

1 **Clinton/Hell's Kitchen Land Use Committee (C/HKLU)**

**Item: 10**

2  
3 November 6, 2013

4  
5 Hon. Robert B. Tierney  
6 Chair  
7 Landmarks Preservation Commission  
8 Municipal Building, 9<sup>th</sup> Floor  
9 One Center Street  
10 New York, NY 10007

11  
12 **Re: 511-519 West 25<sup>th</sup> Street**  
13 **521-541 West 25<sup>th</sup> Street**

14  
15 Dear Chair Tierney:

16  
17 Manhattan Community Board 4 (MCB4) is writing in response to two applications before the  
18 Landmarks Preservation Commission for a certificate of appropriateness by the Related Cos. for  
19 the buildings from 511-541 West 25<sup>th</sup> Street.

20  
21 The first application is for 511-519 West 25<sup>th</sup> Street-West, an Industrial neo-Classical style  
22 factory designed by Francisco & Jacobus and built in 1915-17, is to alter and replace storefront  
23 infill and install signage.

24  
25 The second application is for 521-541 West 25<sup>th</sup> Street, a Round Arch Style brick factory  
26 building designed by Schickel & Ditmars and built in 1900-1901, is to alter ground floor infill  
27 and install canopies and signage.

28  
29 The work is for the entrances of both buildings and also, for the 521-541 building, a new smaller  
30 and higher up canopy with an address and some slight light. There will be seven blade signs  
31 (there are nine now).

32  
33 MCB4's Landmarks Committee reviewed the presentation by the applicant and **the Full Board**  
34 **voted on November 6, 2013, to recommend its strong support for both landmark**  
35 **applications as appropriate but asks that some consideration be given to providing further**  
36 **separation between the two buildings with the frontage and lesser uniformity.**

37  
38 Sincerely,

39  
40  
41 Corey Johnson  
42 Chair

Pamela Wolff  
Chair, Landmarks Committee

43

1 **Clinton/Hell's Kitchen Land Use Committee (C/HKLU)**

**Item: 11**

2  
3 November 6, 2013

4  
5 Hon. Robert B. Tierney, Chair  
6 Landmarks Preservation Commission  
7 Municipal Building, 9<sup>th</sup> Floor  
8 One Center Street  
9 New York, NY 10007

10  
11 **Re: 400 West 57<sup>th</sup> Street**  
12 **The Windermere**

13  
14 Dear Chair Tierney:

15  
16 Manhattan Community Board 4 (MCB4) is writing in response to two applications before the  
17 Landmarks Preservation Commission on the proposed restoration and conversion of the  
18 Windermere, a landmark building on the corner of Ninth Avenue and West 57<sup>th</sup> Street in  
19 Manhattan.

20  
21 The first application proposes construction of a rooftop addition, rooftop mechanical equipment  
22 and rear yard additions; alteration of facades and areaways; replacement of windows and  
23 storefronts; reconstruction of historic entry porticos; removal of non-original fire escapes; and  
24 introduction of an exterior wheelchair lift.

25  
26 The second application requests that the Landmarks Preservation Commission issue a report to  
27 the City Planning Commission relating to an application for a Modification of Use and Bulk  
28 pursuant to Section 74-711 of the Zoning Resolution.

29  
30 MCB4's Landmarks Committee and Clinton/Hell's Kitchen Land Use Committee reviewed the  
31 presentation by the applicant and **the Full Board voted on November 6, 2013, to recommend**  
32 **support for both landmark applications with the exception of the rooftop addition, which it**  
33 **finds to be inappropriate.**

34  
35 **PROPERTY AND BUILDING**

36  
37 The Windermere is an important New York City landmark, noted for its architecture, its history  
38 as housing for single women and artists, and its history of violent tenant harassment —  
39 harassment which led to the groundbreaking Clinton Cure For Harassment.

40  
41 Located on the southwest corner of Ninth Avenue and West 57th Street, the property has 100  
42 feet of frontage along West 57th Street, 125.42 feet of frontage along Ninth Avenue and a lot  
43 area of 12,542 square feet. Most of the property, comprising approximately 10,000 square feet, is  
44 located within a C1-8 zoning district and Subarea C1 of the Special Clinton District. The  
45 southernmost portion of the property is located in an R8/C1-5 district and Preservation Area A of  
46 the Special Clinton District.

47  
48 The property is improved with a unified group of eight-story residential structures, which were  
49 constructed in the early 1880s and functioned as a single residential building. The building  
50 contains a total of 68,546 square feet of floor area, including 64,406 square feet of residential  
51 floor area and 4,140 square feet of ground floor retail space. The building has been vacant since  
52 2007.

53  
54 **Landmark Designation**

55 The Landmarks Preservation Commission designated the building a landmark in 2005. In its  
56 designation report, the Commission took note of the building's significance as "the oldest-known  
57 large apartment complex remaining in an area that was one of Manhattan's first apartment-house  
58 districts" and found that the building's "exuberant display of textured, corbelled, and  
59 polychromatic brickwork" made it "a visually compelling, imposing, eclectic, and unified"  
60 complex.

61  
62 **Restoration and Proposed Conversion**

63 The prior owners of the property had allowed the building to deteriorate to a state of extreme  
64 disrepair and had also engaged in a lengthy effort to empty the property through various forms of  
65 tenant harassment. The City commenced litigation against the prior owners as a result of  
66 conditions in the building and eventually collected over \$1 million in civil penalties. The  
67 applicant acquired the vacant building in 2009 and is presently engaged in a meticulous  
68 restoration of the building's exterior, which includes cleaning and replacement of bricks and  
69 stonework, repointing, the installation of a new metal cornice, the restoration of entry porticos,  
70 and the replacement of windows and doors.

71  
72 The applicant is proposing to extend the building's existing eighth floor, construct a new ninth  
73 floor penthouse, perform an interior gut renovation and convert most of the building to a  
74 boutique hotel.

75  
76 **Architecture**

77 Queen Anne in style with some Eastlake flavor, the Windermere has been a striking Victorian  
78 presence on the corner of Ninth Avenue and West 57th Street since 1881. Andrew Alpern in his  
79 history of New York apartment houses<sup>1</sup> records it as the second-oldest surviving apartment  
80 house in the city, dating from only a year later than the one older survivor and predating the first  
81 wave of well-known apartment houses like the Dakota that were to come a few years later.

82  
83 Architecturally, the building is a vigorous representative of Victorian style. Its elaborate design  
84 sought luxury status and respectability as a new type of residential building, the apartment house,  
85 in what was an emerging community. The building's red bricks are laid in elaborate patterns  
86 including blind windows, angled brickwork, patterned arches over the windows on alternate  
87 floors, and corbel tables rising on small arcades rising above the center of each street face. The  
88 whole is enlivened with patterns of yellow bricks and an insert of bluish stone. Columned  
89 porticos identify the residential entrances. Near the corner of the Ninth Avenue façade, a  
90 prominent false gable peak gives the building's roofline a dramatic focus, positioned for

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<sup>1</sup> Andrew Alpern, *Historic Manhattan Apartment Houses* (New York: Dover, 1996)

91 maximum exposure to the approach down Ninth Avenue.

92

93 Together with the building diagonally across Ninth Avenue, which retains its historic pressed  
94 metal front, the Windermere forms a northern gateway into the Clinton District's predominately  
95 low-rise nineteenth-century cityscape. The descent of Ninth Avenue's grade as it approaches the  
96 Windermere from the north makes the building's roofline especially prominent and sensitive.  
97 With its past, its scale, and its design and materials the building reflects the character of this  
98 neighborhood, which it is long-standing City policy to preserve.

99

## 100 **History**

101 In 1895 the Windermere was converted into a residence for artists and writers, most of them  
102 women, and as such, a pioneer in the field of providing respectable housing for unmarried  
103 women. It proved also to be a precursor of the Greenwich Village art scene.

104

105 In the 1970's, some floors were converted from large apartments to Single Room Occupancy  
106 (SRO) units and smaller apartments, but it was still well run. By the 1980s it was in serious  
107 disrepair and the subject of violent tenant harassment such as apartment doors being cement  
108 blocked with the tenants' belongings inside and managers issuing death threats and moving  
109 prostitutes and drug dealers into the building. Eventually the owners and managers of the  
110 Windermere were indicted by former District Attorney Robert M. Morgenthau, convicted of  
111 felonies for this harassment and jailed.

112

113 Toa Construction Corporation ("Toa"), a Japanese company, bought the Windermere in 1986  
114 and owned it until 2009. However, Toa was never able to successfully develop the site and  
115 problems with services for the tenants persisted. The building was made a City Landmark in June  
116 2005. In 2008, a judgment was entered against Toa for willful neglect of a landmark for failing  
117 to maintain the building. By May of 2009 the Windermere was housing only five tenants. After a  
118 second vacate order by the New York City Fire Department, the remaining five tenants came to a  
119 legal settlement with Toa and left the building. In 2009, Mark Tress of Windermere Properties  
120 LLC ("WP LLC") purchased the Windermere from Toa.

121

## 122 **LANDMARK RECOMMENDATIONS**

123

124 We find the proposed work for the most part praiseworthy and welcome, especially after the  
125 building's long history of neglect and decay. We find reconstruction of storefronts based on  
126 extant examples from buildings of the same stylistic period appropriate.

127

128 However, we ask that more thought be given to the manner in which the wheelchair lift, so  
129 sensitively located near the West 57<sup>th</sup> Street entry porticos, could be made less obtrusive. Recent  
130 examples can be found in Manhattan of wheelchair lifts descending from sidewalk level into  
131 areaways, the designs of which do not include protective overhead enclosures. These examples  
132 have no components rising more than handrail height above sidewalk level, and include the  
133 designated landmark Sara Delano Roosevelt House at 47-49 East 65th Street. Such a solution  
134 should be designed for this location, in harmony with the historic areaway fencing.

135

136 We do not object to creation of a new eighth floor interior space behind the existing façade's

137 story-high parapet. We do, however, object to any rooftop addition creating a new ninth floor. As  
138 presented by the applicant, this addition would be visible from all four directions. Such an  
139 addition is not justified in making the building code compliant, safe or viable for its original  
140 purpose, while it has a negative effect, in our view, on a designated landmark.

141  
142 We understand that legal modernization of the building requires introduction of elevators which  
143 must have penthouses rising above roof level. However, these should be minimized. As currently  
144 proposed, the northern elevator would provide redundant access to a roof deck, raising its  
145 override structure an additional story near the Ninth Avenue façade's focal parapet peak. The  
146 override structure would compete with this architectural focus for prominence, especially as  
147 viewed from Ninth Avenue above West 57th Street, the approach from which it was designed to  
148 be appreciated. This should by all means be avoided.

## 149 **ZONING MATTERS**

150  
151  
152 The applicant appeared before MCB4's Clinton / Hell's Kitchen Land Use Committee on  
153 October 30th for an informal discussion of these requested zoning waivers and will return to the  
154 Land Use Committee for a formal hearing on these waivers after the application for a special  
155 permit pursuant to Zoning Resolution § 74-711 has been certified.

156  
157 The Landmarks Preservation Commission is to report to the City Planning Commission relating  
158 to an application for a Modification of Use and Bulk pursuant to § 74-711 of the Zoning  
159 Resolution. This report by LPC is to state that:

160  
161 (1) a program has been established for continuing maintenance that will result in the preservation  
162 of the subject #building# or #buildings#, and that such #use# or #bulk# modifications, or  
163 restorative work required under the continuing maintenance program, contributes to a  
164 preservation purpose;

165  
166 (2) any application pursuant to this Section shall include a Certificate of Appropriateness, other  
167 permit, or report from the Landmarks Preservation Commission stating that such #bulk#  
168 modifications relate harmoniously to the subject landmark #building# or #buildings# in the  
169 Historic District, as applicable; and,

170  
171 (3) the maximum number of #dwelling units# shall be as set forth in Section 15-111 (Number of  
172 permitted dwelling units).

## 173 **Required Zoning Waivers Pursuant to Zoning Resolution § 74-711**

174  
175 The existing "old law" building is lawfully non-complying with respect to a number of current  
176 zoning requirements. However, the Department of Buildings has determined that, because the  
177 building will undergo a gut renovation which includes the replacement of all its wooden floors  
178 with new fireproof construction, the renovated building will not be treated as a lawfully non-  
179 complying structure and will therefore be subject to all currently applicable requirements of the  
180 Zoning Resolution. Consequently, waivers of the following zoning requirements will be  
181 requested from the City Planning Commission pursuant to Zoning Resolution § 74-711:  
182

- 183 (i) the 2.0 FAR limit on commercial uses in C1-8 and C1-5 zoning districts to permit the portion  
184 of the building not devoted to affordable housing to be developed as a boutique transient hotel;  
185  
186 (ii) the 66 foot limit on street wall height and the 85 foot overall height limit in the Clinton  
187 Preservation Area;  
188  
189 (iii) the maximum lot coverage of 70 percent in the Clinton Preservation Area; and  
190  
191 (iv) the minimum window-to-wall distance of 30 feet and the minimum area of 1,200 square feet  
192 that are applicable to the building's two inner courts.  
193

### 194 **Zoning and Land Use Concerns**

195 MCB4 has several concerns and comments about the proposed conversion:  
196

- 197 • The height waiver for an additional 3000 square feet, as stated above, is inappropriate for  
198 this landmarked building;  
199
- 200 • The FAR waiver for commercial use over 2.0 is for a hotel and it creates an additional  
201 40,000 plus square feet of commercial use. The assistance the waiver would provide to  
202 allow the owner to maintain the building as a landmarked building, as argued by the  
203 applicant, is compelling but is not necessarily sufficient to justify the changes it will  
204 bring to the residential area surrounding the building;  
205
- 206 • Security and other quality of life issues (mechanicals, noise, light, deliveries, taxis, etc.)  
207 that arise with the waiver to allow a hotel are of deep concern to residents of adjacent and  
208 nearby buildings and to this Board. These issues have yet to be addressed; and  
209
- 210 • Under the regulations of the Special Clinton zoning district, in order to “cure” the tenant  
211 harassment carried out by the prior owners, the applicant is required to provide affordable  
212 housing in the building equal to 28 percent of its existing residential floor area. A cure  
213 plan for the building has been proposed, under which 18,034 square feet of floor area in  
214 the westernmost segment of the building will be devoted to rental housing affordable to  
215 households earning no more than 80 percent of the NYC area median income. This  
216 affordable housing will consist of 20 apartments with tenant recreation and meeting space  
217 on the ground floor. It will be owned and operated by the Metropolitan Council on Jewish  
218 Poverty, which proposes to provide "senior" housing only, that is, to people 55 and older.  
219

220 Questions have arisen about targeting the affordable housing to only people above 55-  
221 years old. Since people of all ages were harassed and driven out of the Windermere, why  
222 should affordable units be limited to one particular segment of the population? This issue  
223 will be taken up by CB4's Housing, Health, and Human Services Committee at its  
224 December 19th, 2013, meeting.  
225

226 Sincerely,

227 Corey Johnson  
228 Chair

Pamela Wolff  
Chair, Landmarks Committee

Jean-Daniel Noland  
Chair, C/HKLU

1 **Clinton/Hell's Kitchen Land Use Committee (C/HKLU)**

**Item: 14**

2  
3 November 6, 2013

4  
5 Amanda M. Burden  
6 Chair  
7 City Planning Commission  
8 22 Reade Street  
9 New York, NY 10007

10  
11 **Re: Proposed rule designating 13 actions as Type II, which will not require**  
12 **environmental review under City Environmental Quality Review**

13  
14 Dear Madame Chair:

15  
16 Manhattan Community Board 4 (MCB4) has been granted the opportunity to comment on a  
17 proposed rule designating 13 actions, in accordance with the requirements of section 1043 of the  
18 NYC Charter, by written statement or public testimony on November 20, 2013. Thus, MCB4  
19 writes in support of the proposed rule change except proposed changes to actions 5, 11, 12 and  
20 13, as discussed below.

21  
22 The four actions to be exempt from environmental review that MCB4 does not support without  
23 changes are:

- 24
- 25 1. (5) Special permits for the enlargement of buildings containing residential uses by up to  
26 10 units, pursuant to § 73-621 of the Zoning Resolution;
  - 27  
28 2. (11) Special permits for accessory off-street parking facilities, which do not increase parking  
29 capacity by more than eighty-five (85) spaces or involve incremental ground disturbance,  
30 pursuant to § 16-351 of the Zoning Resolution;
  - 31  
32 3. (12) Special permits for public parking garages and public parking lots, which do not  
33 increase parking capacity by more than eighty-five (85) spaces or involve incremental ground  
34 disturbance, pursuant to § 16-352 of the Zoning Resolution; and
  - 35  
36 4. (13) Special permits for additional parking spaces, which do not increase parking capacity by  
37 more than eighty-five (85) spaces or involve incremental ground disturbance, pursuant to §  
38 13-45 of the Zoning Resolution.
- 39

40 MCB4 has two issues with these four actions and both relate to the use of a hard number. The  
41 issue is related both to the percentage of the increase and to the possible cumulative effect.

42  
43 Use A Percentage And Not A Hard Number

44  
45 We can see the argument of how ten residential units and 85 parking spaces could be de minimus  
46 or never an environmental issues under the present rules of review, but we think that it should

47 depend on how many units or parking spaces are there now. For example, if a public parking  
48 garage presently has 85 spaces and there is then a proposal to double the size to 170 spaces we  
49 would believe that these new 85 spaces should be reviewed since doubling the size will clearly  
50 have an effect and if negative we need to know how negative. The same is true for a residential  
51 development that has ten units and wants to add another ten units. Thus, we feel a percentage  
52 should be used in lieu of a hard number. We suggest that any additional units or parking spaces  
53 that constitute a 25% increase or more should not be exempt.  
54

55 One And Out

56  
57 MCB4 has serious concerns that given the failures of CEQR and SEQRA to take a more holistic  
58 view in its analyses that this new rule change could then be used as an end run around review. In  
59 theory an applicant could continue to add parking spaces year after year without a review as long  
60 as it is always 85 or fewer spaces. The same is true with the residential proposal. MCB4 requests  
61 that the rule be changed to impose a condition that you can only avoid review once and if you  
62 come back again for a further increase than the present and prior increase be reviewed together  
63 as one.  
64

65 We thank you for your consideration.

66  
67 Sincerely,

68  
69  
70 Corey Johnson  
71 Chair

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

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73  
74  
75