a VMT tax, the participants felt this would disproportionately hurt Sussex County residents because the county has few travel options and it would not apply to the traffic from Pennsylvania. With the resistance to

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burdening travelers with more fees and taxes, there was a general agreement that the solution was more efficient use of current funds.

### **Essex County**

Nine people attended the Essex County visioning workshop, held at the Essex County Environmental Center in Roseland at 1 p.m. on Tuesday, October 14, 2008. For this visioning workshop, the participants worked through the interactive tool with laptops set up for each participant. A facilitator guided the group and several note takers from the NJTPA and the consultant team captured comments from the participants.

#### **Land Use Strategies**

Workshop participants noted possible benefits from the three land use strategies, particularly in their abilities to attract investment and create diversity in living options. There was a sense that future development would have to be clustered in Essex County because there is little land left on which to develop. There needs to be flexibility in applying these strategies to account for different place types and needs within the county. Some of the concerns over the land use strategies were revising zoning regulations, home rule, and integrating mixed land uses into existing suburban office parks.

#### **Transportation Strategies**

There was universal agreement on a high investment level in maintenance and preservation of infrastructure. For roadway improvements there was a desire to make the current system more efficient through operational improvements and ITS. Any new capacity added to roads should be dedicated for transit use (bus lanes). Most expressed a desire for high investment in transit improvements and cited the success of the Hudson-Bergen Light Rail (HBLR) at attracting investment as a model for redevelopment in Newark. Given the high cost of right of way acquisition it was stressed that these investments have to be made in appropriate areas. Expansion of park and rides was seen as a good idea but would require thinking strategically about where to locate them. One possibility mentioned was to do a shared lot with shopping centers that have excess parking capacity. For freight movement, participants thought deepening the port channels to accommodate modern shipping vessels was important, but questioned if, given the economic downturn, the freight investments were something that should be put off for now and revisited in several years.

#### **Funding**

The two major points arising from the discussion on transportation funding were a desire to see the federal funding formulae revised to a needs-based approach and the development of more public-private partnerships to pay for infrastructure improvements.

### **Morris County**

Forty-nine people attended the Morris County visioning workshop, held at the Frelinghuysen Arboretum in Morristown at 5:30 p.m. on Thursday, October 16, 2008. For this visioning workshop, participants sat around tables, each set up with a shared laptop. Two facilitators guided the entire group through the interactive tool. Several note takers from the NJTPA and the consultant team captured comments from the participants.

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#### Land Use Strategies

Key land use issues for the participants were maintaining the character of the county's small towns, creating a better balance of land uses, preserving open space, and finding a way to best accommodate anticipated growth. Participants were supportive of the land use strategies but desired to find a way to implement them in a way that would not lead to high density, high intensity development. Challenges included altering established trends in land use at the local level, focusing on redeveloping existing areas, and development restrictions imposed by the Highlands regulations and the state Department of Environmental Protection (DEP).

#### Transportation Strategies

The major goals expressed for the transportation strategies presented were to decrease road use by promoting alternative means of travel, creating a balance between preventing further deterioration of infrastructure and spending levels, using the current system at maximum efficiency, creating more transit options, and moving more freight by rail. To achieve this, ITS and other technological improvements, minor operation improvements for roadways, investments in transit services and parking at stations, and encouraging more development around the Port received strong support.

#### Funding

The workshop attendees thought increasing the gas tax would be a viable way to increase revenue as well as to discourage driving and promote alternative modes of travel. Congestion pricing and time-based tolls were also well-received. Other options included an "SUV tax" and a container tax at the port. There was little support for increasing transit fares as that was seen as working against the goal of promoting transit use.

### **Passaic County**

Seven people attended the Passaic County visioning workshop, held at The Brownstone in Paterson at 8 a.m. on Saturday, October 18, 2008. For this visioning workshop, the participants worked through the interactive tool with laptops set up for each participant. A facilitator guided the group and several note takers from the NJTPA and the consultant team captured comments from the participants.

#### Land Use Strategies

The workshop attendees stressed that when looking at land use issues in Passaic County, it is important to understand the differences between the upper and lower parts of the county. Highlands and DEP regulations are fairly restrictive in the former, while the latter is already fairly densely developed. For the specific strategies, the participants felt the county had no option but to pursue a greater mix of land uses, clustering development, and TOD. All are needed to preserve open space, accommodate growth with limited available land, address traffic congestion, and achieve economies of scale in infrastructure development. As with other counties in the Highlands district, development restrictions were seen as one of the major challenges to pursuing the land use strategies. Maintaining the local character, particularly in the upper part of the county was also a significant concern.

#### Transportation Strategies

There was general consensus for high investment in infrastructure maintenance, but the attendees felt that in order to achieve that there had to be both a new mindset and political will to deal with the funding issues. Capacity expansion was not seen as a

viable option for roadway improvements. However operational improvements to better manage traffic flow, such as widening substandard lanes and improving intersections, were favorably received. For transit improvements, participants focused on the Bergen-Passaic line and stressed the need for both phase 1 and 2 of the project. Additionally, they cited a need for more park and rides to relieve capacity constraints at existing locations. One suggestion was to look at underutilized parking lots at shopping centers. Freight issues were not a significant concern for participants. However, they did feel that rail needed to be more efficient for both passengers and freight. Additionally, while the county freight needs may be low, there was a feeling that the regional investment should be high.

#### **Funding**

The funding strategies discussed included having the Port Authority invest more money back into New Jersey's infrastructure and increasing tolls at the Delaware River crossings. The primary goal of both of these funding strategies should be to move more people to transit, according to the participants.

#### **Hunterdon County**

Twenty-four people attended the Hunterdon County visioning workshop held at the County Complex in Flemington at 7:30 a.m. on Wednesday, October 22, 2008. For this visioning workshop, the participants worked through the interactive tool with multiple laptops set up for groups of three. Two facilitators guided the group and several note takers from the NJTPA and the consultant team captured comments from the participants.

#### **Land Use Strategies**

There was general consensus that Hunterdon County would benefit from each of the land use strategies. The group felt these strategies would help decrease travel time to and from work and could connect housing with jobs. While there was a general desire to be aggressive, many realized that they also had to be realistic when thinking about the future. The major concern regarding the land use strategies was the need to preserve the rural character and keep housing prices affordable. It was also noted that transportation efficiency is key and that the extension of the Raritan Valley Line (RVL) could provide many TOD opportunities. Some participants noted that the county has a limited number of towns that would support these strategies.

#### **Transportation Strategies**

High investment in maintenance and preservation received significant support from the workshop attendees. Participants agreed that the county's main corridors need increased capacity but there was significant concern about induced demand from any expansion. Some felt investing in schools and not in roads would be a better way to preserve the county's character. The participants felt that Hunterdon County is only a "small piece of the freight pie," but the group did agree that they would like to make freight movement more efficient.

#### **Funding**

Two ideas for increasing funding for transportation included taxing people who enter the state and increasing tolls to promote transit use.

#### **City of Newark**

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Thirty-one people attended the Newark visioning workshop, held at the NJTPA offices in Newark at 9 a.m. on Thursday, October 23, 2008. This visioning workshop followed a presentation by the City of Newark's Planning Department. The participants worked through the interactive tool as a single group, guided by a facilitator. Several note takers from the NJTPA and the consultant team captured comments from the participants.

#### **Land Use Strategies**

There was agreement among the participants that the land use patterns in Newark already incorporate the strategies presented. Many felt Newark already had good downtown infrastructure and the priority should be on making it a regional destination for both employment and residential development. Attendees also felt that transit provision was a critical element of supporting higher density development and a better mix of land uses. Additionally, some felt these strategies offered the region a chance to repair the past several decades of sprawling development.

#### **Transportation Strategies**

Maintenance and preservation of infrastructure and transit improvements generated very little debate. There was almost universal agreement that the city needs a high level of investment for both. Some felt roadway improvements would not be as important if there were more and better transit options. With limited funding there was a desire to see roadway improvements prioritized by need and some felt that road improvements aimed at enhancing freight movement were more needed than those targeted at moving people. Among the group there was strong support for ITS and intersection improvements. Most participants wanted to see a high investment in ridesharing and transit support, particularly in bicycle and pedestrian facilities. However, some felt incentives would be needed to change people's behavior and convince them to use alternative modes of travel. Finally, for freight, there was a call for a high investment level with emphasis on developing intermodal facilities, reinvesting in freight rail yards, and raising the Bayonne Bridge.

#### **Funding**

Many felt raising the gas tax was the best option for increasing funding as this would have the additional benefit of shifting people to transit (which would increase fare box revenue). There was also discussion of increasing the existing tolls on the Garden State Parkway to reduce the congestion associated with suburban-to-suburban commutes.

#### **Bergen County**

Twenty-one people attended the Bergen County visioning workshop held at Bergen Community College in Paramus at noon on Monday, October 27, 2008. For this visioning workshop, the participants worked through the interactive tool guided by a facilitator with multiple laptops set up at tables through out the room. Several note takers from the NJTPA and the consultant team captured comments from the participants.

#### **Land Use Strategies**

The participants stressed that Bergen County is small geographically, but has over 70 local municipalities. As such, universally applying the land use strategies would be difficult in Bergen County. However, there were several benefits seen from the land use strategies, including offering a way to take advantage of the many redevelopment opportunities in the county, linking existing population and employment clusters, reducing environmental impacts, and creating viable neighborhoods around employment



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centers. Concerns centered on possible local opposition, overcoming existing land use patterns, and externally imposed constraints such as COAH.

#### Transportation Strategies

There was strong support for maintaining and improving the condition of the current system, and a sense that a high investment was needed just to preserve the current system. For roadway improvements there was a need for some interchange improvements on the Garden State Parkway to help promote desired development in the County as well as ITS improvements. For transit improvements the group agreed that high would be the most beneficial to Bergen County, but expressed a concern about the availability of funds to make those improvements. Participants felt that a high investment in freight movement was appropriate for the region though the needs for Bergen County were low or medium. Major concerns were grade separation of rail for safety and the compatibility of Bus Rapid Transit and truck lanes.

#### Funding

Ideas for increasing funding for transportation included the creation of local (county) trust funds and local leveraging of funds. Participants also felt that anything that would increase revenue by assessing additional fees or taxes should be equitable and shared among all residents.

#### **Monmouth County**

Thirty-one people attended the Monmouth County visioning workshop, held at Brookdale Community College in Lincroft at 7 p.m. on Monday, October 27, 2008. For this visioning workshop, participants sat around seven tables set up with one shared laptop. The entire group was guided by a facilitator and each table worked through the interactive tool. Several note takers from the NJTPA and the consultant team captured comments from the participants.

#### Land Use Strategies

There was general support among participants for the three land use strategies presented, though it was noted that the needs in the county vary. While "high" may be appropriate for the more urban areas it would not be for the rural areas. Major land use goals included developing more residential space near employment locations, preserving open space, and attracting greater investment and development around rail station and other transit hubs. The concerns over pursuing these strategies included lack of adequate infrastructure, loss of employment opportunities in the county (e.g., Bell Labs, Fort Monmouth), and the possible loss of open space.

#### Transportation Strategies

The general consensus of the group was to concentrate on fixing and improving the current infrastructure and not investing in new roadway capacity. There was a concern that people would be less likely to carpool or use transit if more lanes are added to highways and that roadway widening would attract more sprawling developments with negative impacts on traffic, housing costs, schools and other infrastructure. For transit improvements the group felt a high investment was necessary for the County. Ferry service was also discussed and the need for increased service and improved facilities in Long Branch. Some felt a key problem with transit was public education about the different options available to county residents. Participants opted for a medium investment level in freight. Suggested freight options included the possible future redevelopment of freight transfer and port facilities at what is currently US Naval

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Weapons Station Earle in Colts Neck and Leonardo, making use of Normandy Road and the existing rail line that parallels it.

#### Funding

In the discussion of funding, many thought that the state needs a constitutional amendment to dedicate the gas tax to transportation funding and to reallocate spending priorities. Some felt that the gas tax may not generate as much revenue in the future as automobile shift to alternative fuels.

#### **City of Jersey City**

Fifteen people attended the Jersey City visioning workshop, held at City Hall on Tuesday, October 28, 2008. For this visioning workshop, the participants worked through the interactive tool as a single group, guided by a facilitator. Several note takers from the NJTPA and the consultant team captured comments from the participants.

#### Land Use Strategies

At the Jersey City workshop, the participants were shown the various land use strategies in the tool. Given that Jersey City already has a high mix of land uses, is clustered, and developed around transit stations, the conversation focused on the types of land use strategies the city is currently pursuing and what it sees for the future. Most development in the city will be focused on creating mixed used employment and residential centers through redevelopment. While this will work in former industrial areas of the city, it may not work in older more established neighborhoods that have developed along the city's commercial corridors. Challenges the city faces include the current economic downturn, environmental contamination of redevelopment sites, and infrastructure provision.

#### Transportation Strategies

Participants saw a need for high investment in maintenance and preservation, transit improvements, ridesharing and transit support, and freight movement. Participants called for a lower level of investment in roadway improvements, based on concerns that more roads would create more congestion and that there is no room for road expansion within the city. Key issues included extending the Hudson-Bergen Light Rail (HBLR) to the west side of the city, coordinating light rail, buses and jitney operations, and developing park and ride locations both inside and outside the city.

#### Funding

Funding options discussed included a new WPA-like program with massive federal infrastructure support for major cities, congestion prices, and raising the gas tax.

#### **Warren County**

Eleven people attended the Warren County visioning workshop held at the Warren Community Vocational Technical School in Washington at 7:00 pm on Wednesday, October 29, 2008. For this visioning workshop, the participants worked through the interactive tool guided by a facilitator with multiple laptops set up at tables throughout the room. Several note takers from the NJTPA and the consultant team captured comments from the participants.

#### Land Use Strategies

Warren County participants saw the land use strategies as an opportunity to help the county develop in a more concentrated way. Each offered a chance to shape the future,

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preserve open space, and promote downtowns like Hackettstown and Phillipsburg. Many felt that TOD in particular could boost tourism and promote the local economy. However, there were numerous challenges attendees noted, including the cost of doing business in New Jersey. It was felt that this, combined with the restrictions imposed by Highlands and COAH, has pushed a lot of development to eastern Pennsylvania and left Warren County as a pass through area for both commuters and freight.

#### Transportation Strategies

Key issues that emerged from the discussion included the need to provide local municipalities with more funding for infrastructure maintenance. Local municipalities are more affected by an economic downturn and yet are responsible for maintaining the vast majority of the roads in the county. There was disagreement over whether or not Warren County needs additional highway capacity. Some felt more lanes would lead to more traffic, while others felt new lanes were needed to deal with congestion because there are limited transit options for the county. Participants thought a high level of investment in transit improvements was warranted and focused primarily on expanded bus service along the I-287 and I-78 corridors to serve employment locations. Providing “last mile” services was seen as a key challenge to making transit work. There was support for new park and rides along I-78 as well as encouraging 4-day work weeks and flexible work hours. The major freight issue for the county is truck traffic along I-78 between the port and eastern Pennsylvania. Participants wanted to see more cross-state rail freight and more development of port-related activities closer to the port.

#### Funding

Ideas for increasing transportation funding included tolling I-78 and I-80 and instituting a value added tax dedicated to transportation improvements in the area.

#### **Ocean County**

Thirty-two people attended the Ocean County visioning workshop that was held at the Ocean County Library in Toms River at 6 p.m. on Thursday, October 30, 2008. For this visioning workshop, the participants worked through the interactive tool as a group with laptops set up around the room. Several note takers from the NJTPA and the consultant team captured comments from the participants.

#### Land Use Strategies

There was general consensus that the “medium” option would be best for the mix of land uses and clustered development and high support for TOD. In addition to greater mix of residential and employment, the participants also desired to see more school-related activities closer to schools to help reduce local traffic. Major concerns of the participants included preserving open space and addressing COAH requirements.

#### Transportation Strategies

The general consensus was for high investment in maintenance and preservation, but with transit maintenance taking precedence over roadway maintenance. For roadway improvements, participants felt efficiency improvements to the current system were a better option than system expansion. Concerns here included safety and the possible promotion of sprawl with improved interchanges and roadways. There was significant support for a high transit investment, particularly in rail, but also in connecting bus services. Key issues for ridesharing and transit support included developing new park and rides and making accommodations for bicycles and pedestrians. Some felt that the ridesharing options would only be a last resort for most residents and the convenience of

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transportation options would be a key to their usage. The group felt the region and the county should invest heavily in freight movement, particularly rail to avoid future problems in the county with truck traffic.

#### **Funding**

Ideas for increasing funding for transportation included higher fines for speeding, charging higher registration fees for SUVs, and reducing municipal costs. Many participants wanted to prevent state officials from using the Transportation Trust Fund (TTF) for non-transportation purposes. The group did not want any new taxes and felt that raising transit fares would work against the county's efforts to promote TOD.

#### **Union County**

Thirty people attended the Union County visioning workshop held at the County Administration Building in Elizabeth at 7 p.m. on Wednesday, November 5, 2008. For this visioning workshop, the participants worked through the interactive tool as a single group, guided by a facilitator with the option to sit by a laptop or not. Several note takers from the NJTPA and the consultant team captured comments from the participants.

#### **Land Use Strategies**

There was general consensus that Union County had no choice except the medium to high option for each of the land use strategies, as this was already the reality of the county. Some of the opportunities participants noted were energy conservation, reduced emphasis on the automobile, economies of scale in infrastructure development, preservation of open space, and efficient use of available land. The concerns included providing transit service to support the land use strategies, adapting to the needs of the different parts of the county, inter-municipal coordination, and public resistance to denser development.

#### **Transportation Strategies**

Participants thought the preservation and maintenance of the transit system (especially rail) deserved a higher priority than that of roadways. Nevertheless, the county was seen as needing some operational improvements for roadways. However, the attendees did not want improvements that would encourage more driving. High investment in transit improvements received strong support. There was a desire to see restoration of passenger rail service along unused lines, a cross-county light rail, and better north-south connections. For ridesharing and transit support there was a desire for expansion of existing park and rides, and services and facilities to support transit access including shuttle services and bike paths. The need to improve freight and make others more informed and educated about freight was voted very high by all participants. Participants felt there needed to be better use of land at the port for intermodal facilities, move more freight by rail, and have private freight carriers reinvest money in infrastructure improvements.

#### **Funding**

Ideas for increasing funding for transportation included private freight carriers to invest in infrastructure improvements and tolls on currently non-tolled facilities.

#### **Roundtable Discussions**

As part of the update to the RTP, the NJTPA conducted a series of Roundtable discussions throughout the fall of 2008, each concentrating on a critical forces and issues that will affect the future of transportation in the region. The three roundtables, focusing on freight; climate change; and socioeconomic, housing and transportation issues provided a forum to address and explore key issues and trends and how to incorporate them into the development of Plan 2035.

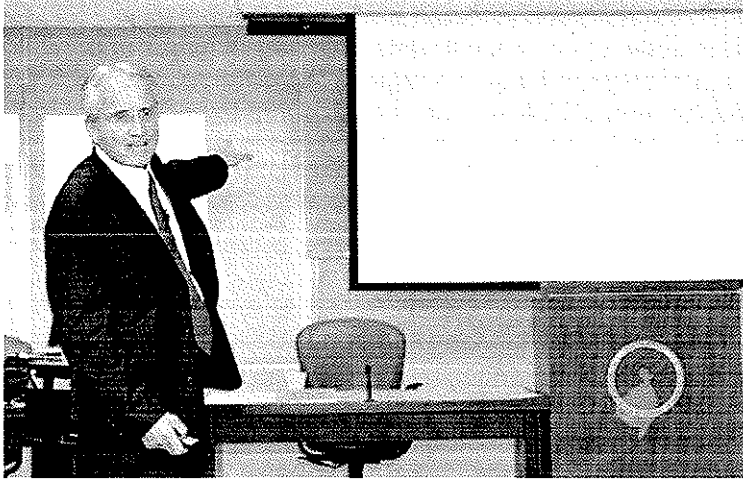
## **Freight Roundtable**

The first roundtable, held on October 7, 2008, focused on freight movement and related issues. There were two related sessions – a morning roundtable with a panel of experts and a joint afternoon meeting with the NJTPA's Freight Initiatives Committee. The purpose of the roundtable was to learn more about the needs, challenges, and opportunities connected to freight movement in the region. Jack Lettiere, former New Jersey Transportation Commissioner, was the keynote speaker for the morning session. Sixteen other regionally recognized freight experts joined Mr. Lettiere on the roundtable panel.

The focus of the morning session's presentation was the need to rebuild the nation's infrastructure. Several major issues were identified:

- The region's major infrastructure investments are thirty or more years old;
- Financial deficits are enormous;
- Traditional funding mechanisms are obsolete;
- There is a need for a new transportation system designed to create wealth; and
- The region, state and nation have lacked the determination and will to build the system needed and, as a result, now have a system that does not function well. .

The importance of efficient goods movement was stressed. It was emphasized that transportation and infrastructure lead to wealth creation, spur economic development and create jobs. In the afternoon, the morning roundtable's findings were presented to a larger audience that included members of the public, agency representatives and stakeholders at a meeting of the NJTPA's Freight Initiatives Committee. At both sessions, participants discussed the strengths of, and challenges to, the goods movement system in the NJTPA region, as well as policies and investments needed to improve it.



The NJTPA region's strengths include:

- its geographic location in a densely populated, wealthy consumer market;
- an extensive road and rail system;
- a strong urban labor market;
- good port facilities; and
- availability of intermodal choices.

Challenges include:

- extensive infrastructure maintenance needs;
- insufficient clearance below the Bayonne Bridge;
- the lack of truck rest areas;
- limited roadway access to the port;
- railcar weight limitations; and
- conflicts between passenger and freight needs on rail lines.

Participants identified a range of policies that could improve freight movement in the region. These included:

- increasing hours of operation for the port, warehouse and distribution facilities to better spread out the impacts on the transportation system;
- streamlining regulations that make development of properties in and around the port difficult;
- ensuring that funds derived from the movement of freight go directly towards transportation improvements that benefit the goods movement sector;
- educating the public about the vital importance of goods movement to the region's economy and quality of life.

Participants made numerous suggestions for improvements to the existing freight system. The primary concern for shippers using the port was the need for increased clearance under the Bayonne Bridge to facilitate shipment by the new generation of container vessels. Other needs cited were:

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- additional double-stack clearance on freight rail lines;
- a freight-only interchange between the New Jersey Turnpike and the port;
- additional roadway access points to the port;
- improved public transit for the industry's workforce;
- better use of ITS to manage road and rail traffic;
- development of modern multi-level warehouse facilities near the port and in urban areas; and
- more truck rest stops, especially near the port.

## Climate Change

On November 17, 2008 NJTPA hosted the second of the three roundtables. The purpose of the roundtable was to learn more about how the NJTPA can incorporate climate change adaptation and mitigation strategies into its long-range plan and how the MPO can shape its investment strategies to support those efforts. George Eads, Vice President at CRA International was the keynote speaker for the roundtable. Thirteen others joined Mr. Eads on the roundtable panel:

- Clint Andrews, Professor at Rutgers University
- John Ciaffone, President of the New Jersey TMA Council
- Andrea Denny, Municipal Clean Energy Program Manager for the USEPA
- Paul Eng-Wong, International Vice President of the Institute of Transportation Engineers
- Dave Gillespie, Director of Energy and Sustainability at NJ TRANSIT
- Rob Graff, Director of DVRPC
- Matt Holt, Freeholder for Hunterdon County
- Jan Khan, NYMTC
- Frank Mongioi, Jr., Senior Associate at ICF International
- Joe Siegel, Legal Counsel for the USEPA, Region 2
- Melissa Stults, Senior Program Officer at ICLEI
- Chris Zeppie, Director, Office of Environmental Policy, Programs and Compliance for the Port Authority of New York and New Jersey
- Philip LaRocco, Founder & CEO of E+Co

Mr. Eads presentation focused on the vulnerability of the region's transportation system to climate change. He noted that the time scales involved with climate change are different than those involved with the typical planning process. Emissions will not change for decades, and the impact we experience now and over the next fifty years will be a result of what has happened in the past. He drew a distinction between mitigation and adaptation strategies. While mitigation is needed to reduce future impacts, the focus must also be on adaptation to cope with effects of climate change that will be experienced in near future. All parts of the region will feel impact from climate change -- from rising sea levels, to prolonged heat waves, to more frequent intense precipitation events. These impacts will have significant ramifications for the planning, design, operation, and maintenance of the region's transportation infrastructure. Today's investment decisions affect how well the infrastructure will respond to climate change.

Following Mr. Eads presentation, the panel of experts discussed several climate change topics including:

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- How the NJTPA should incorporate climate change into its long-range planning, prioritization, and investment decision-making strategies
- How the NJTPA can increase awareness of climate change among local governments and facilitate the adoption of mitigation and adaptation strategies
- Membership and critical topics and issues for a possible Climate Change Working Group

Among the common themes during the exchange: many communities and businesses have begun adopting policies to address climate change and more are poised to do so; better estimates are needed of potential climate change impacts, including on coastal communities; promoting transit use and smart growth are important strategies for reducing greenhouse gas emissions; the NJTPA and state agencies must begin to identify and create plans to address transportation infrastructure that is vulnerable to climate change impacts.

## **Socioeconomic, Housing, and Transportation Issues**

On December 8, 2008 NJTPA hosted the last of the three roundtables. The connections between housing, jobs, and transportation are some of the most challenging issues facing the region. The purpose of the roundtable was to learn more about how the NJTPA can address Environmental Justice (EJ) issues, affordable housing, and access to jobs and how the MPO can help shape its investments to support those efforts. University of Minnesota Professor Myron Orfield, Executive Director of the Institute on Race and Poverty, was the keynote speaker for the roundtable. Ten others joined Professor Orfield on the roundtable panel:

- Marty Bierbaum, Executive Director of the Municipal Land Use Center at the College of New Jersey
- Dianne Brake, President of PlanSmart NJ
- Tom Dallessio, Executive Director of Leadership New Jersey
- Steve Fittante, Director of the Middlesex County DOT
- Terri Hirschhorn, NJ Department of Human Services
- Rich Roberts, Chief Planner for NJ TRANSIT
- Carlos Rodrigues, Vice President and New Jersey Director of the Regional Plan Association
- Paul Scully, New Jersey Regional Coalition
- Ben Spinelli, Executive Director of the NJ Office of Smart Growth
- Susan Zellman, Freeholder for Sussex County and NJTPA Chairman

Professor Orfield's presentation focused on the broad social changes that have occurred in the region. Population decline has led to a reduction in the overall tax base for many urban and older suburban municipalities. This has forced many into a position of imposing high taxes and/or providing a low level of services. On the urban periphery a strong tax base has allowed municipalities to keep tax rates low and spend proportionately more on services. The result has been disinvestment in older urban and suburban communities and rapid investment in outlying suburban and exurban ones. Job growth has become both decentralized and de-clustered, occurring mostly on the edge of the region, while affordable housing has been concentrated in the urban core and older suburban communities. This has disconnected workers and jobs.



Professor Orfield said the key for the region is to figure out a mechanism for municipalities and other government units to work together in the areas of land use planning, affordable housing, and transportation. He called for “a more perfect union” among municipalities. This would include tax-sharing arrangements, reduced dependence on property taxes to fund education and, therefore, a less intense “ratables chase.” This could help develop a more sensible distribution of housing and jobs in the region, easing the intensity of demand on the transportation system.

The panel of experts confirmed many of the trends that professor Orfield noted and discussed several topics including:

- The role of transportation as a strategy to address equity issues
- What Plan 2035 should say about promoting social and economic equity
- Ways to attract investment to centers and downtowns
- Ways to promote workforce housing development in outlying areas
- How to overcome public resistance to density and transit oriented development.

Challenges and next steps for the region include:

- Recognizing the opportunity the recession brings to us. We have an economic catastrophe and a lot of small municipalities are going to be hit hard. Now is the time to begin working together to address these issues.
- Places that give people a choice about where they can live do better and their people do better. They function and compete better. They prosper more and become less segregated.
- The NJTPA has the opportunity to drive the discussion
- Strengthening the region to compete globally will provide opportunities for all residents.

## **Technical Advisory Committee**

To provide direction to the project team as they updated the RTP, the NJTPA convened a Technical Advisory Committee comprised of federal, state, regional, and local agencies as well numerous stakeholder organizations. The role of the TAC was to review and comment on project findings and deliverables and to provide feedback and recommendations to the project team. Input from the committee was used to further enhance the team’s understanding of external factors impacting the region, clarify the critical elements and issues to be addressed in the Plan, and refine the interactive visioning tool used at the sub-regional workshops. TAC membership included representatives from:

- AAA-NJ Automobile Club
- Alan M. Voorhees Transportation Center
- American Planning Association
- Delaware Valley Regional Planning Commission
- HART Commuter Information Services
- Jersey City Department of Planning
- Lehigh Valley Planning Commission
- Morris County
- National Motorists Association

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- Nation's Port
- New Jersey Alliance For Action
- New Jersey Department of Environmental Protection
- New Jersey Department of Transportation
- New Jersey Division of Highway Traffic Safety
- New Jersey Future
- New Jersey Highlands Council
- New Jersey Institute of Technology
- New Jersey Meadowlands Commission
- New Jersey Turnpike Authority
- NJ Chamber of Commerce
- NJ Office of Smart Growth
- NJ Transit Corporation
- New York Metropolitan Transportation Council
- Jersey City Department of Housing, Economic Development and Commerce
- Rutgers University
- Somerset County
- South Jersey Transportation Planning Organization
- The Port Authority of NY & NJ
- TransOptions TMA
- Tri-State Transportation Campaign
- Union County

The initial meeting of the TAC took place on June 26, 2008, at the NJTPA offices in Newark with 19 attendees. The meeting included a presentation on the RTP update process, some of the new elements that would be incorporated into the plan, defining scenario planning, highlighting key issues, and explaining the role of the TAC. The committee also provided their thoughts and reactions to the symposium on the future of transportation that the NJTPA had hosted earlier that morning.

The TAC met again at NJTPA's offices on September 25, 2008. Twenty people attended this meeting, where the project team provided an update on the outreach elements for the Plan including the proposed roundtables and interagency coordination. The project team also presented the visioning tool to the TAC and provided a summary of the input the team had heard from visioning workshops up to that date.

The third TAC meeting took place on November 13, 2008 with 10 attendees. The project team presented baseline scenario for the RTP, possible elements to include in the "consensus" future scenario, as well as a summary of the feedback from the 15 sub-regional visioning workshops.

The fourth and final TAC meeting took place on January 20, 2009 where the project team presented the draft Plan.

## **Interaction with NJTPA Board of Trustees**

The RTP update project team met with Board of Trustees on three occasions.

On May 31, 2008 at the annual Board retreat, the Trustees heard a general overview of the content, timing, purpose and possible alternative structures for the sub-regional visioning workshops. The Board members then engaged in a brief discussion of how they envisioned structuring the workshops.

On Monday, July 14, the RTP update team held a Joint Committee RTP Visioning Workshop with members of the NJTPA's Planning and Economic Development and Project Prioritization committees. At this meeting, the RTP Team gave a brief explanation of the RTP process, presented some of the new elements to be incorporated into the RTP, and discussed the importance of scenario planning in the update process. The Board members also engaged in a discussion of the key points from the June 26 symposium adding to the list of emerging issues likely to impact the region, identifying what these issues might mean for the NJTPA region as well as their particular sub-region, and discussing what strategies NJTPA could investigate to address these issues.

The project team met again with the Board of Trustees on September 8, 2008. At this meeting the project team presented to interactive visioning tool to be used at the sub-regional workshops. The team sought the Board's overall thoughts on the tools including its usefulness and how they saw the tool working in their sub-regions. Comments were taken and incorporated into the final version of the tool.

Key points from the meeting were that the tool offered a great opportunity to increase public understanding of the key issues facing the region and generating discussion about them. The Board encouraged the project team to provide sufficient context for participants at the workshops in order for them to fully participate. Additionally, the Board saw this tool as a chance to understand the goals and desire of local elected officials.

## **Internet-based Outreach**

### **Website**

The NJTPA developed an interactive project website to provide a vehicle for constant communication. The website had two main components. The first component provided the public with information about the project, project documents, frequently asked questions, and opportunities for participation. The second component included numerous interactive features including a survey and online version of the visioning tool used in the sub-regional workshops.

### **Public Survey**

To increase the amount of qualitative and quantitative input from the public in the development of the Plan, the website included an online survey form. The primary goals of this effort were to receive input from the public that could serve as a starting point for

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developing future scenarios for the NJTPA region and inform the NJTPA Board of Directors' discussions and decisions related to the RTP.

Specifically, the survey sought to elicit public opinions about:

- The direction in which northern New Jersey is headed in the next 25 years and whether those surveyed felt it is a positive direction.
- The driving forces that are shaping and will shape the region in the coming decades
- The public's priorities for the region's transportation system

The survey had 10 primary questions covering the topics above and six optional classification questions to understand the demographics and geographic spread of those responding to the survey. A Spanish version of the survey was also available for public use as well as a toll-free number for those who wished to provide their input but did not wish to complete the online survey.

To boost participation, the survey was promoted on the RTP Web site's home page and on a widely distributed RTP post card. In addition, the project team offered an incentive of two \$50 gift cards to be randomly selected from participants of the survey.

To understand current travel behavior, respondents were asked to indicate how they travel for several types of trips (work, school, shopping/errands, recreation). In each case single occupancy vehicle was the most common response. Walking took the next highest share for all but work trips, where train was the second most common response. However, 30 percent of respondents desired to do more travel (overall) by train. When asked about changes to personal travel habits in response to higher gas prices, trip chaining, driving less, and doing more shopping online were most common response for actions already taken. Buying a more fuel efficient vehicle, cutting back on long distance travel, and carpooling were the most common responses for the scenario in which gas prices rose to \$6 per gallon. The least viable options included moving, finding a new job, and commuting at non-peak hours.

The three most significant transportation challenges people see facing the NJTPA region are lack of choices in public transportation and destinations served (23 percent), increasing traffic/congestion delays (17 percent), and aging and deteriorating infrastructure (16 percent). Challenges outside of transportation included rising energy costs, the rising cost of living, and suburban sprawl. In terms of strategies for the NJTPA to pursue, there was support for expanding the public transit system, encouraging development around transit stations, and encouraging flex time and telecommuting. There was little support for capacity expansion (either new lane or new roads) or for tolling currently non-tolled roads. When asked about how to distribute funding, expanding and improving the transportation system as well as maintenance and preservation of infrastructure received the highest allocations. Finally, for options to increase transportation funding, receiving more from the federal government, public-private partnerships, increasing existing tolls, and increasing the gas tax were the most common responses, while new tolls, HOT lanes, and increasing transit fares received the most opposition.

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## **Public Comment Period on Plan 2035**

Following development of the final draft of Plan 2035, a 30-day public comment period was held from June 29 to July 28, 2009. The draft document was distributed to regional libraries and made available online at the NJTPA website. Comments were accepted via mail, fax and e-mail.

In addition, three public open houses were held during the comment period to provide the public with an opportunity to learn about and comment on Plan 2035. The meetings were held on July 9 in New Brunswick, Middlesex County; July 13 in Newark; and July 16 in Morristown.



## West 54 – 55 Street Block Association

### Land Use, Zoning and Public Policy, and MoMA Expansion

Additional comment for the November 18, 2008 public scoping meeting for the Environmental Impact Statement (EIS) Draft Scope of Work (CEQR No 09DCP004M) for the 53 West 53<sup>rd</sup> Street project, "MoMA/Hines project"

**The lot on which the Museum of Modern Art (MoMA) and Hines Interests plan to construct the 53 West 53<sup>rd</sup> Street project is across from our mostly residential North side of West 54 Street. The West 54 – 55 Street Block Association is deeply concerned about the negative impact of the plans on our mixed residential/commercial, low scale blocks on West 54, 55 and 56 Street, North of MoMA, in the Preservation Subdistrict of the Special Midtown District. Below is the summary of the history of the Preservation Subdistrict and MoMA expansion.**

**1979. Midtown West Survey, by the Landmarks Preservation Commission (LPC) was completed (see Summary attached). 33 historic buildings were in our blocks.**

**In the late '70's MoMA sold its unused development rights for \$17 million to a developer to build the 54-story, 588-foot high Museum Tower (MT) mid-block on West 53<sup>rd</sup> Street, with condominiums over six floors of MoMA's galleries. Architect was Cesar Pelli. Completed in 1984, Museum Tower blocked access to sunlight and air for the low scale blocks north of it and its loading dock was placed on residential West 54 Street. Two landmark quality buildings, 23 and 35 West 53<sup>rd</sup> Street were demolished to permit this construction (see photos attached).**

**1982. Midtown Development Review by the Department of City Planning recommended that the LPC designate the Preservation Subdistrict a Historic District (see attached pages). LPC did not act on the request. The Review followed a three year Midtown Development Study, which also recommended stabilization of the area bounded by Third Ave, 40 Street, Sixth Ave and Central Park South, leaving areas South and West of it recommended for development.**

**1982. Midtown Rezoning – Creation of the Special Midtown District and within it the Preservation Subdistrict, including (except for Museum Tower's footprint) the North side on West 53 Street and both sides of West 54, 55 and 56 Street between Fifth and Sixth Avenues. Zoning became C5-P (max FAR 8) (downzoned from max FAR 10) (See attached Zoning Map and ZR Section 81-00 General Purpose).**

**MoMA's second expansion started in 2000 and was completed in 2004, except for the Education Wing, which was completed in 2005. The architect was Yoshio Taniguchi. As part of this expansion, MoMA successfully sought a rezoning, which removed the North side of West 53<sup>rd</sup> Street from the Preservation Subdistrict, and upzoned that area from C5-P (max. FAR 8) to C5-2.5 (max. FAR 12) (higher than it was before the 1982 rezoning). The 250,000 sf expansion included: a 16-story, 245-foot midblock office tower west of the Museum Tower, with office space for commercial rental above the six floors of new MoMA galleries (creating 40,000 sf new gallery space, 16% of the expansion) and**



## West 54 – 55 Street Block Association

three new loading docks on West 54 Street, one for the Museum Tower. The new tower blocked additional access to sunlight and air for the historic blocks north of it.

For this expansion, MoMA demolished the landmark quality Dorset Hotel at 30 W 54 Street (see attached page) and several smaller townhouses on the block.

In recent years, except for the American Folk Art Museum on W 53 Street, MoMA bought every small property West of the museum all the way to the Financial Times building at Sixth Ave, demolished landmark quality City Athletic Club at 40 W 54 Street (about 100 feet tall, see attached pages) and the last few original townhouses on the block, and created an empty lot of about 17,000 sf (about 0.4 acre), which it sold to the Hines Interests for \$125 million in 2007 to build a museum/condo/hotel.

With the demolition of these buildings, the land within 150 feet of Sixth Avenue reverted to avenue, C6-6 zoning (max. FAR 15). This was the equivalent of an “upzoning” and though the lot has no direct avenue access, because it is avenue-zoned, developers can use development rights that permit a tripling of allowed square footage, with no height limit. This is how now the developer can plan to build a 1,250 ft, 82-story high building midblock on a small, 0.4 acre lot. Only floors 2, 4 and 5 of the 82 floors will be part of the museum. (The 1,250 ft tall Empire State Building stands on 2 acres of land on an Avenue and also wide 34 Street). This allows MoMA/Hines to build even as-of-right a rather tall, 25-26 story, 288 ft high building, much taller than the under 100 ft structures there before, blocking access to sunlight and air and open space.

This history shows that over the years MoMA has systematically eroded the Preservation Subdistrict. In September 2005 the Block Association applied for Historic Designation for the blocks and, working with Prof. Andrew Dolkart and graduate students at the School of Architecture, Planning and Preservation at Columbia University, documented the architectural history of every single building in this area. The LPC turned down our first request. However, we are continuing our research, and have also applied for individual landmark designations for many buildings. Two were designated landmarks in 2007, increasing the total number of landmarks to thirteen (1, 5, 7, 9, 11, 13, 15, 17 West 54 Street, The Peninsula Hotel at 700 Fifth Ave & 55 Street, 24 West 54 Street, 10, 12-14 & 30 West 56 Street). Many more received Resolutions of support from Community Board Five. The Preservation Subdistrict shows what Midtown used to look like, it is a vibrant, thriving, low scale, mixed commercial/residential neighborhood, filled with unique townhouses, smaller apartment buildings, small businesses and restaurants. It is a major tourist attraction, also favored by the film industry. It should be protected and preserved.

The Preservation Subdistrict was stable from 1982 to 2005, except for the MoMA expansion.

Since MoMA’s last expansion developers have been descending on the Preservation Subdistrict:

- A developer bought four historic townhouses at the northern tip of the Preservation Subdistrict at 31, 33, 35, & 37 West 56 Street (listed in the Midtown



## West 54 – 55 Street Block Association

West Survey), and in spite of efforts by us, our public officials and Community Board Five, LPC allowed them to be demolished, and replaced by Centurion, a condo with a 76 car garage, listed on p.10 in the 53 West 53<sup>rd</sup> Street EIS Draft Scope of Work (lawyer also Kramer Levin). The four buildings housed many small businesses and some had tenants. All these were lost and displaced;

- In 2005 a developer bought four historic buildings at 12, 14, 16 and 18 West 55 Street, wants to demolish them and, using air rights bought from landmark buildings on West 54 Street, replace them with a 22 story high condo hotel. This is also on p.10 of the draft EIS document, see above. Most of the then thriving small businesses and tenants have been displaced, a few long term tenants are still fighting eviction;
- Two rental apartment buildings at 15 & 19 West 55 Street were sold to a developer, and resold to the Shoreham Hotel, evicting tenants and killing off thriving small businesses there. A few of the long term tenants are still fighting eviction, however the businesses have closed or moved elsewhere;
- The American Cancer Society on the North side of West 56 Street was sold to another developer and is no longer there;
- On the South side of West 56 Street, 18 West 56 Street sold to the owner of other adjacent buildings and a landmark quality parking garage on W 55 St;
- On the South side of West 56 Street three other buildings were sold;
- On West 54 Street developers have been approaching owners of the small townhouses and even a small coop, offering to buy up the properties or their air rights.

The museum's expansions involved relatively small increments in the growth of gallery space compared to the total development. For the last expansion 16% of the space was used for 40,000 sf new galleries. Plans for 53 West 53<sup>rd</sup> Street will use 8-9% of the space for MoMA's galleries (again 40,000sf), the rest for the hotel and condo. On the whole the advantages of this project are not balanced by the enormous negative impacts on the community around it mentioned above and in our comments.

Submitted by Veronika Conant  
President, West 54 – 55 Street Block Association



## Scoping Meeting, Department of City Planning

### Comments & recommendations about the EIS for the MoMA/Hines development plans (53 West 53 Street) 09DC PCC4M

Veronika Conant 45 w 54 St, 7C New York, NY 10019

November 18, 2008

I am Veronika Conant, President of the West 54 – 55 Street Block Association, located on West 55 and 56 Street and the North side of West 54 Street between Fifth and Sixth Avenues in the Preservation Subdistrict of the Special Midtown District. Many of us are here today to comment on the 1,250 foot tall building planned for a less than ½ acre lot on a narrow mid-block street West of the Museum of Modern Art. It will be as tall as the Empire State Building on an Avenue on 2 acres. We oppose the plans and are disappointed that the Landmark Preservation Commission disregarded the Community Board's and the local community's opposition to such a large scale building and allowed the transfer of air rights from St Thomas Church and University Club to the development site. We have several comments and recommendations regarding the environmental studies planned.

*the giant  
of special  
permits*

According to the scoping document the **area of study** for the Environmental Impact Statement will be a ¼ mile radius around the MoMA/Hines site bound by Central Park South, Broadway, 48 Street and Madison Avenue. While this may be adequate to study the impact of some environmental effects, for others larger areas will be impacted and a broader study is called for. **We request: increase the radius to no less than ½ mile, and broader if needed (e.g. river to river traffic study on the two through streets, and shadow study to go deep into Central Park).**

During MoMA's last expansion all **environmental comparisons** were NOT between data before and after expansion but were more narrowly between the already big as-of-right versus build scenarios. **We request that every environmental study make comparisons between the existing conditions, the future without project, and the future proposal in place** (from CEQR, Ch 2. Establishing the analysis framework (C-5). 300. Existing conditions. The assessment of existing conditions establishes a baseline, not against which the project is measured but from which the future conditions can be projected. The prediction of future conditions begins with an assessment of existing conditions because these can be measured, observed, and otherwise tested in the field).

**Land Use, Zoning and Public Policy.** MoMA has been systematically eroding the Preservation Subdistrict, which was created in 1982 after a three year Midtown Development Review by the Dept. Of City Planning. It originally included the North side of West 53 Street and both sides of West 54, 55 and 56 Street between Fifth and Sixth Avenues, filled with unique small scale buildings. At the time DCP recommended to LPC to designate the area a Historic District. Unfortunately for us, it did not happen. In 2000, during MoMA's last expansion W 54 Street was removed from the Preservation Subdistrict and upzoned from C5-P (max FAR 8) to C5-2,5 (Max FAR 12). MoMA also bought up all the small scale buildings West of the expanded museum (some architecturally significant as The City Athletic Club), and demolished them. As a result of this carefully orchestrated move, a portion of the lot within 150 feet from Sixth Avenue reverted to Avenue zoning on both blocks. This makes the present situation possible on a mid-block street lot, without direct

avenue access. We are deeply concerned about further erosion of the Preservation Subdistrict if this building on this scale is allowed midblock. Enclosed is The Midtown District Plan Map and ZR Section 81-00 General Purpose about the Special Midtown District.

**Shadows.** A 1,250 foot high building between West 53 and 54 Street, is at a **new scale compared to what's around it.** It will take away access to sunlight and air from the blocks around it, and will cast a deep shadow north over the low scale buildings in the Preservation Subdistrict and beyond, including Central Park. There are many historic buildings eligible for the State and National Register in that area (on W 54 Street this includes most of the block, especially, 1, 5, 7 Lehman Mansion), 9-11, 13,15, 17 (Rockefeller Apartments), 35 and 41 and 65 West 54 Street (The Warwick Hotel)) Additional historic buildings include The Peninsula Hotel, 24 West 55 Street (Rockefeller Apts.) and 46 West 55 Street, The Fifth Avenue Presbyterian Church, 17, 10, 12-14, 26, 28, 30, 36 and 46 West 56 Street. There are also several historic buildings on the West 57 Street block (29, 31, 33, 35, 57 West 57 Street , The Steinway Building and much more). **The shadow study must include Central Park.** (*CEQR Shadows. 3E-200 "The longest shadow cast during the year (except within an hour and half of sunrise or sunset) is 4.3 x height. For height of 1,250 feet the longest shadow will be 5,375 feet long, for height of 1,000 feet it will be 4,300 feet. Central Park is five blocks from the site, about 1,400 feet away.)*



10/31/01

81-00

**GENERAL PURPOSES**

The "Special Midtown District" established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) to strengthen the business core of Midtown Manhattan by improving the working and living environments;
- (b) to stabilize development in Midtown Manhattan and provide direction and incentives for further growth where appropriate;
- (c) to control the impact of buildings on the access of light and air to the streets and avenues of Midtown;
- (d) to link future Midtown growth and development to improved pedestrian circulation, improved pedestrian access to rapid transit facilities, and avoidance of conflicts with vehicular traffic;
- (e) to preserve the historic architectural character of development along certain streets and avenues and the pedestrian orientation of ground floor uses, and thus safeguard the quality that makes Midtown vital;
- (f) to continue the historic pattern of relatively low building bulk in midblock locations compared to avenue frontages;
- (g) to improve the quality of new development in Midtown by fostering the provision of specified public amenities in appropriate locations;
- (h) to preserve, protect and enhance the character of the Theater Subdistrict as the location of the world's foremost concentration of legitimate theaters and an area of diverse uses of a primarily entertainment and entertainment-related nature;
- (i) to strengthen and enhance the character of the Eighth Avenue Corridor and its relationship with the rest of the Theater Subdistrict and with the Special Clinton District;
- (j) to create and provide a transition between the Theater Subdistrict and the lower-scale Clinton community to the

west;

- (k) to preserve, protect and enhance the scale and character of Times Square, the heart of New York City's entertainment district, and the Core of the Theater Subdistrict, which are characterized by a unique combination of building scale, large illuminated signs and entertainment and entertainment-related uses;
- (l) to preserve, protect and enhance the character of Fifth Avenue as the showcase of New York and national retail shopping;
- (m) to preserve the midblock area north of the Museum of Modern Art for its special contribution to the historic continuity, function and ambience of Midtown;
- (n) to expand and enhance the pedestrian circulation network connecting Grand Central Terminal to surrounding development, to minimize pedestrian congestion and to protect the area's special character;
- (o) to expand the retail, entertainment and commercial character of the area around Pennsylvania Station and to enhance its role as a major transportation hub in the city;
- (p) to provide freedom of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms without the need for special development permissions or "negotiated zoning"; and
- (q) to promote the most desirable use of land and building development in accordance with the District Plan for Midtown and thus conserve the value of land and buildings and thereby protect the City's tax revenues.

8/6/98

**81-01  
Definitions**

For purposes of this Chapter, matter in italics is defined in Sections 12-10 (DEFINITIONS), 81-261 (Definitions) or 81-271 (Definitions).

Special Clinton District

above FAR 15-16 is unlikely. In addition, the special design and retail use controls of the Fifth Avenue sub-district would apply. The real estate consultant to the Department has advised that such new development would strengthen the lower Fifth Avenue department stores, a judgment in which the Commission concurs. The Fifth Avenue Association agrees and supports the rezoning of this portion of the Avenue. Indeed it urges that we include Fifth Avenue down to 25th Street as well as Park Avenue South in the Growth Area. The Real Estate Board and the Park Avenue South Association concur. As indicated in the final report, we think a decision on these areas should not proceed before we have seen the effect of our policies on the area north of 34th Street.

8. Penn Station Area. We did not extend the Special Midtown District to Eighth Avenue here because of the high concentration of industrial jobs in the area. Any changes should protect existing industry and jobs, and reflect the needs arising out of the Special Convention Center Area Study now underway.

### C. Density and Bulk Issues

A number of points under this heading were made at the Public Hearing. These included arguments to increase density (FAR) limits in the Growth Area, to decrease them in the Stabilization Area, to retain or do away with the distinction between midblock and avenue zoning, to modify split lot regulations and their impact on zoning lot mergers, and whether to "grandfather."

1. FAR Limits. The Commission considered a number of alternatives in arriving at its recommendations contained in the proposed amendment. The alternatives were weighed in relation to their effectiveness in implementing the Commission's basic policy of stabilizing development in the East Midtown core and encouraging growth in the West and South Midtown areas. Alternatives were similarly considered in achieving the Commission's preservation objectives.

#### a. East Midtown

Alternatives ranged from continuing present FAR levels with stricter enforcement of height and setback regulations and public amenities to consideration of a moratorium on further development. The mid range of considered options included the reduction of the allowable as-of-right FAR in this area in different amounts; it also included variations between avenue and midblock development.

The Commission rejected both extremes. Continuance of the present FAR levels with strict enforcement of daylight and public amenity standards was rejected because of the inherent rigidity of the present bulk regulations. It was felt that on lots of less than 40,000 square feet, which represent the great majority of developable sites, developers would invariably seek special permit and variance relief from the rigid building

from midtown zoning 1702 Dept. of City Planning  
envelope regulations in order to take advantage of the full FAR still accorded by the ordinance under this alternative.

At the other end of the spectrum, a moratorium for any significant period of time would raise serious constitutional and other legal questions dealing with the rights of property owners in the affected area and was therefore rejected.

The Commission considered the economic impact of the recommended downzoning on property owners. The Commission concluded that, while potentially diminishing values in some areas, on balance property values would be protected. Significant factors in reaching this conclusion were the Commission's confidence in the increased flexibility of the new daylight recommendations, which remove rigidities imposed by the present ordinance, and the adverse impact of increased congestion on existing values.

#### b. Preservation Area

There were a number of options for preserving the scale, quality and function of the unique midblock area between Fifth Avenue and the Avenue of the Americas in the vicinity of the Museum of Modern Art.

Alternatives ranged from removing the basic bonus applicable in the area, thereby reducing allowable floor area, to designation as a historic district with a height limitation by the Landmarks Preservation Commission. The first alternative would still have permitted FAR 10 development where study revealed that the prevailing bulk within the area approximates FAR 8. The Historic District approach was suggested to the Landmarks Preservation Commission; it has not acted on the recommendation for the area.

Based on its analysis of the area's existing character, the Commission chose the middle ground: a zoning district with maximum FAR 8. The Commission considered the economic effect of downzoning to be balanced by the preservation of the area's unique character and the reduction of potential congestion, which would work to preserve or enhance property values.

#### c. West Midtown

Here the Commission's policy was to encourage growth and relate zoning recommendations to this goal. While disposed to use zoning creatively in this regard, the Commission remained conscious of its responsibility to safeguard public standards of light and air, public amenities and environmental quality, including impacts on public infrastructure. The

From: Midtown Development June 1981  
DCP 81-8 City Planning Commission

## Area Goals and Strategy

The planning framework proposed to help overcome the obstacles to implementing the development strategy is to divide Midtown into three basic types of areas—stabilization, growth and preservation.

The three-area planning framework has had widespread public acceptance not only in pointing a general direction but in providing an explicit basis for the policies required to meet the needs of the three types of areas.

### The Stabilization Area

The stabilization area consists of the East Side office core, Third Avenue to Avenue of the Americas, 40th to 60th Streets. It is an area where public development incentives should no longer be given. They only fuel an overheated private market. Although available sites and development opportunities are becoming limited, the area will continue to attract corporate headquarters and prestigious, top-of-the-line office buildings. There is no intent to stop new development of this type. It remains in the City's interest. But the ground rules should respect the historically developed character that gives the area its great value and makes it so desirable. Buildings should be in scale and not further overburden crowded streets and congested subway stations. Public improvements and services should relieve congestion and improve circulation.

### The Growth Areas

The major areas that can accommodate Midtown expansion are: the Theatre District including Broadway, Times Square and Seventh Avenue; Eighth Avenue between 42nd and 57th Streets; Fifth Avenue from 40th to 34th Streets; Sixth Avenue from 42nd to 34th Streets; the 34th Street corridor from Fifth to Eighth Avenue; and the Herald Square-Penn Station area.

Despite advantages of access, openness and availability of sites, development of the proposed growth areas is handicapped because developers believe they cannot produce space at rents sufficiently below East Side rents to attract a market under current conditions. The goal of public policy is to make these areas competitive with the East Side—by targeting available tax and zoning incentives, at least initially; and by concentrating public investment on projects that will directly improve the areas' environment and ability to command higher rents.

### The Preservation Areas

In 1968, when the office building boom was peaking

and starting to move west, there was concern that it would wipe out the old theatres. The special theatre district, the first of the special districts, was created by the Planning Commission. It provided an additional floor-area bonus for new office buildings that would include new theatres. This seemed necessary to save the Broadway legitimate theatre, an invaluable economic as well as cultural asset of the City. Since then, the theatre industry has prospered and we have learned that in many ways the old theatres work better than the few new ones built under the theatre district provisions. Their preservation, not replacement, is key to maintaining a vital theatre industry. We think this can be accomplished by providing incentives for preservation and facilitating the transfer of theatre development rights to avenue development sites.

As we suggested in the draft report, the Museum of Modern Art midblock area is likewise worthy of preservation. It is characterized by landmark-quality buildings, well-kept townhouses, low and medium rise apartments and residential hotels, street level shops and restaurants including the 56th Street "restaurant row." Its relief of scale and variety of uses contribute to the well-being and sound functioning of the surrounding densely developed commercial core area. If lost, its unique combination of quality, scale and use is not likely to be replaced.

Since publication of the draft report, several buildings within the area on 54th Street have been given landmark status by the Landmarks Preservation Commission. The area is presently zoned lower, at FAR 10, than the rest of Midtown; and we propose to downzone it further, to FAR 8, to reflect more accurately its built character. But zoning cannot guarantee preservation. We therefore recommend that the Landmarks Preservation Commission consider designating the area an historic district, which would subject the area to preservation controls and permit imposition of a height limitation.

We examined the East Side stabilization area for other possible mid-block preservation areas, but concluded that additional designations were unnecessary as a result of mapping changes recommended for midblocks generally and for two small areas at the northern periphery of the study area specifically. These proposals are set forth in the Zoning Overview chapter of this report.

recommended to the City  
Planning Commission Staff  
Dept. of City Planning

**DANIEL R. GARODNICK**  
COUNCIL MEMBER, DISTRICT 4

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**Testimony of Council Member Daniel R. Garodnick  
Before the Department of City Planning  
On the Draft Scope of Work for the Environmental Impact Statement  
for 53 West 53rd Street**

**November 18, 2008**

My name is Dan Garodnick, and I represent the 4th District in the City Council. Thank you for the opportunity to offer testimony.

While I do not represent the development site at 53 West 53rd Street, my Council District includes the north side of 54th Street, which is home to the University Club (from which the development site seeks the transfer of some air rights), as well as a number of residents who live in low- and mid-rise apartment buildings, and who will find themselves living across the street from a tower the height of the Empire State Building if the development project is built as proposed.

Despite the project's location in the Central Business District, the residential makeup of neighboring buildings requires close scrutiny of the environmental effects that could negatively impact traffic, pedestrian space, open areas and the quality of life of these nearby residents.

I propose expanding the scope of the environmental review in a number of respects.

**Take a Wider View of Traffic Impacts**

First, I believe you need to take a wider view of traffic impacts than set forth in the Draft Scope of Work for the Environmental Impact Statement ("Draft Scope"). Both 53rd and 54th Streets are designated "Thru Streets" by the Department of Transportation ("DOT"), which has taken measures to improve the flow of traffic on these streets between Third and Sixth Avenues. In order to adequately assess the impacts of vehicular traffic that the proposed development may bring to the area, the study area should be expanded beyond its current quarter-mile radius (which extends just past Park Avenue on its eastern side) at least as far as Third Avenue, if not from river to river.



Finally, the EIS should study the effects that could be gained from the incorporation of trash compactors in the building's waste management plan. Compacting any commercial waste generated by a potential hotel use could greatly reduce the bulk of the garbage that would have to be put at the curb, and translate directly into quality of life improvements for local residents.

I thank the Department for the opportunity to testify today, and I look forward to seeing a final scoping document that incorporates changes suggested by the public and the elected officials who will come before you.

## **Public Scoping Hearing: MoMA/Hines Development 53 West 53rd Street**

Assembly Member Richard N. Gottfried  
Testimony before the City Planning Commission  
Spector Hall, 22 Reade Street  
Tuesday, November 18, 2008, 10:00 am

I am Assembly Member Richard N. Gottfried. I represent the 75th Assembly District in Manhattan, which includes Chelsea, Hell's Kitchen, Murray Hill, and parts of the Upper West Side and Midtown, including the area where the building at 53 West 53rd (the MoMA/Hines) Street is proposed. I regret that the legislative session in Albany prevents me from testifying in person.

A building of this magnitude on a midblock location violates the basic principles of New York City zoning and good urban planning. It should not be allowed at all, but certainly not without the most rigorous environmental impact review.

The area of study proposed for the Environmental Impact Statement is too limited. The proposal is to have the EIS study an area of a quarter of a mile radius around the MoMA/Hines site. That area needs to be expanded to include all of Community Boards 4, 5 and Community Boards 6 because West 53 and West 54 are through streets causing heavy traffic throughout the day through Community Boards 4, 5 and 6. The analysis needs to include: traffic (including emergency vehicles routes), parking, shadows, and other environmental impacts. The shadow study also needs to be expanded from the Rockefeller Apartments at 17 West 54th Street to include the buildings directly across from the proposed building. (This includes 35, 37, 39, 41, 43 and 45 West 54th Street).

The developer needs to provide a written preservation plan and conduct independent shadow studies, which are imperative in order to assess whether the new tower will relate harmoniously to the surrounding area, what the adverse effects will be in terms of scale, location, and access to light and air on structures and open space in the vicinity. There also needs to be an assessment of traffic flow, noise and air pollution, and the effects of construction debris on surrounding landmarked buildings. The developer must submit a plan with regard to how it intends to mitigate construction noise and traffic impact.

These reports are imperative because construction of a building of this magnitude would constitute a major disruption in the life of this community.

Overall figures about loading dock use, including pickup and delivery, should be a component of this study. A loading dock management study of the six existing loading docks on West 54 Street is important because of the traffic congestion and noise level caused by the delivery trucks.

I appreciate the opportunity to submit these comments and look forward to working with the City Planning Commission, the Hines Organization, MoMA, and the community to improve the project.



RICHARD N. GOTTFRIED  
75TH ASSEMBLY DISTRICT

CHAIR  
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RICHARD N. GOTTFRIED  
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### **Public Scoping Hearing: MoMA/Hines Development 53 West 53rd Street**

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Testimony before the City Planning Commission  
Tuesday, November 18, 2008

I am Assembly Member Richard N. Gottfried. I represent the 75th Assembly District in Manhattan, which includes Chelsea, Hell's Kitchen, Murray Hill, and parts of the Upper West Side and Midtown, including the area where the building at 53 West 53rd (the MoMA/Hines) Street is proposed. I regret that the legislative session in Albany prevents me from testifying in person.

A building of this magnitude on a midblock location violates the basic principles of New York City zoning and good urban planning. It should not be allowed at all, but certainly not without the most rigorous environmental impact review.

The area of study proposed for the Environmental Impact Statement is too limited. The proposal is to have the EIS study an area of a quarter of a mile radius around the MoMA/Hines site. That area needs to be expanded to include all of Community Districts 4, 5, and 6 because West 53 and West 54 are through streets causing heavy traffic throughout the day through those districts. The analysis needs to include: traffic (including emergency vehicles routes), parking, shadows, and other environmental impacts. The shadow study also needs to be expanded from the Rockefeller Apartments at 17 West 54th Street to include the buildings directly across from the proposed building. (This includes 35, 37, 39, 41, 43 and 45 West 54th Street). The developer needs to provide a written preservation plan and conduct independent shadow studies, which are imperative in order to assess whether the new tower will relate harmoniously to the surrounding area, what the adverse effects will be in terms of scale, location, and access to light and air on structures and open space in the vicinity. There also needs to be an assessment of traffic flow, noise and air pollution, and the effects of construction debris on surrounding landmarked buildings. The developer must submit a plan with regard to how it intends to mitigate construction noise and traffic impact.

These reports are imperative because construction of a building of this magnitude would constitute a major disruption in the life of this community.

The environmental review should include an analysis of the project's need for and effect on public school capacity. The proposed project's 300 new residential units might generate less than the CEQR threshold of 50 elementary/intermediate school students that would trigger a mandatory detailed analysis of public schools. However, School District 2 is already overcrowded and there are no public elementary schools in the vicinity of this development. I

believe it is futile to conduct a “snapshot” study of the project’s potential affects on schools without taking into consideration the growing overcrowding of the public schools. Therefore, there should be a detailed analysis of the adequacy of public schools for school-aged children who may live in the building, the proposed project’s affects on the nearest public schools, and projections for the growth of children in these schools and neighborhoods in 10 and 20 years.

Overall figures about loading dock use, including pickup and delivery, should be a component of this study. A loading dock management study of the six existing loading docks on West 54 Street is important because of the traffic congestion and noise level caused by the delivery trucks.

I appreciate the opportunity to submit these comments and look forward to working with the City Planning Commission, the Hines Organization, MoMA, and the community to improve the project.

## Public Scoping Hearing: MoMA/Hines Development 53 West 53rd Street

Assembly Member Richard N. Gottfried  
Testimony before the City Planning Commission  
Spector Hall, 22 Reade Street  
Tuesday, November 18, 2008, 10:00 am

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I appreciate the opportunity to submit these comments and look forward to working with the City Planning Commission, the Hines Organization, MoMA, and the community to improve the project.

## Allison Ruddock

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**From:** A. John Harrison [ajohn.harrison21@verizon.net]  
**Sent:** Wednesday, December 03, 2008 5:43 AM  
**To:** rdo Brus@planning.nyc.gov  
**Subject:** MoMA/Hines Development

To: [rdo Brus@planning.nyc.gov](mailto:rdo Brus@planning.nyc.gov)

Mr. Robert Dobruskin, Director

Environmental Assessment & Review Division

Department of City Planning

22 Reade Street., 4E. New York NY 10007

### Re: MoMA/Hines Development (53 West 53<sup>rd</sup> Street) Environmental Impact

I write as a resident and Coop owner at 27 West 55<sup>th</sup> Street for the past 50 years and a member of the West 54-55 Block Association. The proposed development at 53 W 53 seems incompatible with the general tenor and street-scape of these few low-rise midtown blocks. There are a number of factors that the Planning Commission and other authorities may not be aware of

**Ground Water & sewerage:** Old city maps will, I think, show a stream running North roughly along what is presently the Avenue of the Americas and into the lake in Central Park beginning at 59<sup>th</sup> Street. This was evident when for instance the building at 55<sup>th</sup> Street & 6<sup>th</sup> Ave went up.

Our building mid-block on 55<sup>th</sup> Street is subject to water seepage in the lower basement and occasional sewer backup after heavy rain. And this may also affect nearby buildings. Local infrastructure is not geared to massive new development.

**Traffic:** Frequently backs up all the way from Madison and even Park Avenues on 53<sup>rd</sup> and 55<sup>th</sup> Streets to West of 6<sup>th</sup> Avenue. Fifth Avenue and local side-streets are crowded with pedestrians not only at lunchtime and at the end of the working day but at other times also, especially when there are heavy concentrations of sightseers during holidays, busy shopping seasons, and when there are big attractions or events in the neighborhood, not only at MoMA, but also Radio City Music Hall and the Rockefeller Center Christmas Tree.

**Light and Air:** We are very concerned that the proposed building planned to be some 82 stories and 1250 feet high will not only cut off light and air from the narrow neighboring streets north of 53<sup>rd</sup> but extend even some way into Central Park. The 1/4 mile perimeter around the proposed development does not fully take this into account particularly to the North and indeed stops conveniently short of Central Park.

Traffic congestion has implications for fire, ambulance, and other emergency services and, let's be realistic, the proposed new building would make an attractive target for terrorists. For all these reasons, we would urge EARD to limit the height of the MoMA/Hines building to that of the neighboring landmarked Blackrock or FT buildings. Thanks for your consideration.

A. John Harrison, Treasurer, 55<sup>th</sup> Street Apartments, Inc.

27 West 55th Street Apt 43, New York NY 10019

Tel: 212-245-5139 Fax 212-265-7184 [ajohn.harrison21@verizon.net](mailto:ajohn.harrison21@verizon.net)

December 1, 2008



*Marilyn C. Hemery  
15 West 55<sup>th</sup> Street  
New York, New York 10019  
(212) 757-2220  
email: hemerym@gmail.com*

November 17, 2008

NYC Department of City Planning  
22 Reade Street  
New York, NY

Dear Sir/Madam,

This letter is in opposition to the oversized building proposed by MoMA Hines on West 53<sup>rd</sup>/54<sup>th</sup> Street. As you know, West 54<sup>th</sup> Street is already congested and the infrastructure is stressed and stretched beyond its limits without the addition of this mammoth building.

I have lived in my apartment for almost 40 years. My apartment faces south so I enjoy sunlight for most of the day. In addition to many concerns regarding this building, I am also concerned about the loss of light caused by the shadow which will be cast by this building. Not only will this building rob me of sunlight, but it will cast shadows to the west, to the east, and to the north all the way to Central Park.

Are you aware of SAD (seasonal affective disorder - also known as winter depression or winter blues)? This disorder affects millions of people a year, usually between September and April. SAD is a mood disorder in which people who have normal mental health throughout most of the year experience depressive symptoms in the winter or, less frequently, in the summer, repeatedly, year after year. Seasonal mood variations are believed to be related to light. SAD can be a serious disorder and may require hospitalization. There is also potential risk of suicide in some patients. There are various treatments for this syndrome, one of which is light therapy.

Since this project will clearly affect the surrounding neighborhood - north, south, east and west - what provisions will the builder and New York City make to compensate not only its neighbors, but Central

Park, for robbing us of sunlight, not to mention the ruining of one of the best streets in New York City.

I want to trust my City government, but I find it difficult because much of the leadership lacks morality and discipline. You must challenge the status quo - you need to be inspired by the core principles which drove you into service in the first place.

When making your decision, please keep in mind the preservation of the culture of the diminishing little neighborhoods. MoMA has become a real estate operation. It has changed West 53<sup>rd</sup> Street. Please put a stop to the growing greed of this real estate operation, and please don't let it ruin not only West 54<sup>th</sup> Street, but the entire West Side from Park to Broadway and from West 48<sup>th</sup> to Central Park.

Thank you.

**LIZ KRUEGER**  
**SENATOR, 26TH DISTRICT**

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CHAIRPERSON  
MINORITY PROGRAM DEVELOPMENT  
RANKING MINORITY MEMBER  
HOUSING, CONSTRUCTION &  
COMMUNITY DEVELOPMENT

COMMITTEES  
BANKS  
CONSUMER PROTECTION  
FINANCE  
HIGHER EDUCATION  
RULES

**Testimony of State**  
**Senator Liz Krueger**  
**Before the Department of City Planning**  
**Regarding the Environmental Impact Statement Draft Scope of Work**  
**for the 53 West 53rd Street Project**  
**November 18, 2008**

Good afternoon. My name is Liz Krueger and I represent the 26th State Senate District, which includes the Midtown, East Midtown, and Upper East Side neighborhoods of Manhattan. I appreciate this opportunity to comment on the Draft Scope of Analyses for the Environmental Impact Statement (EIS) that will study the impacts of the proposed development of the MoMA/Hines Tower Verre Project at 53 West 53<sup>rd</sup> Street ("Tower Verre"). I regret that, because the State Senate has been called back into Extraordinary Session by Governor Paterson, I am unable to appear today in person.

The proposed Tower Verre development has been described as a "an asymmetrical, twisting, glass, needle" rising 1,250 feet in the air. The building would be the same height as the 102-story Empire State Building—currently the tallest building in New York City. It would be grossly out of scale with the other buildings in the area, including several individual landmarks on West 54 Street, and would overwhelm the area's infrastructure and services. The proposed project is situated mid-block in an already densely populated area and cannot be built as of right. In fact, under the existing zoning, any building constructed at the site would be required to be nearly one-third the size of the proposed Tower Verre (258,097 gross square feet and 786,586,562 gross square feet respectively). Given the substantial additional density the developer would be able to transfer to 53 West 53<sup>rd</sup> Street if granted the four discretionary Special Permits from the City, it is absolutely essential for the Department of City Planning to closely evaluate the effects of such a large project on the surrounding community.

I appreciate the desire of MoMA and Hines Interests to proceed with their plans for the development site. However, it is my belief that neither of the approved preservation plans for the landmarked properties, from which the air rights will be transferred, would alleviate the public burden of the proposed development. In the end, these restorations would do little to compensate the community or New York City for the strain on infrastructure, traffic flow, public safety, or restriction of light and air that 100+ floor mid-block building would impose. While many people think of Midtown simply as a commercial Central Business District, the area also has numerous thriving residential communities that must be protected.

I want to make clear that I am not opposed to well planned, functional, urban development. As I stated at the Landmarks Preservation Commission in April, I appreciate the desire of MoMA and Hines Interests to proceed with *reasonable* plans for the development site. MoMA and Hines Interests together have an opportunity in Tower Verre to forge a partnership to design superb, well-planned urban development if they are willing to take into consideration the legitimate concerns of the surrounding community. However, if not planned carefully, this project will overwhelm the scale and services of the surrounding neighborhood.

I look forward to the Department of City Planning engaging in a comprehensive review process for Tower Verre that is guided by sound planning principles. I would like to assist the Department of City Planning's efforts to produce an EIS by offering several concerns about the developer's proposal and the draft scope of the EIS that should each receive genuine, close consideration.

**Task: Traffic & Parking**

53<sup>rd</sup> and 54<sup>th</sup> Streets, which encompass the Tower Verre project, are designated as Midtown THRU Streets due to their high traffic volumes by the New York City Department of Transportation. The capacity of both are already severely stretched by existing development and institutions.

Therefore, the evaluation of the likely traffic and parking impacts must be as conservative as possible. The analysis must study existing and projected river-to-river traffic flows on both week and weekend days at multiple time-periods. The EIS must evaluate existing and projected traffic patterns during major events (many of which attract thousands of visitors) at MOMA and other large neighborhood institutions. In addition, response times for emergency vehicles and delivery times should be studied in real time.

The designated entrance to Tower Verre for its residential, restaurant and hotel patrons is West 54<sup>th</sup> Street that currently has six loading docks with a seventh anticipated to accommodate the new building. Hines and MoMA have created much publicity around the innovation behind Tower Verre. The problems posed by the bulk and height of the building on a block already heavily taxed with delivery and through traffic, should be mitigated by an equally innovate loading dock solution. The EIS should study alternatives to adding a seventh curb cut such as a drive through, below ground loading dock.

**Task: Transit & Pedestrians**

While the draft scope of work calls for no further analysis of the project on public transportation and pedestrians, it fails to take into account increased traffic to and from the museum as a result of the increase in gallery space and the loss of the empty lots that

have served as holding pens for museum visitors. After MoMA's last expansion of 40,000 square feet attendance grew from 1.8 million to 2.5 million visitors by MoMA's own statistics. This expansion is also about 40,000 square feet. Furthermore, Tower Verre will have a steady stream of hotel and restaurant patrons, residents and tourists coming and going.

With a downturn in the economy and published reports that the MTA may have to cut services, increased traffic to the museum will affect the already taxed mass transit system. The EIS needs to evaluate an increase in pedestrian traffic and its affect on all transit systems to the building. The EIS should also evaluate measures that could be taken to mitigate the increased pedestrian traffic such as widening the sidewalks and removing any existing sidewalk barriers.

**Task: Shadows**

Although the draft scope considers a shadow analysis on four analysis days, the analysis should adhere strictly to the *CEQR Technical Manual* that states, "the longest shadow cast during the year is 4.3 X height." Thus, Tower Verre's 1250 feet times 4.3 is 5,375 feet--deep into Central Park. The Park itself is only 1,400 feet and five blocks away. The EIS must include a study of the shadows cast into the park using the CEQR test as a far more appropriate analysis.

The Department of City Planning should broaden the scope of the EIS to include a full study of these issues, as well as the other concerns and proposals of my constituents, Community Board 5, affected neighborhood organizations and advocacy groups, and my fellow elected officials. I strongly encourage you to address these issues in the Final Scope of Work and in the Supplemental Environmental Impact Statement for the Tower Verre project. I strongly encourage the Department of City Planning to ensure that any and all development at 53 West 53<sup>rd</sup> Street reflects the area's character and positively contributes to the community.

Thank you for your consideration of my views

*Francine E. Lembo*  
*35 West 54th Street*  
*New York, New York 10019*

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ENVIRONMENTAL REVIEW DIV.

November 24, 2008

Mr. Robert Dobruskin  
City Planning  
Environmental Assessment and Review Division  
22 Reade Street, 4E  
New York, NY 10007

RE: Moma/Hines Tower Verre Project

Dear Mr. Dobruskin,

As a longtime resident of West 54th Street, I am very concerned about the Moma/Hines Project. It is inconceivable to me that a building the height of the Empire State Building is being proposed for this congested midtown block.

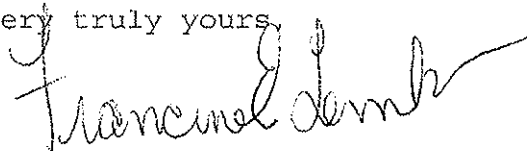
With the expanded museum, quality of life issues have already emerged for people living and working on West 54th between 5th and 6th Avenues.

1. Garbage and refuse - All the waste from the museum, the museum tower and the buildings is collected and picked up on West 54th St. There are currently 6 loading docks in a small area starting from the museum west to 6th Ave. How much more garbage can you collect and pile on this street? This beautiful street is becoming NYC's version of Freshkills Landfill sorting station.
2. Traffic and congestion - The officials voting on this plan should experiment getting across 54th from 7th Ave. to 5th Ave. at various times of the day. Traffic is horrific now. They should also visit West 54th on a Friday afternoon when admission is free. Where are these lines of people wrapping around the block going to queue during construction and after the building opens? Surely, they will not be transferred to the residential side of 54th St., barring access to apartments and restaurants?

In addition, everyone is concerned about the impact of the underground structures needed for such a tall building. Many buildings on West 54th are historic and old townhouse structures - will steps be taken (and at whose cost) to protect these buildings and the lives of the people living there?

The tallest or next to tallest building in New York City does not belong on a small midtown block. Some common sense must prevail.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Francine E. Lembo". The signature is written in dark ink and is positioned below the typed name.

Francine E. Lembo



**WARWICK**  
NEW YORK HOTEL

DEPT OF CITY PLANNING  
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ENVIRONMENTAL REVIEW DIV.

**VIA FEDERAL EXPRESS  
AND HAND DELIVERY**

*December 2, 2008*

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

Re: 53 West 53<sup>rd</sup> Street/ CEQR App. No. 09DCP004M  
W2005/Hines West Fifty-Third Realty, LLC ("Hines")

Dear Mr. Dobruskin:

This letter is provided on behalf of the Warwick New York Hotel (the "Warwick Hotel") to address specific concerns pertaining to the Draft Environmental Impact Statement ("DEIS") for the proposed 82-story mixed-use tower to be built at 53 West 53<sup>rd</sup> Street, of which four stories will consist of an expansion of the Museum of Modern Art (the "Project"). Following up the Warwick Hotel's testimony at the scoping hearing on November 18, 2008, our additional comments are provided in accordance with Section 5-07 of the Rules of Procedure for Environmental Review ("CEQR").

The 36-story Warwick Hotel, built in 1926 and consisting of 426 rooms and suites, seven conference rooms, a restaurant and a bar accessible to hotel guests and the public, is located at 65 West 54<sup>th</sup> Street (Block 1270 Lot 1) and is affiliated with the National Historic Trust for Preservation, Historic Hotels of America, being only one of 211 such hotels and resorts in the world. The Warwick Hotel was developed in the early 1920's by William Randolph Hearst, who commissioned one of the best known architects of the time to design the building. It is one of the few buildings of the "Spanish" influenced era, and is widely regarded as a local landmark in the mid-town area of the New York City. In recent years, the façade has been fully restored to its original splendor.

The Warwick Hotel understands that Hines proposes to construct an 82-story structure on a through lot in between West 53<sup>rd</sup> Street and West 54<sup>th</sup> Street between 5<sup>th</sup> and 6<sup>th</sup> Avenues, directly across the street from the Warwick Hotel's main entrance. The owners of the Warwick Hotel are concerned about the impact that the construction would have on the Warwick Hotel's structure and its guests, which may be expected to cause irreparable harm. Should this Project go ahead, it would completely overshadow the entire neighborhood from West 53<sup>rd</sup> Street to West 54<sup>th</sup> Street and beyond.



### TRAFFIC AND PARKING CONCERNS

As disclosed in Hines' Environmental Assessment Statement ("EAS"), the proposed tower is 1,250 feet in height, with commercial, residential, hotel and museum uses. The total square footage of the Project will be 786,562 gross square feet. Adding a building of this size, especially mid-block, directly across from the Warwick Hotel's entrance, will present significant disruption and increased vehicular and pedestrian traffic, all of which will have a permanent detrimental effect on the Warwick Hotel for the following reasons:

1. While the Project is being built, during what we understand is a four-year construction phase, there will be lane closures, storage of construction materials and parking of construction vehicles, equipment and trailers. The design proposed indicates that the West 54<sup>th</sup> Street egress will serve as an entrance for the residential tenants and as a loading dock for deliveries and trash removal for the entire Project. Most importantly, 54<sup>th</sup> Street is a through street which has been designated by the New York City Department of Transportation to allow the flow of traffic from river to river, facilitating safety and alleviating traffic congestion. Allowing the Project to be built, in the first place, and closing lanes on West 54<sup>th</sup> Street during construction would be contrary to the best interests of the City of New York's program to limit vehicular traffic congestion.

Further, a back-up of traffic on West 54<sup>th</sup> Street, in front of the Warwick Hotel, will cause significantly increased traffic congestion on 6<sup>th</sup> Avenue. As West 54<sup>th</sup> Street already experiences heavy vehicular traffic and is a vital cross-town route, the additional traffic caused by the Project will make it difficult for vehicles to reach the hotel and the congestion will make the Warwick Hotel a much less attractive destination.

In fact, at 75% occupancy (which is the consistent level of occupancy at the Warwick Hotel) there are a minimum of three vehicles at the hotel's entrance at all times. This already creates a slow flow of traffic on West 54<sup>th</sup> Street which will be even slower and more congested during construction of the Project and once it has been built.

The Warwick Hotel has one entrance, on West 54<sup>th</sup> Street, where all deliveries to the Warwick Hotel are received. The additional congestion on West 54<sup>th</sup> Street will disrupt the delivery process and drop-off and pick-up of Warwick Hotel guests. Delivering of goods, laundry and food and beverage items will be severely disrupted and, notably, the loading/parking regulations on 6<sup>th</sup> Avenue preclude standing, parking or deliveries at all times. Accordingly, the vital operations of the Warwick Hotel will, during construction, and forever, if the Project is built, be forced to compete with gridlocked traffic on West 54<sup>th</sup> Street. During the construction phase of the Project, the Warwick Hotel will also be forced to compete with construction vehicles, equipment and stored construction materials right outside of the hotel's main entrance, causing significant damage to the Warwick Hotel's business.

2. From the EAS and the Scope of the DEIS, there appears to be no accessory parking provided in connection with the Project. Because the Warwick Hotel does not have a garage, in the event the Project goes forward, the Warwick Hotel's guests and employees will have no choice but to compete with occupants of the Project at already limited neighborhood parking facilities.

While the Warwick Hotel is open to discussion regarding the above concerns, the following are some suggestions that could potentially address the Warwick Hotel's concerns during the design and construction phases of the Project:

1. Allocating the placement of construction trailers, equipment and other vehicles, as well as arrangements for storing materials between West 53<sup>rd</sup> Street and West 54<sup>th</sup> Street locations. It appears that the current intention is to close the southernmost lane on West 54<sup>th</sup> Street between 5<sup>th</sup> and 6<sup>th</sup> Avenues to traffic to accommodate construction activities. This would create even more congestion on a street which already experiences heavy vehicular traffic. This congestion will significantly impair the Warwick Hotel's ability to continue doing business.
2. Creating an on-site staging area and parking away from the West 54<sup>th</sup> street property line for construction vehicles and equipment, delivery of materials and removal of trash and debris during construction.
3. Providing that any lane closures on West 54<sup>th</sup> Street be strictly limited in duration and that consideration be given to closing a lane on West 53<sup>rd</sup> Street instead.
4. Providing for an interior loading dock area within the Project site which allows deliveries and other vehicles to enter and exit on either West 53<sup>rd</sup> Street or West 54<sup>th</sup> Street and the disposal of trash and debris to be carried out without unduly burdening residents, business owners and pedestrians utilizing West 54<sup>th</sup> Street.
5. Providing for an equal distribution of pedestrian traffic allocated to West 53<sup>rd</sup> Street and West 54<sup>th</sup> Street and providing for equal allocation of loading dock space to West 53<sup>rd</sup> Street rather than placing the loading dock for the Project directly across from the Warwick Hotel's entrance. Note that the Museum of Modern Art's loading docks as well as the loading docks for 1330 and 1350 6<sup>th</sup> Avenue (there are a total of 6 currently on the block, four for MOMA and one each for 1330 and 1350 6<sup>th</sup> Avenue) are all on West 54<sup>th</sup> Street, and adding an additional loading dock on West 54<sup>th</sup> Street will be deleterious to the quality of life for pedestrians, business owners and residents of West 54<sup>th</sup> Street.
6. Considering providing accessory parking as part of the Project in order to ease inevitable shortages of parking for guests and employees of the Warwick Hotel, residents, small businesses and other visitors to West 54<sup>th</sup> Street.

### GEO-TECHNICAL AND STRUCTURAL CONCERNS

To accommodate a building of the size of the Project, major foundation work will be required. Special consideration must be given to the fact that the Warwick Hotel was built in 1926, some 82 years ago. Therefore, it is imperative that the EAS take into account the impact of construction operations such as de-watering, blasting, pile-driving, chipping and other foundation and construction work will have on the Warwick Hotel as well as other nearby properties. It is essential that Hines undertake a thorough geo-technical study to explore the subsurface conditions on the Project site and on nearby properties.

The Warwick Hotel must be assured that extensive geo-technical analysis has been carried out relating to the Project site and the surrounding area. Once the geo-technical analysis has been prepared, the Warwick Hotel must have ample opportunity to review the study with its own geo-technical and structural experts to ensure that provision has been made to accommodate underground streams or other geo-technical features which may impact the structural stability and the foundation of the Warwick Hotel especially during construction activities such as de-watering, blasting, pile-driving and other foundation work.

Keeping in mind the geo-technical and structural concerns of the Warwick Hotel, it is essential that provision be made for continuous monitoring of the structural stability of the Warwick Hotel building and its foundation throughout the entire construction process, which is paid for by Hines. In this way, remedial measures may be immediately taken to address and prevent potential physical damage to the Warwick Hotel's structure and foundation, the ramifications of which could be severe and even cause loss of life.

Some specific geo-technical concerns which must be addressed prior to this Project being permitted to go forward include:

1. Potential structural damage due to movements of surface soils attributable to the selected method of support of excavation;
2. Potential structural damage due to vibrations incident to rock blasting;
3. Weakening of the rock mass that participates in supporting the foundations of the Warwick Hotel;
4. Potential structural damage due to settlements induced by the load of the neighboring structure;
5. Overloading of the Warwick Hotel basement wall by a new foundation placed above the basement wall; and
6. Potential dewatering issues (e.g., lowering the water table for the new construction increases the effective load of the Warwick Hotel on its own foundations).

### CONSTRUCTION SAFETY ISSUES

In light of the recent rash of construction accidents particularly those involving cranes, the Warwick Hotel and the residents, businesses and pedestrians on West 54<sup>th</sup> Street must be protected from construction operations, which by their very nature, are especially dangerous. The risks are compounded when it is taken into account that the Project has little or no area for

staging of construction activities, storage of material or the placement of hoists while the Project proposes to include little to no recess from the property line.

Taking these issues into consideration, the construction activities will have a paralyzing impact on employees and guests of the Warwick Hotel. The limited space for placement of cranes increases the risk that any accident will bring about severe and catastrophic property damage and almost certain loss of life, particularly due to the fact that, as we understand, crane heights would equal 100 stories or more. It should be noted that the potential loss of life resulting from a crane accident directly affecting the Warwick Hotel would be greater than those of previous accidents due to 24-hour, year-around occupancy of the Warwick Hotel. As well, the small building lot coupled with a building design which lacks setbacks increases the chance that debris from the Project will affect surrounding nearby buildings, especially properties such as the Warwick Hotel whose hotel entrance is directly across the street from the Project. It is imperative that a very prescriptive construction site safety plan be developed, in advance of approval of the Project to ensure that sequencing, placing of hoists and cranes and rigging of heavy equipment be carefully managed throughout the construction process.

#### **AIR AND NOISE IMPACTS**

The Project may be anticipated to pose overwhelming construction noise and dust conditions. During construction, there is no doubt that the Warwick Hotel's day-to-day operations will be seriously disrupted for several years by construction noise and dust conditions as well as being exposed to significant congestion due to truck, construction equipment and other vehicular activity stemming from building of the Project. In advance of approval of the Project, it is important that the development of a construction noise mitigation plan be provided. Although the providing of a construction noise mitigation plan is often first developed during the construction phase, it is essential that the construction noise mitigation plan and a plan to monitor and mitigate noise during construction and after occupancy be developed even before Project approval.

The Warwick Hotel will be forced to contend with noise and dust conditions which will materially diminish the quality of life both during construction and after construction has been completed. In addition, the City and the neighborhood should assess the potential health hazards to people in the surrounding area, many of whom will be subjected to the effects of dust, noise and toxic materials during the construction period.

Provisions must be made to monitor both air quality and noise, including the prohibiting of work variances from normal construction hours to limit disruptions to hotel guests and employees as well as other businesses, residents and pedestrians on West 54<sup>th</sup> Street.

#### **ADDITIONAL CONCERNS**

In initial reviews of concerns relating to the building of an 82-story structure, it appears that a "wind tunnel" analysis needs to be undertaken by Hines and provided to nearby property owners as the Project would significantly alter conditions affecting other properties and an 82 year-old building such as the Warwick Hotel may experience adverse effects.

The Warwick Hotel would also like to be assured that the impact of the Hines tower on air and light and potential shadows has been analyzed prior to the Project being approved and that the findings be provided, reviewed and commented upon prior to its approval by the City of New York. The Project would limit the views and the amount of light in rooms on West 54<sup>th</sup> Street and would significantly diminish the marketability of the Warwick Hotel.

### CONCLUSION

As you can see, the Warwick Hotel has outlined a wide range of concerns relating to the Project and we respectfully request that these factors be taken into account before the Project is approved. We ask that additional technical information be provided to the Warwick Hotel in order that our experts be allowed to analyze the information and point out additional concerns. Also, enclosed for your review is a summary of the testimony from the public scoping hearing on November 18, 2008 of Wanda Chan, former General Manager of the Warwick Hotel, John Horinek, Chief Engineer of the Warwick Hotel, and Warren Chiu, Director of Project Development of the Warwick Hotel.

I look forward to hearing from you directly should the Warwick Hotel be given the opportunity to provide additional information or provide answers to any questions you may have about our concerns. Please feel free to call me directly at the above-listed number.

Sincerely,



G. Paul LeBlanc  
Interim General Manager  
Warwick New York Hotel

Enclosure

To the Council of the City of New York  
To the Department of City Planning

Comments for the Hines/MoMA Public Scoping Meeting CEQR No. 090DCP004M  
November 18, 2008

Others may comment on the height of the proposed structure, the shadow cast on Central Park, the demands on the infrastructure, and other issues of merit.

I would like to address the impact of this project on the environment of the street. I have heard the developer state that 54<sup>th</sup> Street would be the residential entrance to the building and 53<sup>rd</sup> street would be the entrance to the hotel. I think this is excellent. 54<sup>th</sup> street is one of the few truly outstanding residential streets left in midtown Manhattan and is designated as part of the Preservation Subdistrict. One walk down this block demonstrates the reason: the character of this small group of buildings on the north side of the street is architecturally distinctive and intimate in scale.

The south side of this block however is dominated by one long wall resembling corrugated tin. This corrugated metal wall hides from view three loading bays and the sculpture garden of MoMA, which is a rude affront to the neighborhood. With the introduction of a new 82-story building, in fact twice the height of the towering 40-story FT Building to its west, little 54<sup>th</sup> Street must again fend for itself. Pedestrian life is sorely challenged today by the loading docks for the avenue buildings to the north and south in addition to the loading bays of MoMA; all in all there are 6 loading docks and two parking garages on one single block. Tour Verre would add a seventh.

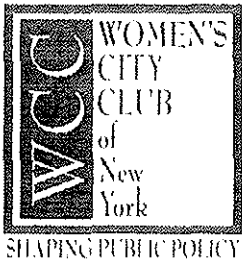
The introduction of Tour Verre to the street offers an opportunity to right some of the mistakes of the past regarding truck traffic and street level amenities. Were the loading and service areas of the proposed building to be integrated with the existing loading docks of MoMA and opened as through truck passageways from 53<sup>rd</sup> Street to 54<sup>th</sup> Street, traffic congestion and pedestrian safety would be improved significantly. Additionally this construction would offer MoMA a unique opportunity to rethink the closing off of the sculpture garden from the life of the 54<sup>th</sup> Street pedestrian community, which will now include our new neighbors at Tour Verre. An architect and neighborhood resident, Andreas Benzing, has offered a suggested approach for your consideration. (see attached)

I would suggest in closing that the firm of Jean Nouvel, though very well recognized for its monumental work, might take this opportunity to make a significant contribution to street life. Under the present configuration, one will best appreciate the stunning appearance of Tour Verre's needle in the sky from a traffic helicopter reporting on midtown gridlock. Every day New Yorkers must fend for themselves in this pedestrian populated city. Yet our civic attention is directed not to pedestrian life but rather to vehicles: trucks, busses, taxis, emergency vehicles and private cars. I suggest that though delivering goods is critical to city life, so too is the sidewalk experience of safety, sound, and space to stride, stroll, ... or stop.

Thank you for your time.

Respectfully submitted,

Daly Reville  
45 West 54<sup>th</sup> Street Apt 6C  
NYC, NY 10019  
212 661 7554  
[Daly.Reville@verizon.net](mailto:Daly.Reville@verizon.net)



Testimony of the Women's City Club of New York  
Before the City Planning Commission  
On the Issue of MOMA-Hines Development

November 18, 2008

Presented by Annette Rosen, Co-Chair of the  
WCC Arts and Landmarks Committee

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Executive Director

Paulette Geanacopoulos, LMSW

My name is Annette Rosen and I am co-chair of the Arts and Landmarks Committee of the Women's City Club, a ninety-three year old organization which advocates for policies and programs to improve the lives of all New Yorkers.

The Women's City Club of New York believes it would be an enormous mistake to allow the MOMA-Hines construction to go forward as currently proposed. This inappropriately sized and situated building would have a negative impact on the surrounding area. It is therefore imperative that the City Planning Commission deny special permits at this time.

We are concerned about the increased vehicular and pedestrian traffic that this condo/hotel/museum, with hotel entrance on 53<sup>rd</sup> Street and residential and service entrance on 54<sup>th</sup> Street, will bring to these already congested through streets. Even now MOMA exhibitions often bring long lines waiting outside the museum. It is essential that the environmental studies assess current vehicular and pedestrian traffic as a baseline to which projected values for the proposed plan can be compared. In addition, to address the problem, any proposed construction needs to include drive through loading docks to eliminate some of that congestion and attendant noise.

The scale and bulk of this proposed midblock building will adversely affect the light, air and shadow pattern in this neighborhood, all major considerations which the zoning laws were enacted to preserve. The study for shadows must include every historic resource in the neighborhood eligible for the National Register as well as Central Park.

Bringing a condo/hotel to this mixed residential/ business neighborhood will strain the current infrastructure and community facilities of the area such as water, solid waste and sanitation services, as well as fire and emergency response time. The Environmental Impact Statement needs to address these. We call attention to the Donnell Library-Orient Hotel planned for West 53<sup>rd</sup> Street which will draw on these same resources.

The issue of construction safety in an area that includes landmarked structures is of special concern, in view of recent accidents throughout the city.

We urge the City Planning Commission to work with the developers toward a re-design of a building that relates harmoniously to adjacent historic and landmarked buildings, resulting in a more appropriate fit for the Preservation Sub district of the Special Midtown District.

The Commission's decision will have far reaching effects for the City.



**Anita Rubin**  
**15 West 55<sup>th</sup> Street, New York, NY 10019**

November 18 2008

NYC Department of City Planning

Please reconsider the current status of the MOMA- Hines Development. Although the project has been approved it should not be allowed to proceed. It is never too late to re-evaluate this decision. As a resident at 15 West 55<sup>th</sup> Street for more than 30 years I believe, that in the very least, additional studies need to be made evaluating existing conditions and the future conditions that will impact on the community if the MOMA-Hines Project proceeds as scheduled.

Allowing an 82 story, mixed use skyscraper to be erected at 53 West 53<sup>rd</sup> Street will add overwhelming congestion to our midtown area. Mayor Blumberg recently fought to enact a 'Congestion Pricing Law', a harsh tax meant to discourage traffic in midtown Manhattan. At the same time he has given his tacit approval of the transfer of air rights from 5<sup>th</sup> Avenue Properties so that a building, taller than the Chrysler building may be built between the side streets of West 53 and West 54<sup>th</sup> Streets in the heart of Midtown Manhattan. .

This stance seems to me to be highly hypocritical. One doesn't have to be a "Rocket Scientist" to understand that these two policies of reducing midtown traffic and approving a plan for another huge skyscraper in midtown Manhattan work against each other. The Mayor expressed that it is vitally important to decrease traffic in this area of the city, why then erect a building that will bring more vehicular and pedestrian traffic to the area.

I object to the failed politics of high finance and select 'money interests' which will ultimately negatively impact on our city and this midtown district. The abuse we have witnessed in our financial markets are a painful example of short term profits. I'm certain that the possibility of generating more tax revenue is a reason why many have closed their eyes to the highly negative aspects of this project. City Planning based on short term money, and not on aesthetics and environmental impact on the community and the needs of its residents will not, in the long run, benefit the city.

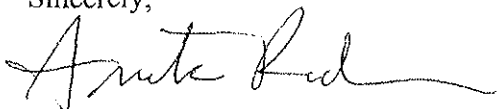
This project will:

- Increase pollution
- Shadow and decrease the light in the area
- Cause River to River vehicular traffic congestion, including additional parking problems
- Burden our already stretched transit system
- Strain the existing infrastructure of sanitation, water supply and electricity
- Bring additional noise
- Add a 7<sup>th</sup> loading dock to West 54<sup>th</sup>
- Delay the response time of emergency Fire and Ambulance services to this area.

As if these negative elements are not enough, the design of this building is completely out of touch with the existing surrounding architecture and will overwhelm and diminish the beauty of the area.

Please consider the negative impacts of this project I strongly urge you to vote against it and if that is not within your sights to certainly modify its scope.

Sincerely,



To the Council of the City of New York  
To the Department of City Planning

Comments for the Hines/MoMA Public Scoping Meeting CEQR No.  
090DCP004M  
November 18, 2008

Others may comment on the height of the proposed structure, the shadow cast on Central Park, the demands on the infrastructure, and other issues of merit.

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Street pedestrian community, which will now include our new neighbors at Tour Verre. An architect and neighborhood resident, Andreas Benzing, has offered a suggested approach for your consideration. (see attached)

I would suggest in closing that the firm of Jean Nouvel, though very well recognized for its monumental work, might take this opportunity to make a significant contribution to street life. Under the present configuration, one will best appreciate the stunning appearance of Tour Verre's needle in the sky from a traffic helicopter reporting on midtown gridlock. Every day New Yorkers must fend for themselves in this pedestrian populated city. Yet our civic attention is directed not to pedestrian life but rather to vehicles: trucks, busses, taxis, emergency vehicles and private cars. I suggest that though delivering goods is critical to city life, so too is the sidewalk experience of safety, sound, and space to stride, stroll, ... or stop.

Thank you for your time.

Respectfully submitted,

Daly Reville  
45 West 54<sup>th</sup> Street Apt 6C  
NYC, NY 10019  
212 661 7554  
Daly.Reville@verizon.net

Testimony to the New York City Department of Planning - Moma Hines Development Plan

My name is David Schneiderman & I have been a resident of West 55<sup>th</sup> St. between 5<sup>th</sup> & 6<sup>th</sup> Avenues which is one block north of the proposed 75 story tower. I have been in this neighborhood since 1975 - over 33 years.

Historically, the area has housed a significant sized residential community. In fact, my wife & I raised our two sons in this locale. Though there has been commercial growth over the years, there has never been a proposal to erect a monster skyscraper which would dwarf all the nearby existing buildings.

I am particularly concerned that the enormous size of this edifice will create major safety & health problems & consequences. This will occur when emergency vehicles such as ambulances, fire trucks or NYC police vehicles will have difficulty to transverse the West 53<sup>rd</sup> & 54<sup>th</sup> Street corridor when needed. Their response time will be greatly impeded and possibly completely delayed for routine and crisis situations. Will anyone in this room or the Hines organization be responsible for the loss of life or destruction by fire that could occur on the block or in the neighborhood due to the lack of a timely response? This response time would be impeded by the traffic jams and congestion caused by the enormity of this oversized tower.

Moreover, the current sewer system is not adequate for our neighborhood's population. The arrival of an 82 story behemoth would further complicate and overtax our infrastructure. We should expect stopped up sewers, over flows and health and sanitation hazards. The possibility of more roaches, rodents & mosquitoes is also very likely a by product.

Furthermore, the design of the building is quite unattractive and totally out of scale for this mid-block location. West 53<sup>rd</sup> & West 54<sup>th</sup> are cross-town streets with residential apartments and townhouses. They are not major avenues with only commercial tenants which might be a better fit for a tower. The erecting of the Hines tower would be overwhelming for the area and would destroy the quiet old world quiet charm that currently exists.

In addition, our over crowded public transportation system will suffer as well. Currently, the subways and buses that serve the area are always crowded and slow moving. The population increase from this immense structure will further impact, complicate and delay our transportation network. No public transportation provisions are being made for the influx of many thousands of new office workers, visitors and residents who would inhabit or visit this gigantic building.

The public will gain nothing positive from this outrageous misguided real estate venture. In fact, I can only see negatives for the area's neighborhoods. I therefore, implore the New York City Department of Planning to carefully review the dangerous environmental impact of this project on the midtown area and the City of New York.

Thank you,



David Schneiderman  
15 West 55<sup>th</sup> Street  
New York, NY 10019  
November 18, 2008

Robert Dobruskin, AICP, Director  
Environmental Assessment and Review Division  
Department of City Planning  
22 Reade Street, 4E  
New York, NY 10007-1216

Dear Mr. Dobruskin,

This informative communication by William Shea, 25 West 54<sup>th</sup> Street, which address is directly across from and among the most directly affected residences by the CPC decisions regarding this matter, sets out and amplifies many of the solid long-term public policy and good neighborhood points made by the Museum of Modern Art (herein "MoMA") neighbors and members of the West 54 – 55 Street Block Association (herein "54-55 BA") and some of the points made by representatives of elected officials plus Community Board 5, copies of whose testimony against this project you already possess, at the **November 18, 2008 public scoping meeting for the Environmental Impact Statement (EIS) Draft Scope of Work (CEQR No 09DCP004M) for the 53 West 53<sup>rd</sup> Street project (herein "EIS")**.

Nowhere within the enabling relevant legislation(s) does there appear to be sufficient provision for the unacceptable but all too common MoMA EIS related deflection and distraction comments regarding "tasks" and general comments within the current draft EIS and also within the entirety of two prior EIS related legal productions connected to the two other massive MoMA developments during the prior two plus decades (the past is prolog to the future) including but not limited to expressions indicating that MoMA doesn't know, or cannot distinguish or discern, or that MoMA cannot determine or ascertain, or that such is irrelevant or immaterial or moot. In contrast, in this draft EIS study almost all is factually knowable in full, can be determined if the developer either wishes to or is forced to have such be determined, and is all, every task subject outlined in the draft EIS, as extremely relevant to this draft EIS and to the resultant EIS post this draft EIS and to the neighborhood as the developers huge profits are to MoMA and partners, in addition to being reasonably able to be accomplished. And, to make this point clear, such "proper" and "informing" studies of impacts and effects, using a variety of baselines including zero or nothing, definitely would be provided in full detail and factual fashion by MoMA *if MoMA were to have to provide such in full and factual detailed and illuminating unbiased and "untweaked" by lawyer exclusion writings or be withheld approval of all of the special permits and requests by MoMA through their cadre of lawyers related to this development which non-approval decision would appear to replicate on target rejection-of-this-project-as-currently-presented reasoning by Community Board 5 suggestions.*

Furthermore, all of such EIS studies should be based upon or be provided over and above the only real basic comparatives of ZERO as in nothing developed, which is the current status of this development lot, and the only other real comparative of as-of-right zoning provisions based upon the various legal basic lot FAR's is of approximately 258,000 sq ft. Moreover, prior allowances for continuous "dodgy" non-answers and

avoidances in MoMA's prior EIS filings over the past two plus decades is not, and should not be, allowable precedent for continuation of such a wrong, such bad public policy, such dodging by MoMA, who has become a growingly rapacious real estate developer over the past two decades hiding behind a current status as a non-profit public benefit entity with a museum moniker who has been but should not be allowed to issue non-complimentary to common sense and observable facts and reality written and oral statements at will with no apparent consequences, in my humble opinion.

Although not directly related to this draft EIS, it is interesting to note that the same law firm made rather similar questionable, as far as good public policy and public benefit are concerned, CPC requests-for-approval by special permit related to current early stage developments at 610 Lexington (which tore down a public benefit YMCA building and replaced it with nothing) and 400 Fifth Avenue (this same law firm represented the developer who misused all city ordinances and regulations and "played" the DOB to tear down 4 unique landmark quality, beginning of the prior century, townhouses in order to build a glass and metal non-harmonious building last year) . Thereby, it should be allowed to be stated that examples of these two current early-stage developments used the same "destroyer" lawyer "game plan" which has always been, in my humble opinion, pointed as an apparent approval precedent toward this massively larger than the above stated developments MoMA real estate development with too many similar permit and exception requests, the same objections to any public change requests, as in none, and absence of any semblance of public good or public benefit, while creating huge profits which may not be fully NYS or NYC tax continuing revenue events.

This raises simple questions, a few of which follow herein; (1), stop it here at CPC because this development violates good public planning policy, which Community Board 5 appears to be suggesting, or, (2), allow developers to destroy neighborhoods if they hire the correct real estate practices which "properly" interdict-with-the-Mayor's-office as law firms all under the guise of city planning? (3), are there any NYC or NYS benefits to this current misuse of zoning intending to build overly tall buildings on small mid-block footprint plots such as this development around residences in and around residential neighborhoods which offer no discernable public offsets to such clear permanent neighborhood harm/destruction? (4), why are the construction, **crane**, debris and **terrorist** risks to surrounding landmarked buildings, residential buildings and commercial buildings ignored when the past is usually repeated in obvious fashion and manner considering the extravagant height of MoMA's latest real estate development? (5), why, in the end, ignore the effect of these huge developments upon the surrounding neighborhood as agents of major long-term destruction change to those neighborhoods? (6), shouldn't MoMA be forced to state all of the midtown Manhattan mid-block, as in not on an avenue, developments which exceed 40 to 1 total size to buildable lot size ratios? (7), what reasoning can support ignoring the relevant continuous comments of those public officials most knowledgeable with the neighborhoods to be destroyed since no CPC commissioners live in this area? (DPC employees living around the affected area could be seriously comment and observation compromised or challenged by their desire to keep their job). (8), where is the public benefit and public good inside the EIS, the special permits and requests and the plans

of this humongous development, which could be viewed in the future as mitigating the obvious and purely bad public and CPC policy as MoMA's current real estate development currently exists? (9), what are the additions and abatements to NYC and NYS revenue streams during this time of extreme NYS and NYC financial distress, by MoMA, and by the Museum tower condo owners and the condo itself, and by the several commercial efforts housed in the 2000 MoMA development, and then what is the plan for copying MoMA's tax avoidance or abatement programs and policies for the above by the new condo's and hotel and restaurant and any other commercial efforts connected with this development, and how did/do they specifically occur in detail, plus the obvious quantification of the revenue loss, a follow on question of what would the revenue streams actually be if each of the above were totally and completely unconnected to MoMA's non-profit status and located elsewhere far from 54<sup>th</sup> street, and, thereby, more importantly, what tax and fee and charge revenue streams are prevented from benefitting NYS and NYC by MoMA's 501-C3 purported public benefit charitable status, and then same by out-of-state corporations such as Hines and many of the developments future sub-contractors compared to NYC based entities? (10), why do independent, but unprofessional and unofficial, calculations regarding the available development rights MoMA claims the University Club possess appear to overstate MoMA's claims by approximately 20% thereby raising question as to the veracity of the entire draft EIS? (11), since several elected officials plus myself have asked MoMA and its' lawyers a simple question and received distraction and diversion answers, ergo no factual answer, as to exactly who owns the "dirt", or grade and below grade land, of each lot from 5<sup>th</sup> Avenue to the empty lot between 53<sup>rd</sup> and 54<sup>th</sup>, and why is there an obvious continuous lot ownership problem to the chain of common ownership over which all the "imported" development rights must travel to the MoMA real estate development site (see the bottom of page 2 of the draft EIS re this uncompleted key term for almost two years "...zoning lot merger has not yet occurred."), since this alone prevents this development from occurrence and consideration and negates the necessity for the EIS and all hearings unless the "air rights" have a clear common ownership path to travel? (12), what is probably outside this EIS but is the 800 pound gorilla constantly in the room when ever the MoMA's real estate development comes up is a dual headed set of common sense futuristics, such as since MoMA expands every decade or two, what exactly are the plans for expansion in the 2020 decade, if not before, since such has already been discussed and since established lines of alternatives have already been established by MoMA's officers and directors and lawyers, considering the valid historical point that each MoMA pac-man grab and request for special permits game plan is followed by another one? (13), could MoMA have selected their "hot shot" architect because he is "on the cheap" since this architect has never done anything this big, having had one Barcelona building and a Mercer Street one in NYC as their only experience higher than say one-half the height of the proposed MoMA development, considering that all engineering and construction and operational and safety problems multiply exponentially as a building goes ever higher, and considering the minute base for this building? (14), since a foundation is the key to this building, why is there no in depth water and water table and underground stream study for several blocks, and what in this study protects the environment and the public from this proposed humongous building on a small lot being blown up, blown down,

earthquaked down, etc. when all experience suggests that extremely tall and huge on a small footing is easy to topple and those who dislike us know this, and why cannot MoMA be forced to either buy demand insurance or place sufficient assets into an escrow account to guarantee the residential neighborhood against damages from crane, construction, debris, etc.? (15), since Hines has not had that noticeable or large a presence in NYC since the "lipstick" building on Third Avenue, and since, curiously, the Hines web site lists their senior Northeast area officers as being located in Connecticut and not NYS or NYC, was Hines also contracted by MoMA with at a discount deal price in order to allow Hines to gain some local NYC recent accomplishment stature? It is not unusual to avoid using the cheap surgeon or the dramatically meaningfully less experienced surgeon when brain surgery is the subject. (16), given that lawyers for MoMA and those professional service providers they hire, and MoMA's general counsel, all observed by lawyers for Mr. Speyer who appears to be the primary senior MoMA director acting as business, land use, real estate developer, etc. strategist who is behind the existing but apparently not yet effected faux real estate deals MoMA may have executed related to this development, have as their legal mission to obtain as many special permits and exemptions from existing laws and regulations as they can obtain in order to build the biggest, the tallest, gain the most money for MoMA, create the most profits, etc., which would be their legal mission in a capitalist democracy, and, given that DPC and CPC, along with the Mayor, are supposed to represent the current and future New York City public in this process, just how does the public benefit from any of the currently requested special permits and from the truncated scopes of each study task and of the EIS, and from either non-disclosure or opaque writings regarding each task or any tasks true long-term effects on the entire scope of midtown NYC, and why are such NOT based upon studies which show fact instead of "bent" or ignored or curious mishandling of facts? (17), why would full and factual wind tunnel studies, observed by members of the above stated 54-55 BA, be excluded from this EIS since hurricanes can and have hit NYC? (18), why would MoMA be allowed to adhere to the relevant building codes which are developed for the usual height and mass over large footprint lots as the height of their code compliance when it is obvious and common sense that this towering building will be a terrorist target housing works deemed by certain religious beliefs to be the work of the devil, thereby raising the obvious question as to what prevents forcing MoMA to adhere to the most stringent and difficult building code available in the entire country for buildings suspected to be subject to possible WTC replication attacks like, maybe, those in place right here in NYC regarding the WTC rebuild site? (19), what large financial penalty, like either \$1mm per floor or \$100,000 per condo, can be imposed upon this development if it does not obtain the highest LEED level MoMA claims to be their "objective" since absent penalty MoMA has a history of "missing"? (20), since MoMA gained LPC approval last year based upon what may be false by excess University Club availability of "air rights" discussed above, and since all prior approvals excluded use of American Folk Art Museum "air rights" why should the LPC decision, which I would obviously view as a mistake, be valid if it is based upon an absence of such a change in facts? (21), after the residents of 54<sup>th</sup> Street suffered over four years of pure hell while the last MoMA real estate development was under construction, why should they be subjected to the same for another four to six years without a real period of respite from construction intrusion and lifestyle impairments?



(22), In the same vein, since MoMA already has THREE (3) back-in loading docks on Western half of 54<sup>th</sup> Street, and since there are another two for the two avenue buildings also at the Western end of the block, at what point does overload of back-in docks become a CPC problem on an all too often congested NYC designated through street servicing police, fire and ambulance traffic headed Eastbound on 54<sup>th</sup> and return traffic on another often congested NYC designated through street headed Westbound on 53<sup>rd</sup> Street when the simple solution is to have a drive-through loading dock in this building, which would also apparently add strength to its' foundation? (23) why should MoMA not be forced to maintain a huge amount of direct immediate payment to damaged parties and buildings insurance policies and forego causes of action to delay such payment in order to insure the neighboring buildings against damage during construction and for decades thereafter, since MoMA alone desires and chooses this monstrosity and since the obvious future fact that MoMA will whine and delay if real damages ever occur while hiding behind their museum moniker and purported public good which is their fantasy alone, has history as proof. (24), why would MoMA hold a recent neighborhood residents meeting in the theatre space of the Educational Wing attended by a good number of neighborhood residents with such public relations sneak moves as requiring all questions to be written on a MoMA generated form, none from the floor, so that their PR person could ask 1 of those questions and then ask the rest which were pre-selected ones to, apparently, the CEO of MoMA and to the VP of Hines, and start with a documentary type of film of the architects accomplishments which indicated he never build anything half as tall as this development, followed by attempts to try to prevent any questions from the audience, and then claim that the theatre is [intentionally] booked for another group as the Q&A from the audience rose up in order to block any sort of Q&A afterwards, and then be surprised that the purported by MoMA dumb residents figured out that it was a programmed sham intended to allow MoMA lawyers claim that they met with the neighborhood residents who seemed to be enthused about the building and asked very few questions during a proposed Q&A? Kindergarten ethics and morals would find this sort of PR harmful.

The proposed MoMA project is so immense and so out of scale with the surrounding residential neighborhood into which the developer plans to insert it and so absent of any public contributions and benefits or community facilities or public services that it will be particularly important to carefully and fully measure the potential adverse impacts of the project by establishing accurate and realistic baselines for the various impacts to be measured and then projecting the additional burden that the project will create, wherever this burden is likely to fall. (*CEQR Chapter 2. Establishing the Analysis Framework*). As previously stated those baselines should, but in the draft EIS do not, include real basic comparatives of ZERO as in nothing, which is the current status of this development lot, and the only other real comparative of as-of-right zoning provision based upon the development lots unadjusted upward by moved "air rights" of approximately 258,000 sq ft. Irrelevant comparatives currently used in the draft EIS are irrelevant to any form of common sense as a baseline, but if MoMA wants to include them along with the real basic baseline comparatives, why should CPC allow such?

To repeat with different words, environmental studies should examine in detail and

compare multiple circumstances: existing conditions, conditions as they would be in 2013 without any development, as they would be in 2013 under each of the two alternative as-of-right options, and as they would be in 2013 with the proposed development in place, in order to be a valid informative and investigative study instead of an extended pro-developer public relations piece.

The area of study proposed for this EIS is far too limited. Because the proposed development involves so much bulk and such a great height, we believe that the radius of the area within which impact is to be studied needs to be increased from one-quarter ( $\frac{1}{4}$ ) mile proposed in the draft EIS scope in order to intentionally EXCLUDE Central Park from any study, as one of MoMA's lawyers unstated reasons, to no less than a minimum of one-half ( $\frac{1}{2}$ ) mile with the normal distance being almost one (1) mile, as is stated in the CEQR (4.3 times the 1,250 height of this structure), where and when common sense and good public policy circumstances warrant a one mile distance. As examples, (1), shadow studies should occur during Winter months when the sun is lower in the Southern skies, when this buildings shadows cast their longest blockage of sunlight to include the large areas of the Southern area of Central Park through to the 66<sup>th</sup> Street cross road, instead of the developers desire to accomplish such during summer months when massively shorter shadows are cast and the shadow effect is into Central Park but not out to the 66<sup>th</sup> Street cross road -- it should be almost one mile to the North and must conform to the stated CEQR formula requirement of 4.3 times the height of MoMA's development; and, (2), traffic studies, as correctly decided by those who know this area better than CPC, must be from river to river for 53<sup>rd</sup> and 54<sup>th</sup> Streets and for the surrounding cross streets which must absorb the excess cross-town traffic (51<sup>st</sup>, 52<sup>nd</sup>, 55<sup>th</sup> and 56<sup>th</sup> at a minimum) caused by congestion on 53<sup>rd</sup> and 54<sup>th</sup> Streets, and must study the effects upon turns on to these streets from 7<sup>th</sup> Avenue, Broadway, 6<sup>th</sup> Avenue, 5<sup>th</sup> Avenue and Madison, as well as weekday turns from 53<sup>rd</sup> and 54<sup>th</sup> Street, which are designated as congested through streets by the Department of Transportation, on to avenues from 6PM to 10AM, since MoMA has huge parties causing more congestion several times a week, and must study the effects mid-block to determine the overall congestion effects which all residents of this neighborhood are fully aware of.

Moreover, the EIS should explicitly take into account the cumulative impact of this project and all of the other developments proposed for this area as well as those already under construction, especially for the following tasks: 4 - Community Facilities and Services; 7 - Historic Resources; 8 - Urban Design/Visual Resources; 9 - Neighborhood Character; 11 - Infrastructure; 12 - Solid Waste and Sanitation Services; 13 - Energy; 14 - Traffic and Parking; 15 - Transit and Pedestrians; 16 - Air Quality; 17 - Noise; 18 - Construction Impacts; 19 - Public Health.

Following are our comments on each task listed in the Draft Scope of Work.

## TASK 2 – LAND USE, ZONING, AND PUBLIC POLICY

To fully understand the baseline context in which this project is being proposed, the EIS

should fully document the development history of the site and the study area *since* the founding of MoMA decades ago. This should include: (1) the removal by acts of MoMA of parts of the area around MoMA from the Preservation Subdistrict; (2) numerous other zoning changes and exceptions which are primarily the result of acts of MoMA; (3) the construction of residential and office space not for MoMA's use but contained within the MoMA block of 5<sup>th</sup> to 6<sup>th</sup> and 53<sup>rd</sup> to 54<sup>th</sup>; and (4) the demolition of landmark-worthy buildings like the City Athletic Club on West 54 Street, and the town houses on West 53 and West 54 Street, which have all led to further neighborhood demolitions on 56<sup>th</sup> and the promise of more demolitions on 55<sup>th</sup>, resulting in plans for a building mid-block on a small lot without height limits. Obviously the following stood in the way of MoMA's rapacious real estate development plans while removing a number of tax and revenue generating buildings from NYC revenues which were replaced by abated and non-revenue MoMA and MoMA related buildings. (*Article VIII, Ch. 1 Special Midtown District. ZR Section 81-00 General Purposes ... f) to continue the historic pattern of relatively low building bulk in midblock locations compared to avenue frontages... m) to preserve the midblock area north of the Museum of Modern Art for its special contribution to the historic continuity, function and ambience of Midtown;*).

In addition, a full disclosure should be made of the actual current ownership as well as a history of all prior ownership of the numerous plots and lots within the block between 53<sup>rd</sup> and 54<sup>th</sup> and between 5<sup>th</sup> Avenue and 6<sup>th</sup> Avenue reaching back to the same baseline founding of MoMA as it appears that MoMA refusal to disclose this for over two years to Community Board 5, to the elected officials serving this area and to the neighborhood block association obviously suggests something being hidden in the chain of ownership along which all air rights (development rights) must travel to the mid-block development site.

Consideration must be given to above mentioned, and Community Board 5 stated public benefits including but not limited to library facilities (since the Donnell will be replaced by almost a fifty percent reduction of facilities space); open to the public lobby and walk-through floor space with double high or higher ceilings; schools for the added students which this development and other future developments created and allowed by the precedent of this development will create; renovation of the ugliest fence/wall on 54<sup>th</sup> street this side of a UPS or FedEx depo which looks like it was meant to keep Frankenstein's village opponents out of the castle area, which forces pedestrians to walk on the residential North side of 54<sup>th</sup> Street instead of the bulk ugly South side of 54<sup>th</sup> Street, which should allow public access to the Sculpture Garden 24x7 since the public is picking up the taxes abated by MoMA; A sky lobby over the drive through loading dock or an underground loading dock with either drive down and up or aircraft carrier elevators to move trucks in and out; an indoor local public pool one or two floors below grade; a U. S. Post Office inside on the ground floor; dedication of several floors to neighborhood, unaligned with MoMA charity, Community Board, local Block Association office space; a PEDESTRIAN covered walkway with stores along the South side of 54<sup>th</sup> Street starting at the FT building and heading Eastward till the public open sculpture garden; some of whom are discussed in more detail below

Garbage is a huge concern as to noise, and as to existence, and as to the trucks which pick it up and compact it during early morning hours. A compactor, not exactly a new technology, would dramatically reduce the garbage problem if it served all MoMA and Museum Tower facilities.

Public policy must include the above stated terrorist and hurricane types of effect including fact based wind tunnel studies including category 5 and higher winds.

#### TASK 4 – COMMUNITY FACILITIES AND SERVICES

As already noted, the EIS should take into account the cumulative impact of the proposed project and other projects planned or underway in the area on all of the neighborhood and community facilities and services. Development projects that in themselves have impacts smaller than the required triggers in the EIS for Community Facilities together with larger development projects shall add cause, concern and effect to such a cumulative impact. As urged by Community Board 5, the EIS should examine the following items in terms of the cumulative effect of planned development:

The educational needs of the area, especially considering the numerous new residential developments that has occurred throughout Midtown. The building of one or more new schools should be required if it is found to be necessary in the Environmental Impact Statement, as it should be found as impact. Community Board 5 has neither an elementary nor a middle school within its borders.

The library needs of the area, especially considering that the formerly large Donnell Library has been temporarily closed and is being torn down to develop a new mid-block hotel to be purportedly replaced by leaving a much smaller branch at this location; almost one-half reduction in size.

Public safety needs including ensuring there is adequate fire and police service for a 1,250 foot, approximately 786,000 square foot building, both from the point of view of the need for expanded service, and from the point of view of the impact of severe traffic congestion on the availability of police, fire, ambulance and other emergency services to reach and to service the entire midtown area from river to river, by a block by block study including, as importantly, mid-block impact observations. Consideration that 53<sup>rd</sup> and 54<sup>th</sup> are designated as congested through streets, which is why no turns are allowed on to 5<sup>th</sup> Avenue or Madison Avenue from these streets during weekdays, and that East 53<sup>rd</sup> is a major off ramp street for the FDR Drive and that 54<sup>th</sup> to 57<sup>th</sup> is a major on/off street area to and from the West Side highway is also required as well as the traffic effect upon Midtown North Police, the Firehouse on either 8<sup>th</sup> or 9<sup>th</sup> Avenue and the hospital and emergency room facilities between 54<sup>th</sup> and 59<sup>th</sup> Street, plus the current and future effect of the New York City bus facilities on 54<sup>th</sup> street.

Public transportation and pedestrian passage impact due to numerous subway

entrance/exit facilities from Third Avenue to Eighth Avenue within the area of study need to be considered as they effect already congested avenue and street traffic.

Daytime and early evening pedestrian impact as pedestrians move between West of 6<sup>th</sup> Avenue business and residence areas to East of 5<sup>th</sup> Avenue businesses.

Evening pedestrian and traffic impacts of MoMA's several times a week ongoing private party and meeting efforts, including idling limos, taxis, busses, and party delivery trucks, plus party garbage left curbside for early morning pick-up and compaction.

## TASK 5 – OPEN SPACE

We fully support the position of Community Board 5 on open space: "The impact of a 1,250 foot building on open space. The Mayor's Plan NYC 2030 recommends 1.5 acres of open space for every 1,000 residents. Community Board 5 has substantially less open space than this standard especially in the midtown area." Continued removal of low rise, low density, historically significant buildings within the scope of this small oasis of a neighborhood area of study for huge mid-block residential replacements and additions along with empty lot conversions to similar huge residential replacements and additions must be studied in both the current and future time frame.

Were the swoop which closely replicates 9 West 57<sup>th</sup> Street to be converted to a flat roof, that floor could be used by the public as open space.

## TASK 6 – SHADOWS

A 1,250-foot building between West 53 and 54 Streets will dwarf the buildings around it, and around the midtown area. It will take away access to sunlight and air from the blocks around it, which the zoning laws were enacted to preserve, and will cast a deep shadow north over the low scale buildings in the Preservation Subdistrict and beyond, including well into Central Park. There are many historic buildings eligible for the State and National Register in that area. On W 54 Street this includes most of the block, especially, University Club (1 West 54 Street), 5, 7 (the Lehman Mansion), 9-11, 13, 15, 17 (the Rockefeller Apartments), 35, 41 and 65 West 54 Street (The Warwick Hotel). Other historic buildings that also would be affected include the Peninsula Hotel, 12-18 and 23 West 55 Street, 24 West 55 Street (the Rockefeller Apts.), 46 West 55 Street, the Fifth Avenue Presbyterian Church, 17, 10 (Frederick C & Birdsall Otis Edey Residence), 12-14, 26, 28, 30 West 56 Street (Henry Seligman Residence), 36, 39 and 46 West 56 Street. There are also several historic buildings on the West 57 Street block: 29 (Chickering Hall), 31 (Sohmer building), 33, 35 (Samuel W Bowne House), 57 West 57 Street and 109-113 West 57 Street (Steinway Building) and much more).

The shadow study must include Central Park. *The CEQR section on shadows, 3E-200,*

says: "The longest shadow cast during the year (except within an hour and half of sunrise or sunset) is 4.3 x height". For height of 1,250 feet the longest shadow will be 5,375 feet long, for height of 1,000 feet it will be 4,300 feet. Central Park is five blocks from the site, about 1,400 feet away. Shadows would impact on vegetation, sports areas and playgrounds.

## TASK 7 – HISTORIC RESOURCES

Historic resources are scarce in Manhattan, especially in midtown, so it is important to save them and also, in this case, to preserve the context in which they exist.

To properly understand how this development will impinge on the neighborhood into which it is being squeezed, the defined study area should be at least doubled from 400 to 800 feet from the site. This is because the proposed 1,250-foot building - as high as the Empire State - is likely to overwhelm the landmarks - named or to be named or eligible for the State and National Register - around it and to dwarf the low-scale buildings around it. These include, on West 54<sup>th</sup> Street, 1 West 54 Street (University Club), 5, 7 (the Lehman Mansion), 9-11, 13, 15 (The Rockefeller Mansion), 17 (the Rockefeller Apartments), 35, 41 and 65 West 54 Street (The Warwick Hotel). Additional historic buildings that would be affected include The Peninsula Hotel, 12-18 West 55 Street, 24 West 55 Street (the Rockefeller Apts.), 23 and 46 West 55 Street, the Fifth Avenue Presbyterian Church, and 17, 10 (Frederick C & Birdsall Otis Edey Residence), 12-14, 26, 28, 30 (Henry Seligman residence), 36, 39 and 46 West 56 Street. There are also several historic buildings on the West 57 Street block (29 West 57 Street (Chickering Hall), 31 West 57 Street (Sohmer Building), 33, 35 West 57 Street (Samuel W Bowne House), 57 West 57 Street, 109-11 West 57 Street (Steinway Building) and many more).

## TASK 8 – URBAN DESIGN/VISUAL RESOURCES +

It is difficult to not notice that this design is about as original as Levittown tract housing. The swoop up during the early floors replicates 9 West 54<sup>th</sup> and the old white building on 42<sup>nd</sup> and 6<sup>th</sup>. The tower is essentially an early 20<sup>th</sup> century skyscraper design with stone replaced by glass and metal.

As to visual, this will be seen, as is intended by the architect and MoMA, from Western New Jersey and maybe Eastern Pennsylvania all the way to the end of Long Island. That means all of Central Park will get to look at this misfit, unhindered by other surrounding buildings. Just because sand fill ended up with a lot of empty tall buildings doesn't mean NYC has to copy architectural mistakes.

## TASK 9 – NEIGHBORHOOD CHARACTER

The EIS should carefully study the impact of this project on the environment of the street. West 54<sup>th</sup> Street between Fifth Avenue and the Avenue of the Americas is one of the few outstanding residential streets left in midtown Manhattan and is part of the Preservation Subdistrict. It is characterized by a mix of row houses (many already designated landmarks and others deemed landmark-worthy) and low-scale apartments

and businesses. It is architecturally distinctive and intimate in scale.

However, the south side of this block is dominated by one long wall resembling corrugated tin. This corrugated metal wall hides from view three loading bays and the sculpture garden of MoMA. Hiding the sculpture garden from public view is a rude affront to the neighborhood and to the city, which supports MoMA. With the introduction of a new 82-story plus building, in fact twice the height of the towering 40-story FT Building to its west, little 54 Street will become further isolated and hemmed in. Pedestrian life is already sorely challenged by the loading docks for the avenue buildings to the north and south in addition to the loading bays of MoMA; all in all there are 6 loading docks and two drive through parking garages on one single block. The proposed development would add a seventh.

The development would be grossly out of scale with the other buildings in the area, including several designated landmarks on West 54 Street, and the landmark CBS building on West 52 Street, and would overwhelm the area's infrastructure and services. The proposed project is situated mid-block in an already densely populated area and cannot be built as of right. In fact, under the existing zoning, any building constructed at the site would be required to be nearly one-third the size of the proposed Tower Verre (258,097 gross square feet and 786,586,562 gross square feet respectively). Given the substantial additional density the developer would be able to transfer to 53 West 53 Street if granted the four discretionary Special Permits from the City, it is absolutely essential for the Department of City Planning to closely evaluate the negative impacts of such a large project on the surrounding community.

#### TASK 11 – INFRASTRUCTURE

The water supply system and the sewer system already appear to be under strain in the area of the proposed development; the EIS should include a realistic analysis of the impact of the new development (taking into account the impact of other planned developments in the area) on these already strained systems. Additional considerations include cable and coaxial cable, telephone and fiber optic lines, steam (see energy), electric power, traffic, public transportation, roadways, all of which are already experiencing strain, or the relevant service trucks seen on 54<sup>th</sup> street are merely hot-dogging crews taking day long rests. All infrastructure will be further strained by this development.

#### TASK 12 – SOLID WASTE AND SANITATION SERVICES

As in Task 11, the baseline for assessing the impact of the proposed development on solid waste and sanitation services should include other planned developments in the area and that combined future need should be further tested with deep snow and ice run-off and with huge and long lasting rain run-off, both of which are more real than this draft EIS. 25 West 54<sup>th</sup> has already experienced flooded basement.

#### TASK 13 – ENERGY

It is necessary to evaluate the adequacy and safety of the electric grid and access to steam since both are currently strained as the constant tear up activity of the streets suggest, and the "hot" box in front of the University Club also attests.

#### TASK 14 – TRAFFIC AND PARKING

Because the Department of Transportation has designated West 53<sup>rd</sup> and West 54<sup>th</sup> Streets as through streets and because there is anecdotal and photographic evidence of intermittent substantial traffic congestion, the study of traffic on these streets should be from river to river, not the draft scope's proposed quarter mile. The study should also include response times for police and other emergency vehicles. The study should be done at random times during the day and at night, because blockage occurs at any time; for example, on the evening of November 5<sup>th</sup>, West 54<sup>th</sup> Street was totally blocked from Broadway eastbound so that fire trucks on call had to go South on Broadway and thence East on 52<sup>nd</sup> to get around the 54<sup>th</sup> street block.

The EIS should take into account the impact of loading, standing and parking practices on these streets. Delivery trucks have to back into loading bays or unload on the sidewalk, buses deliver students to MoMA, and then remain standing on the block for substantial periods. Private cars and limousines and car services arrive at MoMA for MoMA and corporate functions to discharge passengers and often stand for substantial periods. MoMA has at least one corporate event a week, frequently many more (see enclosed booklet, Corporate Entertaining at MoMA). On these days there is already a substantial flow of party rental trucks and deliveries made day and night on both sides of West 54 Street, many of which deliver from the street instead of behind closed docks. We are deeply concerned that the frequency will further increase after the addition of extra gallery space. We need to know the baseline for the current year. There is need for a plan to handle street traffic, deliveries and pickups for these events and a plan to regulate their frequency and minimize their negative impact on West 54 Street.

It would also be useful to have a study of real time loading dock use on West 54<sup>th</sup> Street to accurately gauge the existing impact of loading docks on traffic and provide a baseline for the impact of the additional loading dock, deliveries and pick-ups on traffic.

Parking and regulation of standing cars also need to be studied: there will be additional pressure on parking availability resulting from this development to the east and west. The analysis should take into account the number of curb feet that will be needed for the hotel for all forms of delivery, idling and drop-off.

Daytime busses and trucks idling on the MoMA side of the street and party trucks with pink elephants idling on the residential side of the street, coupled with constant blockage as trucks back in and then drive out of the MoMA loading docks, along with MoMA officer and director private limos would be part of the problem regarding congestion and traffic.



## TASK 15 – TRANSIT AND PEDESTRIANS

It is evident that the sidewalks around MoMA are already extremely crowded. The 2000 expansion of MoMA added approximately 40,000 square feet of gallery space, plus office space and commercial currently rented office space, and attendance increased (according to MoMA's figures) from 1.8 million to 2.5 million. The next expansion will add another approximately 40,000 square feet of gallery space, and it seems reasonable to assume (absent strong evidence to the contrary) that attendance would increase by the same amount. While adding another 700,000 or so visitors, the development would take away the vacant lot where visitors lined up, putting them onto the sidewalks around MoMA. Now, on Fridays (when admission is free), lines stretch around the block from West 53<sup>rd</sup> Street, along the Avenue of the Americas, and onto West 54<sup>th</sup> Street (see photos).

Under the rules of CEQR, it is necessary for the applicant to project how many additional visitors the expanded museum could accommodate in the baseline projections for the as-of-right environmental impacts. With a more accurate baseline projection, the full extent of the environmental impacts of the proposed actions could be better understood. Though the proposed development site may currently be a vacant lot, it plays an important role as a queuing area for museum visitors. Therefore, the EIS should study how losing this space as the visitors' queue would affect pedestrian conditions and then develop a plan to adequately address any overflow. Rather than having no building recess, evaluate the need for increasing pedestrian circulation space and widening the sidewalk on both West 53 and West 54 Street. According to MoMA's estimates about 1/3 of MoMA's visitors use West 54 Street.

The net effect of a terrorist attack similar to WTC would cause huge pedestrian death and wounded, and the effects of that, along with high hurricane wind and strength of foundation have to be covered in this study.

## TASK 16 – AIR QUALITY

Traffic congestion, truck and bus idling already affect air quality in the area; establishing a baseline for this will require careful monitoring of air quality at multiple locations, especially midblock along West 54<sup>th</sup> and West 53<sup>rd</sup> Streets when they are heavily congested and when traffic is at a standstill. The EIS should add to this baseline projections of pollution that will result from other planned developments in the area. Then it must make realistic projections of the impact of the MoMA expansion (based on an additional 700,000 visitors a year) and of the impact of the residential and hotel portions of the project. An inventory of emergency generators for the area is needed, since they contribute to pollution and noise. Will the new development have one and where? Preference: not on West 54 Street.

## TASK 17 – NOISE

Noise has been a major problem on West 54 Street. The EIS should address noise in much the same fashion as for Task 16, Air Quality: with real time measurements made midblock at peak noise hours day and night to establish the baseline in the area around the proposed development to which should be added the projected impact of other planned development in the area. Then it must make realistic projections of the impact of the MoMA expansion (based on an additional 700,000 visitors a year) and of the impact of the residential and hotel portions of the project. See also emergency generators and noise from construction debris removal.

## TASK 18 – CONSTRUCTION IMPACTS

Construction impacts include a number of subheads: traffic, noise and air quality, geo-technical and construction operations.

1. Traffic: The EIS should carefully study the impact of construction on traffic congestion, fire and emergency vehicle response times, air pollution and noise. This analysis will have to take into account the reduction of traffic lanes on the affected blocks of West 53<sup>rd</sup> and 54<sup>th</sup> Streets, and the location of storage sites for construction materials, vehicles and project trailers, the availability of street side locations on the south side of West 53<sup>rd</sup> Street and the north side of West 54<sup>th</sup> Street for normal passenger discharge and normal household deliveries. Moreover, the EIS should study the impact of construction on traffic on West 53<sup>rd</sup> and West 54<sup>th</sup> Streets, which are through streets as noted in our comments under Task 14.
2. Noise and Pollution: The EIS should state what provisions will be made for controlling dust and dirt from trucks, excavation, etc., including off-site staging areas; also, the EIS should address whether and under what circumstances weekend and after-hours work would be undertaken. The community opposes any extension of construction hours. There is need for a noise and pollution mitigation plan.
3. Construction Safety: The EIS should state what provisions will be made for managing construction safety, including crane safety, in terms of placement and in terms of protection from falling debris. This is an even greater concern than normal because the building goes to the sidewalk on both sides of its lot, because of the extraordinary height of the building and because of heavy pedestrian and vehicular traffic in the area as well as because of the many landmarks.
4. The EIS should also state what provisions there will be to avoid damage to nearby buildings from vibration, de-watering, excavation and blasting and what provisions the developer will make to insure or otherwise make whole owners of buildings damaged by construction (these should be preceded by a survey, at the expense of the developer, of the state of nearby buildings.) In addition, the EIS should also include a geological survey of the area that includes underground streams and earthquake fault lines.

5. Finally, the EIS should include wind tunnel studies of the likely effect of wind during and after construction and plans to mitigate these effects.
- 6) TASK 19 – PUBLIC HEALTH Effects of pollution, noise, especially night noise and loss of access to sunlight and air and open space all have effects on public health, causing stress, sleep deprivation causing problems with concentration, memory and cardiovascular diseases, particle pollution affecting lungs and heart and lack of sunshine causing Seasonal Affective Disease (SAD)

#### TASK 20 – ALTERNATIVES

##### OTHER – safety from terrorism

- prior problems with Nouvel's Galerie Lafayette building in Berlin – window panes fell to the ground and all 1800 had to be replaced

#### TASK 21 – MITIGATION

The stated sale price of the lot together with the bulk and height of the proposed project indicate that the profit from this development will be hundreds of millions of dollars. For this gain, Hines Interests and the Museum of Modern Art will be placing a heavy burden on the community and the city and are giving nothing back both during the four-year construction phase of the project and during the life of the building. The EIS should state what mitigation may be offered. This could include the following:

1. The construction of the 53 West 53 project offers an opportunity to right some of the mistakes of the past regarding truck traffic and street level amenities with respect to the loading and service areas of the proposed building. These should be integrated with the existing loading docks of MoMA and opened as through truck passageways from 53<sup>rd</sup> Street to 54<sup>th</sup> Street. Drive through loading would allow off-street space for deliveries and pick-ups, service and emergency vehicles. Having service elevators nearby would cut time needed to perform these functions, and traffic congestion and pedestrian safety would be improved significantly. In addition, this construction offers MoMA a unique opportunity to rethink the closing off of the sculpture garden from the life of the 54<sup>th</sup> Street pedestrian community, which will now include guests and residents of 53 West 53<sup>rd</sup> Street as well as the increased number of visitors to MoMA. An architect and neighborhood resident, Andreas Benzing, has offered a suggested approach for your consideration, with drive through loading and an arcade for pedestrians along West 54 Street.(see attached).

## Allison Ruddock

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**From:** Siegel, RitaSue ["ritasue@planning.nyc.gov">"@citymail4.nycnet]  
**Sent:** Friday, November 21, 2008 8:28 AM  
**To:** Allison Ruddock; rdo Brus@planning.nyc.gov  
**Subject:** MoMA Hines project 53 W 53 Street

The group of people responsible for the proposed development should examine the implications of building a target that, if harmed, would probably destroy the greatest collection of 20<sup>th</sup> Century art in the world. The EIS should look at whether or not the MoMA buildings will withstand a bomb or a plane running into the Nouvel tower as what happened on 9/11 downtown. Calculating if the tower can withstand earthquakes, high winds, and bombs/planes should also include the implications on its closest neighbors, MoMA and the Museum of Folk Art, neither of which was before in danger of the equivalent of an Empire State Building falling on them.

RitaSue Siegel  
Vice President  
West 54 – 55 Street Block Association

17 West 54 Street  
New York, NY 10019

917 806 3947

Re: Comments about and Recommendation for EIS for MoMA Hines Development  
Plans 53 WEST 53 STREET

From: RitaSue Siegel, Vice President West 54-55 Street Block Association

17 West 54 Street, 9B, New York, NY 10019 917 806 3947

Safety Issue: If the MoMA had the grandeur of the Metropolitan Museum, there is no way that anyone would dream of constructing the monstrosity (as Tom Wolfe called the Nouvel Tower in a private letter to me). At the LPC hearing where Nouvel presented his concept to all, he declared, "Now everyone will know where the MoMA is!" What a motivation for a building design! How about the truth? "Now," he is really saying, "I will be known for building the highest building in the city since the Empire State?"

Has Nouvel thought for one minute that this motivation might also inspire the next round of terrorists who also want to make their mark on our city? Not being able to locate MoMA is not something I have heard many people complain about, but now Nouvel proposes a tower to show the way. Well the residents of our neighborhood don't want to be victims. The EIS must show that the tower can withstand the kind of blows made to the World Trade Center Towers which collapsed. But more importantly, the EIS should examine the risk to the neighborhood of the kind of attention Nouvel is trying to attract.


Loading Docks: The south side of West 54 Street lost its sense of street life when MoMA decided to erect three loading docks on an unbroken monolith of a corrugated metal wall. I live across the street from MoMA and know that the loading docks are so rarely used that it seems like one is enough. Most of the time the delivery trucks are parked on either side of the street. An EIS should examine replacing the existing loading docks with just one that goes underground from West 54 Street to West 53 Street and provide set backs or windows or some other elements to connect the building to the neighborhood. We need assurance that the Nouvel Tower, if Hines does get permission to build something like it and needs a loading dock, will put it on West 53 Street.

Why should West 54 Street continue to be treated as the stepchild or "back" entrance of MoMA? We understand that the motivation for putting all three loading docks on West 54<sup>Street</sup> was to placate the West 53 Street's Museum Tower residents whose garbage is piled up for collection on West 54 Street so as not to offend them.

Lot Line: MoMA is built to the lot line on West 54<sup>Street</sup>. Even the garden wall since the expansion presents a solid wall to the community and tourists. The wall has been built higher than its predecessor and unlike its predecessor, this one is solid. The only openings are on either side of it and since there has been no damage associated with the openings in the metal, we want the wall taken down and replaced by one with perforations so that the garden becomes, at least visually, a part of the neighborhood. The Nouvel Tower, or whatever Hines does build, should not be built to the lot line. Hundreds of people line up at MoMA for admission on Free Fridays which

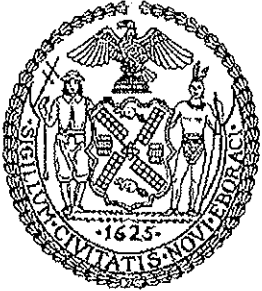
Target funds. The line starts at the MoMA entrance on West 54 Street, goes towards Sixth Avenue to West 54 Street and then turns towards Fifth Avenue. There is very little room left for pedestrians. (Also note that the line does not go in front of the Museum Tower entrance.)

Height: Why would anyone erect such a tall building on a side street where one cannot see the top? The building that has been design<sup>ed</sup> belongs on an avenue. There is no way it can be considered appropriate for our neighborhood. It will forever be an eyesore and we already have one of those-MoMA. Please insist that MoMA Hines gives us a building that enhances the neighborhood, and does not as Ada Louise Huxtable recently said in the New York Times, puts a nail in the coffin of the street.



Rita Sue Siegel





## MANHATTAN COMMUNITY BOARD FIVE

450 Seventh Avenue, Suite 2109  
New York, NY 10123-2199  
(212) 465-0907  
fax: (212) 465-1628  
office@cb5.org

David M. Siesko, *Chair*

Wally Rubin, *District Manager*

November 14, 2008

Hon. Amanda Burden  
Chair  
Department of City Planning  
22 Reade Street, Room 2E  
New York, NY 10007

**RE: RESOLUTION ON THE SCOPING DOCUMENT FOR THE ENVIRONMENTAL IMPACT STATEMENT FOR THE HINES/MOMA PROJECT AT 53 WEST 53<sup>RD</sup> STREET.**

Dear Chair Burden:

At the regularly scheduled monthly meeting of Community Board Five on Thursday, November 13, 2008, the Board passed the following resolution by a vote of 31 in favor, 0 opposed, 0 abstaining:

WHEREAS, The applicant, W2005/Hines West Fifty-Third Realty, LLC, is seeking multiple actions in connection with a mixed use development at 53 West 53<sup>rd</sup> Street; and

WHEREAS, The applicant is proposing a 1,250 foot tall mixed use building of 786,562 square feet which is proposed to be used as follows:

1. Museum of Modern Art usage of 68,087 square feet
2. Hotel usage of 100,000-200,000 square feet
3. Residential usage of 518,465-618,465 square feet; and

WHEREAS, The applicant has received approval from the Landmarks Preservation Commission to seek the transfer of development rights pursuant to:

1. Zoning Resolution Sections 74-79 and 81-212 to allow transfer of development rights from the University Club;
2. Zoning Resolution Sections 74-711 and 81-277 to allow transfer of development rights from St. Thomas Church; and

WHEREAS, With the approval to seek these transfers by the Landmarks Preservation Commission the project will now enter the ULURP phase; and

WHEREAS, The development has been found to have an impact on the surrounding environment thereby triggering the need for an Environment Impact Statement; and

WHEREAS, An Environmental Impact Statement addresses the following tasks where appropriate:

1. Project Description
2. Land Use, Zoning and Public Policy
3. Socioeconomic Conditions
4. Community Facilities and Services
5. Open Space
6. Shadows



7. Historic Resources
8. Urban Design/Visual Resources
9. Neighborhood Character
10. Hazardous Materials
11. Infrastructure
12. Solid Waste and Sanitation
13. Energy
14. Traffic and Parking
15. Transit and Pedestrians
16. Air Quality
17. Noise
18. Construction Impacts
19. Public Health
20. Alternatives
21. Mitigation
22. Unavoidable Adverse Impacts; and

WHEREAS, The Department of City Planning will be holding a public scoping meeting on November 18, 2008 where the public can provide comments on items that they would like to see included in the Environment Impact Statement; therefore be it

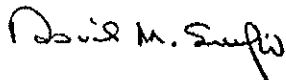
**RESOLVED**, That Community Board 5 recommends that the Environmental Impact Statement take the broadest examination of these items possible and recommends that the document examine the following:

1. The impact of this development on an area of one mile radius rather than the required one quarter mile radius and for the purpose of traffic analysis from the East River to the Hudson River. Given the size and scope of this project, a quarter mile radius is too small an area.
2. The effect of this development coupled with all the other developments in the immediate area on Community Facilities and Services. Many developments are smaller than the required triggers in the Environmental Impact Statement for Community Facilities but their cumulative impact is rarely examined. Community Board 5 would urge that the following cumulative items be examined in the Environment Impact Statement
  - a. The educational needs of the area, especially considering the new residential development that has occurred throughout Midtown. The building of one or more new schools should be required if it is found to be necessary in the Environmental Impact Statement. Community Board 5 has neither an elementary nor a middle school within its borders.
  - b. The library needs of the area, especially considering that the Donnell Library has been temporarily closed and is being torn down to develop a new hotel leaving only a much smaller branch at this location.
  - c. Public safety needs including ensuring there is adequate fire and police service for a 1,250 foot building.
3. The impact of a 1,250 foot building on open space. The Mayor's PlaNYC 2030 recommends 1.5 acres of open space for every 1,000 residents. Community Board 5 has substantially less open space than this standard especially in the midtown area.

4. The consequence of this building on noise in the area. The 53<sup>rd</sup> Street side of this development will face mainly office buildings but the 54<sup>th</sup> Street side of the project faces almost exclusively residential buildings. There are already severe noise problems due to the loading docks for the Museum of Modern Art and the addition of a 1,250 foot building with additional loading docks is going to exacerbate these issues.
5. The effect of this building on the character of the neighborhood. A building of this size will undoubtedly change the character and makeup of the surrounding blocks.
6. The impact of the shadow that the building will cast. There is a great deal of concern that this building will cast a long shadow including one that could reach Central Park which is only five blocks north of this building. A complete and thorough shadow study needs to be completed.
7. The effect of the building on the safety of the neighborhood. Concerns have been raised by the residents that a building destined to be one of the tallest in the city could become a high risk target.

Thank you for the opportunity to comment on this matter.

Sincerely,



David Siesko  
Chair



John Mills  
Chair, Land Use and Zoning Committee

To the Council of the City of New York  
To the Department of City Planning

Comments for the Hines/MoMA Public Scoping Meeting CEQR No. 090DCP004M  
November 18, 2008

Others may comment on the height of the proposed structure, the shadow cast on Central Park, the demands on the infrastructure, and other issues of merit.

I would like to address the impact of this project on the environment of the street. I have heard the developer state that 54<sup>th</sup> Street would be the residential entrance to the building and 53<sup>rd</sup> street would be the entrance to the hotel. I think this is excellent. 54<sup>th</sup> street is one of the few truly outstanding residential streets left in midtown Manhattan and is designated as part of the Preservation Subdistrict. One walk down this block demonstrates the reason: the character of this small group of buildings on the north side of the street is architecturally distinctive and intimate in scale.

The south side of this block however is dominated by one long wall resembling corrugated tin. This corrugated metal wall hides from view three loading bays and the sculpture garden of MoMA, which is a rude affront to the neighborhood. With the introduction of a new 82-story building, in fact twice the height of the towering 40-story FT Building to its west, little 54<sup>th</sup> Street must again fend for itself. Pedestrian life is sorely challenged today by the loading docks for the avenue buildings to the north and south in addition to the loading bays of MoMA; all in all there are 6 loading docks and two parking garages on one single block. Tour Verre would add a seventh.

The introduction of Tour Verre to the street offers an opportunity to right some of the mistakes of the past regarding truck traffic and street level amenities. Were the loading and service areas of the proposed building to be integrated with the existing loading docks of MoMA and opened as through truck passageways from 53<sup>rd</sup> Street to 54<sup>th</sup> Street, traffic congestion and pedestrian safety would be improved significantly. Additionally this construction would offer MoMA a unique opportunity to rethink the closing off of the sculpture garden from the life of the 54<sup>th</sup> Street pedestrian community, which will now include our new neighbors at Tour Verre. An architect and neighborhood resident, Andreas Benzing, has offered a suggested approach for your consideration. (see attached)

I would suggest in closing that the firm of Jean Nouvel, though very well recognized for its monumental work, might take this opportunity to make a significant contribution to street life. Under the present configuration, one will best appreciate the stunning appearance of Tour Verre's needle in the sky from a traffic helicopter reporting on midtown gridlock. Every day New Yorkers must fend for themselves in this pedestrian populated city. Yet our civic attention is directed not to pedestrian life but rather to vehicles: trucks, busses, taxis, emergency vehicles and private cars. I suggest that though delivering goods is critical to city life, so too is the sidewalk experience of safety, sound, and space to stride, stroll, ... or stop.



## MANHATTAN COMMUNITY BOARD FIVE

450 SEVENTH AVENUE, SUITE 2109

NEW YORK, NY 10123-2199

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(212) 465-0907

FAX: (212) 465-1628

DAVID SIESKO, *CHAIR*

WALLY RUBIN, *DISTRICT MANAGER*

WHEREAS, The applicant, W2005/Hines West Fifty-Third Realty, LLC, is seeking multiple actions in connection with a mixed use development at 53 West 53rd Street; and

WHEREAS, The applicant is proposing a 1,250 foot tall mixed use building of 786,562 square feet which is proposed to be used as follows:

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WHEREAS, With the approval to seek these transfers by the Landmarks Preservation Commission the project will now enter the ULURP phase; and

WHEREAS, The development has been found to have an impact on the surrounding environment thereby triggering the need for an Environment Impact Statement; and

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18. Construction Impacts
19. Public Health
20. Alternatives
21. Mitigation
22. Unavoidable Adverse Impacts; and

WHEREAS, The Department of City Planning will be holding a public scoping meeting on November 18, 2008 where the public can provide comments on items

that they would like to see included in the Environment Impact Statement; therefore be it

RESOLVED, That Community Board 5 recommends that the Environmental Impact Statement take the broadest examination of these items possible and recommends that the document examine the following:

1. The impact of this development on an area of one mile radius, rather than the required one quarter mile radius, and, for the purpose of traffic analysis, from the East River to the Hudson River. Given the size and scope of this project, a quarter mile radius is too small an area.
2. The effect of this development coupled with all the other developments in the immediate area on Community Facilities and Services. Many developments are smaller than the required triggers in the Environmental Impact Statement for Community Facilities but their cumulative impact is rarely examined. Community Board 5 would urge that the following cumulative items be examined in the Environment Impact Statement
  - a. The educational needs of the area, especially considering the new residential development that has occurred throughout Midtown. The building of one or more new schools should be required if it is found to be necessary in the Environmental Impact Statement. Community Board 5 has neither an elementary nor a middle school within its borders.
  - b. The library needs of the area, especially considering that the Donnell Library has been temporarily closed and is being torn down to develop a new hotel.
  - c. Public safety needs including ensuring there is adequate fire and police service for a 1,250 foot building.
3. The impact of a 1,250 foot building on open space. The Mayor's PlaNYC 2030 recommends 1.5 acres of open space for every 1,000 residents. Community Board 5 has substantially less open space than this standard especially in the midtown area.
4. The consequence of this building on noise in the area. The 53rd Street side of this development will face mainly office buildings but the 54th Street side of the project faces almost exclusively residential buildings. There are already severe noise problems due to the loading docks for the Museum of Modern Art and the addition of a 1,250 foot building with additional loading docks is going to exacerbate these issues.
5. The effect of this building on the character of the neighborhood.

A building of this size will undoubtedly change the character and makeup of the surrounding blocks.

6. The impact of the shadow that the building will cast. There is a great deal of concern that this building will cast a long shadow including one that could reach Central Park which is only five blocks north of this building. A complete and thorough shadow study needs to be completed.

7. The effect of the building on the safety of the neighborhood. Concerns have been raised by the residents that a building destined to be one of the tallest in the city could become a high risk target.

Thank you for the opportunity to comment on this matter.



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DAVID SIESKO, *CHAIR*

WALLY RUBIN, *DISTRICT MANAGER*

STATEMENT OF MANHATTAN COMMUNITY BOARD 5

ON THE HINES/MOMA PROJECT AT

53 WEST 53<sup>RD</sup> STREET

NOVEMBER 18, 2008

MY NAME IS JOHN MILLS AND I AM 2<sup>ND</sup> VICE CHAIR OF COMMUNITY BOARD 5 IN MANHATTAN. COMMUNITY BOARD 5 RUNS FROM 14<sup>TH</sup> STREET TO 59<sup>TH</sup> STREET FROM THE WEST SIDE OF LEXINGTON AVENUE TO EAST SIDE OF 8<sup>TH</sup> AVENUE.

I AM SPEAKING TODAY ABOUT THE PROPOSED DEVELOPMENT AT 53 WEST 53<sup>RD</sup> STREET WHICH WILL RESULT A IN 1,250 FOOR TALL MIXED USED BUILDING WITH 786,562 SQUARE FEET AT A MID-BLOCK LOCATION. THE PROPOSED USES OF THE BUILDING WILL BE:

1. MUSEUM OF MODERN ART USAGE OF 68,087 SQUARE FEET
2. HOTEL USAGE OF 100,000-200,000 SQUARE FEET



3. RESIDENTIAL USAGE OF 518,465-618,465 SQUARE FEET.

COMMUNITY BOARD 5 IS CONCERNED ABOUT THE HEIGHT AND SQUARE FOOTAGE OF THE BUILDING BEING CONSIDERED AT THIS LOCATION AND BELIEVES THAT A THOROUGH ASSESSMENT OF THE ENVIRONMENTAL IMPACT MUST BE PERFORMED.

AT THE NOVEMBER 2008 COMMUNITY BOARD 5 MEETING, A RESOLUTION WAS PASSED BY THE BOARD ASKING THAT THE SCOPE OF THE ENVIRONMENT IMPACT STATEMENT INCLUDE THE FOLLOWING ITEMS:

1. THE IMPACT OF THIS DEVELOPMENT ON AN AREA OF ONE MILE RADIUS, RATHER THAN THE REQUIRED ONE QUARTER MILE RADIUS, AND, FOR THE PURPOSE OF TRAFFIC ANALYSIS, FROM THE EAST RIVER TO THE HUDSON RIVER. GIVEN THE SIZE AND SCOPE OF THIS PROJECT, A QUARTER MILE RADIUS IS TOO SMALL AN AREA.
2. THE EFFECT OF THIS DEVELOPMENT COUPLED WITH ALL THE OTHER DEVELOPMENTS IN THE IMMEDIATE AREA ON COMMUNITY FACILITIES AND SERVICES. MANY DEVELOPMENTS ARE SMALLER THAN THE REQUIRED TRIGGERS IN THE ENVIRONMENTAL IMPACT STATEMENT FOR COMMUNITY FACILITIES BUT THEIR CUMULATIVE IMPACT IS RARELY

EXAMINED. COMMUNITY BOARD 5 WOULD URGE THAT THE FOLLOWING CUMULATIVE ITEMS BE EXAMINED IN THE ENVIRONMENT IMPACT STATEMENT:

A. THE EDUCATIONAL NEEDS OF THE AREA, ESPECIALLY CONSIDERING THE NEW RESIDENTIAL DEVELOPMENT THAT HAS OCCURRED THROUGHOUT MIDTOWN. THE BUILDING OF ONE OR MORE NEW SCHOOLS SHOULD BE REQUIRED IF IT IS FOUND TO BE NECESSARY IN THE ENVIRONMENTAL IMPACT STATEMENT. COMMUNITY BOARD 5 HAS NEITHER AN ELEMENTARY NOR A MIDDLE SCHOOL WITHIN ITS BORDERS.

B. THE LIBRARY NEEDS OF THE AREA, ESPECIALLY CONSIDERING THAT THE DONNELL LIBRARY HAS BEEN TEMPORARILY CLOSED AND IS BEING TORN DOWN TO DEVELOP A NEW HOTEL.

C. PUBLIC SAFETY NEEDS INCLUDING ENSURING THERE IS ADEQUATE FIRE AND POLICE SERVICE FOR A 1,250 FOOT BUILDING.

3. THE IMPACT OF A 1,250 FOOT BUILDING ON OPEN SPACE. THE MAYOR'S PLANYC 2030 RECOMMENDS 1.5 ACRES OF OPEN SPACE FOR EVERY 1,000 RESIDENTS. COMMUNITY BOARD 5 HAS SUBSTANTIALLY

LESS OPEN SPACE THAN THIS STANDARD ESPECIALLY IN THE MIDTOWN AREA.

4. THE CONSEQUENCE OF THIS BUILDING ON NOISE IN THE AREA. THE 53<sup>RD</sup> STREET SIDE OF THIS DEVELOPMENT WILL FACE MAINLY OFFICE BUILDINGS BUT THE 54TH STREET SIDE OF THE PROJECT FACES ALMOST EXCLUSIVELY RESIDENTIAL BUILDINGS. THERE ARE ALREADY SEVERE NOISE PROBLEMS DUE TO THE LOADING DOCKS FOR THE MUSEUM OF MODERN ART AND THE ADDITION OF A 1,250 FOOT BUILDING WITH ADDITIONAL LOADING DOCKS IS GOING TO EXACERBATE THESE ISSUES.

5. THE EFFECT OF THIS BUILDING ON THE CHARACTER OF THE NEIGHBORHOOD. A BUILDING OF THIS SIZE WILL UNDOUBTEDLY CHANGE THE CHARACTER AND MAKEUP OF THE SURROUNDING BLOCKS.

6. THE IMPACT OF THE SHADOW THAT THE BUILDING WILL CAST. THERE IS A GREAT DEAL OF CONCERN THAT THIS BUILDING WILL CAST A LONG SHADOW INCLUDING ONE THAT COULD REACH CENTRAL PARK WHICH IS ONLY FIVE BLOCKS NORTH OF THIS BUILDING. A COMPLETE AND THOROUGH SHADOW STUDY NEEDS TO BE COMPLETED.

7. THE EFFECT OF THE BUILDING ON THE SAFETY OF THE NEIGHBORHOOD. CONCERNS HAVE BEEN RAISED BY THE RESIDENTS

THAT A BUILDING DESTINED TO BE ONE OF THE TALLEST IN THE CITY  
COULD BECOME A HIGH RISK TARGET.

THE FULL RESOLUTION IS ATTACHED TO THIS STATEMENT. WE  
APPRECIATE YOUR CONSIDERATION OF THESE MATTERS AND URGE THAT  
THEY BE THOROUGHLY EXAMINED AS PART OF THE EIS PROCESS.



Mr. Robert Dobruskin,  
Director of Environmental Assessment and Review Division  
Department of City Planning

As a resident living one block north of the MOMA-Hines development proposed for 53 W 53<sup>rd</sup> St. I respectfully request that your department give due consideration to the environmental impact/s that will be created by a massive project of this size and scope. Sadly, the Landmarks Preservation Commission gave little credence to the voices of our neighborhood and its elected officials, last April when it unanimously voted to allow for the sale of air rights necessary for this project to go forward. I would hope that your Commission will take the necessary time to proceed more judiciously with regard to the ultimate impact this project will have on our midtown neighborhood; indeed on the City proper.

The renown architect, Jean Nouvel, hired by the Hines Corporation to design this structure has asserted that "the building is not done only to be the most beautiful, it's done to give advantage to the surroundings". Whereas aesthetics are arguable, I don't think the notion that this building will give "advantage" to the surroundings is debatable. Not only will our immediate neighborhood be disadvantaged by the permanent presence of Tower Verre, but the on-going disruption during the construction phase of this project will extract a constant and unremitting toll on the residents in this neighborhood who are already taxed by an overburdened infrastructure. What is also indisputable is that natural light, air and space will be diminished by the construction of this tower. A building as tall as the Empire State Building in a midblock location on a footprint a fraction of the size of that on which the Empire State Building stands will deprive our neighborhood of natural light, air and space. Exactly how much deprivation is deemed permissible? **Although the draft scope considers a shadow analysis on four analysis days, the analysis should adhere strictly to the CEQR Technical Manual that states, "the longest shadow cast during the year is 4.3 X height."** Thus, Tower Verre's 1250 feet times 4.3 is 5,375 feet---deep into our beloved Central Park. The Park itself is only 1,400 feet and five blocks away. **The EIS must include a study of the shadows cast into the park using the CEQR test as a far more appropriate analysis. Above all the sanctity of Central Park must be preserved.** Along with the increase in shadowing conversely, we can also anticipate an increase in artificial light, both day and night, fueled by carbon emitting sources. Our open space will be filled with an absence of natural light, an increase in the volume of noise from additional loading docks, an increase in traffic (both automobile and pedestrian) and the added congestion caused by construction crews and related debris.

Our CB5 continues to oppose this development due to its deleterious environmental impact on our community. Several of our elected Representatives have submitted testimony for your review with regard to the ramifications of this project. Surely there must be sound and thoughtful consideration given to any urban project that has the potential of placing such an overwhelming undue burden on the public. This project, if allowed to go forward as submitted to you in this scoping document, will not only adversely affect the residents of this neighborhood but has the potential to exact an irreversible toll well beyond our few blocks. I respectfully request that thoughtful due diligence be given to your review of the Final Scope of Work and in the Supplemental Environmental Impact Statement for the Tower Verre project.

Thank you,

Andrea Sirota  
77 W. 55<sup>th</sup> St Apt. 11D

Evans

CHARLES STEINBERG  
45 WEST 54<sup>TH</sup> STREET  
NEW YORK, NY 10019

December 1<sup>st</sup> 2008

Csteinberg5@nyc.gov

Fax: 212-489-8540

212-246-0896

Mr Robert Dobruski  
Dept. of City Planning, Director,  
Dear Mr. Dobruski:

DEPT OF CITY PLANNING  
RECEIVED  
2008 DEC 18 4:33 PM  
CITY PLANNING REVIEW DIV

Several months ago Community Board 5 voted unanimously minus 1, to deny the sale of air rights to MOMA-Hines for the Tower on 53<sup>rd</sup> and 54<sup>th</sup> streets citing the disharmonious nature of the project among other reasons. The Landmark Preservation Commission however OK-ed the sale of AIR RIGHTS. The reason cited was that the University Club would use the monies to build a balcony demolished at the beginning of the 20<sup>th</sup> century. No one alive today has ever seen that mystery balcony. This sudden passion for it is all about MONEY.

St Thomas Church claims it wants to repair their stained glass windows. However the funds had been allocated a year before.

At this point at their recent expansion MOMA built a loading dock to channel the Museum Towers garbage from 53<sup>rd</sup> ST TO 54<sup>th</sup> ST. at huge cost. This in addition to MOMA'S two loading docks. URBAN PLANNING !!..

The height of the Nouvel Tower is abominable 54<sup>th</sup> ST. is not an Avenue. Sincerely  
Mr. and Mrs. Charles Steinberg.



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

SCOTT STRINGER  
BOROUGH PRESIDENT

**Testimony on 53 West 53<sup>rd</sup> Street  
Public Hearing for Draft Scope of Work  
November 18, 2008**

Thank you for the opportunity to testify on this important project.

As you know, the applicant is requesting a Special Permit pursuant to §74-711 and §81-277 of the New York City Zoning Resolution that would permit distribution of floor area on the development site without regard to zoning district boundaries and modify requirements pertaining to height and setback, pedestrian circulation space, and rear yard equivalency. The applicant is also requesting a Special Permit pursuant to §74-79 and §81-212 to transfer 136,000 square feet of floor area from the University Club. Both special permits require prior approval from the Landmarks Preservation Commission. Together, they would enable the development of a 1,250-foot tall tower containing of 786,562 gross sq. ft., divided among hotel, residential, and museum-related uses.

The Museum of Modern Art is one of the City's most popular destinations; any visitor to the museum on a Friday night could vouch for this. As large as the museum is, though, it is packed with visitors, and the line to enter occupies public sidewalk space and the neighboring vacant lot that would be the development site. The museum would expand by 68,097 sq. ft. in development plans with or without the proposed actions. It seems logical that, as the museum expands, so too will its capacity for additional visitors. Under the rules of CEQR, it is necessary for the applicant to project how many additional visitors the expanded museum could accommodate in the baseline projections for the as-of-right environmental impacts. With a more accurate baseline projection, the full extent of the environmental impacts of the proposed actions could be better understood. Though the proposed development site may currently be a vacant lot, it does play an important role as a queuing area for museum visitors. Therefore, the applicant should study how losing this space as the visitors' queue would affect pedestrian conditions and then develop a plan to adequately address any overflow.

It is important to ensure that new development embraces sound planning ideals and community interests, which deserve careful consideration. Neighboring residents have raised serious concerns about potential negative impacts of the development, from the shadows it will cast to the added strain on sidewalks, streets, and other basic infrastructure. I encourage you to give their recommendations due consideration and respond to each of their concerns. It is important<sup>™</sup> that all potential environmental impacts are understood, as they will inform the public process as well as my own considerations on the project.



## **CLIFF STROME**

382 Central Park West  
New York, NY 10025

December 2, 2008

Dear Sir,

Granting a permit to construct a building of 700 feet in mid-block on 53<sup>rd</sup> Street, in what is already one of the most congested parts of midtown is insane!

Building one over 1250 feet smells period. What person in their right mind could argue that such a structure is beneficial given the environmental concerns of which there are many.

For openers, how about the cross town traffic? Ambulances, emergency vehicles or just plain "regular" people going about their business. Without traffic congestion because the congestion in Albany is unlikely to move any faster than the traffic will assuredly be on mid-53<sup>rd</sup> Street, as if it isn't already, approval of this construction is another noose around the City, choking a town that is strangling from its own success.

I have to wonder what it is, really, that motivates decision makers like you to push such insanity forward. Hum. Shame on you and those whose misguided and ill "thought", an assumption, continue to push this City deeper into the morass.

And one final thought, please get a check up with a good cardiologist before you venture into side streets that are overbuilt. You may need a pedicab to take you to the cemetery.

Very truly yours,

Cliff Strome

MEMORANDUM

TO: Michael T. Sillerman  
FROM: Patrick Sullivan  
DATE: November 20, 2008  
RE: 53 W. 53<sup>rd</sup> Street – EIS Public Scoping Meeting November 18, 2008

---

The Department of City Planning held a public scoping meeting on November 18, 2008 on the draft scope of work for the 53 West 53<sup>rd</sup> Street project (the “Project”).

Approximately 25 members of the public spoke about the Project, as well as representatives of Borough President Scott Stringer, Senator Liz Krueger, Assemblyman Richard Gottfried, Councilman Dan Garodnick, and Community Board 5. A complete description of the public comments will be prepared by AKRF. Highlights of the public comments and the key issues raised are summarized below.

1. Traffic: Many speakers stated that the traffic study area of the DEIS should be expanded. A couple of speakers stated that the traffic study should compare the Project against existing traffic conditions. Several speakers also expressed concern about how traffic from the Project would impact the response time for emergency vehicles.
2. Loading Docks: Many speakers commented on the need to analyze the impact of adding an additional loading dock to W. 54<sup>th</sup> Street, and to consider alternative loading strategies such as head-in / head-out loading, an indoor loading area, a through-block loading area, and the reuse of MoMA’s existing loading docks. The 54<sup>th</sup> Street Block Association prepared a plan for a

through-block alternative, which they want to be analyzed. It was asserted that the existing MoMA loading docks are underused, that many trucks currently deliver from curbside, and that the loading docks damage street life.

3. Pedestrian Congestion – Impact of Loss of Queuing Area on the Development Site:

Many comments focused on the pedestrian congestion that might be caused by the new building, particularly with regard to W. 54<sup>th</sup> Street, and by the addition of new MoMA gallery space. Several speakers questioned how the loss of the development site as a queuing space for MoMA would affect sidewalk congestion, and stated that this impact should be analyzed. Several speakers also commented that the addition of new gallery space would cause an increase in the visitors to MoMA, and that the impact of these additional visitors should be analyzed. It was suggested by Councilman Garodnick’s representative and other speakers that additional visitor queuing space be created in the lobby of the new building. One speaker also stated that building to the lot line would be inappropriate, given the need for pedestrian circulation space.

4. Neighborhood Character - Impact of MoMA Garden Wall: A number of speakers criticized the blankness of the MoMA Garden Wall, and expressed a desire for a rethinking of its design to create greater openness to W. 54<sup>th</sup> Street (at least visually). Many speakers criticized the Project’s height and its location in the midblock, and stated that the Project is out-of-scale with the neighborhood.

5. Shadows: Several speakers expressed concern about shadow impacts on Central Park, and at least one speaker said that there should be no new shadows on Central Park.

6. Construction Impacts. Several speakers commented on the need to consider construction safety and others (primarily W. 54<sup>th</sup> Street neighbors and also representatives of the Warwick Hotel) expressed concern about traffic, pedestrian congestion, noise, dust, and blasting. Several speakers also noted their concern about the use of cranes and the need to evaluate a detailed construction staging and logistics plan. One speaker argued that closing a lane of W. 54<sup>th</sup> Street for construction staging would not be appropriate.

7. Neighborhood Safety – Iconic Building as Target. A few speakers also expressed a concern about the ongoing risk of falling materials from the Project, and concern about the Project as a “high-risk” target.

Mr. Robert Dobruskin  
Environmental Assessment and Review Division  
NYC Dept of City Planning  
22 Reade Street 4E  
New York, NY 10007

18 November 2008

Dear Mr. Dobruskin and City Planners;

Regarding the Nouvel Tower at 53 W 53, it seems there is no committee that can consider the overall question of whether this building is appropriate to be built in this space. There are probably members of your committee that think it belongs in Dubai or Abu Dabi.

The question of the air rights reminds me of a shell game that only justifies something that is otherwise unjustifiable. Isn't one of the intentions of the air right regulation to prohibit disproportional building? This is not the time to build a monument to excess and arrogance.

However, since the empty lot in question will be filled in with some sort of profit-making structure since there is nothing more important than financial gain and build, baby, build, the greater concern is what happens at ground level where we, the general public, lives.

The city is supposedly trying to make the streets more pedestrian friendly. The request to modify the pedestrian circulation space requirements without recesses is antithetical to the city's stated intention. The statement in the scoping document that building to the lot line on both W53rd and W54th Streets would create "an active and engaging street frontage" is preposterous. It would do quite the opposite. West 54<sup>th</sup> Street already has a very a long and offensive wall. I have heard there are even people at MoMA who think the existing wall is unattractive and inappropriate. To extend it with the wall of the new building would only elongate the problem. The building as proposed is anything but "active and engaging" on the street level. It offers nothing attractive to the general public. Having seen the plans has made me aware and grateful for the buildings that are set back or have recesses – especially the ones that have places to sit. The request for a special permit to build to the lot line without recesses should be denied.

There are two other ground level concerns; traffic congestion and loading docks. These problems could and should be alleviated with a modification in the plan to include a drive through. It is astonishing that the plans do not already include one. An architect in our group has suggested that it might be possible to create one by using one of the

FYI -

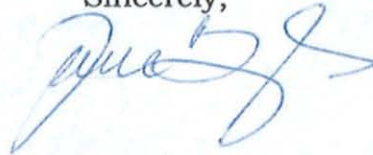
This testimony  
was read at  
the hearing but  
not submitted  
in writing

J.P. S

existing MoMA loading docks. This would alleviate both these problems. Since the building is only accessed by the 2 very busy crosstown streets, a drive-thru will allow an off street space for deliveries, service, drop-off and pickups and emergency vehicles. Using an existing loading dock will also eliminate one of the 6 docks that already exist on West 54<sup>th</sup> St rather than adding a 7<sup>th</sup>. A drive-thru would be a win-win-win for MoMA, 53 West 53rd and street traffic.

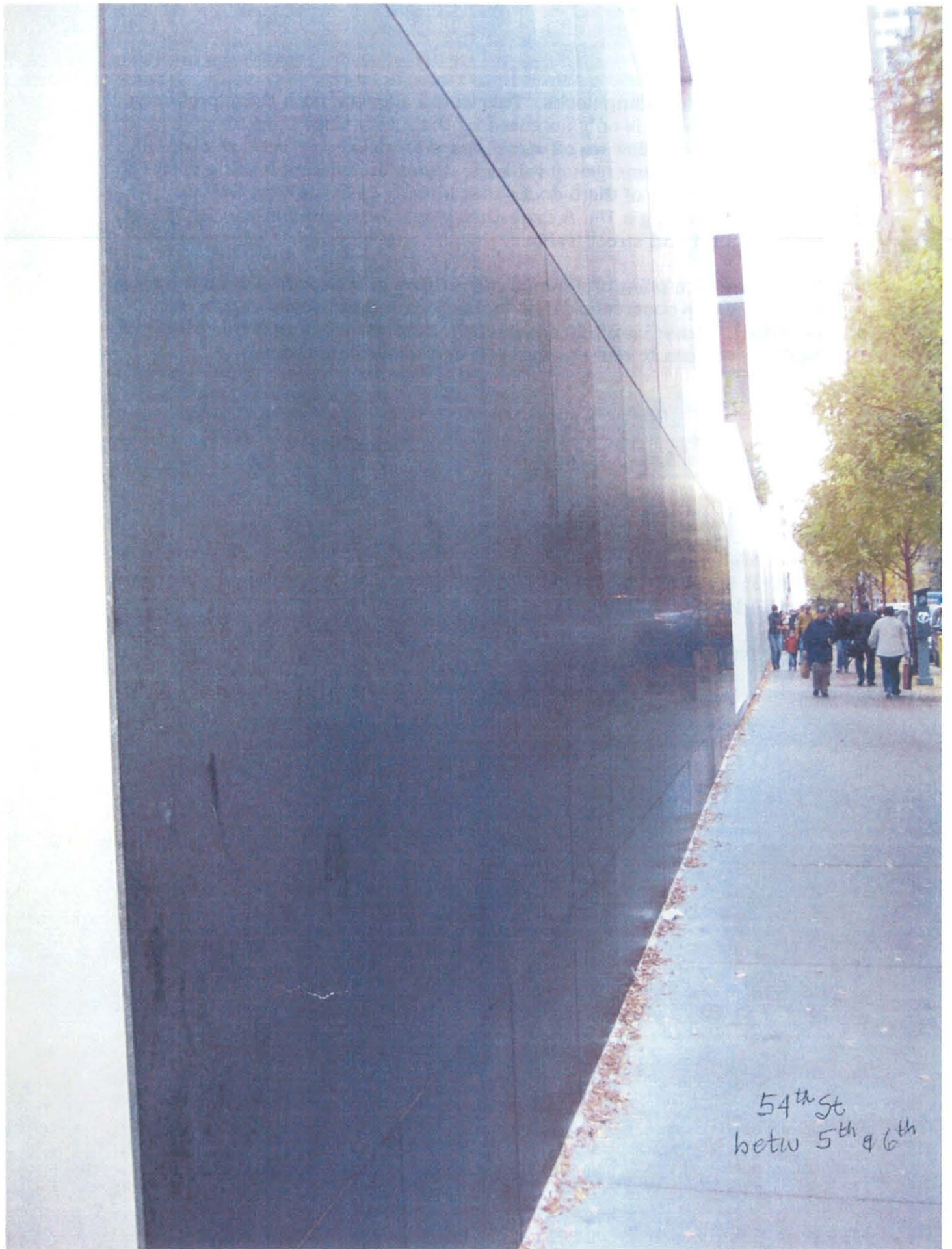
There may be a point of diminishing returns in Midtown. I keep thinking of Yogi Berra's observation that "nobody goes there anymore, it's too crowded". Please carefully consider the repercussions that this oversized building will create and do what you can to alleviate them.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jane Tsighis', with a stylized flourish at the end.

Jane Tsighis  
22 West 56 St  
New York, NY 10019

[jgtishere@yahoo.com](mailto:jgtishere@yahoo.com)



54<sup>th</sup> St  
betw 5<sup>th</sup> & 6<sup>th</sup>



Summary of Testimony Presented on Behalf of the Warwick Hotel  
Relating to 53 West 53<sup>rd</sup> Street/CEQR App. No. 09DCP004M/  
W2005Hines West Fifty-Third Realty ("Hines")

Wanda Chan, General Manager

Traffic Concerns:

1. During the construction phase of the project, being that there is a very limited site, what provision has been made for storage of construction materials, locating of project trailer(s) and parking of vehicles and construction equipment?
2. What provision has been made for loading and unloading of construction materials and egress to the project site?
3. In light of existing heavy traffic (vehicular and pedestrian) and congestion on West 54<sup>th</sup> street, especially in the area of the MOMA entrance, has a traffic study been prepared? If so, please provide a copy of the traffic study.
4. With regard to construction of a loading dock:
  - a) Please describe the design of the loading dock;
  - b) If an outdoor loading dock has been specified, please indicate whether an indoor loading dock has been considered; and
  - c) With regards to plans for an outdoor loading dock, please specify the day-to-day procedures for trash collection, deliveries and egress to the loading dock area, including hours of operation.
5. Does the design of the project include off-street parking?

John Horinek, Chief Engineer

Noise and Air Concerns:

1. What provisions are being made to prevent construction activity from disturbing nearby properties?
2. What provisions are being made to control dust made by construction activity (i.e., trucks and other construction vehicles, excavation, etc.)?

3. Are there any provisions for an off-site staging area for construction vehicles to limit noise and disruption to nearby properties?
4. Do you anticipate obtaining permission for weekend and after hours work for construction activity?

Geo-Technical Concerns:

1. Was there a geo-technical survey of the site and the surrounding area? If so, we ask that a copy be provided.
2. Is Hines aware of any underground streams or other areas of concern in the vicinity of the project, more specifically along West 54<sup>th</sup> Street?
3. What consideration has been made regarding potential impact to nearby properties while the project is being built, particularly relating to de-watering, chipping, blasting or other construction activities which may be anticipated to cause damage?

Warren Chiu, Director of Project Development

Construction Operation Concerns:

1. As it appears that the building will be designed to the property line with no recess, what safety measures will be undertaken to protect pedestrians and/or vehicular traffic on West 54<sup>th</sup> Street from falling construction debris?
2. Has a logistics plan been developed for staging the various phases of construction and the placement of cranes and other equipment on the site?
3. Is it anticipated that an off-site staging area will be designated for the day-to-day construction activity and, if so, at what location?
4. Is it anticipated that a point of contact will be appointed to address day-to-day concerns raised by nearby property owners and businesses during the construction phase?

amny.com/news/local/am-air0501,0,4437767.story

**amNY.com**

## **Study: New York City air still bad**

By Ryan Chatelain

ryan.chatelain@am-ny.com

May 1, 2008

New Yorkers are still breathing in unhealthy air, according to a new study.

Despite some modest improvements in air quality, the metro area jumped from 10th to eighth worst in the nation for ozone pollution - or smog - the American Lung Association's annual "State of the Air" survey contends. New York was 13th worst for short-term particle pollution, or soot; last year, the Big Apple ranked 17th.

The report, which examines data by county from 2004 to 2006, divides air pollution into three categories: ozone, short-term particle and long-term particle. Manhattan fared the worst in the state for annual particle pollution. The Bronx came in last for short-term soot, and Staten Island was the worst for smog.

"In New York City, where the asthma rates are some of the highest in the nation, it is simply unacceptable that residents are being forced to breathe this toxic air," said Louise Vetter, president and CEO of the American Lung Association in New York City.

Poor air quality can contribute to heart disease, lung cancer and asthma attacks, researchers say.

In comparison to last year's report, New York City's rankings declined in relation to other cities. However, none of the boroughs saw lower grades, and a few improved in areas. Queens went from a D to a C for ozone pollution. Brooklyn and Staten Island improved from F's to D's for short-term particle pollution. None of the boroughs scored higher than a C, and all but Brooklyn received at least one failing mark.

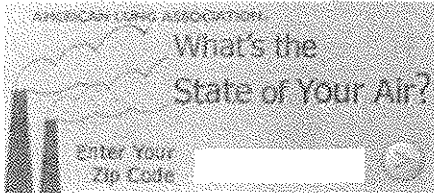
"While we continue to fail, it's trending the right way," said Michael Seilback, senior director of public policy and advocacy for the American Lung Association. "There's hopefully a light at the end of the clean-air tunnel."

New York's pollution largely comes from coal-burning power plants in the Midwest and vehicle

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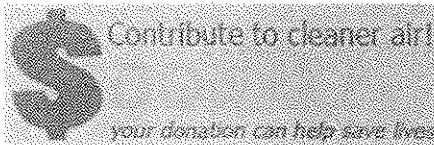
## Particle Pollution

### New York

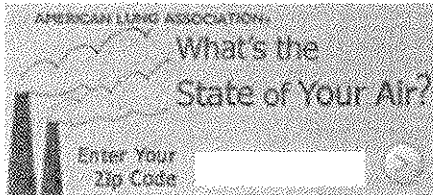
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High Ozone Days Particle Pollution Groups At Risk

County	Grade (24-hour)	Wgt. Avg.	Orange Days	Red Days	Purp Day:	Grade De- Yr
Albany	Inc	2.0	7	0	0	D
Bronx	Fail	10.0	29	0	0	F 15.
Chautauque	Pass	1.0	2	0	0	B
Chemung	-	-	-	-	-	-
Dutchess	-	-	-	-	-	-
Erie	Pass	2.0	6	0	0	C 12.
Essex	Pass	1.0	3	0	0	C
Franklin	-	-	-	-	-	-
Hamilton	-	-	-	-	-	-
Herkimer	-	-	-	-	-	-
Jefferson	-	-	-	-	-	-
Kings	Pass	3.0	9	0	0	D 14
Madison	-	-	-	-	-	-
Monroe	Inc	1.0	4	0	0	C
Nassau	Pass	2.0	6	0	0	C 11.
New York	Fail	5.0	15	0	0	F 15.7
Niagara	Pass	2.0	6	0	0	C
Oneida	-	-	-	-	-	-
Onondaga	Pass	1.0	2	0	0	B
Orange	Pass	1.0	4	0	0	C
Oswego	-	-	-	-	-	-
Putnam	-	-	-	-	-	-
Queens	Pass	6.0	18	0	0	F
Rensselaer	-	-	-	-	-	-



Schoharie Pass 3.0 8 0 0 D 13.4  
 Sullivan Pass 1.0 4 0 0 C -  
 Ulster Pass 1.0 4 0 0 C 11.0



## Groups At Risk

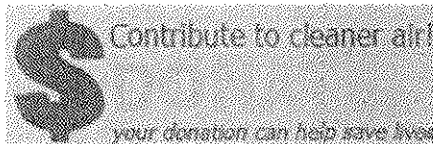
### New York



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High Ozone Days Particle Pollution **Groups At Risk**

County	Total Pop	Under 18	65 & Over	Pediatric Asthma	Adult Asthma	Chronic Bronchitis	Emphysema	CV Disease	Diabetes
Albany	42,979	9,309	6,622	864	3,213	1,511	707	12,553	2,875
Bronx	271,620	64,983	36,900	6,030	15,781	8,959	3,980	72,045	16,497
Chautauqua	904,037	203,561	132,357	18,890	53,310	31,189	14,348	256,407	58,756
Chemung	88,641	19,664	13,589	1,825	5,781	3,043	1,406	25,093	5,737
Dutchess	295,146	66,805	36,282	6,200	19,294	9,811	4,199	77,087	17,701
Erie	517,001	129,114	62,724	11,982	29,648	16,725	7,211	132,001	30,304
Essex	282,031	65,432	32,265	6,072	16,579	9,242	3,871	71,641	16,470
Franklin	50,968	9,946	6,619	923	3,472	1,735	736	13,554	3,106
Hamilton	5,162	870	1,076	81	354	201	104	1,780	406
Herkimer	63,332	13,659	10,144	1,268	4,155	2,211	1,038	18,414	4,208
Jefferson	114,264	27,842	13,338	2,584	7,348	3,551	1,449	27,103	6,201
Kings	2,508,820	655,234	302,462	60,806	156,821	78,575	33,462	615,491	141,028
Madison	70,197	15,048	9,021	1,396	4,657	2,373	1,024	18,740	4,300



1,111,100 1,611,581 275,724 205,318 23,587 113,117 55,315 22,711 423,705 97,028

# WWW.TAGESSPIEGEL.DE

URL: <http://www.tagesspiegel.de/berlin/;art270,2047931>

## Europacenter: Scheibe stürzte auf die Straße

ac

13.5.2001 0:00 Uhr

Aus noch unbekannter Ursache ist gestern am frühen Nachmittag ein gläsernes Fassadenteil des Europacenters zerborsten und auf die Tauentzienstraße gestürzt. Das etwa 1,5 mal 1,5 Meter große Teil, das in halber Höhe des Hochhauses montiert war, zerschellte vor dem Eingang einer Bankfiliale, getroffen wurde niemand.

Trotz des geringen Schadens sammelten sich rasch Schaulustige und verfolgten die Sicherungsarbeiten von Feuerwehr und Polizei. Da am Straßenrand geparkte Autos von Glasteilen getroffen worden waren, wurden sie abgeschleppt, um weitere Schäden zu vermeiden. Der Verkehr Richtung Gedächtniskirche wurde einspurig an der Stelle vorbeigeführt. Das Europacenter war erst vor gut einem Jahr umfangreich saniert worden. Die Hochhausfassade wurde dabei komplett erneuert. Probleme mit herabstürzenden Glasscheiben hatte es 1998 und 1999 auch beim Kaufhaus Galeries Lafayette in der Friedrichstraße gegeben. Anfangs wurden dort Schutznetze angebracht, zuletzt entschied man sich, die 1800 Scheiben komplett auszutauschen.



Sie interessieren sich für dieses Thema und wollen keinen Artikel im Tagesspiegel dazu verpassen? » [Dann klicken Sie hier.](#)

The department store Galeries Lafayette on Friedrichstrasse had problems with falling glass panels in 1998 and 1999. Safety nets were installed and finally it was decided to completely change all 1800 glass panels. ~~Have been told~~

~~then hit it was just a matter of time,~~

fpc

Other article

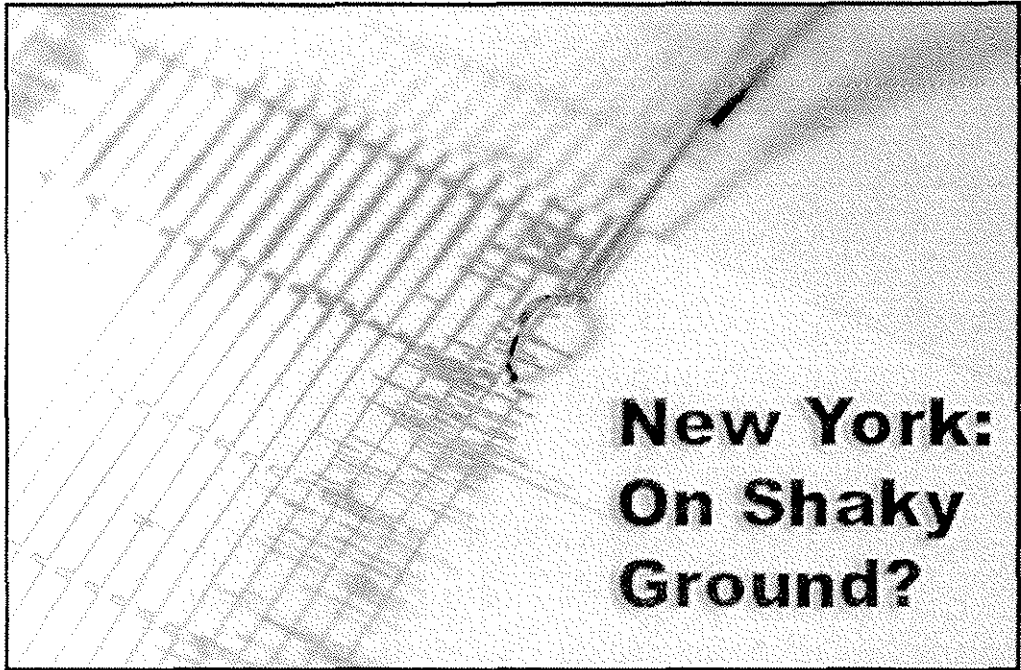
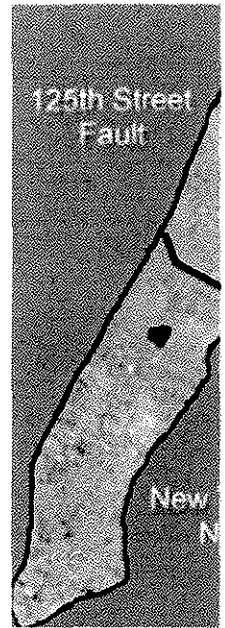


photo: Alexander Eule



by Dakin Campbell and Alexander Eule

As the No. 1 train emerges above ground at 122nd Street in northern Manhattan few passengers realize they have just traveled through the path of a geological fluke, an underground fault line that has the potential to shake New York City to its core.

New York City's last earthquake was in 18... say such an event co... once every 100 ;

New data from scientists at Columbia's Lamont-Doherty Earth Observatory, the hub of Northeast seismology research, is now shedding light on the so-called 125th Street fault line. As technology and reporting strategies improve, a theory is emerging to suggest that the fault line may have reactivated and recently caused several small earthquakes in the city, according to Won-Young Kim, a research scientist at Lamont and the principal investigator of the Lamont-Doherty Cooperative Seismographic Network.

While the city does not sit on a major fault like the notorious San Andreas in California, the East Coast has never been immune from earthquakes. While Kim does not expect the 125th Street fault to produce major earthquakes, its tremors have been noticed by New Yorkers across the city. The fault carries its name because early New York engineers, likely unaware of the geology, built 125th Street through the small valley created by the fault.

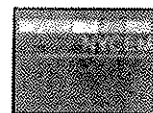


Among Kim's findings are that New Yorkers have a much higher sensitivity for earthquakes than California residents. In December 2004, New Yorkers called police after a series of four earthquakes registering less than 1 on the Richter scale shook city neighborhoods.

Audio slidesh... Columbia Universit... Doherty Observat... Palisades, N.Y. is the center for the obscure eastern earthqua...

"Here we have about one magnitude higher in terms of sensitivity," Kim said, comparing New York to California. "The people have become very attentive of their surroundings these days. After 9/11, if they feel anything they call."

Unlike California earthquakes, which stem from the collision of plates at the San Andreas Fault, the smaller 125th Street fault is not the result of any intersection of plates. In fact, New York sits squarely in the middle of the plate between the San Andreas Fault and the mid-Atlantic Ridge, which lies beneath the Atlantic Ocean. The New York fault is activated when plate movement thousands of miles to the east and west compress the 125th Street line.



Read C... the N... Area C... Earth... Mitsu...

New York City faced its last significant quake in 1884, when a magnitude 5.2 event off the shore of Far Rockaway, Queens, caused chimneys to fall. That quake was felt from Virginia to Maine. While such a quake is likely to occur every 100 years in New York, scientists believe, the last 120 years have featured smaller earthquakes, including two magnitude 2 events in the fall of 2001 that were felt throughout Manhattan, Queens and Brooklyn.

Kim says his research indicates that these 2001 quakes stemmed from the once dormant 125th Street fault. Meanwhile, Kim says another moderate earthquake similar to the 1884 event is still possible.

Last year, a group of scientists and engineers called the New York City Area Consortium for Earthquake Loss Mitigation issued a report that outlined the potential risk and consequences of another 1884-type event. In New York City, "catastrophic events with Magnitudes 6 and larger are possibilities," the report states. The group estimates that a moderate magnitude 6 quake at 2 p.m. would cause 1,170 deaths and close to \$40 billion in damages.

Those are worst-case scenarios, however. "The object of the study was not to introduce any type of panic," says George Deodatis, a civil engineer who was part of the consortium. "People in New York have higher priorities."

"The odds are that it won't happen in our lifetime," says Tom Giordano, a planner in the preparedness unit of the New Jersey Office of Emergency Management. "But we still need to do things to prepare for it."



Aerial view of the 125th Street fault area.

Learn More

- The Learning Channel: Earthquake Hazards Program: Survey
- Research: New York State earth recent earthquakes near NYC
- Largest Historical Earthquakes
- Live Seismogram from Lamont Monitoring Stations
- Perceptual Survey of 2001 NYC
- Map of Lamont-Doherty Monitor

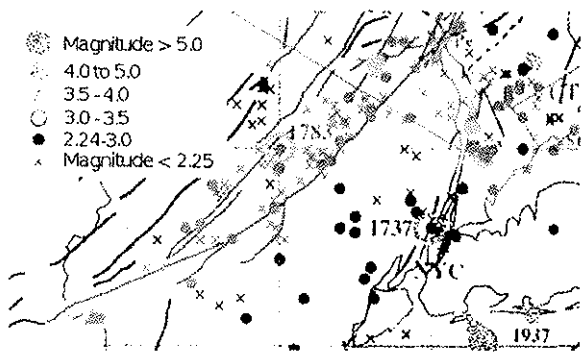


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**Preparing for the Great New York Earthquake**

by Mike Muller

29 Sep 2008



Adapted from The Earth Institute and Dr. Lynn Skyes.

Fault lines and known tremors in the New York City region between 1677-2004. The nuclear power plant at Indian Point is indicated by a Pe.

Most New Yorkers probably view the idea of a major earthquake hitting New York City as a plot device for a second-rate disaster movie. In a city where people worry about so much – stock market crashes, flooding, a terrorist attack – earthquakes, at least, do not have to be on the agenda.

A recent report by leading seismologists associated with Columbia University, though, may change that. The report concludes a serious quake is likely to hit the area.

The implication of this finding has yet to be examined. Although earthquakes are uncommon in the area relative to other parts of the world like California and Japan, the size and density of New York City puts it at a higher risk of damage. The type of earthquake most likely to occur here would mean that even a fairly small event could have a big impact.

"The issue with earthquakes in this region is that they tend to be shallow and close to the surface," explains Leonardo Seeber, a coauthor of the report. "That means objects at the surface are closer to the source. And that means even small earthquakes can be damaging."

The past two decades have seen an increase in discussions about how to deal with earthquakes here. The most recent debate has revolved around the Indian Point nuclear power plant, in Buchanan, N.Y., a 30-mile drive north of the Bronx, and whether its nuclear reactors could withstand an earthquake. Closer to home, the city adopted new codes for its buildings even before the Lamont report, and the Port Authority and other agencies have retrofitted some buildings. Is this enough or does more need to be done? On the other hand, is the risk of an earthquake remote enough that public resources would be better spent addressing more immediate – and more likely – concerns?

**Assessing the Risk**

The report by scientists from the Lamont-Doherty Earth Observatory at Columbia University summarizes decades of information on earthquakes in the area gleaned from a network of seismic instruments, studies of earthquakes from previous centuries through archival material like newspaper accounts and examination of fault lines.

The city can expect a magnitude 5 quake, which is strong enough to cause damage, once every 100 years, according to the report. (Magnitude is a measure of the energy released at the source of an earthquake.) The scientists also calculate that a magnitude 6, which is 10 times larger, has a 7 percent chance of happening once every 50 years and a magnitude 7 quake, 100 times larger, a 1.5 percent chance. Nobody knows the last time New York experienced quakes as large as a 6 or 7, although if once occurred it must have taken place before 1677, since geologists have reviewed data as far back as that year.

The last magnitude 5 earthquake in New York City hit in 1884, and it occurred off the coast of Rockaway Beach. Similar earthquakes occurred in 1737 and 1783.

By the time of the 1884 quake, New York was already a world class city, according to Kenneth Jackson, editor of *The Encyclopedia of New York City*. "In Manhattan," Jackson said, "New York would have been characterized by very dense development. There was very little grass."

A number of 8 to 10 story buildings graced the city, and "in world terms, that's enormous," according to Jackson. The city already boasted the world's most extensive transportation network, with trolleys, elevated trains and the Brooklyn Bridge, and the best water system in the country. Thomas Edison had opened the Pearl Street power plant two years earlier.

All of this infrastructure withstood the quake fairly well. A number of chimneys crumbled and windows broke, but not much other damage occurred. Indeed, the *New York Times* reported that people on the Brooklyn Bridge could not tell the rumble was caused by anything more than the cable car that ran along the span.

**Risks at Indian Point**

As dense as the city was then though, New York has grown up and out in the 124 years since. Also, today's metropolis poses some hazards few, if any people imagined in 1884.

In one of their major findings, the Lamont scientists identified a new fault line less than a mile from Indian Point. That is in addition to the already identified Ramapo fault a couple of miles from the plant. This is seen as significant because earthquakes occur at faults and are the most powerful near them.

This does not represent the first time people have raised concerns about earthquakes near Indian Point. A couple of years after the licenses were approved for Indian Point 2 in 1973 and Indian Point 3 in 1975, the state appealed to the Atomic Safety and Licensing Appeal Panel over seismic issues. The appeal was dismissed in 1976, but Michael Farrar, one of three members on the panel, dissented from his colleagues.

He thought the commission had not required the plant to be able to withstand the vibration that could occur during an earthquake. "I believe that an effort should be made to ascertain the maximum effective acceleration in some other, rational, manner," Farrar wrote in his dissenting opinion. (Acceleration measures how quickly ground shaking speeds up.)

Con Edison, the plants' operator at the time, agreed to set up seismic monitoring instruments in the area and develop geologic surveys. The Lamont study was able to locate the new fault line as a result of those instruments.

Ironically, though, while scientists can use the data to issue reports -- the federal Nuclear Regulatory Commission cannot use it to determine whether the plant should have its license renewed. The Nuclear Regulatory Commission only considers the threat of earthquakes or terrorism during initial licensing hearings and does not revisit the issue during relicensing.

Lynn Sykes, lead author of the Lamont report who was also involved in the Indian Point licensing hearings, disputes that policy. The new information, he said, should be considered -- "especially when considering a 20 year license renewal."

The state agrees. Last year, Attorney General Andrew Cuomo began reaching out to other attorneys general to help convince the commission to include these risks during the hearings.

Cuomo and the state Department of Environmental Conservation delivered a 312-page petition to the commission that included reasons why earthquakes posed a risk to the power plants. The petition raised three major concerns regarding Indian Point:

- The seismic analysis for Indian Point plants 2 and 3 did not consider decommissioned Indian Point 1. The state is worried that something could fall from that plant and damage the others.
- The plant operators have not updated the facilities to address 20 years of new seismic data in the area.
- The state contends that Entergy, the plant's operator, has not been forthcoming. "It is not possible to verify either what improvements have been made to [Indian Point] or even to determine what improvements applicant alleges have been implemented," the petition stated.

A spokesperson for Entergy told the New York Times that the plants are safe from earthquakes and are designed to withstand a magnitude 6 quake.

Lamont's Sykes thinks the spokesperson must have been mistaken. "He seems to have confused the magnitude scale with intensity scale," Sykes suggests. He points out that the plants are designed to withstand an event on the intensity scale of VII, which equals a magnitude of 5 or slightly higher in the region. (Intensity measures the effects on people and structures.) A magnitude 6 quake, in Sykes opinion, would indeed cause damage to the plant.

The two reactors at Indian Point generate about 10 percent of the state's electricity. Since that power is sent out into a grid, it isn't known how much the plant provides for New York City. Any abrupt closing of the plant -- either because of damage or a withdrawal of the operating license -- would require an "unprecedented level of cooperation among government leaders and agencies," to replace its capacity, according to a 2006 report by the National Academies' National Research Council, a private, nonprofit institution chartered by Congress.



Photo (courtesy of) Tony the Misfit.

Entergy's Indian Point Energy Center, a three-unit nuclear power plant north of New York City, lies within two miles of the Ramapo Seismic Zone.

Beyond the loss of electricity, activists worry about possible threats to human health and safety from any earthquake at Indian Point. Some local officials have raised concerns that radioactive elements at the plant, such as tritium and strontium, could leak through fractures in bedrock and into the Hudson River. An earthquake could create larger fractures and, so they worry, greater leaks.

In 2007, an earthquake hit the area surrounding Japan's Kashiwazaki-Kariwa nuclear power plant, the world's largest. The International Atomic Energy Agency determined "there was no significant damage to the parts of the plant important to safety," from the quake. According to the agency, "The four reactors in operation at the time in the seven-unit complex shut down safely and there was a very small radioactive release well below public health and environmental safety limits." The plant, however, remains closed.

## Shaking the Streets

A quake near Indian Point would clearly have repercussions for New York City. But what if an earthquake hit one of the five boroughs?

In 2003, public and private officials, under the banner of the New York City Area Consortium for Earthquake Loss Mitigation, released a study of what would happen if a quake hit the metropolitan area today. Much of the report focused on building damage in Manhattan. It used the location of the 1884 quake, off the coast of Rockaway Beach, as its modern muse.

If a quake so serious that it is expected to occur once every 2,500 years took place off Rockaway, the consortium estimated it would cause \$11.5 billion in damage to buildings in Manhattan. About half of that would result from damage to residential buildings. Even a moderate magnitude 5 earthquake would create an estimated 88,000 tons of debris (10,000 truckloads), which is 136 times the garbage cleared in Manhattan on an average day, they found.

The report does not estimate possible death and injury for New York City alone. But it said that, in the tri-state area as a whole, a magnitude 5 quake could result in a couple of dozen deaths, and a magnitude 7 would kill more than 6,500 people.

Ultimately, the consortium decided retrofitting all of the city's buildings to prepare them for an earthquake would be "impractical and economically unrealistic," and stressed the importance of identifying the most vulnerable areas of the city.

Unreinforced brick buildings, which are the most common type of building in Manhattan, are the most vulnerable to earthquakes because they do not absorb motion as well as more flexible wood and steel buildings. Structures built on soft soil are more also prone to risk since it amplifies ground shaking and has the potential to liquefy during a quake.

This makes the Upper East Side the most vulnerable area of Manhattan, according to the consortium report. Because of the soil type, the ground there during a magnitude 7 quake would shake at twice the acceleration of that in the Financial District. Chinatown faces considerable greater risk for the same reasons.

The city's Office of Emergency Management agency does offer safety tips for earthquakes. It advises people to identify safe places in their homes, where they can stay until the shaking stops. The agency recommends hiding under heavy furniture and away from windows and other objects that could fall.

A special unit called New York Task Force 1 is trained to find victims trapped in rubble. The Office of Emergency Management holds annual training events for the unit.

The Buildings Department created its first seismic code in 1995. More recently, the city and state have adopted the International Building Code (which ironically is a national standard) and all its earthquake standards. The "international" code requires that buildings be prepared for the 2,500-year worst-case scenario.

### Transportation Disruptions

With the state's adoption of stricter codes in 2003, the Port Authority went back and assessed its facilities that were built before the adoption of the code, including bridges, bus terminals and the approaches to its tunnels. The authority decided it did not have to replace any of this and that retrofitting it could be done at a reasonable cost.

The authority first focused on the approaches to bridges and tunnels because they are rigid and cannot sway with the earth's movement. It is upgrading the approaches to the George Washington Bridge and Lincoln Tunnel so they will be prepared for a worst-case scenario. The approaches to the Port Authority Bus Terminal on 42nd Street are being prepared to withstand two thirds of a worst-case scenario.

The terminal itself was retrofitted in 2007. Fifteen 80-foot tall supports were added to the outside of the structure.

A number of the city's bridges could be easily retrofitted as well "in an economical and practical manner," according to a study of three bridges by the consulting firm Parsons Brinckerhoff. Those bridges include the 102nd Street Bridge in Queens, and the 145th Street and Macombs Dam bridges, which span the Harlem River. To upgrade the 155th Street Viaduct, the city will strengthen its foundation and strengthen its steel columns and floor beams.

The city plans upgrades for the viaduct and the Madison Avenue bridge in 2010. The 2008 10-year capital strategy for the city includes \$596 million for the seismic retrofitting of the four East River bridges, which is planned to begin in 2013. But that commitment has fluctuated over the years. In 2004, it was \$833 million.

For its part, New York City Transit generally is not considering retrofitting its above ground or underground structures, according to a report presented at the American Society of Civil Engineers in 2004. New facilities, like the Second Avenue Subway and the Fulton Transit Center will be built to new, tougher standards.

Underground infrastructure, such as subway tunnels, electricity systems and sewers are generally safer from earthquakes than above ground facilities. But secondary effects from quakes, like falling debris and liquefied soil, could damage these structures.

Age and location -- as with buildings -- also add to vulnerability. "This stuff was laid years ago," said Rae Zimmerman, professor of planning and public administration at New York University. "A lot of our transit infrastructure and water pipes are not flexible and a lot of the city is on sandy soil." Most of Lower Manhattan, for example, is made up of such soil.

She also stresses the need for redundancy, where if one pipe or track went down, there would be another way to go. "The subway is beautiful in that respect," she said. "During 9/11, they were able to avoid broken tracks."

### Setting Priorities

The city has not made preparing its infrastructure for an earthquake a top priority -- and some experts think that makes sense.

"On the policy side, earthquakes are a low priority," said Guy Nordenson, a civil engineer who was a major proponent of the city's original seismic code, "and I think that's a good thing." He believes there are more important risks, such as dealing with the effects of climate change.

"There are many hazards, and any of these hazards can be as devastating, if not more so, than earthquakes," agreed Mohamed Ettouney, who was also involved in writing the 1995 seismic code.

In fact, a recent field called multi-hazard engineering has emerged. It looks at the most efficient and economical way to prepare for hazards rather than preparing for all at once or addressing one hazard after the other. For example, while addressing one danger (say terrorism) identified as a priority, it makes sense to consider other threats that the government could prepare for at the same time (like earthquakes).

Scientists from Lamont-Doherty are also not urging anybody to rush to action in panic. Their report is meant to be a first step in a process that lays out potential hazards from earthquakes so that governments and businesses can make informed decisions about how to reduce risk.

"We now have a 300-year catalog of earthquakes that has been well calibrated" to estimate their size and location, said Sykes. "We also now have a 34-year study of data culled from Lamont's network of seismic instruments."

"Earthquake risk is not the highest priority in New York City, nor is dog-poop free sidewalks," Seeber recently commented. But, he added, both deserve appropriately rational responses.

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