

1 **Chelsea Land Use Committee**

Item #: 1

2
3 January 6, 2014

4
5 Hon. Meenakshi Srinivasan, Chair
6 Board of Standards and Appeals
7 40 Rector Street
8 New York, NY 10006

9
10 **Re: BSA No. 302-13 BZ**
11 **Special Permit at 140 West 23rd Street**

12
13 Dear Ms. Srinivasan,

14
15 On the recommendation of its Chelsea Land Use Committee, following a site visit by committee
16 members, and after a duly noticed public hearing at the regular Board meeting on January 6,
17 2014, Manhattan Community Board No. 4 (CB4), by a vote of __ in favor, __ opposed, __
18 abstaining and __ present but not eligible, voted to recommend the granting of a special permit
19 pursuant to ZR 73-36 to Peloton Fitness, Inc. for a Physical Culture Establishment (PCE) at 140
20 West 23rd Street, subject to the three conditions listed at the end of this letter.

21
22 Peloton Fitness, Inc. (Peloton) is a hybrid business with three components: a spinning studio,
23 including retail space for cycles, a lounge and dressing room facilities; retail sales of stationary
24 spinning cycles they have designed and have made for them in Taiwan; and spinning classes
25 streamed both live and on-demand by internet to subscribers who have purchased Peloton cycles
26 or who use an iOS app with their own bikes. The application to the Board of Standards and
27 Appeals (BSA) for the special permit follows the necessary denial by the Department of
28 Buildings and applies to the spinning studio located on the ground floor of 140 West 23rd Street
29 and to offices in the cellar. The building is residential above the ground floor.

30
31 The siting of a PCE in a residential building raises compatibility issues. Following a recent
32 unfortunate experience with another PCE that operated in a manner that disturbed and enraged
33 the residential tenants in the building, CB4 seeks to prevent a recurrence by addressing noise and
34 other issues carefully. The spinning cycles that will be used during classes employ magnetic
35 resistance and will be nearly silent. However, the classes will be accompanied by music. In
36 researching spinning studios, the applicant found that students expect loud, energetic music even
37 though some of them wear ear protection because of the volume. The applicant expects the
38 music volume in the Peloton studio to reach 95 dB.

39
40 In order eventually to be able to operate without disturbing neighbors, the applicant and his team
41 have conducted a comprehensive program of outreach, pre-construction analysis and acoustical
42 engineering. The applicant has met with the building's residential tenants and has kept them
43 informed of plans and progress. He arranged for access to each second floor unit - those directly
44 above the Peloton facility - where noise transmission to those units from the raw space below
45 was tested. Then, based on the results of this testing, acoustical engineers designed a site-

46 specific "box-within-a-box" for the studio, isolating it physically and acoustically from the rest
47 of the building. Construction is now underway.

48

49 The applicant has committed to extensive acoustical testing once construction is complete and
50 before Peloton begins operations, including testing in the second floor units with music in the
51 studio at full volume; he will share the results with the Board. The applicant believes that the
52 acoustical engineering will prevent noise from the studio from disturbing residents in the
53 building, but he has committed to any necessary preventive steps, including the installation of a
54 governor on the sound system, if there are any sound issues.

55

56 The Board notes two errors in the application, which the applicant's attorney has committed to
57 correcting before the BSA hearing:

58

- 59 • The indicated location on Zoning Map 8d sites Peloton on West 24th Street in an M1-6
60 district rather than on West 23rd Street in a C6-3A district.
- 61
- 62 • The application indicates that there will be a single non-illuminated sign on Peloton's
63 frontage. The applicant states that there will be a single, non-flashing illuminated sign
64 similar to that on the Equinox club on the east side of Tenth Avenue between West 16th and
65 17th Streets. The proposed signage as described verbally would be acceptable, but the Board
66 requests a detailed, written description of the proposed design, size and brightness before the
67 BSA hearing.
- 68

69 The Board appreciates the thoroughness of the applicant's efforts to prevent acoustical
70 disturbances, and especially his efforts to include the building residents in the process. The
71 Board believes that if the efforts at acoustical isolation of the facility are successful, the facility
72 will meet the required findings in ZR 73-03 and ZR 73-36 and will be an appropriate and
73 attractive addition to the community. We thus recommend the granting of the requested special
74 permit subject to confirmation of acceptable performance of the acoustical isolation of the studio,
75 the correction of the siting on Zoning Map 8d in the application and the receipt of a written
76 description of acceptable signage.

77

78 Sincerely,

79

80 Christine, JLC, Betty

1 **Clinton/Hell's Kitchen Land Use Committee**

Item #: 2

2
3 January 6, 2014

4
5 Amanda Burden, Chair
6 NYC Department of City Planning
7 22 Reade Street
8 New York, NY 10007
9

10 **Re: Clinton Urban Renewal Area (CURA) Site 7**
11 **140181ZMM, N 140182 ZRM, 140183 ZSM, N 140184 ZCM, 140185 HAM**

12
13 Dear Chair Burden:

14
15 Manhattan Community Board 4 (MCB4) is pleased to provide its recommendation on an
16 application by the Department of Housing Preservation and Development ("HPD") of the City of
17 New York ("City"), joined in part by 525 West 52nd Street Property Owner LLC (Taconic
18 Investments Partners, LLC and Ritterman Capital, Inc.), for a series of actions ("Project") related
19 to properties located in Manhattan Community District 4 on Block 1080 and Block 1081, which
20 are bounded by West 53rd Street to the north, Tenth Avenue to the east, West 51st Street to the
21 south, and Eleventh Avenue to the west.
22

23 The application seeks a series of actions needed to effectuate the development of three buildings
24 located at 525 West 52nd Street, 540 West 53rd Street, and 556-560 West 52nd Street. These
25 actions are:

- 26 1. Zoning map amendments to Section Map 8c;
- 27 2. Amendments to the text of the Zoning Resolution;
- 28 3. Urban Development Action Area Project ("UDAAP") designation, project approval, and
29 disposition;
- 30 4. Large Scale General Development ("LSGD") Special Permit; and,
- 31 5. Certification to allow more than one curb cut on a zoning lot.
32

33 A public hearing on the proposed development and the required zoning actions was presented to
34 the Clinton/Hell's Kitchen Land Use Committee on December 11, 2013. A second public hearing
35 on this application was presented to Manhattan Community Board 4 at its Full Board Meeting on
36 January 6, 2014. Manhattan Community Board 4 recommended approval of the application by a
37 vote of ___ for, ___ against, and ___ present but not eligible to vote. *
38

39 **HISTORY**

40
41 Most of the Block 1081 project area and the Block 1080 project area were mapped within the
42 former Clinton Urban Renewal Area ("CURA") in August 1969. The CURA was generally
43 bounded by West 50th Street to the south, West 56th Street to the north, Tenth Avenue to the east,
44 and Eleventh Avenue to the west. The properties affected by this application's actions are among
45 the last undeveloped parcels in the former CURA.
46

47 In 1969 the City's mandate was nothing less than the "redevelopment of the CURA in a
48 comprehensive manner, removing blight and restoring the residential character of the CURA
49 with appropriate support facilities." [1] The goals were clear: provide for a range of income
50 bands in housing that exhibited good design in terms of privacy, light, air, and open space while
51 providing community facilities, parks, retail uses, and parking.
52

53 These goals have been the focus of community and MCB4 efforts in the neighborhood for four
54 decades. There have been numerous attempts to assemble a proposal to develop the sites in this
55 application in a manner consonant with the community's aspirations and the CURA goals.
56 Manhattan Community Board 4 is very pleased that a plan to develop these particular sites has
57 been proposed and presented to the community. The Board has learned that the present
58 application took almost two years to work out. The complexity of the application demonstrates
59 why.
60

61 **DESCRIPTION OF PROPOSED DEVELOPMENTS**

62

63 If approved, this application will facilitate construction of two new buildings, the rehabilitation
64 of a third, and the creation of three new community gardens. (In the Application the new
65 buildings are designated as "Building C" and "Building D" and the rehabilitated building as
66 "Building F." In this letter, however, we shall refer to Building C as the Clinton Housing
67 Development Company Development Site ("CHDC Building"), since CHDC is partnering with
68 Taconic/Ritterman on this site; Building D as the Taconic/Ritterman Development Site
69 ("Taconic/Ritterman Building"); and Building F as the Captain Post Development Site ("Captain
70 Post Building").
71

72 **CHDC Building**

73 Clinton Housing Development Company, partnering with Taconic/Ritterman, plans to develop
74 on West 53rd Street a 12-story brick and masonry structure containing a total of 118,216 zoning
75 square feet. The street frontage of the CHDC building will be 146 feet in width at the ground
76 floor and stand 143 feet high.
77

78 The new building will provide approximately 103 dwelling units, all of which will be
79 permanently affordable to low-, moderate- and middle-income households. It will provide
80 approximately 23 low-income units, 54 moderate-income units, and 26 middle-income units. The
81 apartments will range in size from studios to 3-bedroom units.
82

83 In addition, the CHDC building will provide approximately 10,272 zoning square feet of
84 commercial space for vested CURA tenants Cybert Tire ("Cybert") and LeNoble Lumber
85 ("LeNoble") on the ground floor and additional square footage below. (There is additional
86 square footage in the Taconic/Ritterman building to meet the requirements of the MOUs.)
87

88 Cybert, an automobile repair business, has occupied 726 Eleventh Avenue since 1916, but the
89 site was condemned by the City as part of the CURA in 1969. Cybert agreed to relocate to 540
90 West 53rd Street in order to facilitate development of its current location into the new Irish Arts
91 Center.
92

93 LeNoble, a lumber sales center, has occupied multiple locations in the CURA (540 West 53rd
94 Street, 500-508 West 53rd Street, 509 West 52nd Street, and 542-544 West 53rd Street) over the
95 years.

96
97 In order to facilitate development of those sites in accordance with the CURA plan, LeNoble
98 consolidated its operations in 2005 and temporarily moved off site with the expectation to return
99 to the CURA. In accordance with an MOU with the City, any future development of CURA Site
100 7 will provide commercial space for LeNoble to return. LeNoble is presently operating its
101 lumber store in Long Island City and is not planning to relocate its lumber operation in the
102 immediate future. However, LeNoble will provide other local retail or service use on the site,
103 such as a local market. Such use will be consistent with the proposed zoning text amendment.

104

105 **Taconic/Ritterman Building**

106 Taconic/Ritterman plans to develop a building which will have 14 stories (or 174 feet 2 inches
107 (including rooftop and mechanical spaces) on West 52nd Street and have maximum heights of 22
108 stories (or 263 feet including penthouse and mechanical space) on its West 53rd Street frontage. It
109 will provide approximately 405 rental housing units, of which 20 percent (approximately 81
110 units) will be permanently affordable to low-income households. The balance will be market
111 rate. Funding for the affordable units is anticipated to be obtained through the New York State
112 HFA 80-20 program.

113

114 The building will provide approximately 20,914 zoning square feet of ground floor commercial
115 floor area to LeNoble. Additional commercial space associated with LeNoble will be located
116 below grade in the cellar. Including below grade area, there will be in total approximately 57,000
117 square feet of new commercial space located on the ground and cellar floors of the CHDC and
118 Taconic/Ritterman buildings.

119

120 In addition to space associated with LeNoble, the Taconic/Ritterman building plans to provide an
121 accessory parking garage below grade with approximately 50 spaces accessed by a curb cut on
122 West 53rd Street. This is less than the number of spaces that could be provided as a matter of
123 right pursuant to ZR Section 1312; spaces equal to 20 percent of the proposed 690 dwelling
124 units, or up to 138 spaces, would be permitted. Also located in the cellar will be bicycle parking
125 for 203 bicycles in approximately 2,000 square feet of area.

126

127 **Captain Post**

128 The application will facilitate the development and rehabilitation of the Captain Post building at
129 556-560 West 52nd Street, a vacant five-story former commercial loft building with an original
130 brick façade. The adjacent 25 foot by 100 foot side yard is currently used for outdoor storage.

131 The building was used as the Travers Brothers twine and cord factory and then as a canning
132 facility for the Captain Post Horseradish and Pickle Company.

133

134 CHDC will undertake a renovation of the building, including restoration of the historic cast iron
135 storefront and replacement of the wood windows on the building's north facade. The renovation
136 will also include a partial sixth-floor addition set back from both the northern and southern
137 building facades. The building height will increase from 85 feet to 91 feet (100 feet to the
138 bulkhead). The approximately 2,500-square foot storage yard, located immediately to the west of

139 the building, will be converted to a keyed community garden.

140

141 All 22 Captain Post units are affordable. The building will provide approximately 22 units of
142 low- and moderate-income housing for households earning between 80 and 100 percent of AMI
143 in approximately 14 two-bedroom units and 8 studios. Construction will be funded by HPD's
144 Multifamily Preservation Loan Program (MPLP) program, development rights equity, and
145 Historic Preservation Tax Credits. [2]

146

147 **PROPOSED ACTIONS**

148

149 In this letter, the actions specific to each of the two blocks are discussed separately in order to
150 clearly distinguish between what each set of actions is proposed to effectuate. The text
151 amendments and the UDAAP affect both blocks.

152

153 **Block 1081**

154 These actions will facilitate the development of two new buildings with approximately 508
155 dwelling units (of which approximately 184 will be affordable to low-, middle-, and moderate-
156 income households), relocation of existing non-residential uses in approximately 57,000 gross
157 square feet of commercial floor area, and approximately 4,741 square feet in two new landscaped
158 accessible community gardens. The project area ("Block 1081 Project Area") encompasses the
159 total area affected by the proposed Block 1081 rezoning ("Block 1081 Rezoning Area") and a
160 proposed Large Scale General Development.

161

162 **Action 1: Zoning Map amendments (Section Map 8c)**

- 163 • Change an M1-5 (CL) District to an R9/C2-5 (CL) District; and,
- 164 • Change an R8A District to an R9/C2-5 (CL) District.

165

166 Within an M1-5 district, neither residential uses nor many other retail uses (for example, food
167 stores with over 10,000 square feet in floor area) are permitted. In an R8A district, only
168 residential and community facilities are permitted (Use Groups 1-4). The proposed rezoning on
169 Block 1081 from M1-5 (CL) and R8A (CL) to R9/C2-5 (CL) would allow the development of
170 residential and community facility uses in the CHDC and Taconic/Ritterman buildings (Use
171 Groups 1-2 and 3-4), thereby furthering the trend toward residential use in West Clinton. The
172 bulk permitted under the proposed R8A (CL) and R9/C2-5 (CL) districts would be consistent
173 with other existing midblock buildings in the area and with that allowable in the C6-3 district (an
174 R9-equivalent district) along Tenth Avenue to the east.

175

176 In conjunction with the proposed text amendments described below, the mapping of a C2-5
177 overlay district on the proposed R9 (CL) district would allow for the relocation of title-vested
178 tenants and either their historic uses or local retail or service uses in accordance with the MOUs.
179 It will also allow the continued operation of commercial uses that are currently located within
180 545 West 52nd Street.

181

182 *Manhattan CB4 recommends approval of the Zoning Map amendments. The relocation of Cybert*
183 *Tire and LeNoble lumber has been a consistent requirement throughout MCB4's reviews of*
184 *proposed developments of this area. The Board strongly approves the inclusion of these*

185 *businesses in the proposed building sites. At the Clinton/Hell's Kitchen Land Use Committee*
186 *meeting on December 11, 2013, LeNoble stated that it was seeking an affordable supermarket to*
187 *occupy the space. Should that not prove possible, LeNoble promises to consult with the*
188 *community and the Board in selecting another tenant.*

189

190 **Action 2: Zoning Resolution ("ZR") Text Amendment**

191 •Amend ZR Section 96-00 Appendix A Map to extend the Inclusionary Housing ("IH") Program
192 on portions of Block 1081 by means of amending the boundary of "Other Area-Western Subarea
193 C2 ("Subarea C2") in the Special Clinton District ("CL") Map:

194

195 **Amendment 1** — Amend ZR Section 96-32 to modify the IH income bands within certain R9
196 district within in the CL.

197

198 This proposed text amendment will, in conjunction with the zoning map changes described
199 above, allow for the provision in the CHDC building of approximately 103 housing units that are
200 affordable to a wide range of incomes: approximately 23 units of low- (80 percent of AMI), 54
201 units of moderate- (100 and 125 percent of AMI), and 26 units of middle- (165 percent of AMI)
202 income housing.

203

204 *Provisions for income bands exist in the Special Hudson Yards District and MCB4 strongly*
205 *urges they be applied to this project. It is clear to this Board that the mandate to maintain the*
206 *Clinton Special District as an economically diverse community can only be achieved with*
207 *housing affordable to a wide range of incomes.*

208

209 **Amendment 2** — Amend ZR Section 96-32 to add language that permits the continuation of
210 existing and previously approved uses within a Large Scale General Development plan in the
211 CL.

212

213 ZR Section 96-32, Special Regulations in R9 Districts would be amended so as to allow uses that
214 have historically existed in the Project Area to continue and expand as conforming uses,
215 reflecting the Clinton/Hell's Kitchen historic character. Specifically, Cybert Tire is an auto repair
216 use (Use Group 16); LeNoble Lumber is a lumber store (Use Group 8, but with limitation to
217 size). These businesses are subject to MOUs with HPD that allow them to locate and operate in
218 the Block 1081 Project Area.

219

220 The proposed text amendment would define as permitted uses the following: automotive service
221 establishments (Use Group 16) and lumber stores of any size (Use Group 8, without limitation to
222 size) within an LSGD in Western Subarea C2. This would allow Cybert and LeNoble to relocate
223 their businesses in accordance with their HPD MOUs.

224

225 In addition, the proposed text will grandfather longstanding uses within an existing 10-story
226 City-owned building on a City-owned site located on Block 1081. The building, at 545 West
227 52nd Street, is currently occupied by several arts-related community facility and commercial
228 uses: not-for-profit theater, rehearsal space, and accessory office; scenery construction;
229 performing and visual artists' studios; film production offices; and commercial and not-for-profit
230 art galleries that provide exhibitions, film, and music programs and artists' studios. Other uses in

231 the building include non-profit theater and performing and visual artists' studios, which would be
232 conforming uses under the proposed zoning. [3]
233

234 The application proposes text to explicitly allow certain uses that have historically existed within
235 the Project Area or surrounding neighborhood to continue to operate and expand, in accordance
236 with overall goals of the CURA. This action would also allow the continued operation of title-
237 vested industrial urban renewal businesses and existing uses within the LSGD.
238

239 *MCB4 recommends approval of these amendments. Preserving the viability of long-term*
240 *businesses in this area has been a consistent goal of the Board. And allowing uses which have*
241 *historically existed in the community will help maintain the neighborhood's mixed-use character.*
242

243 **Amendment 3** — Amend the boundary of the Inclusionary Housing ("IH") -designated area on
244 Map 2 in ZR Appendix F in order to extend the IH to portions of Block 1081.
245

246 **Amendment 4** — Amend Map 2 in ZR Appendix F, which currently does not include
247 Block 1081 within the IH-designated area, in order to extend IH to portions of the Project Area.
248

249 The proposed text amendment would extend the Inclusionary Housing-designated area on Block
250 1081 to encompass the proposed LSGD. This will help to effectuate the creation on Block 1081
251 of approximately 184 units of housing that will be affordable to households earning low,
252 moderate and middle incomes.
253

254 *MCB4 strongly recommends approval of these amendments. The Board has long been an*
255 *advocate for housing that is permanently affordable and available to a range of low, moderate,*
256 *and middle incomes. This is vital if we are to preserve an economically diverse population in*
257 *Hell's Kitchen.*
258

259 **Action 3: Urban Development Action Area Project ("UDAAP") Area Designation, Project**
260 **Approval, and Disposition**

- 261 • Dispose of property at 530-548 West 53rd Street ("1081 Land") in order to effectuate a new
262 development
- 263 • Dispose of unused development floor area at 530-548 West 53rd Street and 543-551 West 52nd
264 Street ("1081 Air Rights") in order to effectuate a new development.
265

266 The proposed projects require approval of certain actions by the City Planning Commission,
267 which are subject to the Uniform Land Use Review Procedure ("ULURP") pursuant to Section
268 197-c of the City Charter, specifically, designation as an Urban Development Action Area
269 Project. The applicants submit that the development area consists of "underutilized vacant land
270 that tends to impair or arrest the sound development of the surrounding community, with or
271 without tangible physical blight' and that "the project activities would protect and promote health
272 and safety and would promote sound growth and development." Therefore, the Disposition Area
273 is eligible to be an Urban Development Action Area and the proposed project is therefore
274 eligible to be an Urban Development Action Area Project pursuant to Article 16 of the General
275 Municipal Law.
276

277 *MCB4 recommends approval.*

278

279 **Action 4: Large Scale General Development Special Permit (bulk waivers) pursuant to ZR**
280 **Section 74-743**

281 • A special permit to allow transfer of floor area within a LSGD pursuant to ZR Section 74-743
282 (a) (1);

283 • A special permit for bulk modifications in a LSGD pursuant to ZR Section 74-743 (a) (2) to
284 allow for the location of buildings without regard for the applicable height and setback
285 regulations set forth i ZR Sections 35-24 and 23-663.

286

287 According to the applicant, these waivers would allow the Teconic/Ritterman building to provide
288 a stepped profile, transitioning from the lower building heights of the CDHC building and the
289 older existing buildings on the LSGD to the west and the Archstone Clinton North development
290 to the east. They will also permit the LSGD to provide increased light and air to the open spaces
291 at the interior of the block.

292

293 As well, the applicant says, the rear yard setback waiver requested for the Teconic/Ritterman
294 building will provide for more functional building floorplates and apartment layouts. By means
295 of this waiver, bulk can be shifted from the front of the building to the rear, providing a more
296 varied and interesting façade and enhancing the streetscape experience.

297

298 The waiver on the northern portion of the Taconic/Ritterman building will be for a depth of
299 7 feet 1 inch; that on the southern portion of the Building will be 3 feet 1 inch and 7 feet 1 inch
300 in depth. The rear yard equivalent in the building will range from 65 feet 10 inches to 69 feet 10
301 inches in width, exceeding the minimum required depth and thus ensuring that adequate light and
302 air will still be provided to residents and surrounding buildings.

303

304 CHDC says that the rear yard setback waiver requested for its building will provide for more
305 functional building floorplates and apartment layouts. The building will nonetheless enjoy
306 adequate light and air, CHDC points out, due to the contiguity of the building's open area with
307 that of adjacent buildings within the zoning lot. A rear yard of more than 30 feet will be
308 provided, ensuring that adequate light and air will still be provided to residents and surrounding
309 buildings.

310

311 *MCB4 agrees with the applicants that "these waivers of maximum base height and setback will*
312 *permit the construction of two buildings that would concentrate LSGD development on the*
313 *eastern portion of the LSGD, pulled away from the historic lower-rise structures to the west.*
314 *They will allow for a street wall that reflects the historic Clinton/Hell's Kitchen characteristic*
315 *massing of bulky manufacturing, utility, warehouse, and loft structures on the midblocks of side*
316 *streets, with lower rise structures along the avenues." Nevertheless, the Board has concerns*
317 *about the height of the proposed buildings on a side street and strongly urges Taconic/Ritterman*
318 *and CHDC to work with Mercedes House and Archstone Clinton, two developments on 53rd*
319 *Street, to mitigate the effect of a high street wall by improving the sidewalk experience with*
320 *expanded street tree beds and appealing plantings throughout the year. The applicant also*
321 *agreed that perimeter lighting is a vital component to making the street inviting. MCB4*
322 *recommends approval of a special permit for these waivers.*

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Action 5: Certification pursuant to ZR 26-15 to allow more than one curb cut on a zoning lot on West 53rd Street

- A certification to allow three curb cuts rather than one curb cut along the northern (West 53rd Street) SCGD frontage.

The West 53rd Street frontage is 525 feet in length and currently has 11 curb cuts comprising over 190 linear feet. The proposed waiver will provide for three curb cuts, to serve the permitted accessory parking garage in the Taconic/Ritterman building, the required LeNoble loading berth, and to serve the Cybert auto repair facility in the CDHC building. The total linear footage of the proposed curb cuts would be approximately 69 feet, a reduction in curb frontage of almost two-thirds.

MCB4 recommends approval of a certification to allow three curb cuts on West 53rd Street.

Block 1080

The proposed Project Area comprises the zoning lot containing the Block 1080 Rezoning Area and the Development Site located at 556-560 West 52nd Street ("Captain Post"). These actions will facilitate the development of the Captain Post building with approximately 22 dwelling units (of which will be affordable to low- and moderate-income households) and an approximately 2,437-square foot community garden.

In addition, the applicant notes, the proposed actions will advance the completion of the redevelopment of Block 1080, bounded by West 52nd Street to the north, Tenth Avenue to the east, West 51st Street to the south, and Eleventh Avenue to the west. This block was designated in the CURA and has been the subject of targeted and coordinated actions based upon long-term comprehensive planning between the City and local community. The proposed actions, in keeping with the past efforts, will continue to meet the goals of CURA by restoring existing residential character through preservation and new construction with associated community uses.

Action 1: Zoning Map amendments (Section Map 8c)

- Change an R8 (CL) District to an R8A (CL) District

Extending the R8A zoning district will allow buildings with a FAR of 5.4, which may be increased to 7.2 pursuant to the IH. The R8A district would require a streetwall of between 60 and 85 feet and a maximum building height of 120 feet. The rezoning, in conjunction with the proposed text amendment described below to extend the boundaries of Western Subarea C2 and the IH-designated areas map to the Rezoning Area will make the zoning district, Western Subarea C2 and IH-designated area boundaries conterminous, and will make the IH applicable on the entirety of the project area.

The proposed rezoning of the western section of the midblock to R8A (CL) will require building forms that are more in context with the developments on the west side of West 52nd Street. It will require streetwall buildings, which exist along Eleventh and Tenth Avenue frontages. This will help to ensure that future development of the remainder of the City owned Lot 103 be

369 reflective of the surrounding neighborhood context along the avenue frontages.

370

371 *MCB4 recommends approval*

372

373 **Action 2: Zoning Resolution ("ZR") Text Amendments**

374 • Amend ZR Section 96-00 Appendix A map to extend the Inclusionary Housing ("IH") Program
375 to portions of Block 1080 by means of amending the boundary of "Other Area — Western
376 Subarea C2" (Subarea C2) in the CL Map;

377 • Amend ZR Sections 96-31 to modify the IH income bands within certain R8 districts within the
378 CL;

379 • Amend the boundary of the IH-designated area on Map in ZR Appendix F in order to extend
380 the IH portions of Block 1080.

381

382 *MCB4 recommends approval*

383

384 **Action 3: UDAAP Area Designation, Project Approval, and Disposition**

385 • Dispose of the property at 556-560 West 52nd Street ("1080 Disposition Area") in order to
386 effectuate the new development.

387

388 *MCB4 recommends approval*

389

390 **SUMMARY**

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392 Manhattan Community Board 4 is extremely pleased that the applicants have formulated a plan
393 that, if enacted, will finally develop in a manner consistent with the goals of the community and
394 this Board the penultimate portion of CURA Site 7. The Board commends the applicants for the
395 approximately 184 units of *permanently* affordable housing and the addition of three community
396 gardens to the neighborhood. And this Board is strongly supportive of provisions for mixed
397 income bands in the Clinton District and urges their adoption.

398

399 The Board is also pleased that Taconic/Ritterman and CHDC have agreed to address the
400 following concerns:

401

402 1. The sidewalk of West 53rd Street will be enhanced with expanded tree pit beds, planted with
403 flair. And the sidewalks fronting the buildings on West 53rd and West 52nd will be illuminated
404 with perimeter lighting;

405

406 2. The applicants will contact Archstone Clinton and Mercedes House in an effort to co-ordinate
407 the enlivening of the sidewalk of the 500-block of West 53rd Street;

408

409 3. The applicants will co-operate with a MCB4 Construction Task Force to deal with
410 construction effects (noise, street closings, sanitation pickup, rat baiting, etc.) on the adjacent
411 community;

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413 4. LeNoble will consult with the Board and the community should its negotiations for a
414 supermarket on 53rd Street not prove fruitful;

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5. All furnishings and fixtures in the Taconic/Ritterman building will be the same for all units;

6. All units, affordable and market, in the Taconic/Ritterman building will be randomly situated throughout the building.

Thank you,

Christine, JD

* Joe Restuccia, a member of MCB4 who serves on the Clinton/Hell's Kitchen Land Use Committee is Director of the Clinton Housing Development Company. Mr. Restuccia openly acknowledged his interest and recused himself from voting.

[1] Second Amended Urban Renewal Plan

[2] The rezoning and disposition of the Captain Post site are included in the Site 7 ULURP. Captain Post and 464 West 25th Street are part of a single financing package. The two buildings are incorporated into a single loan and are viewed as one project in the eyes of HPD's Multifamily Preservation Loan Program.

[3] This building was the subject of 1994 land use approvals allowing for the disposition of the City-owned site to facilitate the expansion of the existing 10-story building with a new 9-story addition in place of the existing, adjacent 1-story garage and an adjacent 25 foot x100 foot vacant lot (940648 HUM, C940649 ZSM, and C 940650 HDM). This disposition is currently subject to litigation. Consistent with the 1994 approvals, this application preserves the proposed building envelope and the 73,772 zoning square feet necessary to achieve that expansion, which is reflected in the zoning calculations on Z-030 (attached). The building is currently mapped within the M1-5 district of the Excluded Area. The adjacent Garden is currently mapped within the R8A (CL) district within the Excluded Area. It is currently a vacant parcel used as construction staging for the Park Clinton project. This application will preserve the status quo of the 1994 land use approvals while facilitating the production of 184 units of permanently affordable housing on the surrounding properties.

cc
Electeds
HPD
Taconic/Ritterman
CHDC

1 **Clinton/Hell's Kitchen Land Use Committee**

Item #: 3

2
3 January 6, 2014

4
5 Ruthanne Visnauskas
6 Acting Commissioner
7 NYC Department of Housing Preservation and Development
8 100 Gold Street
9 New York, NY 10038

10
11 **Re: Irish Arts Center**
12 **726 Eleventh Avenue/553-555 West 51st Street**
13 **Proposed New and Renovated Building Program and Design**

14
15 Dear Commissioner Visnauskas:

16
17 At the December 11, 2013 meeting of the Clinton/Hell's Kitchen Land Use Committee
18 ("C/HKLU"), the Irish Arts Center ("IAC") presented an updated design for its proposed
19 building at 726 Eleventh Avenue. The Committee was pleased with the revised design and
20 Manhattan Community Board 4 ("MCB4") is looking forward to certification of the Uniform
21 Land Use Review Procedure application.

22
23 **Revised Design**

24 The IAC is a not-for-profit, multidisciplinary arts and cultural center with programming in live
25 music, dance, theater, film, and literature as well as in visual arts presentations and cultural
26 exhibitions. The center also holds dozens of classes a week in Irish language, history, music, and
27 dance. The proposed project ("Project") includes the construction of a new building on Eleventh
28 Avenue and the expansion of the existing three-story building on West 51st Street which has
29 housed the IAC since 1972. The Project will be funded through the City of New York
30 Department of Cultural Affairs, the State of New York Empire State Development Corporation,
31 the Irish Government Department of Foreign Affairs, and private contributions.

32
33 Revisions to the design of the IAC were made since a previous presentation to the C/HKLU
34 Committee on March 13, 2013. Most significantly, in consideration of community concern about
35 the context of the adjacent early 19th-Century buildings at 565 West 51st Street and 564 West
36 52nd Street, IAC elected to remove one floor from the proposed building.

37
38 The design will incorporate into the new building the existing facades of the Cybert Tire building
39 at 726 Eleventh Avenue as well as the current Irish Arts Center at 553 West 51st Street. MCB4 is
40 very pleased with the design of this building, the choice of brick and stone for the Eleventh
41 Avenue facade, and the consideration given to the neighboring residents' concern for their
42 privacy and the quiet enjoyment of their homes.

43
44 **Mayoral Zoning Override (see Attachment A)**

45 MCB4 is aware that in order to construct the design as presented and comply with Americans
46 with Disabilities Act (ADA) requirements, a Mayoral Zoning Override will be required. Zoning

47 Resolution §24-33(b)(3) limits the height of a permitted rear yard obstruction to 23 feet above
48 curb level. But for the Project to be functionally and financially viable a height of 26 feet is
49 required — a three foot increase — for the following reasons:
50

51 The theater is located on the second floor of the proposed development and this allows it to be
52 connected to and aligned with the floor to floor heights in the existing IAC building on West 51st
53 Street. The stage location, including backstage spaces (dressing rooms, set storage, etc.) is at the
54 eastern end of the site. The theater lobby and windows are on the western end, at Eleventh
55 Avenue. With that stage location, the stage finish floor height is 14'-4" above grade.
56

57 The second floor connection between the IAC expansion on Eleventh Avenue and the existing
58 IAC building on West 51st Street must be ADA accessible. The minimum back-stage ceiling
59 height is 10'-0". The ceiling height combined with the ADA accessibility requirements creates a
60 rear yard extension with a height of 26 feet above grade.
61

62 Accordingly, an override of Zoning Resolution §24-33(b)(3) is both necessary and appropriate
63 and MCB4 supports IAC's request for a Mayoral Zoning Override to allow for an additional
64 three feet of height in the rear yard.
65

66 **Lead Agency Letter**

67 MCB4 is anxious to see this project begin construction and the Board requests that the New York
68 City Department of Housing Preservation and Development (HPD) issue the Lead Agency Letter
69 for the Environmental Assessment Statement (EAS) at the beginning of January to allow for
70 certification of this ULURP in February 2014.
71

72 Sincerely,
73

74 Christine, JD Noland
75

76 CC: Thehbia Walters – HPD
77 Aidan Connelly – Irish Arts Center
78 Matthew Lister – Jonathan Rose
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2

3 January 6, 2014

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5 Margaret Forgione

6 Manhattan Borough Commissioner

7 NYC Department of Transportation

8 59 Maiden Lane, 35th Floor

9 New York, NY 10038

10

11 **Re: Seventh Avenue at West 25th Street**

12 **Bus stop relocation and change in parking regulation**

13

14 Dear Commissioner Forgione and Mr. Campbell:

15

16 Manhattan Community Board 4 (CB4) supports the Chelsea Mercantile Condominium Board's
17 request to relocate the bus stop and change the parking regulation on their block on the east side
18 of Seventh Avenue between West 24th and West 25th Streets.

19

20 This part of Chelsea east has experienced an explosive growth in the last 10 years. The Chelsea
21 Mercantile is home to 1,000 residents including 200 children. Whole Foods occupies the entirety
22 of the commercial spaces on the block frontage except for the entrance to the condominium.

23

24 There is a hydrant at the corner of West 25th Street, then going south, a bus stop and four parking
25 spaces at the corner of West 24th Street with a "No Standing 4PM to 7PM Monday thru Friday, 1
26 Hour parking 8AM to 4PM except Sunday" regulation.

27

28 The armored cars delivering Whole Foods cash to the bank often park illegally in front of the
29 hydrant and prevent buses to come close to the curb and taxi drivers often drop-off customers in
30 the bus stop. The bus usually cannot access the curb and let off passengers in the street. When
31 handicapped persons get off the bus in the street, they have to navigate in the traffic to one of the
32 pedestrian ramps at either end of the block. The residents feel this situation is dangerous and will
33 lead to injuries if not corrected.

34

35 We request that the Bus stop be moved to a more traditional location, at the northwest corner of
36 Seventh Avenue and West 24th Street. The four parking spaces would be removed to make place
37 to the bus stop.

38

39 Simultaneously, we request that a new regulation of "No Standing Except Truck Loading and
40 Unloading" on the curb between the end of the bus stop and the hydrant.

41

42 Whole Foods and the condominium board both support his change that will improve
43 convenience and safety for bus riders and other users of the street.

44

45 Sincerely,

46

47

48

49

DRAFT

1 **NEW BUSINESS**

Item #: 24

2

3 January 6, 2014

4

5 Cristin D. Burtis

6 Street Activity Permit Office

7 100 Gold Street, 2nd Floor

8 New York, NY 10038

9

10 **Re: Chelsea Farmers Market 2014**

11

12 Dear Ms. Burtis:

13

14 Manhattan Community Board 4 (MCB4) recommends approval of the street activity
15 application by Down to Earth Farmers Market for every Saturday from June 7, 2014 to
16 November 22, 2014 between Eighth and Ninth Avenues (near the SVA Theater) on West 23rd
17 Street with the following stipulations:

18

19

- Applicant will seek a non-profit to partner in the venture

20

21

- Applicant will reach out to the local businesses to inform them of the market

22

23

- Applicant agrees to keeping a minimum of eight feet of sidewalk clearance for
24 foot traffic

25

26 Sincerely,

27

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33