

2  
3 July 23, 2014

4  
5 Carl Weisbrod  
6 Director  
7 Department of City Planning  
8 22 Reade Street, 2<sup>nd</sup> Floor  
9 New York, NY 10007

10  
11 **Re: West 42<sup>nd</sup> Street Auto Showroom Text**

12  
13 Dear Director Weisbrod:

14  
15 At the recommendation of its Clinton/Hell's Kitchen Land Use Committee, Manhattan  
16 Community Board 4 recommends **denial of** the proposed text amendment to the Special Clinton  
17 District (SCD), §96-21, that would allow automobile servicing and repair, and preparation of  
18 automobiles for delivery pursuant to Use Group 16 as-of-right in the Perimeter Area, below the  
19 level of any floor occupied by dwelling units within an enclosed building subject to additional  
20 access restriction, **unless certain conditions are met**. The Board voted \_\_\_ in favor, \_\_, against,  
21 \_\_\_ abstentions, and \_\_\_ present-not-eligible.

22  
23 The Development Site is owned by the Moinian Group (Applicant) and is located at 605 West  
24 42<sup>nd</sup> Street within an area of approximately 70,292 square feet. The L-shaped Development Site  
25 has frontage on three streets, including 200 feet, 10 inches along Eleventh Avenue (occupying  
26 the full block frontage between West 42<sup>nd</sup> Street and West 43<sup>rd</sup> Street), 250 feet along West 42<sup>nd</sup>  
27 Street, and 450 feet along West 43<sup>rd</sup> Street. The Development Site is part of a zoning lot that also  
28 include Lot 7501 (location of the existing Atelier condo).

29  
30 The project is currently under construction on an as-of-right basis and is expected to be  
31 completed in 2015. It will be, when completed, a new 60-story mixed-use building at  
32 approximately 658 feet tall and will include one cellar level. The building will contain  
33 approximately 1,174 dwelling units of the fourth through sixtieth floor, including approximately  
34 235 affordable units, and accessory residential parking with 301 spaces on portions of the first,  
35 mezzanine, and second floor.

36  
37 The Applicant proposed to dedicate approximately 62,000 square feet of floor space in the  
38 building to use as an automobile dealership. The proposed text amendment is to facilitate the  
39 development of that dealership. At present an automobile dealership with a showroom, including  
40 vehicle storage accessory to the showroom, may be developed as-of-right, however, the  
41 automobile servicing, repair and new vehicle preparation component of the dealership are not  
42 permitted.

43  
44 We agree with the Applicant's contention that a full-service dealership would be consistent with  
45 similar uses in the area and would complement the existing automotive-related uses along  
46 Eleventh Avenue, what the Applicant refers to as "Automobile Row." However, we believe the

47 mechanism used for the TF Cornerstone Development Site on West 57<sup>th</sup> Street is a more  
48 appropriate mechanism than the text amendment proposed here. Plus, we have four (4) quality-  
49 of-life conditions.  
50

51 1. Auto Showroom Text. The present proposal is to amend §96-21 of the SCD (Special  
52 Regulations for 42<sup>nd</sup> Street Perimeter Area). However, earlier this year this Board recommended  
53 approval and City Planning approved the amendment to §96-34(B)(1) to allow automobile  
54 servicing, repair and new vehicle preparation in Area C1-1 within northern subarea C1. Rather  
55 than have multiple sections in the SCD allow such uses we strongly believe §96-34(B)(1) should  
56 be amended to include the 42nd Street Perimeter Area. The applicant at the July 9<sup>th</sup>, 2014  
57 Clinton/Hell's Kitchen Land Use Committee openly voiced no objection to achieving the same  
58 goal through the Board's preferred mechanism.  
59

60 2. Provisos in the Lease. The Board has learned through experience that automobile dealerships  
61 can cause a host of quality-of-life issues. Thus we have asked for and received (see attached) a  
62 commitment in writing from the applicant on four items that need to be addressed. These are:  
63

64 a). We understand that the entrance to the showroom will not be able to fit a delivery  
65 truck. This means the cars will be dropped off the delivery truck on the public street and driven  
66 into the dealership. These deliveries have been known to occur in the late hours of the night or  
67 very early morning and disrupt the residential community. There needs to be a commitment in  
68 the lease that deliveries will occur during business hours.  
69

70 b). In the past we have experienced the parking of vehicles on the sidewalk. There needs  
71 to be a commitment in the lease that there will be no vehicles parked on the sidewalk.  
72

73 c). Dealerships with below level uses need large HVAC systems to meet ventilation  
74 requirement. These systems need a lot of power and can be very noisy. This could lead to noise  
75 issues in the community and possibly even noise code violations (such issues have occurred in  
76 the past with other dealerships). We need assurances that the system will be muffled.  
77

78 d). Signage and lighting is always a concern with auto showrooms. There is a tendency to  
79 leave them on all night and the lights enter into neighboring resident's homes and cause serious  
80 quality-of-life concerns. We need a commitment that the lease will require that the tenant  
81 minimize all lights and illuminated or flashing signage.  
82

83 We look for to your consideration and future discussions.  
84

85 Sincerely,

86 Christine Berthet, Chair, Manhattan Community Board 4

87 Jean-Daniel Noland, Chair, Clinton/Hell's Kitchen Land Use and Zoning Committee  
88

89 cc: NYC Council Member Corey Johnson

90 MBPO – Michael Sandler

91 Local elected

92 DCP staff

1 **CLINTON/HELL’S KITCHEN LAND USE COMMITTEE**

**Item #: 20**

2  
3 July 23, 2014

4  
5 Carl Weisbrod  
6 Director  
7 Department of City Planning  
8 22 Reade Street, 2<sup>nd</sup> Floor  
9 New York, NY 10007

10  
11 **Re: Special Clinton District – Mid-Block Rezoning Proposal**

12  
13 Dear Director Weisbrod:

14  
15 At the recommendation of its Clinton/Hell’s Kitchen Land Use and Zoning Committee,  
16 Manhattan Community Board 4 recommends approval of the proposed text amendment to the  
17 Special Clinton District (SCD), which would prohibit certain uses in the mid-block portion of the  
18 Preservation District, and submits it to the Department of City Planning for review and  
19 consideration.

20  
21 The amendment is necessary to preserve the residential character of the SCD, as mandated in the  
22 zoning that was approved to create the district in 1974, from being radically altered by the  
23 expansion and proliferation of incompatible establishments into primarily residential streets.

24  
25 The proposed text amendment language is underlined below:

26  
27 **§96-106**

28 **Special regulations for existing storefronts**

29 Any vacant ground floor store in an underlying #Residence District# may change to a  
30 conforming #use# or to a #use# listed in Use Group 6, excluding banks; cigar stores; and eating  
31 or drinking establishments: including 1) those which provide outdoor table service or have music  
32 for which there is no cover charge and no specified showtime, 2) those with musical  
33 entertainment but not dancing, with a capacity of 200 persons or less, and those with  
34 entertainment but not dancing, with a capacity of 200 persons or less, regardless of the two-year  
35 discontinuance provisions of Section 52-61.

36  
37 **Dramatic Increase In Nightlife Venues**

38  
39 In recent years nightlife has increased dramatically in the SCD. (Over 50% of the storefront uses  
40 on Ninth and Tenth Avenues in the SCD Preservation Area are liquor license establishments.)  
41 The SCD was zoned to be a residential community, with a commercial overlay on the avenues  
42 and allowing some small sections within the midblocks to remain commercial since they offered  
43 services to the residential area – cleaners, laundromats, delis, etc.

44  
45 Currently, the real estate market has reached a saturation point on the avenues with bars and  
46 clubs and as a result nightlife applicants are seeking to now open them, when feasible, on the

47 midblocks of primarily residential streets. As a result, the Board held hearings and heard  
48 concerns from community groups and in response developed an amendment to §96-106, as  
49 referenced above. During these hearings we also heard from the community about too many  
50 banks and the quality of life issues related to cigar stores.

51  
52 We believe that such an amendment is appropriate given the reason the SCD was created and  
53 that the language in the SCD zoning, excerpted below (emphasis added), allows and encourages  
54 such planning.

55  
56 **96-00**  
57 **GENERAL PURPOSES**  
58

59 The "Special Clinton District" (hereinafter also referred to as the "Special District"), established  
60 in this Resolution, is designed to promote and protect public health, safety, general welfare and  
61 amenity. Because of the unique geographical location of the Clinton community, situated  
62 between the waterfront on the west and a growing central business district on the east, it is  
63 necessary to provide specific programs and regulations which will assure realization of  
64 community and city-wide goals.

65  
66 These goals include, among others, the following:

- 67  
68 **(a) to preserve and strengthen the residential character of the community;**  
69 (b) to permit rehabilitation and new construction within the area in character with the existing  
70 scale of the community and at rental levels which will not substantially alter the mixture of  
71 income groups presently residing in the area;  
72 **(c) to preserve the small-scale character and variety of existing stores and activities and to**  
73 **control new commercial uses in conformity with the existing character of the area;**  
74 (d) to recognize the unique character of the eastern edge of the District as an integral part of the  
75 Theater Subdistrict within the Special Midtown District as well as the Special Clinton District;  
76 **(e) to provide an appropriate transition from the mixed-use character along Eighth Avenue to**  
77 **the lower-scale residential character of the Clinton community on the narrow streets;**  
78 (f) to relate the unique character of the 42nd Street Perimeter Area to the adjacent #Special  
79 Hudson Yards District#;  
80 (g) to provide amenities, such as street trees, to improve the physical environment;  
81 (h) to restrict demolition of buildings that are suitable for rehabilitation and continued residential  
82 use; and  
83 (i) to promote the most desirable use of land in the area and thus to conserve the value of land  
84 and buildings, and thereby protect the City's tax revenues, consistent with the foregoing  
85 purposes.

86  
87 We look forward to your consideration of this proposed text change.

88  
89 Sincerely,

90  
91 Christine Berthet, Chair, Manhattan Community Board 4  
92 Jean-Daniel Noland, Chair, Clinton/Hell's Kitchen Land Use and Zoning Committee  
93

94 cc: NYC Council Member Corey Johnson  
95 MBPO – Michael Sandler  
96 Local elected  
97 DCP staff

DRAFT

1 **CLINTON/HELL'S KITCHEN LAND USE COMMITTEE**

**Item #: 21**

2  
3 July 23, 2014

4  
5 Chris Collins  
6 Vice-Chair  
7 Board of Standard and Appeals  
8 250 Broadway, 29<sup>th</sup> Floor  
9 New York, New York 10007

10  
11 **Re: BSA Cal. No. 362-03-BZ**  
12 **Reiss Realty Corp.**  
13 **432 West 45<sup>th</sup> Street, Borough of Manhattan**  
14

15 Dear Vice-Chair Collins:

16  
17 At the recommendation of its Clinton/Hell's Kitchen Land Use and Zoning Committee, Manhattan  
18 Community Board 4 recommends approval of an application by Reiss Realty Corporation, filed pursuant  
19 to §11-411 of the NYC Zoning Resolution (ZR) to extend the term of a variance for ten (10) years  
20 allowing the use of the premises for accessory parking and storage. The premises is located at 432 West  
21 45<sup>th</sup> Street in an R8 District, which does not permit accessory commercial uses pursuant to ZR §22-10.  
22

23 The variance permitting accessory parking and storage was initially granted in the 1940s and the site has  
24 been continuously used for parking and storage by employees and customers of the tenants of the  
25 building. The Board last approved the extension of the term for ten (10) years in February 2004.  
26

27 The Board's files contain no record of complaints concerning this property.  
28

29 Sincerely,

30  
31 Christine Berthet, Chair, Manhattan Community Board 4  
32 Jean-Daniel Noland, Chair, Clinton/Hell's Kitchen Land Use and Zoning Committee  
33

34 cc: NYC Council Member Corey Johnson  
35 MBPO – Michael Sandler  
36 Sheldon Lobel, applicant representative  
37

2  
3 July 23, 2014

4  
5 Mr. William T. Castro  
6 Manhattan Borough Commissioner  
7 City of New York Parks & Recreation  
8 Arsenal West  
9 24 West 61<sup>st</sup> Street  
10 New York, NY 10023

11  
12 **Re: Clement Clarke Moore Park**

13  
14 Dear Commissioner Castro,

15  
16 As you are aware, Clement Clarke Moore Park has recently been experiencing a problem  
17 with mosquitoes. Manhattan Community Board 4 (MCB4) would like to thank the  
18 Department of Parks for taking swift action and we appreciate the plans for a more  
19 permanent solution to be implemented in the fall. MCB4 would also like to take this  
20 opportunity to highlight some additional concerns we have regarding this 0.49 acre  
21 neighborhood park on the corner of 22<sup>nd</sup> Street and Tenth Avenue.

22  
23 One of the primary features of Clement Clarke Moore is the sprinkler area. The two seal  
24 spraying sculptures on the corners of the recessed play space has created special  
25 memories for countless Chelsea children throughout the years. Park Manager Elliott  
26 Sykes reported to the MCB4 Waterfront, Parks and Environment Committee there are  
27 three drains in the entire park and the drain coverage area is too small. Additional holes  
28 have been drilled as a temporary fix for the problem of poor drainage which caused the  
29 increase of mosquitos. This issue speaks to the overall design of the park. Clement  
30 Clarke Moore has not been renovated since the 1980s and outside of the drainage  
31 problems, there are no protected areas for plantings, no tables and seating does not  
32 facilitate groups that may want to sit facing each other.

33  
34 Clement Clarke Moore is a very active neighborhood park with usage across all age  
35 groups. The park also has a core of dedicated volunteers. These neighborhood activists  
36 raise funds to provide plantings and maintain the sprinklers. Members of the 400 Block  
37 Association and Friends of the Park would like to see an expansion of the horticulture,  
38 but the current park layout will not ensure their planting will endure.

39  
40 The volunteers, children, parents and grandparents of the park deserve an updated space  
41 that can accommodate their various interests. MCB4 recognizes that the process of  
42 redesigning a park may take some time so we request the opportunity to coordinate a  
43 discussion between the Department of Parks and Recreation and the neighborhood

44 stakeholders around the current pressing issues and the next steps towards updating  
45 Clement Clarke Moore Park.

46  
47

48 Sincerely,

49

50 Christine Berthet  
51 Chair

Maarten de Kadt Co-Chair  
Waterfront, Parks &  
Environment Committee

Delores Rubin Co-Chair  
Waterfront, Parks &  
Environment Committee

53

54

55 cc: Elliott Sykes, City of New York Parks & Recreation

56 Brad Hoylman, NY State Senator 97

57 Richard Gottfried, NY State Assemblymember 98

58 Jerrold Nadler, Congressman 99

59 Gale Brewer, Manhattan Borough President 100

60 Corey Johnson, NYC Councilmember

DRAFT



2  
3 July XX, 2014

4  
5 Public Design Commission of the City of New York  
6 City Hall, Third Floor  
7 New York, NY 10007

8  
9 Adam Ganser  
10 Director of Planning and Design  
11 Friends of the High Line  
12 The Diller – von Furstenberg Building  
13 820 Washington Street  
14 New York, NY 10014

15  
16 **Re: Conceptual Design of Phase 2, Section 3 of the High Line**

17  
18 Manhattan Community Board 4 (MCB4) was presented with a conceptual design of Phase 2 of  
19 Section 3 of the High Line. Section 3 of the High Line includes the widest point of the High  
20 Line at Tenth Avenue and 30<sup>th</sup> Street referred to as The Tenth Avenue Spur continuing west on  
21 30<sup>th</sup> Street through the Coach Building (Tower C) which is currently under construction. The  
22 concept presented to MCB4 is a complete reimagining of the Tenth Avenue Spur and the Tower  
23 C passage. This design addresses previous concerns and previously supported elements by this  
24 Board. Overall MCB4 is very impressed and supports the conceptual design of Phase 2 of  
25 Section 3 of the High Line.

26  
27 The High Line design for Phase 2 of Section 3 looks to raise the High Line on 30<sup>th</sup> Street from  
28 west to east at a 5% grade making the walking surface at its highest point, 7 feet above the  
29 normal High Line surface. The non-pedestrian area will have a much steeper slope raising the  
30 High Line at the highest point 12 feet to allow for views of the Hudson River, depth for larger  
31 trees and an area for rest rooms and storage space which can also house mechanicals well above  
32 flood levels. Within the larger area of the Spur, the design calls for spaces which sink down and  
33 are nestled within heavy vegetation. These spaces are liken to burrows where visitors can get a  
34 sense of being in a “forest” among the behemoth buildings of Hudson Yards including Tower C,  
35 the Coach building. The center space on the Spur will have seating and an open space which is  
36 large enough to accommodate programming. In the design the High Line planners seek to create  
37 a “spotlight” of the larger trees by illuminating the Spur at night.

38  
39 The passage through the Coach Building features a majestic space created by the height of the  
40 passage. The plan includes a small concession area, planters where the most sunlight is available  
41 and protruding spaces, or balconies where people can sit under the building and look straight up  
42 at the impressive height of Tower C. Programming is also possible in this covered area.

43  
44 Fixtures and furniture in Section 3 will follow the same theme as found throughout the park.  
45 MCB4 welcomes the additional vegetation including large trees which is made possible by the  
46 increased sloping height that allow soil depth of at least 5 feet. These trees will offer an ideal way

47 for the High Line to capture more rainwater helping to reduce the amount of water entering New  
48 York City's combined sewer system.

49  
50 MCB4 is pleased this design allows the High Line to add rest rooms which are sorely needed in  
51 the Park. In the same space the High Line can have a storage room and a place for mechanicals  
52 eliminating the need for a vault to house mechanicals at street level. Damage from Super Storm  
53 Sandy provided a valuable lesson for the district of the flood risks and consequences.

54  
55 Even with the support of the new design MCB4 would like to highlight a few points for  
56 consideration.

- 57     ▪ Further development on 30<sup>th</sup> Street to both the west and east of Tenth Avenue is a  
58     possibility. The intention to add larger trees and increase the density of vegetation may  
59     be successful given the current make-up of the surrounding neighborhood. If more of  
60     this block is built out potential reduction of sunlight may limit the High Line in  
61     producing the "forest" affect the design seeks.
- 62     ▪ The planned areas of burrows need to provide a comfortable and obvious means of egress  
63     for park users.
- 64     ▪ Any illumination of the Spur must not create a disturbance for area residents.
- 65     ▪ Tree selection should include trees that can offer elements that can be enjoyed in all  
66     seasons.
- 67     ▪ The placement of the large trees should not be such that there is a risk to pedestrians at  
68     street level of falling branches.
- 69     ▪ The current concessions available are at a price point which may not be ideal for all area  
70     residents. MCB4 urges the High Line to consider a more diverse array of concessions.  
71     The use of multiple small food carts instead of one large concession stand may be a way  
72     to achieve this.
- 73     ▪ This new section of the park gives the High Line the opportunity to be a leader in  
74     sustainability. The additional space on the Spur would be an appropriate spot for  
75     additional recycling and possibly compost bins. Solar or some other renewable energy  
76     could provide the illumination of the Spur. The use of renewable energy, recycling and  
77     composting throughout the park can set an example for other parks throughout the city.
- 78     ▪ Section 3 offers some of the largest pockets of space in the park. This allows for  
79     additional art installations. MCB4 suggests the High Line prominently feature local  
80     artists from the district or works in conjunction with the surrounding galleries of the area.  
81     MCB4 has the most concentration of art galleries in the city and these are all in the  
82     vicinity of the High Line. Many of these galleries were hard hit by Super Storm Sandy  
83     and additional exposure may be helpful to rebuild the sector.
- 84     ▪ Programming space will be increased by the addition of Section 3. As stated in a  
85     previous letter regarding the earlier design plans, MCB4 would like to see educational  
86     programming featuring topics around conservation and sustainability.

87  
88 The High Line envisioned a bold plan with their former design of the "Bowl" for the Tenth  
89 Avenue Spur. This redesign, just as bold offers an achievable goal of delivering a response to  
90 the incredible amount of development in the district. This design of Phase 2 of Section 3 of the

91 High Line is creative and thoughtful and has the potential to create special moments for park  
92 visitors. MCB4 looks forward to the project moving forward and appreciates the High Line's  
93 careful consideration of MCB4's needs, requests and suggestions.

94  
95 Sincerely,

96  
97

DRAFT

1 **CHELSEA LAND USE COMMITTEE**

Item # 25

2  
3 June 23, 2014

4  
5  
6 Hon. Christopher Collins (?)  
7 Vice-Chair (?)  
8 Landmarks Preservation Commission  
9 Municipal Building, 9<sup>th</sup> floor  
10 One Centre Street  
11 New York, NY 10007

12  
13 **Re: 210 Eleventh Avenue – signage proposal**

14  
15 Dear Vice-Chair Collins:

16  
17 On the recommendation of its Chelsea Land Use Committee, Manhattan Community Board 4  
18 (CB4) voted at its regularly scheduled meeting on July 23, 2014, by a vote of \_\_\_ in favor,  
19 \_\_\_ opposed, and \_\_\_ abstaining and \_\_\_ present but not eligible, to recommend denial of an  
20 application for a new painted exterior sign at 210 Eleventh Avenue in the West Chelsea Historic  
21 District, and that the applicant be required to restore a historic sign in the same location that has  
22 been defaced.

23  
24 The proposed new sign would be painted on existing brickwork, covering a historic painted  
25 “ghost sign” dating to at least the mid-1930s, as documented in historic photographs. Recent  
26 photographs provided by the applicant show this historic sign to be still legible, with the  
27 company name “ROYAL” in large, period font lettering, above “PAPER CORPORATION” in  
28 smaller lettering. More recent photographs taken by CB4 show “Royal” completely obliterated  
29 and “PAPER CORPORATION” partly removed.

30 The West Chelsea Historic District Designation Report cites the Royal Paper Corporation as a  
31 onetime owner of the building. This company sign is a character-defining feature of the district,  
32 embodying its unique industrial history and providing the kind of historic resonance that  
33 designation is meant to protect. It appears from inspection with binoculars that the historic sign  
34 was intentionally defaced through such thorough paint-stripping that the affected area appears as  
35 bare brick and stands out from surrounding brickwork.

36  
37 The Board believes strongly that approval of the new sign would reward the management  
38 company for defacing the historic sign and encourage others to pursue this destructive strategy.  
39 The Board also feels that the proposed new advertising sign is in itself inappropriately large and  
40 modern. The Board would welcome a discrete bronze plaque near the building entrance, in  
41 keeping with current upscale management company signs.

42  
43 The Board recommends that the Commission explore its enforcement options regarding the  
44 owner’s actions in defacing the historic sign and that it require the restoration of the historic sign,  
45 including:

- 46 • A laboratory paint analysis and replication of pigment and other characteristics affecting  
47 weathering;

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- Replacement paint applied in a manner that does not result in a visible distinction between remaining historic paint and reconstructed paint;
- Oversight by a qualified preservation professional under a plan reviewed and approved by the Commission; and
- Approval of in-place work samples before complete execution of the restoration.

Sincerely,

Christine, Lee, Betty

DRAFT

1 **Transportation Planning Committee**

**Item #: 29**

2  
3 July 23, 2014

4  
5 Borough Commissioner Margaret Forgione  
6 Department of Transportation  
7 59 Maiden Lane, 35th Floor  
8 New York, NY 10038

9  
10 **Re: Hotel loading zone request**  
11 **Chelsea Star Hotel 300 West 30<sup>th</sup> Street**

12  
13 Dear Commissioner Forgione:

14  
15 Manhattan Community Board 4 (CB4) denies the request of the Chelsea Star Hotel for a 28 foot  
16 “Hotel Loading Zone” in front of their hotel entrance.

17  
18 Hotels with less than 100 rooms do not have “as of right” hotel loading zones and their requests  
19 require Community Board review and comment. The Chelsea Star Hotel has 44 rooms. The  
20 Community Board denies the request for two major reasons:

- 21
- 22 • **Pedestrian Space:** There is limited pedestrian sidewalk space on West 30<sup>th</sup> to the east of  
23 the hotel entrance to near the corner (less than 8’), in large part because of an existing  
24 enclosed sidewalk enclosure that is part of the hotel. Having hotel guests load and  
25 unload in the area immediately adjacent to the sidewalk enclosure also limits pedestrian  
26 view of hotel guests leaving the hotel entrance with luggage, creating an unsafe  
27 pedestrian environment. It should be noted that West 30<sup>th</sup> Street is a primarily residential  
28 street.
  - 29 • **Scofflaw behavior by Hotel owner:** The hotel has been completing renovations on the  
30 sidewalk extensions despite a stop work order from the building department, initially  
31 issued in June and then again on July 15. We also note that the hotel has received  
32 violations from the Building Department for disobeying the stop order. We also note that  
33 since that time, despite the Stop Work Order (still posted at the site as of July 21), the  
34 siding of the Sidewalk enclosure area has been changed from wood to glass.

35  
36 Manhattan Community Board 4 has frequently made efforts to work with small hotel owners to  
37 approve hotel loading zones consistent with enabling sufficient sidewalk capacity and an  
38 ambiance appropriate for their location and consistent with surrounding uses. However, in this  
39 instance we find that an hotel loading zone with the immediately adjacent sidewalk enclosure is  
40 not appropriate or safe for pedestrians. We note that the remainder of the block going west to 9<sup>th</sup>  
41 Avenue is entirely residential. We therefore request that the Department of Transportation deny  
42 the applicant’s request for hotel loading.

43  
44 Sincerely,

45  
46

2  
3 July 23, 2014

4  
5 Margaret Forgione  
6 Manhattan Borough Commissioner  
7 NYC Department of Transportation  
8 59 Maiden Lane, 37<sup>th</sup> Floor  
9 New York, NY 10038

10  
11 **Re: Parking Regulation Change**  
12 **West 19<sup>th</sup> Street between 6<sup>th</sup> and 7<sup>th</sup> Avenues**

13  
14 Dear Commissioner Forgione:

15  
16 Manhattan Community Board #4 (CB4) requests that both DOT change the parking regulations  
17 from approximately mid-block on West 19<sup>th</sup> Street between 6<sup>th</sup> and 7<sup>th</sup> Avenue (at the loading  
18 dock for the Metropolitan Pavilion, 124 West 19<sup>th</sup> Street) west to the Fire Department parking  
19 zone (which begins in front of 142 West 19<sup>th</sup> Street) on the south Side of the street from “No  
20 Standing, Except Trucks Loading and Unloading, 8am to 6pm, M-F” to Residential Alternate  
21 Side parking regulations (with hours done in conjunction with NYC Department of Sanitation).  
22 We also request that the “No Parking, 10pm to 5am” be removed from both the North and South  
23 side of the block from 6<sup>th</sup> to 7<sup>th</sup> Avenue.

24  
25 Manhattan CB4 makes these requests for several reasons:

- 26
- 27 • **Metropolitan Pavilion frequent use and misuse of Loading Zone:** Residents of West  
28 19<sup>th</sup> Street and the newly formed block association for Southeast Chelsea spoke at the  
29 Transportation Planning Committee’s July meeting about the frequent use by Metropolitan  
30 Pavilion of the available loading spaces, often in appropriate ways, including loading and  
31 unloading trucks between midnight and 6am; coning off spaces for use specifically by  
32 their trucks; leaving trash on the sidewalk after unloading trucks, and using spaces on  
33 both the north and south side of the street with much activity utilizing “special event”  
34 signs in their windshield;
  - 35 • **No major nightclubs on this block or immediately adjacent:** Restriction of overnight  
36 parking is typically done to mitigate noise from late-night night clubs in residential areas.  
37 According to residents, this restriction instead seems to be enabling noise from loading  
38 and unloading late-night trucks;
  - 39 • **Increased Residential Use on West 19<sup>th</sup> Street:** There have been an increase in  
40 residential buildings on West 19<sup>th</sup> Street (with another one to be opened shortly on the  
41 South Side of the street), changing the character of the block.

42  
43 We note that the parking regulations were changed at the request of CB4 several years ago to  
44 including “No Standing, Except Trucks Loading and Unloading,” after consultation with local  
45 retail businesses, residents, and commercial (mostly office) building owners based on the request

46 of Metropolitan Pavilion. However, their reported behavior indicates that they have not been able  
47 to ensure their use is compatible with their neighbors and has used the Truck Loading zone and  
48 it's relevant times as a base to expand from rather than as its allowed loading area and hours.

49  
50 Sincerely,

51  
52

DRAFT



1 **Executive Committee**

**Item #: 36**

2  
3 July 23, 2014

4  
5 Vicki Been  
6 Commissioner  
7 NYC Dept. of Housing Preservation and Development  
8 100 Gold Street  
9 New York, NY 10007

10  
11 **Re: 525 West 52<sup>nd</sup> Street**  
12 **Inclusionary Housing—Lower Income Housing Plan Application**

13  
14 Dear Commissioner Been:

15  
16 The Lower Income Housing Plan Application (the “Application”) for Taconic Investment  
17 Partners’ and Ritterman Capital’s (the “Applicant”) project at 525 West 52<sup>nd</sup> Street (the  
18 “Project”) was discussed at the June 19, 2014 meeting of Manhattan Community Board 4’s  
19 (CB4) Housing Health and Human Services (“HH&HS”) Committee. CB4 voted to recommend  
20 **approval** of the Application **with conditions**, some of which have already been agreed to by the  
21 Applicant (see attached letter dated July 17, 2014).<sup>1</sup>

22  
23 **The Project: An Overview**

24  
25 The Project is located through block between West 52<sup>nd</sup> and West 53<sup>rd</sup> Streets between Tenth and  
26 Eleventh Avenues on the former Clinton Urban Renewal Area (“CURA”). On June 26, 2014 the  
27 Project received Uniform Land Use Review Procedure (“ULURP”) approval for a rezoning for  
28 M1-5 to R9 and the creation of a Large Scale General Development (“LSGD”). That rezoning  
29 also overlaid the Project site as an Inclusionary Housing Designated Area. Based on these  
30 factors, the site is eligible to bonus from a base FAR of 6.0 to an FAR of 8.0 via the provision of  
31 20% of the residential units in the building as permanently affordable housing. The Applicant  
32 has elected to pursue this Inclusionary Housing bonus.

33  
34 The Project will be one building with a 22-story wing and a 14-story wing. The Project includes  
35 ground floor retail to accommodate an existing site tenant as well as 392 residential units, 79 of  
36 which will be reserved for low-income individuals and families. Those 46 units include 19  
37 studios, 39 one-bedrooms, and 21 two-bedrooms.

38  
39 **Housing Program**

40  
41 The Project is an 80/20 rental building financed with tax-exempt bonds from the New York State  
42 Housing Finance Agency. The 80/20 Program requires that 20% of the apartments, 79 units, be

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<sup>1</sup> Joe Restuccia, a member of CB4 who serves on the Clinton/Hell's Kitchen Land Use Committee, is Executive Director of Clinton Housing Development Company. Mr. Restuccia openly acknowledged his interest and recused himself from voting.

43 affordable to low income individuals and families. Those same 20% low income units are made  
44 permanently affordable through a deed restriction under the New York City Inclusionary  
45 Housing Program. The Application, submitted to the New York City Department of Housing  
46 Preservation and Development (“HPD”) by the Applicant will govern the 79 apartments which  
47 will be created under the Inclusionary Housing program and made available to those at or below  
48 60% of Area Median Income (“AMI”). CB4 is pleased that all of the inclusionary units for the  
49 Project will be developed on-site. CB4 celebrates its diversity and the Project, if fully integrated,  
50 will celebrate that diversity.

51  
52

53 **NOW, therefore, be it resolved** that Manhattan Community Board 4 recommends  
54 approval of the Application for 525 West 52<sup>nd</sup> Street, ***provided the following conditions, which***  
55 ***have been agreed to by the Applicant, are included in the Lower Income Housing Plan***  
56 ***executed by HPD:***

57

58 **Amenities**

59

- 60 • The Project features amenities that have not yet been finalized by the Applicant.  
61 However, all amenity space will be available to the low-income residents of the  
62 building either free of charge or at a substantially reduced rent in line with the  
63 tenants’ incomes.

64

65 **Finishes**

66

- 67 • All of the units in the building will have the same finishes in the kitchens, bathrooms,  
68 bedrooms, and living areas.

69

70 **Permanent Affordability**

71

- 72 • A Restrictive Declaration be filed that requires development of 79 units of housing in  
73 the Project, affordable *in perpetuity*, to those earning less than 60% of AMI.

74

75 **Marketing**

76

- 77 • The Inclusionary units will be subject to a 50% community preference.

78

79 **Jobs**

80

- 81 • Applicant will apprise CB4 of job opportunities the can be filled by community  
82 residents so that CB4 may post those opportunities on its website.

83

84 **Apartment Distribution**

85

86 ***Among Floors***

87

88           • Applicant has agreed to distribute the affordable units throughout at least 83% of the  
89 floors. CB4 acknowledges that HPD only requires apartment distribution throughout  
90 65% of the floors and appreciates that the Applicant has met that minimum and  
91 exceeded it by providing units on 83% of the floors. However, CB4 reiterates its  
92 longstanding position that apartment distribution should be among 100% of the  
93 floors.  
94

95  
96 Thank you for the opportunity to provide comments and submit recommendations on this  
97 important Application.  
98

99 Sincerely,  
100

101  
102 Barbara Davis, Co-Chair  
103 Housing, Health &  
104 Human Services Committee  
105

106  
107  
108 Cc: All Local Electeds  
109 Gabriella Amabile – HPD  
110 Thehbia Walters – HPD  
111 Sara Levenson - HPD  
112 Taconic Investment Partners  
113 Ritterman Capital  
114 Al Fredericks - Kramer Levin  
115 Councilmember Johnson

2  
3 July 23, 2014

4  
5 Vicki Bean  
6 Commissioner  
7 NYC Dept. of Housing Preservation and Development  
8 100 Gold Street  
9 New York, NY 10007

10  
11 **Re: 540 West 53<sup>rd</sup> Street – CURA Site 7**  
12 **Inclusionary Housing—Lower Income Housing Plan Application**  
13

14 Dear Commissioner Bean:

15  
16 The Lower Income Housing Plan Application (the “Application”) for Clinton Housing  
17 Development Company’s (the “Applicant”) project at 540 West 53<sup>rd</sup> Street (the “Project”) was  
18 discussed at the June 19, 2014 meeting of Manhattan Community Board 4’s (“CB4”) Housing  
19 Health and Human Services (“HH&HS”) Committee. CB4 voted to recommend **approval** of the  
20 Application subject to the following conditions which have already been agreed to by the  
21 Applicant (see attached letter dated July 17, 2014).<sup>2</sup>  
22

23 **The Project: An Overview**  
24

25 The Project is located on the south side of West 53<sup>rd</sup> Street between Tenth and Eleventh Avenues  
26 on Site 7 of the former Clinton Urban Renewal Area (“CURA”). On June 26, 2014 the Project  
27 received Uniform Land Use Review Procedure (“ULURP”) approval for a rezoning for M1-5 to  
28 R9 and the creation of a Large Scale General Development (“LSGD”). That rezoning also  
29 overlaid the Project site as an Inclusionary Housing Designated Area with bonuses allowed for  
30 the creation of low-, middle- and moderate-income housing, not just low-income. With  
31 Inclusionary Housing, the site is eligible to bonus from a base FAR of 6.0 to an FAR of 8.0 via  
32 the provision of 20% of the residential units in the building as permanently affordable housing.  
33 The Applicant has elected to pursue this Inclusionary Housing bonus.  
34

35 The Project will be a 12-story building with retail on the cellar and ground floors in order to  
36 accommodate vested CURA tenants, Cybert Tire and LeNoble Lumber. The Project includes 103  
37 residential units all of which will be permanently affordable to low-, moderate- and middle-  
38 income families and individuals. These 103 units include 11 studios, 39 one-bedrooms, 49 two-  
39 bedrooms, and 4 three-bedrooms.  
40

41 **Housing Program**  
42

---

<sup>2</sup> Joe Restuccia, a member of CB4 who serves on the Clinton/Hell's Kitchen Land Use Committee, is Executive Director of Clinton Housing Development Company. Mr. Restuccia openly acknowledged his interest and recused himself from voting.

43 The Project is being financed by a combination of equity from the sale of excess development  
44 rights and inclusionary development rights to the adjacent development project at 525 West 52<sup>nd</sup>  
45 Street, the New York City Employee Retirement System (“NYCERS”) Taxable Mortgage  
46 Initiative and subsidy from the New York City Department of Housing Preservation and  
47 Development (“HPD”). All of the residential units in the building are made permanently  
48 affordable through a deed restriction under the New York City Inclusionary Housing Program.  
49 The Application, submitted to the New York City Department of Housing Preservation and  
50 Development (“HPD”) by the Applicant, will govern the 103 apartments which will be created  
51 under the Inclusionary Housing program and made available to those at or below 80%, 100%,  
52 125%, and 165% of Area Median Income (“AMI”). CB4 is pleased that all of the Inclusionary  
53 units for the Project will be developed on-site and are available to individuals and families at a  
54 range of incomes. CB4 believes this Project truly celebrates and reinforces the socioeconomic  
55 diversity of the neighborhood.

56

57 **NOW, therefore, be it resolved** that Manhattan Community Board 4 recommends  
58 approval of the Application for 540 West 53<sup>rd</sup> Street, *provided the following conditions, which*  
59 *have been agreed to by the Applicant, are included in the Lower Income Housing Plan*  
60 *executed by HPD:*

61

#### 62 **Amenities**

63

- 64 • The Project features amenities including a small gym, landscaped gardens, and a  
65 children’s play room. All amenity space will be available to all tenants of the building  
66 at no charge.

67

#### 68 **Finishes**

69

- 70 • All of the units in the building will have the same finishes in the kitchens, bathrooms,  
71 bedrooms, and living areas.

72

#### 73 **Permanent Affordability**

74

- 75 • A Restrictive Declaration be filed that requires development of 103 units of housing  
76 in the Project, affordable *in perpetuity*, to those earning at or below 80%, 100%,  
77 125%, and 165% of AMI.

78

#### 79 **Marketing**

80

- 81 • The Inclusionary units will be subject to a 50% community preference.

82

#### 83 **Jobs**

84

- 85 • Applicant will apprise CB4 of job opportunities the can be filled by community  
86 residents so that CB4 may post those opportunities on its website.

87

#### 88 **Apartment Distribution**

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107

- Apartments at every income band are distributed throughout 100% of the floors.

Thank you for the opportunity to provide comments and submit recommendations on this important Application.

Sincerely,

Cc: All Local Electeds  
Gabiella Amabile – HPD  
Thehbia Walters – HPD  
Sara Levenson - HPD  
Clinton Housing Development Company

DRAFT

109

110 July 23, 2014

111

112 Vicki Been

113 Commissioner

114 NYC Dept. of Housing Preservation & Development

115 100 Gold Street

116 New York, NY 10038

117

118 **Re: Harborview Terrace**

119 **Hudson Yards Points of Agreement**

120 **Proposed Permanent Affordable Housing RFP**

121

122 Dear Commissioner Been:

123

124 At the June 19, 2014 meeting of Manhattan Community Board 4's (CB4) Housing,  
125 Health and Human Services (HH&HS) Committee, a presentation was made detailing the  
126 community's progress made on reaching consensus on a planned Request for Proposals  
127 (RFP) for a permanently affordable housing development on the Harborview Terrace site  
128 at West 56<sup>th</sup> Street, just east of 11<sup>th</sup> Avenue. This RFP is part of the affordable housing  
129 commitments made by the Mayor to City Council and finalized in the Hudson Yards  
130 Points of Agreement (HY POA) in 2005 (attached). CB4 has been a strong advocate for  
131 this project over the years and is pleased that the NYC Department of Housing  
132 Preservation and Development (HPD) and the NYC Housing Authority (NYCHA) are  
133 engaging with both CB4 and the Harborview Tenant Association to draft an RFP that is  
134 responsive to the range of concerns of all sectors of the community.

135

136 **Background**

137

138 The project site is approximately 34,000 square feet and is currently used as a 37 car  
139 NYCHA tenant parking lot and basketball courts. The site is located through block  
140 between West 55<sup>th</sup> and West 56<sup>th</sup> Streets, between 10<sup>th</sup> and 11<sup>th</sup> Avenues, on the northern  
141 block of Harborview Terrace and is part of the former Clinton Urban Renewal Area  
142 (CURA) that was condemned for affordable housing in 1969. The site is part of a 1974  
143 Large Scale Residential Development (LSRD) that encompasses both the north and south  
144 blocks of Harborview Terrace.

145

146 In 2005, Council and the Administration agreed to develop affordable housing on the  
147 NYCHA Harborview Site and committed that the site would generate 155 affordable  
148 units, including 63 low-income units (up to 60% of AMI), 46 moderate income units (up  
149 to 135% AMI) and 46 middle income units (up to 165% of AMI). The HY POA stated  
150 that the new building would be no taller than the existing Harborview building. The HY  
151 POA also noted that all of the units would be permanently affordable and NYCHA and  
152 HPD would lead the development of the site.

153

154 An RFP was issued according to these parameters in 2007 and Atlantic Development  
155 Group was selected as the developer. The Uniform Land Use Review Procedure  
156 (ULURP) application for the project was certified in May 2008 and was approved by  
157 Council in November 2008. CB4 did not support the original project for several reasons  
158 (see attached letter dated July 11, 2008) including:

159

- 160 • The inclusion of market-rate units that were never agreed to in the HY POA.
- 161 • The creation of a floor area bonus through the Inclusionary Housing Program.
- 162 • The project only generated 72 moderate and middle income units, less than the 92  
163 moderate and middle units committed to in the HY POA.
- 164 • The majority of the proposed units were studios and one bedroom apartments that  
165 did not meet the community's need for family-size units.
- 166 • The project included a concentration of senior housing. CB4 believes that senior  
167 housing should be integrated throughout the community.

168

169 The original developer encountered legal issues and the project did not proceed.

170

171 In August of 2013 as part of the negotiations over the Culture Shed, the Council and the  
172 Administration agreed to release a new RFP for the project on or before December 31,  
173 2013(see attached letter dated). CB4 agreed to push that date back into 2014 in order to  
174 allow for more community input into the parameters of the RFP. The developer that is  
175 awarded the project will need to submit a new ULURP application for, at minimum, a  
176 Special Permit to build over a rail cut and modifications to the existing LSRD.

177

### 178 **Community Planning Process**

179

180 At the December 19, 2013 of CB4's HH&HS Committee, HPD and NYCHA gave a  
181 presentation on the status of the Harborview RFP. That meeting was well attended by  
182 residents of the community and members of the Harborview Tenant Association as well  
183 as representatives from the office of Manhattan Borough President Gale Brewer,  
184 Assembly Member Linda Rosenthal, and Council Member Helen Rosenthal. The  
185 Committee and members of the public each expressed a broad variety of concerns. At the  
186 same time, CB4 was very pleased that as part of this second round RFP, HPD and  
187 NYCHA are meeting with CB4 and the Harborview Tenant Association to develop its  
188 parameters prior to the RFPs issuance.

189

190 Since that December meeting, there have been a series of follow-up meetings with a  
191 working group comprised of the Harborview Tenants Association, CB4, Housing  
192 Conservation Coordinators, Clinton Housing Development Company, Assembly Member  
193 Linda Rosenthal, Council Member Helen Rosenthal, Manhattan Borough President Gale  
194 Brewer and New York State Senator Brad Hoylman (the "Harborview Working Group").  
195 As a result of meetings on February 18<sup>th</sup>, May 1<sup>st</sup>, May 16<sup>th</sup>, and June 9<sup>th</sup> key objectives  
196 have been identified, developed and defined for the Harborview site.

197

### 198 ***Public Process***

199



- 200 • HPD and NYCHA must continue to engage with the Harborview Working Group  
201 and the broader community at each step along the way, as parameters are  
202 developed, through ULURP and construction.  
203

### 204 *Site Planning*

- 205
- 206 • Design guidelines
    - 207 ○ Contextual design – Design must be developed contextually to allow for  
208 integration of the new building into the existing Harborview campus and  
209 surrounding buildings.
    - 210 ○ Distance between buildings – The site plan must provide for adequate  
211 light and air for the existing Harborview buildings. The new building  
212 should be L-shaped, mirroring the existing family building.
    - 213 ○ Height and bulk – The height of the new building should be limited to  
214 provide light and air to existing buildings and spaces and to work within  
215 the context of the site. However, the Harborview Working Group favors a  
216 bulkier, set back and stepped down building with height capped at 25  
217 stories and the massing pushed to the west. This increase in bulk allows  
218 for an increase in the number of affordable units in the new building from  
219 155 to 230 units.
  - 220
  - 221 • Integrating existing NYCHA facilities
    - 222 ○ NYCHA tenant parking – NYCHA must confirm the number of NYCHA  
223 tenant parking permits being impacted. The RFP must provide for  
224 consolidation of all tenant and NYCHA staff parking for the entire  
225 Harborview campus into an enclosed garage as part of the new building.
    - 226 ○ NYCHA dumpsters and bulk recycling – Any relocation of existing  
227 NYCHA dumpsters must be integrated into the site plan. The Harborview  
228 Working Group recommends integration of the dumpsters and bulk  
229 recycling into the proposed enclosed garage in the new building. The  
230 garbage should be accessed from one street and the parking from a  
231 different street, but both access points should be as far west as is feasible.  
232

### 233 *Building Design and Program*

- 234
- 235 • Market rate units – The RFP must not allow for any market rate units to be built  
236 on the site.
  - 237 • Maximizing units – The RFP should allow for the maximum amount of  
238 permanently affordable units. Units must be distributed as follows according to  
239 the HY POA:
    - 240 ○ 63 low-income units (up to 60% of AMI);
    - 241 ○ 46 moderate income units (up to 135% AMI); and
    - 242 ○ 46 middle income units (up to 165% of AMI).
    - 243 ○ The additional 75 affordable units created by the stepped building design  
244 should be distributed at 50%, 60%, 80%, 125% and 165% of AMI.

- 245 • Unit sizes – The RFP will require at least 50% two-bedroom units and should
- 246 encourage some three-bedroom units.
- 247 • Lottery preferences:
- 248     o The Community Preference for units during the lottery will be 50%.
- 249     o The NYCHA preference should be increased from 20 to 25% of the units.
- 250     o The Community District 4 NYCHA preference should be expanded to
- 251 include tenants of the Amsterdam Houses.
- 252 • Green building – The RFP should mandate, at minimum, compliance with the
- 253 Enterprise Green Communities program.
- 254 • Pets – The RFP should make clear that the project must allow pets.
- 255 • Smoke-free preference – The RFP should stipulate that project be smoke-free.
- 256

257 ***Harborview Campus Open Space Improvements***

- 258
- 259 • Master plan for open space - The Harborview Working Group is now working
- 260 with the Harborview Tenant Association to develop a master plan to develop
- 261 all of the Harborview open spaces and expects that planning process to be
- 262 complete by late September 2014. The master plan includes improved open space
- 263 design for specific age demographics including:
- 264     o Adults and Elderly (seating, easy access);
- 265     o Teenagers (e.g. basketball, skateboarding and rollerblading surfaces);
- 266     o School-age children (e.g. playground with slides, water sprinkler, and
- 267 other equipment) and
- 268     o Toddlers (adjacent to school age playground, path for tricycle riding).
- 269 • Open space improvements – The RFP should provide parameters for
- 270 improvements to the existing open spaces on the Harborview campus all of which
- 271 are to be done by the developer that is awarded the RFP.
- 272 • Existing trees - Approximately 11 existing trees may be impacted by the new
- 273 development. The RFP should provide for one-for-one replacement of trees on the
- 274 Harborview campus.
- 275 • Playground – The Harborview Tenants Association has agreed to relocate and/or
- 276 reconfigure the playground if the new space is equivalent or larger in size.
- 277 • Additional funding - Manhattan Borough President Brewer and Councilmember
- 278 Rosenthal have been asked to provide additional funding for open space
- 279 redevelopment and both have indicated they would consider such a request.
- 280

281 ***Community Facility Space***

- 282
- 283 • Existing Harborview Terrace community room – The existing community room
- 284 space at Harborview has been made inaccessible to residents. The RFP should
- 285 require plans for a renovated and accessible to the Harborview Tenant
- 286 Association for programming and to the broader community.
- 287 • Community room in new building - The RFP should also require construction of a
- 288 new community space for Harborview residents and the larger community in the
- 289 new building.
- 290

291 **NYCHA Revenue**

292

- 293 • NYCHA and HPD noted that this project is being contemplated as a ground lease  
294 and not an outright sale to a developer. NYCHA represented, and CB4 supports,  
295 structuring this deal as a ground lease with income from that ground lease going  
296 towards repairs and capital improvements at the Harborview Terrace campus.  
297

298 CB4 looks forward to engaging with all of the stakeholders to create an RFP that meets  
299 the requirements of the HY POA and benefits both the existing Harborview tenants and  
300 the broader community. CB4 requests to meet with HPD's Department of Planning to  
301 discuss the next steps in this community planning process for the Harborview RFP.  
302

303

304

305 Sincerely,

306

307

308

309 JD, Barbara, Joe, Christine

310

311 Cc: Gabriella Amabile – HPD

312 Thehbia Walters – HPD

313 NYCHA

314 Maria Guzmond – President of Harborview TA

315 All local elected officials

316

317

318 Attachments:

319

320

321

322

323

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336