

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 last 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**

**Item #: 24**

2  
3 Councilmembers Johnson and Rosenthal  
4 250 Broadway  
5 New York, NY 10007

6  
7 **Re: Hotel Trades – Special permits for hotels**

8  
9 Dear Councilmembers,

10  
11 We are writing to you to express our concerns about the influx of hotel development on  
12 the West side of Manhattan. We have learned from experience that hotels have an  
13 outsized impact on our community and that we urgently need a process that provides real  
14 community input on hotel development.

15  
16 Hotels operate 24-7 and generate high levels of vehicular traffic and foot traffic, which reduces available  
17 parking and clog our sidewalks and intersections. This level of activity is out of character with the  
18 surrounding residential neighborhood. Many of us have been kept up at until the early morning by the noise  
19 generated by the clubs and bars inside or on the roofs of hotels and the commotion in the street outside.

20  
21 Recent hotel growth has crowded out local communities, limited affordable housing, and  
22 strained our infrastructure. The rush to develop coupled with exorbitant land  
23 prices has led to the construction of hotels in historically residential  
24 neighborhoods that have never had them before and which are not prepared  
25 to accommodate such a drastically different use. **This hotel growth**  
26 **has led to the gentrification and homogenization of**  
27 **our community, and inflated rents and property taxes.**

28  
29 To maintain our vibrant city, every effort should be made to preserve socioeconomic diversity and  
30 keep it affordable for the mix of uses (residential, commercial, community, artistic) that currently exist in  
31 our neighborhoods.

32  
33 We need a real voice in the development process and an opportunity to engage in the  
34 development process before it starts. Fortunately, a mechanism already exists for the city  
35 to establish a land use policy that will address many of the concerns about hotel  
36 development. The simplest, most comprehensive approach is to amend the Zoning  
37 Resolution such that new hotels may only be developed by special permit.

38  
39 We support a special permit requirement for hotels in our community district. This will  
40 empower communities like ours and ensure that hotel development is a more thoughtful, deliberative  
41 process of development in the future, and one that benefits our entire community.

42  
43 Sincerely,

1 CC: David Greenfield, Chairman  
2 Land Use Committee  
3 Carl Weisbrod, Chairman  
4 NYC Planning Commission  
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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 #: 26**

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: Taxi Relief Stand**  
11 **West 49<sup>th</sup> Street and Tenth Avenue**

12  
13 Dear Commissioner Forgione:

14  
15 Manhattan Community Board 4 (CB4) requests the conversion of a Taxi Stand to a Taxi Relief  
16 Stand for up to one hour on the north side of 49<sup>th</sup> Street at the corner of West 49<sup>th</sup> Street and  
17 Tenth Avenue.

18  
19 The change was requested by (*name of deli*) at (*address*) and by a group of taxi drivers. We do  
20 not believe this will negatively impact traffic, since taxi stand already exists in this location, but  
21 will provide relief to taxi drivers.

22  
23 There are currently ten Taxi Relief Stands in CB4 – seven of them located in Hell’s Kitchen. As  
24 the Community Board has changed in the last few years, the number of taxi rides originating in  
25 our Community Board area for both residents and business has increased substantially. This  
26 location affords taxi driver’s access to using rest rooms, restaurants and deli’s in the immediate  
27 area. It also will enable the drivers to use this as a Taxi Stand during high demand times, such  
28 late weekend evenings when the area clubs are active.

29  
30 We thus recommend approval of this location for a Taxi Relief Stand and request the Department  
31 of Transportation to install the necessary signs.

32  
33  
34 Sincerely,  
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1 **Transportation Planning Committee**

**Item #: 27**

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: “No Standing” Sign Request in Front of 365 West 28<sup>th</sup> Street**

11 Dear Commissioner Forgione:

12  
13  
14  
15 Manhattan Community Board 4 would like to request the change of a curbside regulations sign  
16 in front of 365 West 28<sup>th</sup> Street in the Penn South Complex. The current sign is for “No Parking  
17 8am to 6pm” we request the sign be changed to “No Standing 8am to 6pm.” The request is only  
18 for the sign directly in front of the entrance to the building. We are making this request because  
19 residents of the building have complained about being unable to access the curb for Access-A-  
20 Ride vehicles. We believe the change along with enforcement will clear the curb of obstructions  
21 and allow residents to access Access-A-Ride transportation safely.  
22

23  
24 Sincerely,  
25  
26  
27  
28  
29

2  
3 July 23, 2014

4  
5 Polly Trottenberg  
6 Transportation Commissioner  
7 NYC Department of Transportation  
8 59 Maiden Lane, 37th Floor  
9 New York, NY 10038

10  
11 **Re: DOT Overnight Street Re-pavement Concern**

12  
13 Dear Commissioner Trottenberg:

14  
15 Manhattan Community Board 4 (CB4) requests immediate changes to the method by which the  
16 Department of Transportation performs street re-pavements. At the (CB4) Transportation  
17 Committee meeting which took place on June 19, 2014, the committee heard complaints from  
18 residents regarding the noise created by the DOT overnight repaving of 10<sup>th</sup> Avenue. CB4 is  
19 concerned with DOT's practice of repaving streets during overnight hours on week days when  
20 CB4 residents are sleeping. The noise goes on for several days and causes a serious Quality of  
21 Life disturbance for residents. We believe that the overnight re-pavement projects are done to  
22 accommodate vehicle traffic at the sacrifice of community residents.

23  
24 CB4 therefore urgently requests that DOT does everything in its power to ensure that new  
25 construction does not disrupt residential communities more than absolutely necessary.

26  
27 CB4 would like to request that DOT review this practice and make immediate changes that will  
28 strike a better balance between traffic concerns and residents quality of life. CB4 believes the  
29 construction could be done between the hours of 7pm and 2am on weekdays and during day  
30 hours on weekends. This change would allow residents to sleep during the re-pavement process  
31 and have little impact on the flow of traffic.

32  
33 CB4 also makes this request because our Community District is inundated with construction  
34 projects which greatly disrupt our resident's quality of life From the massive construction taking  
35 place over years on W. 54th Street between Eleventh and Twelfth Avenues, to the rezoning of  
36 Eleventh Avenue, to the proposed rezoning in Clinton's Special Clinton Urban Renewal Area  
37 (CURA ) to the ongoing development at Hudson Yards, West Chelsea and its surrounding  
38 neighborhoods, and the Water Maine Project MCD4's residents have been exposed to years of  
39 quality of life abuses due to the construction noise and the issuance of After Hours Work  
40 Variances that have been previously granted, and is also facing a minimum of ten to fifteen more  
41 years of massive and constant new construction in the midst of its residential neighborhoods.

42  
43 In the very least we request that the DOT do a better job of notifying neighbors of when  
44 construction projects are going to be taking place, and provide them with ample time to make  
45 arrangements during the construction. We recommend this be done through email notifications

46 that can be coordinated through the Community Board, and posting notices around the area  
47 where construction will take place.

48  
49 We hope DOT will seriously consider our request and make these reasonable accommodations to  
50 improve the quality of life for MCD4's residents.

51  
52  
53 Sincerely,

54  
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57  
58

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

1 **Transportation Planning Committee**

**Item #: 30**

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: No Standing Zone Sign Change in Front of the Yotel 570 Tenth Avenue**

11 Dear Commissioner Forgione:

12  
13  
14 Manhattan Community Board 4 would like to recommend the change of a “No Standing” sign in  
15 front of the Yotel Hotel at 570 Tenth Avenue. Currently the sign reads “No Standing 7am – 10  
16 am 4pm – 7pm Except Sunday” below this sign is a “No Standing Hotel Loading Zone” sign. We  
17 request that the times on the “No Standing” sign be adjusted to read “No Standing 7am – 10 am  
18 **5pm – 7pm** Except Sunday.”

19  
20 We understand that this small change is for only one but we believe the change will allow the  
21 Yotel to better utilize their Hotel Loading zone. Currently cars picking up and dropping of guests  
22 in front of the hotel are being ticketed during the “No Standing” hours, and this hour will provide  
23 some relief. We also understand that the DOT installed the “No Standing” signs because of the  
24 heavy traffic on Tenth Avenue during these hours; however, the hotel loading zone is being used  
25 despite the regulations. Furthermore, we do not believe that this hour change will negatively  
26 impact the traffic on Tenth Avenue, and will help the Yotel with their operation.  
27

28  
29 Sincerely,

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

2  
3 July 23, 2014

4  
5 Polly Trottenberg  
6 Transportation Commissioner  
7 NYC Department of Transportation  
8 59 Maiden Lane, 37th Floor  
9 New York, NY 10038

10  
11 **Re: Bus congestion and pedestrian safety along Tenth Avenue in Hell's Kitchen**

12  
13 Dear Commissioner Trottenberg:

14  
15 Manhattan Community Board 4 (CB4) would like to request the assistance of the Department of  
16 Transportation (DOT) on improving the safety of intersections on Tenth Avenue within  
17 Community District 4. This request is made more urgent after the tragic incident which took  
18 place on Monday July 14<sup>th</sup> 2014, during which two pedestrians were struck by a Trans-Bridge  
19 Line bus at the intersection of West 47<sup>th</sup> Street and Tenth Avenue. This incident is only the most  
20 recent occurrence of pedestrians being struck by vehicles on this corridor. CB4 has made several  
21 requests to the DOT for safety improvements prior to this incident. It is out hope that now DOT  
22 will finally implement our recommendations.

23  
24 Manhattan Community Board #4 requests that the Department of Transportation:

- 25
- 26 • Install a sign on Tenth Avenue south of West 40th Street indicating that interstate buses should  
27 use West 40th or West 42nd Street to enter the Port Authority to pick up loading passengers.
  - 28
  - 29 • Install signs on Tenth Avenue just south of West 43<sup>rd</sup> and West 45<sup>th</sup> indicating that interstate  
30 buses should not turn onto West 44<sup>th</sup> or West 46<sup>th</sup> Streets.
  - 31
  - 32 • Install a sign on West 44<sup>th</sup> Street indicating no bus parking and a sign reminding drivers of fines  
33 for Idling.
  - 34
  - 35 • Install a sign along the east side of Tenth Avenue south of West 46<sup>th</sup> Street warning drivers  
36 "Caution on Right Turn, Street Bulb-out."
  - 37
  - 38 • We request that signs clarifying that buses should not park in areas designated for commercial  
39 parking be installed in the West 40's between Ninth and Tenth Avenues.
  - 40

41 There has been a substantial increase in the number of commuter buses using the Lincoln Tunnel  
42 in the last several years. Many empty buses, typically entering from either the Lincoln Tunnel or  
43 parking spaces further south or west, enter the Port Authority between 4pm and 6pm each  
44 weekday to load passengers and then depart. Traffic regulations require empty buses to use  
45 "Through" or "Local Truck Routes" to arrive at the Port Authority. These routes include Eighth,  
46 Ninth, Tenth and 11th Avenues and West 40<sup>th</sup> Street between the Tunnel Entrance and 11th

47 Avenue and the entire length of West 42<sup>nd</sup> Street. Unfortunately, empty buses have begun to  
48 illegally use other residentially oriented streets within Community District 4.  
49

50 In addition to the sign requests CB4 reiterates its request from April 4, 2008 and May 1, 2013  
51 that the DOT take steps to improve pedestrian safety at South East corner of West 46<sup>th</sup> Street and  
52 Tenth Avenue. More specifically, we request NYC Department of Transportation install right  
53 hand split phase turn signal for turns from Tenth Avenue onto West 46<sup>th</sup> Street including  
54 protected time for pedestrian crossing on West 46<sup>th</sup> Street. In light of the recent incident at West  
55 47<sup>th</sup> Street CB4 also requests the installation of a left hand split phase turn signal from Tenth  
56 Avenue to West 47<sup>th</sup> Street.  
57

58 We hope that the recent incident that took place at the intersection of West 47<sup>th</sup> Street and Tenth  
59 Avenue will motivate the DOT to install the safety recommendations we have made in this letter  
60 before another tragedy occurs in our neighborhood.  
61

62  
63  
64  
65  
66  
67  
68

Sincerely,

DRAFT

1 **Transportation Planning Committee**

**Item #: 33**

2  
3 July 23, 2014  
4 Commissioner William Bratton  
5 New York City Police Department  
6 1 Police Plaza  
7 New York, NY 10038  
8

9 **RE: Traffic Enforcement on Tenth Avenue between West 30<sup>th</sup> Street / West 47<sup>th</sup> Street**

10  
11 Dear Commissioner Bratton:

12  
13 Manhattan Community Board 4 (CB4) requests increased enforcement of traffic regulations and  
14 ticketing for intercity buses using unapproved routes for bus use of residential streets, and  
15 parking in spaces not designated for bus lay-overs.

16  
17 CB4 continues to be inundated with intercity buses, particularly during rush hours and, on  
18 weekday afternoons, by buses queuing into the Port Authority. We consistently observe and have  
19 complaints from residential block associations and residents indicating that intercity buses are  
20 using almost every residential street between West 30<sup>th</sup> Street and West 47<sup>th</sup> Street to either  
21 arrive at or leave the Port Authority – far beyond the approved West 40<sup>th</sup> and West 42<sup>nd</sup> Street  
22 routes for access and West 42<sup>nd</sup> and West 41<sup>st</sup> Streets for egress. There have been several  
23 resulting pedestrian injuries and fatalities as a result, including most recently on July 14, two  
24 pedestrians being injured at the corner of West 47<sup>th</sup> Street and Tenth Avenue.

25  
26 We have also had frequent complaints of buses interfering with pedestrian street crossing by  
27 either being mid-intersection or stopped in the middle of turn for long periods of time (including  
28 when the signal is against them). Given the buses large footprint, this typically results in the  
29 buses blocking pedestrian pathways and/or visibility to cross the street. We have also hear of  
30 several occasions where buses are parked in “No Standing, except Truck Loading or Unloading”  
31 and/or residential alternate side of the street parking areas on residential streets. Residents report  
32 that calls to 311 go unheeded, even though DOT has informed us that intercity buses should only  
33 use on-street parking in designated spaces. This is particularly frustrating for Manhattan CB4  
34 since we made a concerted effort in the last few years to designate certain areas for bus lay-over  
35 parking.

36  
37 We urgently request the assistance of the Traffic Enforcement Division of the NYPD in  
38 addressing these issues. Most immediately we request:

- 39
- 40 • Increased placement of traffic officers at intersections along Tenth Avenue between West 30<sup>th</sup>  
41 and West 47<sup>th</sup> Street during peak hours, including in the afternoons (around 2pm) when the  
42 intercity buses begin queuing for entry to the Port Authority to pick up departing passengers  
43 during rush hour;
  - 44 • In addition to the much needed traffic officers to guide traffic, there is also a need for increased  
45 traffic enforcement officers to provide infractions to bus drivers who use non-permitted routes  
46 through residential streets, and block pedestrian pathways/crosswalks.

- 47
- Increased parking enforcement officers to give tickets to bus drivers parked in non-intercity bus
- 48 designated spaces and/or idling in those spaces. We also urge the police to work with DOT to
- 49 install monitoring devices within the streets that will enable the police to detect when a bus is
- 50 parked in a non-designated area.

51

52 We appreciate that there has been a slight increase in the number of traffic agents at intersections

53 during rush hour since our request earlier this year. However, these new placements are only

54 during rush hour, not during the heavy bus inflow on Tenth Avenue in the afternoon and at a

55 couple of intersections. In addition, there remain very few infractions being issued to buses,

56 despite the clear violations of both traffic and parking requirements.

57

58 Thank you for your consideration and assistance

59

60 Sincerely,

61

62

63

64 cc: Electeds

65 NYC DOT

66

67

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

---

<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**

89  
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105

- 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  
Gabriella Amabile – HPD  
Thehbia Walters – HPD  
Sara Levenson - HPD  
Clinton Housing Development Company

DRAFT

2  
3  
4  
5 **Affordable Housing Plan**  
6 **Manhattan Community District 4**

7  
8 **July 23, 2014**

9  
10 **Officers**

Christine Berthet, Chair  
Hugh Weinberg, 1st Vice Chair  
Delores Rubin, 2nd Vice Chair  
Frank Holozubiec, Secretary  
Miranda Nelson, Secretary

11 **General Membership**

Charles Bayor	Matthew Goodwin	Austin Ochoa
Gwen Billig	David Holowka	Tanya Odom
Jonathon Bokser	Lowell Kern	Maria Ortiz
Lee Compton	Eric Latzky	Brad Pascarella
Angel Cortes	Burt Lazarin	David Pincus
Katherine Consuelo-Johnson	Bruce MacAffer	Joe Restuccia
Lisa Daglian	Elizabeth Mackintosh	George Santana
Barbara S. Davis	Walter Mankoff	Paul Seres
Sarah Desmond	Jay Marcus	John Sharp
Maarten de Kadt	Morgan McLean	Khemraj Singh
Pete Diaz	Ernest Moderelli IV	Ken Stewart
Tina Difelicianantonio	Ambur Nicosia	David Solnick
John Doswell	Michael Noble	Martin Treat
Father Keith Fennessy	Jean Daniel Noland	James Wallace
Brett Firfer		David Warren
		Elizabeth Zechella

19 **Introduction**

20

21 Every change of Mayoral Administration brings new policies and priorities. As the new Mayor  
22 of New York City, Bill de Blasio has outlined the key priorities of his administration, chief  
23 amongst them being a commitment to affordable housing. To address the pressing need for  
24 affordable housing, Mayor de Blasio recently released “Housing New York: A Five-Borough,  
25 Ten-Year Plan” which sets forth a framework for the development or preservation of 200,000  
26 affordable housing units over the next ten years (the “NYC Affordable Housing Plan”). With the  
27 NYC Plan as a framework, The communities of the middle west side, Clinton/Hell’s Kitchen,  
28 Hudson Yards and Chelsea, recognize the need for mechanisms to achieve the policies set forth  
29 based on local knowledge, history, and advocacy. As such, Manhattan Community Board 4  
30 (“CB4”) has created a plan for affordable housing development and preservation in Manhattan  
31 Community District 4 (the “CD#4 Affordable Housing Plan”).

32

33 CB4 has long been a strong advocate for affordable housing at a range of incomes and believes  
34 that socioeconomic integration is the only way to keep Clinton/Hell’s Kitchen and Chelsea the  
35 thriving neighborhoods they are today. The Board knows that between the Mayor’s Report and  
36 the CD#4 Affordable Housing Plan, our communities have the tools to make the creation and  
37 preservation of thousands of affordable housing units in CD4 a reality.

38

39 **Key Elements of the CD#4 Affordable Housing Plan**

40

41 ***Increasing the Inclusionary Housing Affordable Housing Ratio to 30% (20% low, 10%  
42 moderate and middle income)***

43 Due to the major rezonings that have occurred in CD4 over the last decade, CD4 has the highest  
44 number of Inclusionary Housing units developed in New York City. Between 2010 & 2013,  
45 1947 inclusionary units were developed at 18 sites in CD #4 (Appendix to be added). CD4  
46 appreciates the impact of these affordable units in maintain a socially and economically  
47 integrated community. During the negotiations over the major west side rezonings, CB #4  
48 consistently sought a 30% affordability requirement<sup>3</sup>. In the Hudson Yards and West Chelsea  
49 rezoning’s it achieved 28% & 27% respectively. However that goal was achieved by through a  
50 combination of zoning incentives and designation of publicly owned sites for affordable housing  
51 development. The Board also requested and achieved broader income bands for affordability in  
52 Inclusionary Housing to include moderate and middle income housing. Therefore, consistent  
53 with those long held positions, the Board supports revised zoning text to require that new  
54 developments should be 30% affordable, not 20% affordable, and should accommodate  
55 individuals and families at range of incomes between 40% and 165% of Area Median Income  
56 (“AMI”).

57

58 ***Bringing remaining City-owned HPD sites to Construction Readiness***

---

<sup>3</sup> CB4/Hudson Yards Resolutions:

Hudson Yards:

[http://www.nyc.gov/html/mancb4/downloads/pdf/agendas/2004\\_03/19\\_chklu\\_hudsonyards.pdf](http://www.nyc.gov/html/mancb4/downloads/pdf/agendas/2004_03/19_chklu_hudsonyards.pdf)

West Chelsea:

[http://www.nyc.gov/html/mancb4/downloads/pdf/agendas/2004\\_08/3\\_cpp\\_west\\_chelsea\\_rezoning\\_response.pdf](http://www.nyc.gov/html/mancb4/downloads/pdf/agendas/2004_08/3_cpp_west_chelsea_rezoning_response.pdf)

Western Railyards:

[http://www.nyc.gov/html/mancb4/downloads/pdf/agendas/2009\\_07/11%20CLUZ%20WRY%20Resolution.pdf](http://www.nyc.gov/html/mancb4/downloads/pdf/agendas/2009_07/11%20CLUZ%20WRY%20Resolution.pdf)

59 Several of the City-owned sites identified in the CD#4 Affordable Housing Plan have remained  
60 in City-ownership for many years. To accelerate affordable housing production, CB 4 requests  
61 the City transfer jurisdiction of the key sites to HPD. For those sites where HPD already has  
62 jurisdiction, which have already been designated for development, CB4 asks HPD to work with  
63 tenants, not for profit developers and other stakeholders to identify specific public and private  
64 financing and begin the public review process to ready these sites for development.  
65

66 ***Identifying Publicly Owned Sites for Affordable Housing***

67 Instead of looking only at City-owned sites controlled by HPD, the CD#4 Affordable Housing  
68 Plan also looks at underutilized sites controlled by other City, State or Federal agencies or  
69 entities that could accommodate affordable housing development. Working with its government  
70 partners, the City should leverage these large and well-situated sites to create significant number  
71 of affordable apartments.  
72

73 ***Achieving the Affordable Housing Commitments in the Westside Rezoning Points of***  
74 ***Agreements (POA's)***

75 In each major Westside Rezoning, a document called "Points of Agreement" was executed  
76 between the Mayor and the City Council, detailing all matters which would result or be resolved  
77 a part of the proposed zoning action. A majority or each agreement details affordable housing  
78 production and preservation. Specific sites were also identified for such efforts. Many of these  
79 sites proceeded to development, others have been unable to move forward for various reasons.  
80 CB4 seeks to work with the Mayor's Office and HPD to identify creative approaches to achieve  
81 the commitments in the various POA's to meet and where possible exceed those affordable  
82 housing commitments  
83

84 ***Preserving Affordable Apartments with Expiring Affordability Agreements***

85  
86 ***Proposed Rezonings and Proposed Zoning Text Amendments***  
87

88 CB4 proposed rezonings and zoning text amendments to create affordable housing on a variety  
89 of both public and privately-owned sites. However, these actions are proposed within careful  
90 consideration of the surrounding existing built environment and context. CB4 seeks to balance  
91 the need for affordable housing with:  
92

- 93 • Regulations and requirements of existing Special Zoning Districts
  - 94 • Height and bulk requirements of adjacent existing and planned developments
  - 95 • Preservation of Industrial Uses
  - 96 • Siting adjacent to the riverfront
  - 97 • Competing community needs e.g. Hudson River Park Transfer of Development Rights
- 98

99 CD#4, although the home of densest zoning in the City (Hudson Yards) and the most complex  
100 (West Chelsea--Highline Transfer regulations), is willing yet again to accept more density to  
101 ensure the development of affordable housing. However, that acceptance is conditioned on the  
102 balance with the above elements. Development success on the Westside, market driven or  
103 affordable housing, requires a surgical approach to zoning.  
104

105 The careful balancing the preservation and development, and need for public infrastructure is a  
106 key element of the CD#4 Affordable Housing Plan.

107  
108 **CD#4—Affordable Housing Development**

109  
110 **Background & History**

111  
112 CB4 has been an advocate for affordable housing for decades.

113 ***Clinton Urban Renewal Area - 1969***

114 One of the first areas where the Board and the community sought to develop a significant  
115 number of affordable housing units was on the former Clinton Urban Renewal Area (“CURA”)<sup>4</sup>.  
116 In 1969, most of the properties on the six blocks bounded by West 50<sup>th</sup> to the south, West 56<sup>th</sup>  
117 Street to the north, 10<sup>th</sup> Avenue to the east and 11<sup>th</sup> Avenue to the west, were designated by the  
118 City of New York as the CURA.

119 The CURA is primarily a low- and moderate-income, multi-racial and multi-ethnic area with  
120 tenements, commercial lofts, small- to medium-sized businesses, and not-for-profit social service  
121 and cultural organizations.

- 122
- 123 • 11<sup>th</sup> Avenue and West 54<sup>th</sup> Street (Clinton Towers) – 396 units of affordable housing
  - 124 • 747 10<sup>th</sup> Ave (Hudson View Terrace) xx Units
  - 125 • 525 West 55<sup>th</sup> Street (Harborview Terrace) xx Units
  - 126 • 535 West 51<sup>st</sup> Street (Clinton Manor) xx Units
- 127

128

129 In 1982, CURA site tenants founded the Clinton Preservation Local Development Corporation  
130 (“CPLDC”). The CPLDC drafted a plan which proposed to:

- 131
- 132 • Retain existing uses;
  - 133 • Both create new mixed income housing and preserve and rehabilitate existing housing; and
  - 134 • Provide additional commercial, cultural and open space uses.
- 135

136 However, due to economic conditions and the lack of public funding, no residential development  
137 or rehabilitation had occurred for over fifteen years within the CURA.

138

139 In 1999, an umbrella group of community organizations called the CURA Coordinating  
140 Committee (CCC) joined together to develop an updated plan (“1999 Plan”) for the remaining  
141 CURA sites.<sup>5</sup> The 1999 Plan was designed to reflect the Clinton community’s and CPLDC’s  
142 long-stated planning vision for the community. The 1999 Plan continued the key vision of

---

<sup>4</sup> The CURA expired in 2009.

<sup>5</sup> The CCC was comprised of Clinton Association For A Renewed Environment, Clinton Housing Association, Clinton Housing Development Company, Clinton Planning Council, Clinton Preservation Local Development Corporation, Encore Community Services, Housing Conservation Coordinators, Inc., McManus Midtown Democratic Association, and Sacred Heart Church of Jesus/St. Benedict the Moor Church.

143 accomplishing, through a balance of housing preservation and new construction, the following  
144 core goals:

- 145
- 146 • Maintaining moderate and low income housing;
- 147 • Promoting mixed use;
- 148 • Protecting existing tenants; and
- 149 • Maximizing open space.

150  
151 Under the 1999 plan the CURA has seen the construction of:

- 152
- 153 • 501 West 52<sup>nd</sup> Street – 27 units of affordable housing;
- 154 • 555 West 52<sup>nd</sup> Street (“Clinton Parkview”) – 96 units of mixed income housing;
- 155 • 554 West 53<sup>rd</sup> Street (“Flats/Old School”) – 86 units of mixed income affordable housing and  
156 supportive housing;
- 157 • 515 West 52<sup>nd</sup> Street (“Archstone Clinton”) – 127 units of low-income housing;
- 158 • 501/505 West 51<sup>st</sup> Street – 22 units of affordable housing;
- 159 • 770 11<sup>th</sup> Avenue (“Mercedes House”) - 171 units of low-income housing 533; and
- 160 • West 52<sup>nd</sup> Street (“Park Clinton”) –96 moderate and middle income home ownership units.

161  
162 Projects currently in development on the CURA include:

- 163
- 164 • **540 West 53<sup>rd</sup> Street (“Site 7”)** – 103 units of low-, middle-, moderate-income housing;
- 165 • **525 West 52<sup>nd</sup> Street** – 81 units of low-income housing with 324 at market rate;
- 166 • **560 West 52<sup>nd</sup> Street (“Captain Post”)** – 22 units of low- and moderate-income housing; and
- 167 • **500 West 52<sup>nd</sup> Street** – 47 units of supportive housing.

### 168 169 *Special Clinton District - 1973*

170  
171 Adopted by the Board of Estimate<sup>6</sup> in 1974, the Special Clinton District (“SCD”) was one of the  
172 first Special Purpose Districts created. Notably, the SCD was the first district to feature a zoning  
173 bonus for the creation of affordable housing as well as the first to include protections against  
174 tenant harassment.

175  
176 (This section to be expanded).

### 177 178 *Major Redevelopments*

179  
180 Times Square Redevelopment 1985 – As part of the Times Square Redevelopment Project a joint  
181 agreement of the City and State provided \$25,000,000 for the renovation and acquisition of  
182 affordable housing in the Clinton/Hell’s Kitchen neighborhood (provide statistics).

183  
184 Worldwide Plaza Rezoning 1986 – The rezoning of the old Madison Square Garden site between  
185 West 49<sup>th</sup> -50<sup>th</sup> Street, 8<sup>th</sup>-9<sup>th</sup> Avenues, to build a 47 story office building and a 32 story  
186 condominium surrounded by midrise apartments and a central plaza resulted in the creation of

---

<sup>6</sup> The Board of Estimate was the precursor body to the City Council.

187 132 affordable apartments on 9<sup>th</sup> Ave between 48<sup>th</sup> and 49<sup>th</sup> Street and West 56<sup>th</sup> between 9<sup>th</sup>  
188 Street and 10<sup>th</sup> Avenue for low and moderate income households.

189  
190 34<sup>th</sup> Street Rezoning 1990 – The rezoning of west 34<sup>th</sup> Street between 8<sup>th</sup> - 9<sup>th</sup> Avenues on a site  
191 that contained multiple SRO buildings resulted in a commitment to build 80 units of off-site  
192 SRO housing.

193  
194 That commitment was later converted to funding to support HPD’s Supportive Housing  
195 Program.

196  
197

### 198 ***Major Rezonings***

199

200 In the last decade, Chelsea and Clinton/Hell’s Kitchen have been the site of several major  
201 rezonings including Western Rail Yards (“WRY”), West Chelsea (“WC”), and Hudson Yards  
202 (“HY”). With each of these rezonings as with every public action in CD4, the community and the  
203 Board have championed advocacy and negotiation, choosing to work with the City and  
204 developers to craft acceptable outcomes and public benefits. The WRY, WC, and HY rezonings  
205 each resulted in a Points of Agreement (“POA”). These POAs are written commitments between  
206 the Speaker of the City Council and the Mayoral Administration that address substantial  
207 community issues including affordable housing creation.

208

### 209 **The CD#4 Affordable Housing Plan**

210

211 The CD#4 Affordable Housing Plan details affordable housing developments across many stages  
212 of the development process.

213

- 214 • In Construction;
- 215 • Completed Public Review;
- 216 • Under Public Review;
- 217 • Pipeline Developments;
- 218 • Proposed Developments;
- 219 • Proposed Text Amendments and Zoning; and
- 220 • Expiring 421-A Units.

221

### 222 ***In Construction (6 site, 427 permanently affordable units)***

223

224 The majority of the affordable housing sites currently under construction in CD4 are either  
225 Inclusionary Housing or Cure for Harassment developments. The Inclusionary Housing Program  
226 is administered by the New York City Department of Housing Preservation and Development  
227 (“HPD”). Inclusionary Housing offers developers a density bonus (allowing additional floor area  
228 to be built) in exchange for the developer committing to rent 20% of the units in the building to  
229 low-income tenants. In this case, low-income is typically individuals and families at or below  
230 60% of Area Median Income (“AMI”). 60% of AMI is approximately \$35,280 for a single  
231 person and \$50,340 for a family of four in NYC.

232

233 Cure for Harassment is a zoning mechanism in the West Chelsea, Hudson Yards, and Clinton  
234 Special Districts that was created to address situations where tenants are harassed by owners or  
235 managers of their buildings who are trying to vacate the units. The original language was  
236 included in the Special Clinton District to deal with widespread tenant harassment that occurred  
237 as a result of land speculation when the Convention Center relocation was proposed. In instances  
238 where illegal harassment is found to have occurred, the site cannot be renovated by any current  
239 or future owner unless a set percentage of the building is renovated as permanently affordable  
240 housing.

241

242 ***Completed Public Review (6 sites, 741 permanently affordable units)***

243

244 Those developments that have completed public review are largely projects that sought a  
245 rezoning and/or a disposition of City-owned land to a private party and thus were required to  
246 undergo the Uniform Land Use Review Procedure (“ULURP”). ULURP is an approximately 7  
247 month public review process that requires a project to be reviewed and commented on by the  
248 Community Board, Borough President, City Planning Commission and City Council.

249

250 ***Under Public Review (3 sites, 46 permanently affordable units)***

251

252 Those developments that are currently under public review include projects that LIHP plans are  
253 required for Inclusionary Housing and Cure for Harassment projects. Are seeking a Board of  
254 Standards and Appeals (“BSA”) variance and projects which have submitted a Lower Income  
255 Housing Plan (“LIHP”) Application to HPD. The LIHP Application is submitted to both HPD  
256 and the Community Board for review and comment.

257

258 ***Pipeline Developments (8 sites, 809 permanently affordable units)***

259

260 Development in the HPD development pipeline are primarily City-owned sites with already  
261 designated to be developed as affordable housing. Some of these sites were used for City  
262 services or facilities that have since relocated, others are existing HPD housing sites that have  
263 not yet been renovated or redeveloped. These projects are primarily set to be awarded to a  
264 developer through a HPD-led Request for Proposals (“RFP”) process.

265

266 ***Proposed Development (7 sites, 1304 permanently affordable units)***

267

268 Proposed development sites include sites that are not yet designated for affordable housing  
269 development but are viable locations. These sites are mostly owned by the City, State or Federal  
270 government but are currently underutilized. Some of these sites would require a rezoning, but are  
271 large scale sites which would generate great numbers of affordable housing units while still  
272 accommodating the existing uses on each site.

273

274 ***Expiring 421A Units (23 sites, 1,698 expiring affordable units)***

275

276 The 421-a program allows for a time-limited exemption from real estate taxes for multi-family  
277 developments meeting certain criteria. The program was started in the early 1970’s as a way to  
278 encourage new residential development in the City. CD4 is part of the Geographic Exclusion

279 Area which means that developments in CD4 are only eligible for the tax abatement if 20% of  
280 the units are affordable to low-income households. While these tax abatements last for varying  
281 time periods based on when they were awarded, many expire after only 15 years. CB4 proposes  
282 HPD develop a new real estate tax exemption to extend those benefits to provide permanent  
283 affordability to preserve those affordable units.  
284

285 ***Proposed Rezoning and Text Amendments (5,812 permanently affordable units)***  
286

287 The rezoning and text amendments identify larger areas of CD4 that with either a rezoning or a  
288 zoning text amendment would produce affordable housing development. Over the last several  
289 years, residential development in Chelsea and Clinton/Hell’s Kitchen has been increasingly  
290 pushing west. Unlocking the land value for residential development and capturing part of that  
291 value and use in creating permanently affordable housing while still retaining the Industrial Uses  
292 that form part of the neighborhood character and are vital to the cities functioning.  
293

294 **Community Concerns**  
295

296 ***Family Sized Apartments***  
297

298 CB4 has adopted a policy establishing a preference for all new developments to include at least  
299 50% family-size units (two-bedrooms or larger). The NYC Affordable Housing Plan encourages  
300 the development of studio apartments. However CB4 believes studios and one-bedroom  
301 apartments attract transient residents and do not maintain neighborhood stability.  
302  
303  
304  
305

306 ***Equality in Apartment Distribution and Finishes***  
307

308 CB4 has a long-established policy requesting distribution of inclusionary affordable housing  
309 units on 100% of the floors of a building and requesting that all finishes be the same in all units  
310 of the building. Fully integrated affordable housing buildings of the same quality help to create  
311 strong, socially and economically integrated neighborhoods.  
312

313 ***Environmental Impacts and City Services and Infrastructure***  
314

315 Over the past several years, as development in Chelsea and Clinton/Hell’s Kitchen has  
316 accelerated, CB4 has grown increasingly concerned about the environmental impacts of new  
317 development and the consequences of environmental review. The current environmental review  
318 protocols look at each development site as a singular entity. Each analysis considers only  
319 whether the individual project meets the triggers for school seats, police and fire facilities,  
320 sanitation, etc. With so many projects happening in the same vicinity, it is critical that  
321 environmental review procedures be changed to require a comprehensive look at the impact of  
322 proposed developments.  
323

324 **(Expand and clarify)**

325 *Illegal Hotels*

326

327 With the rise of companies like Airbnb, illegal hotels have become a serious issue in CD4. With  
328 affordable housing stock already insufficient, every unit that is taken off the market is a serious  
329 loss.

330

331 (Expand and clarify)

332

333 CB4 is ready to work with the Mayor's office and HPD to achieve a substantial amount of new  
334 affordable housing development in CD4 through the goals and strategies outlined above. The  
335 following detailed community plan presents an opportunity to achieve that goal.

336

337

338 Sincerely,

339

340

341

342 Christine, JD, Lee, Betty, Barbara, Joe

343

344 Cc: Vicki Been – HPD

345 Gabriella Amabile – HPD

346 Thehbia Walters – HPD

347 DCP

348 All local elected officials

349

350 While the CD#4 Affordable Housing Plan is an iterative process and is still in draft form, it has  
351 already received extensive community feedback from presentations at:

352

353 • CB4 Housing, Health & Human Services Committee (4/24/14, 5/15/14, 6/19/14, and  
354 7/15/14)

355 • CB4 Clinton/Hell's Kitchen Land Use Committee (4/9/14, 5/21/14 and 7/9/14)

356 • CB4 Chelsea Land Use Committee (5/15/14 and 7/7/14)

357 • CB4 Full Board (7/23/14)

358

2  
3 Vicki Been  
4 Commissioner  
5 NYC Dept. of Housing Preservation and Development  
6 100 Gold Street  
7 New York, NY 10007

8  
9 Dennis Rosen  
10 Chairman  
11 New York State Liquor Authority  
12 80 S. Swan Street, 9<sup>th</sup> Floor  
13 Albany, New York 12210  
14 *(2<sup>nd</sup> letter to NYSLA with a brief cover letter attaching this letter)*

15  
16 Dear Commissioner Been:

17  
18 At its July 21, 2014 meeting of the Housing, Health and Human Services (HHHS) committee of  
19 Manhattan Community Board 4 (CB4), a number of tenants living in Clinton Towers, a 396 unit  
20 Mitchell-Lama development, attended to request assistance -- specifically with respect to a lease  
21 for a 368 person restaurant and bar which we understand is currently being considered by the  
22 Department of Housing Preservation and Development (DHPD) -- and generally to request  
23 DHPD's intervention to address larger concerns that the tenants have with the on-going building  
24 management, deteriorating maintenance conditions and the building's financial situation and to  
25 request assistance resolving the apparent disconnect that has developed between the Board,  
26 Clinton Towers Association and the tenants and Tenant Association.

27  
28 **Background**

29 Clinton Towers is a 396 unit Mitchell-Lama development located on Parcel 3 of the Clinton  
30 Urban Renewal Area (CURA), an area between 10<sup>th</sup>-11<sup>th</sup> Avenues that was condemned in 1969  
31 to develop affordable housing. Clinton Towers was constructed as "moderate-income tax-abated  
32 housing with day-care and convenience shopping" in 1975 pursuant to the approved 1972 Large  
33 Scale Residential Development Plan (LSRDP) and accompanying Special Permits and Special  
34 Permit Authorizations approved on October 11, 1972 that governed the development of Clinton  
35 Towers and the adjacent Harborview Terrace site, a NYCHA development located immediately  
36 east and a portion of the block to the north. The LSRDP also sets forth the square footage of  
37 open space designated for tenant and community uses, community facilities and commercial uses  
38 on the LSRD site. Pursuant to the 1972 LSRDP, Parcel 3 --Clinton Towers-- is located in a  
39 Residence District, with the southern area along 11<sup>th</sup> Avenue and 54<sup>th</sup> Street located in a R9  
40 district and the West 55<sup>th</sup> Street portion zoned as R8. There is no commercial overlay on the site.

41  
42 **The Commercial Lease (To HPD)/ The SLA Application (To the SLA)**

43 Currently pending before the Department of Housing Preservation and Development (DHPD) is  
44 the consideration of a lease for the two most southerly ground floor commercial spaces along  
45 11<sup>th</sup> Avenue for an eating and drinking establishment called "Senor Mickey's" that also includes  
46 outdoor seating situated in the area created by the building's setback from the avenue. The

47 application originally filed with the State Liquor Authority includes indoor seating of 74 seats for  
48 a total indoor capacity of 120 persons and an extensive outdoor seating area that runs the entire  
49 length of the 11<sup>th</sup> Avenue block front between West 54<sup>th</sup> Street and West 55<sup>th</sup> Street, and includes  
50 seating for an additional 248 patrons at 96 tables, bringing the total capacity for the entire  
51 establishment to 368 persons. The square footage of the indoor and of the outdoor commercial  
52 use is not legible on the plans presented to CB4.

53  
54 Recently CB4 determined that the proposed establishment is located in a R9 Residence District  
55 that does not have a commercial overlay and therefore does not permit commercial uses as-of-  
56 right. The type of acceptable commercial uses, and the maximum square footage and square  
57 footage distribution of such uses is instead governed by Special Permit Authorizations of the  
58 City Planning Commission. Section 78-22 (Accessory Uses in Large-Scale Residential  
59 Developments) of the Zoning Resolution clearly sets forth of the criteria by which the City  
60 Planning Commission may approve commercial uses in a Residence District in a Large Scale  
61 Residential Development Plan (LSRDP). Pursuant to Section 78-22, a large-scale residential  
62 development in a Residence District may only contain as “accessory uses”, commercial uses  
63 listed in Use Group 6A or 6F, provided that the City Planning Commission finds that such  
64 “commercial uses” meets all of the following findings (emphasis added):

65  
66 *(a) will be primarily for the use of the residents of the #large-scale residential development#*  
67 *and will provide more convenient shopping for such residents;*

68  
69 *(b) are so located as to minimize interference with #residential# or recreational areas within the*  
70 *#large-scale residential development# and to avoid creation of traffic congestion or other*  
71 *objectionable influences affecting #residences# outside the #large-scale residential*  
72 *development#;*

73  
74 The proposed establishment, Senor Mickey’s, clearly does not meet the criteria set forth above in  
75 that it is not primarily for the use of the residents, and unquestionably does not provide “more  
76 convenient shopping for such residents.” Furthermore, given the sheer size of the establishment,  
77 its intended use, proposed outdoor seating, and the considerable opposition voiced by the tenants,  
78 it will be considered a nuisance at best and will likely be viewed as wholly objectionable by  
79 most.

80  
81 Furthermore, the applicant’s proposed use of the outdoor space located in the building setback,  
82 will directly impede the tenant’s ability to enjoy areas that are set forth in the LSRD plan as  
83 “open space” for tenant and community uses. The outdoor seating area proposed by the  
84 applicant for its establishment is in fact situated entirely on land that was designated by zoning as  
85 open space for the tenants under the Large Scale Residential Development Plan for the site as it  
86 was approved in 1972. Pursuant to the LSRDP, Parcel 3 (the Clinton Towers development site)  
87 is required to maintain a total of 27,619 s.f. as open space for tenant uses. The lot area for the  
88 entirety of Parcel 3 totals 52,719 s.f., of which the Clinton Towers building footprint is situated  
89 on 25,100 s.f. of that total s.f., leaving a balance of 27,619 s.f. available – the exact amount  
90 required to fulfill the LSRDP requirement for open space on Parcel 3. The area proposed as  
91 outdoor seating is therefore actually the area designated by zoning to be required tenant open  
92 space under the LSRDP. It goes without saying that its use for a restaurant/bar will is not

93 compatible with the site's residential uses and will impede the tenants' recreational uses as  
94 originally designed.

95  
96 We therefore believe that consideration before either the Department of Housing Preservation  
97 and Development for a lease for the establishment or the NYS State Liquor Authority for a liquor  
98 license is premature as the approval as to acceptable commercial use is solely subject to the  
99 determination by the City Planning Commission and CB4 further strongly believes that the  
100 proposed use as an eating and drinking establishment does not meet the criteria set forth in the  
101 Special Permit Authorization and Section 78-22 of the zoning resolution for approval.

102  
103 **Additional considerations**

104 In addition, the Tenant Association asks that DHPD consider the following when reviewing any  
105 current or future leases for compatible commercial use under Section 78-22 of the Zoning  
106 Resolution:

107  
108 1) That DHPD fully investigate the relationship between any proposed lessee and the Board of  
109 Directors of Clinton Towers to ensure that there is no conflict of interest or a financial interest by  
110 any Clinton Towers Association board member. It is our understanding that DHPD is concerned  
111 that there is a financial interest between a Clinton Towers Board member(s) and the current  
112 proposed lessee. CB4 wants to ensure any potential lessee is fully vetted as to its financial  
113 relationships to avoid any conflict of interest.

114  
115 2) That a fair market value be commanded for the commercial uses including any s.f. of outdoor  
116 uses if approved by CPC, so that the market value of the commercial rentals be used to offset  
117 ongoing building expenses and needed tenant improvements.

118  
119  
120 **On-going Management, Financial and Maintenance Concerns**

121 Finally, CB4 is requesting the assistance and intervention of the Department of Housing  
122 Preservation and Development (DHPD) with respect to its regulatory role in the ongoing  
123 management for this Mitchell-Lama development.

124  
125 Clinton Towers as a 396 unit building is an enormously important resource in our community for  
126 desperately needed low- and moderate-income housing. As a community we have a vested  
127 interest in ensuring that it is properly maintained and financially viable.

128  
129 The tenants attending the HHHS meeting on July 21<sup>st</sup>, raised a number of detailed and serious  
130 concerns with respect to the management of the property. The concerns raised ranged from lack  
131 of repairs in tenant units, to prolonged disruption of elevators, disregard for tenant security to  
132 allegations of nepotism in hiring practices of management and building personnel and financial  
133 concerns. The NYC Building Information System shows long-standing elevator and mold  
134 violations. According to the tenants, requests for apartment repairs like cabinet and floors are not  
135 honored nor tracked, the community room is not accessible to the tenants and until recently the  
136 playground was closed. The management history in this building is long and troubled, including  
137 the actual removal of one former manager and director of security in handcuffs. The  
138 communication between tenants, building management and the board of directors is non-existent.

139 Outdoor use and community room access: Use of outdoor courtyard and community room; The  
140 LSRDP clearly sets forth the 27,619 s. f of open space that is designated for tenant uses. The  
141 interior courtyard, playground and community room has long been closed to the tenants. We ask  
142 that you work with the building management and tenants to ensure that these zoning designated  
143 open areas are available during reasonable hours for tenant use.  
144

145 We are requesting DHPD's direct assistance and intervention to ensure that this valuable asset in  
146 our community remains a viable resource for low- and moderate-income residents in the years to  
147 come.  
148

149 Sincerely,

150  
151 Christine, Joe and Barbara

152  
153 cc: electeds  
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1 **Quality of Life Committee**

Item #: 41 REVISED

2  
3 July 23, 2014

4  
5 Rev. Kurt H. Dunkle  
6 Dean and President,  
7 The General Theological Seminary  
8 440 West 21<sup>st</sup> Street  
9 New York, NY 10011

10  
11 Dear Rev. Dunkle,

12  
13 Manhattan Community Board 4 (MCB4) appreciates your appearances before its  
14 Quality of Life Committee. This letter serves as a follow-up to our discussion during  
15 the July 14th, 2014 meeting regarding the urgency for The General Theological  
16 Seminary, located between West 20th and 21st Street and Ninth and Tenth Avenue, to  
17 ensure that the Highline Hotel, which sits upon its grounds and generates funds to  
18 benefit the seminary, conform New York City Noise Control Codes.

19  
20 The excessive noise currently in question emanates from the Refectory, which was  
21 traditionally used as a dining hall and at times doubled as a gymnasium for the  
22 seminary. The 3,300 square foot room has a coffered barrel vaulted ceiling and leaded  
23 glass windows. Today, according to the Highline Hotel's website, the Refectory is its  
24 premier event space with a capacity of up to 275 people: "This exquisite space is  
25 perfect for wedding receptions, galas, meetings, exhibitions or fashion shows." Due  
26 to the dissimilar use of the space, noise issues centering on music played during the  
27 Highline Hotel's events are now affecting long-time residents of a formerly peaceful  
28 residential block of Chelsea.

29  
30 In response to one of MCB4's prior recommendations, you hired acoustical engineer  
31 Alan Fierstein to evaluate what can be done to ameliorate the problem. At the July  
32 14th meeting, Mr. Fierstein stated that he had conducted noise samplings in five  
33 apartments in the vicinity of the Refectory. His tests verified that the measured noise  
34 was significantly higher than the permissible level, which is 45db as per the New  
35 York City noise code. In fact, readings of the levels reached during the three-hour  
36 testing period were between 60-65db.

37  
38 It should be noted that in the case of commercial music, the DEP Code stipulates that  
39 the maximum level of music permissible inside an affected residence may be deemed  
40 excessive if any one of eight octave bands is exceeded. In practice, this means that for  
41 someone overwhelmed by thumping bass, a 45 dB(A) sound averaging measurement

42 may be within legal limits (because the high frequency sounds are not present and the  
43 average reading is skewed downward), but when separate octave music readings are  
44 taken, the low frequency bass is shown to exceed lawful limits.

45

46 It is fairly well known that excessive noise is hazardous to one's physical and mental  
47 health. The body reacts to unwelcome noise as it does to other intrusive stressful  
48 stimuli: elevated blood pressure, excessive secretion of hormones, changes in the  
49 rhythm of the heart. (There is a growing body of literature that suggests that  
50 physiological responses may lead to psychological impairment and/or bodily damage  
51 in children). In addition, the frustration of not being able to limit noise compounds  
52 the body's physiological responses. Thankfully, noise abatement technologies  
53 employed by acoustical experts can indeed significantly lower decibel levels to the  
54 legal limits.

55

56 Mr. Fierstein indicated that solutions were somewhat limited due to the building's  
57 landmark status. Notwithstanding the fact that residents indicated that music was  
58 loudest during the winter months, the current situation is exacerbated by the need for  
59 the hotel to keep windows open as a result of air conditioning problems. While you  
60 noted that there are currently no events scheduled for the remainder of July and the  
61 month of August, Mr. Fierstein promised to create a list of proposed solutions that  
62 take these factors into account. He noted that his report should be ready by the end of  
63 July 2014.

64

65 We appreciate that you clarified that you are ultimately responsible to ensure that  
66 corrective measures are taken immediately upon receipt of the report so that the level  
67 of noise conforms to the noise code, expeditiously. We understand your desire to try  
68 the least expensive method first and we appreciate your promise to try successive  
69 methods, without delay, until a final solution has been found.

70

71 During the meeting, residents also complained that marijuana was being smoked in  
72 the street by personnel associated with event-related delivery trucks. We  
73 acknowledge your commitment to ensure all laws are respected and adhered to by  
74 those doing business with The Highline Hotel and the seminary. We also appreciate  
75 that Tyler Morse, CEO of MCR Development LLC, which owns the Highline Hotel,  
76 has promised to be directly accessible via his cellphone during events so that residents  
77 can immediately reach him if the need arises.

78

79 We ask that you send us a copy of the acoustical engineer's report as soon as it is  
80 available, an estimated timeline for noise abatement implementation efforts and  
81 contingencies, and attendance at MCB4's September 2014 Quality of Life committee  
82 meeting to provide a status update.

83 Thank you for working with the community to finally resolve this quality of life issue.

84

85 Sincerely,

86

87

88 Tina DiFeliciantonio

89 Co-Chair, MCB4

90 Quality of Life Committee

91

92 Cc: Tyler Morse, CEO of MCR Development LLC

93 Cc: Councilman Corey Johnson

94 Cc: Department of Environmental Protection

95 Cc: 400 Block Association

DRAFT

1 **Quality of Life Committee**

Item #: 42

2  
3 July 23, 2014

4  
5 Mr. Besim Kukaj  
6 BKUK Corporation  
7 803 - 9th Avenue  
8 New York, NY 10019  
9

10 **RE: Limón Jungle – liquor license stipulations**

11 Dear Mr. Kukaj,

12  
13  
14 This letter serves as a follow-up to Manhattan Community Board 4's (MCB4) Quality of Life  
15 Committee meeting that took place on July 14<sup>th</sup>, 2014, to which you were invited to respond to  
16 numerous community complaints regarding the operation of your Mexican restaurant, Limón  
17 Jungle.  
18

19 As the sole owner of Limón Jungle and its parent company—BKUK Corporation—it is  
20 understood that you operate a number of other restaurants in Manhattan, including La Carbonara,  
21 Intermezzo, Maria Pia, Arte Café, Gallo Nero, Cara Mia, Bocca di Bacco and Il Bastardo, which  
22 has also sparked community upset and noise complaints in the past. Given your level of  
23 experience, it is mystifying as to why you decided to go on vacation just 24 hours prior to the  
24 Quality of Life meeting, and instead chose to send Nazib Malik, the restaurant's manager, who  
25 had insufficient time to prepare to address the following issues:  
26

27 **Obstructions:** Located on 9<sup>th</sup> Avenue between 53<sup>rd</sup> and 54<sup>th</sup>, Limón Jungle is situated on a busy  
28 Hells Kitchen block that is saturated with at least 19 other “on premises” liquor-serving  
29 establishments that are within 500 feet of your restaurant. Despite the fact that the sidewalks are  
30 highly congested and that there is protracted street construction, Limón Jungle has consistently  
31 violated New York City codes and created safety hazards by cluttering the crowded sidewalk  
32 with menu boards, plants and promotional placards, and running electrical cords across the  
33 doorway entrance. We ask that you comply with the law and keep your frontage free and clear  
34 of any potential obstructions and safety hazards.  
35

36 **Noise:** Despite the fact that MCB4 twice *declined* to support your request for backyard dining,  
37 you nonetheless decided to extend the food service into the rear yard, which is very disrupting to  
38 the many residents who face the courtyard. We ask that you stop this practice to let you  
39 neighbors sleep and enjoy their properties in the quiet. We are in the process of verifying if the  
40 zoning permits the commercial use of the backyard  
41

42 Residents have also filed complaints about the noise emanating from the restaurant. As per your  
43 Liquor License Stipulations Agreement application, please keep front windows and entrance  
44 doors closed *whenever* there is amplified music. If not, by “11PM Friday and Saturday and  
45 10PM on all other days.”  
46

47 It has also come to our attention that you are letting patrons and staff linger past the permitted  
48 hours of operation. Please make sure all patrons have *vacated* the premises no later than  
49 midnight daily. The staff is to leave immediately after completing their work and not use the  
50 backyard. We strongly recommend that you institute consistent staff and security training.

51  
52 We ask again that you personally appear along with your managers at MCB4's September 2014  
53 Quality of Life committee meeting to share the changes you have made and provide a status  
54 update. Until then, we trust you will take these recommendations seriously, address these issues  
55 expeditiously and work more diligently to be a good neighbor.

56  
57 Thank you.

58  
59 Sincerely,

60  
61  
62 Tina DiFeliciano  
63 Co-Chair, MCB4  
64 Quality of Life Committee

65  
66 Cc: Nazib Malik, Manager, Limón Jungle

67  
68

69 **Quality of Life Committee**

Item #: 43

70  
71 July 23<sup>th</sup>, 2014

72  
73 Ms. Fatmire Perezaj  
74 SL Green Management LLC  
75 420 Lexington Avenue, #1800  
76 New York, NY 10170

77  
78 Mr. Steven Kaufman  
79 Kaufman Organization  
80 450 Seventh Avenue  
81 New York, NY 10123

82  
83 Dear Ms. Perezaj and Mr. Kaufman,

84  
85 This letter serves as a follow-up to complaints brought before Manhattan Community Board 4  
86 during its July 14<sup>th</sup>, 2014 Quality of Life Committee meeting.

87  
88 It is our understanding that Ms. Perezaj is managing agent of a property located at 641 6th  
89 Avenue and that Mr. Kaufman is the managing agent of a property located at 110 West 20th  
90 Street, both of which are located on an increasingly residential block in Chelsea.

91  
92 We write to you on behalf of community complainants with the hope that a solution can be  
93 found, expediently, to resolve an ongoing noise nuisance stemming from IESI NY Corporation's  
94 carting of multiple metal garbage dumpsters that place every weeknight between the hours of  
95 11:30 PM-4 AM, sometimes more than once per night.

96  
97 As you have been repeatedly informed by nearby residents, the rattling, slamming and engine  
98 noise created during the removal process creates so much noise that New York City noise codes  
99 are clearly and consistently exceeded. (The DEP and residents, have measured sound up to 90  
100 decibels. from just the sidewalk. The noise code's limit is 80 decibels measured from 30 feet  
101 away.)

102  
103 Residents have a record of over forty 311 noise complaints going back to late 2012. The DEP  
104 issued IESI at least one violation after monitoring the noise and yet, nothing has been enacted to  
105 ameliorate the problem.

106  
107 It is our understanding that IESI's Mr. Larry Colangelo, who handles your accounts, noted that  
108 the earliest possible pickup would be approximately 10:30 PM, based on the shift starting at 9:30  
109 PM from the Bronx. Thus, we request that you work with Mr. Colangelo to arrange for IESI to  
110 make yours' the first stop on its route, or, too consider working with another carrier that can  
111 accommodate an earlier pickup time.

112  
113 As you may be aware, there are many waste collection trucks serving West 20th Street, both  
114 private and municipal. Only IESI's have engendered this many complaints due its use of metal

115 dumpsters, in addition to the time of the pick-up. We therefore request that you consider  
116 replacing the dumpster system with something no louder than the garbage bag collection system  
117 used by the city.

118  
119 These are but two suggestions, that if implemented together, may result in a permanent solution  
120 to this ongoing problem. However, as experts in your field, we expect that you will research all  
121 available options to find one that accommodates your and your community's needs.

122  
123 We ask that you both appear at MCB4's September 2014 Quality of Life Committee meeting to  
124 provide a status update on your efforts to permanently resolve this issue.

125  
126 Thank you.

127  
128 Sincerely,

129  
130  
131 Tina DiFeliciano  
132 Co-Chair, MCB4  
133 Quality of Life Committee

134  
135 Cc: Larry Colangelo, Account Manager, IESI  
136 Cc: Detective Ray Dorrian, 13th Precinct Community Affairs

137  
138

2  
3 July 23, 2014

4  
5 Vicki Been  
6 Commissioner  
7 NYC Dept. of Housing Preservation & Development  
8 100 Gold Street  
9 New York, NY 10038

10  
11 **Re: Harborview Terrace**  
12 **Hudson Yards Points of Agreement**  
13 **Proposed Permanent Affordable Housing RFP**  
14

15 Dear Commissioner Been:

16  
17 At the June 19, 2014 meeting of Manhattan Community Board 4's (CB4) Housing, Health and  
18 Human Services (HH&HS) Committee, a presentation was made detailing the community's  
19 progress made on reaching consensus on a planned Request for Proposals (RFP) for a  
20 permanently affordable housing development on the Harborview Terrace site at West 56<sup>th</sup> Street,  
21 just east of 11<sup>th</sup> Avenue. This RFP is part of the affordable housing commitments made by the  
22 Mayor to City Council and finalized in the Hudson Yards Points of Agreement (HY POA) in  
23 2005 (attached). CB4 has been a strong advocate for this project over the years and is pleased  
24 that the NYC Department of Housing Preservation and Development (HPD) and the NYC  
25 Housing Authority (NYCHA) are engaging with both CB4 and the Harborview Tenant  
26 Association to draft an RFP that is responsive to the range of concerns of all sectors of the  
27 community.  
28

29 **Background**

30  
31 The project site is approximately 34,000 square feet and is currently used as a 37 car NYCHA  
32 tenant parking lot and basketball courts. The site is located through block between West 55<sup>th</sup> and  
33 West 56<sup>th</sup> Streets, between 10<sup>th</sup> and 11<sup>th</sup> Avenues, on the northern block of Harborview Terrace  
34 and is part of the former Clinton Urban Renewal Area (CURA) that was condemned for  
35 affordable housing in 1969. The site is part of a 1974 Large Scale Residential Development  
36 (LSRD) that encompasses both the north and south blocks of Harborview Terrace.  
37

38 In 2005, Council and the Administration agreed to develop affordable housing on the NYCHA  
39 Harborview Site and committed that the site would generate 155 affordable units, including 63  
40 low-income units (up to 60% of AMI), 46 moderate income units (up to 135% AMI) and 46  
41 middle income units (up to 165% of AMI). The HY POA stated that the new building would be  
42 no taller than the existing Harborview building. The HY POA also noted that all of the units  
43 would be permanently affordable and NYCHA and HPD would lead the development of the site.  
44 An RFP was issued according to these parameters in 2007 and Atlantic Development Group was  
45 selected as the developer. The Uniform Land Use Review Procedure (ULURP) application for  
46 the project was certified in May 2008 and was approved by Council in November 2008. CB4 did

47 not support the original project for several reasons (see attached letter dated July 11, 2008)  
48 including:

- 49
- 50 • The inclusion of market-rate units that were never agreed to in the HY POA.
- 51 • The creation of a floor area bonus through the Inclusionary Housing Program.
- 52 • The project only generated 72 moderate and middle income units, less than the 92  
53 moderate and middle units committed to in the HY POA.
- 54 • The majority of the proposed units were studios and one bedroom apartments that did not  
55 meet the community's need for family-size units.
- 56 • The project included a concentration of senior housing. CB4 believes that senior housing  
57 should be integrated throughout the community.
- 58

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

60

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

### 67 **Community Planning Process**

68

69

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

78

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

### 86 ***Public Process***

- 87
- 88
- 89 • HPD and NYCHA must continue to engage with the Harborview Working Group and the  
90 broader community at each step along the way, as parameters are developed, through  
91 ULURP and construction.
- 92

93 **Site Planning**

- 94
- 95 • Design guidelines
    - 96 ○ Contextual design – Design must be developed contextually to allow for
    - 97 integration of the new building into the existing Harborview campus and
    - 98 surrounding buildings.
    - 99 ○ Distance between buildings – The site plan must provide for adequate light and
    - 100 air for the existing Harborview buildings. The new building should be L-shaped,
    - 101 mirroring the existing family building.
    - 102 ○ Height and bulk – The height of the new building should be limited to provide
    - 103 light and air to existing buildings and spaces and to work within the context of the
    - 104 site. However, the Harborview Working Group favors a bulkier, set back and
    - 105 stepped down building with height capped at 25 stories and the massing pushed to
    - 106 the west. This increase in bulk allows for an increase in the number of affordable
    - 107 units in the new building from 155 to 230 units.
  - 108
  - 109 • Integrating existing NYCHA facilities
    - 110 ○ NYCHA tenant parking – NYCHA must confirm the number of NYCHA tenant
    - 111 parking permits being impacted. The RFP must provide for consolidation of all
    - 112 tenant and NYCHA staff parking for the entire Harborview campus into an
    - 113 enclosed garage as part of the new building.
    - 114 ○ NYCHA dumpsters and bulk recycling – Any relocation of existing NYCHA
    - 115 dumpsters must be integrated into the site plan. The Harborview Working Group
    - 116 recommends integration of the dumpsters and bulk recycling into the proposed
    - 117 enclosed garage in the new building. The garbage should be accessed from one
    - 118 street and the parking from a different street, but both access points should be as
    - 119 far west as is feasible.
  - 120

121 **Building Design and Program**

- 122
- 123 • Market rate units – The RFP must not allow for any market rate units to be built on the
  - 124 site.
  - 125 • Maximizing units – The RFP should allow for the maximum amount of permanently
  - 126 affordable units. Units must be distributed as follows according to the HY POA:
    - 127 ○ 63 low-income units (up to 60% of AMI);
    - 128 ○ 46 moderate income units (up to 135% AMI); and
    - 129 ○ 46 middle income units (up to 165% of AMI).
    - 130 ○ The additional 75 affordable units created by the stepped building design should
    - 131 be distributed at 50%, 60%, 80%, 125% and 165% of AMI.
  - 132 • Unit sizes – The RFP will require at least 50% two-bedroom units and should encourage
  - 133 some three-bedroom units.
  - 134 • Lottery preferences:
    - 135 ○ The Community Preference for units during the lottery will be 50%.
    - 136 ○ The NYCHA preference should be increased from 20 to 25% of the units.
    - 137 ○ The Community District 4 NYCHA preference should be expanded to include
    - 138 tenants of the Amsterdam Houses.

- 139 • Green building – The RFP should mandate, at minimum, compliance with the Enterprise  
140 Green Communities program.
- 141 • Pets – The RFP should make clear that the project must allow pets.
- 142 • Smoke-free preference – The RFP should stipulate that project be smoke-free.

143

#### 144 *Harborview Campus Open Space Improvements*

145

- 146 • Master plan for open space - The Harborview Working Group is now working with the  
147 Harborview Tenant Association to develop a master plan to develop all of the  
148 Harborview open spaces and expects that planning process to be complete by late  
149 September 2014. The master plan includes improved open space design for specific age  
150 demographics including:
  - 151 ○ Adults and Elderly (seating, easy access);
  - 152 ○ Teenagers (e.g. basketball, skateboarding and rollerblading surfaces);
  - 153 ○ School-age children (e.g. playground with slides, water sprinkler, and other  
154 equipment) and
  - 155 ○ Toddlers (adjacent to school age playground, path for tricycle riding).
- 156 • Open space improvements – The RFP should provide parameters for improvements to the  
157 existing open spaces on the Harborview campus all of which are to be done by the  
158 developer that is awarded the RFP.
- 159 • Existing trees - Approximately 11 existing trees may be impacted by the new  
160 development. The RFP should provide for one-for-one replacement of trees on the  
161 Harborview campus.
- 162 • Playground – The Harborview Tenants Association has agreed to relocate and/or  
163 reconfigure the playground if the new space is equivalent or larger in size.
- 164 • Additional funding - Manhattan Borough President Brewer and Councilmember  
165 Rosenthal have been asked to provide additional funding for open space redevelopment  
166 and both have indicated they would consider such a request.

167

#### 168 *Community Facility Space*

169

- 170 • Existing Harborview Terrace community room – The existing community room space at  
171 Harborview has been made inaccessible to residents. The RFP should require plans for a  
172 renovated and accessible to the Harborview Tenant Association for programming and to  
173 the broader community.
- 174 • Community room in new building - The RFP should also require construction of a new  
175 community space for Harborview residents and the larger community in the new  
176 building.

#### 177 *NYCHA Revenue*

178

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

183

184 CB4 looks forward to engaging with all of the stakeholders to create an RFP that meets the  
185 requirements of the HY POA and benefits both the existing Harborview tenants and the broader  
186 community. CB4 requests to meet with HPD's Department of Planning to discuss the next steps  
187 in this community planning process for the Harborview RFP.  
188

189

190 Sincerely,

191

192

193

194 JD, Barbara, Joe, Christine

195

196 Cc: Gabriella Amabile – HPD

197 Thehbia Walters – HPD

198 NYCHA

199 Maria Guzmond – President of Harborview TA

200 All local elected officials  
201

202

203

204 Attachments:

205 ■ Hudson Yards Points of Agreement

206 ■ Manhattan Community Board 4 2008 Letter re Atlantic Development Group, Harborview  
Terrace proposal

207 ■ 2013 Letter re RFP for NYCHA Harborview Site  
208

209

210

211

212

2  
3 July 23, 2014

4  
5 Ray LaHood & Jane Garvey  
6 Co-Chairs  
7 MTA Transportation Reinvention Commission  
8 2 Broadway  
9 New York, NY 10004

10  
11 **Re: MTA Transportation Reinvention Commission - Public Comments**

12  
13 Dear Mr. Hood & Ms. Garvey:

14  
15 Manhattan Community Board 4 (CB4) applauds the MTA for creating a MTA Transportation  
16 Reinvention Commission focused on anticipating the challenges and opportunities facing the  
17 region's transportation network in the coming decades. Growing ridership, changing  
18 demographics, climate change and emerging technologies mandate a rapidly changing mass  
19 transit system and we share your belief that it best dealt with in a proactive fashion.

20 As part of the Commission's Public Comment initiative, Manhattan CB4 would like the  
21 Reinvention Commission to consider the following:

- 22 • **Regional Approach:** It is crucial to create better transportation coordination and  
23 integration across jurisdictional lines and to view transit needs in a regional context.

24  
25 The MTA currently serves two (2) Connecticut and twelve (12) NY counties, including  
26 Long Island, New York City, parts of the lower Hudson Valley and parts of Coastal  
27 Connecticut. However, the economic and commuter region includes a far larger area,  
28 including several New Jersey counties and encourage the MTA to overcome  
29 jurisdictional challenges toward create a more efficient system.

30  
31 Specifically, Manhattan CB4 would like the MTA to move forward with advanced  
32 planning on the extension of the No 7 train to Secaucus NJ, as recommended by the  
33 multiagency Feasibility Analysis Final Report published in April 2013. The project  
34 would has many benefits, including improving Trans-Hudson Mobility and a reduction of  
35 bus traffic entering Manhattan. It also could enables for a more integrated regional  
36 system – that more conveniently links NJT, LIRR, and Metro-North.

- 37  
38 • **Uniform Regional Transit payment systems:** In the MTA's search for a replacement of  
39 the MetroCard the MTA should embrace a fare card that can be used on commuter rail  
40 lines, ferries, and other emerging transportation modes in addition to existing PATH,  
41 MTA Bus and Subway, Airtran, and other services. By creating uniform payment across  
42 various modes of transportation the MTA can increase usage on all. A universal fare card  
43 combined with increasing the frequency of the commuter rail traffic within NYC would  
44 help the MTA leverage existing commuter rail lines where additional subway and light  
45 rail construction are not financially feasible. The MTA could significantly increase public  
46 transportation options with minimal capital construction costs.

- 47
- 48
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- 52
- 53
- 54
- **Solving the crosstown divide:** The divide between the east side and west side of Manhattan continues to grow as the borough's population, economic activity and traffic increase. Put simply, it will typically take longer to get across down (in midtown) than it does to go to another borough. We call on the MTA to think creatively and aggressively on how to solve this problem. In addition to existing Bus and SBS routes the MTA should examine services with dedicated lanes, either full BRT (Bus-Rapid Transit) Lines or Lightrail service.
  - **Train to the Plane:** In order for New York to maintain its status as a world-class city, La Guardia airport needs a direct rail connection.
  - **Increased use of GPS and modern technology:** Manhattan CB4 appreciates the MTA's innovation and advancement in using GPS technology to create MTA Bustime. Allowing riders and the general public to ascertain where a specific bus is and when it will arrive is now expected of any modern public transportation system.
    - **Using GPS for Quality Control:** GPS data should be used to see which MTA buses are not meeting their necessary and advertised schedule. This information would help the MTA improve the quality of its service.

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For example, M42 is scheduled to run approx. every 7 min from 7am-7pm on Weekdays. However, waits of 20-30 minutes for a bus are not uncommon. Thus a mechanism whereby the MTA reviews the GPS data to recognize when MTA buses do not meet their schedules would allow it to better improve service on said routes.

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- **Defining Route Segments:** Many bus routes throughout the city have segments with significantly higher ridership compared to the ridership of the route as a whole. To better serve the areas that have higher ridership and demand, without wasting MTA resources; the MTA should explore creating additional shorter bus routes at peak hours along denser segments of longer routes.

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For example, the M11 from Greenwich Village to Riverbank State Park might benefit from more frequent service on the southern half of its route.

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- **Expand MTA services and Revenue:** In exploring new sources of revenue for the MTA, it should consider new and alternative methods. For example, it could compete with existing tourist buses. In several other world cities public transportation companies operate services for tourists. The profits from these tourist services are used to help subsidize the public transportation agencies general services. In addition, MTA operation of these lines would enable easier regulation and a more efficient and less intrusive travel route path.

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Sincerely,

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CC: Tom Prendergast

2  
3 July XX, 2014

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5 Catholic Charities  
6 The Archdiocese of New York  
7 1011 First Avenue 11<sup>th</sup> Floor  
8 New York, NY 10022  
9

10 **Re: St. Joseph's Immigrant Home, 425 West 44<sup>th</sup> Street**

11  
12 Dear \_\_\_\_\_ :

13  
14  
15 On July 21, 2014 members of the Housing, Health and Human Services Committee of the  
16 Community Board 4 heard from tenants, advocates, attorneys and elected officials regarding the  
17 current situation at the St. Joseph's residence in Hell's Kitchen. The Board is distressed that the  
18 plan to increase the rent by \$150 for nearly all of the tenants—a nearly 50% increase for some—  
19 is going forward. Many of the residents of St. Joseph's have lived in the building for several  
20 decades. They are devoted to the simple, spiritual lifestyle that the Daughters of Mary of the  
21 Immaculate Conception Convent espouse. The tenants are hard-working immigrants from all  
22 over the world who have been fortunate to find a unique, affordable living situation in a city  
23 where affordable housing is hard for almost everyone to obtain. Raising the rent to an  
24 unsustainable cost is putting many of these tenants at risk of eviction and continuous economic  
25 hardship. The threat of being sued in Housing Court is a grave cause of concern as tenant  
26 "black-listing" may hinder the abilities of the tenants to find other housing. We also wish to  
27 emphasize that finding comparable alternative affordable housing is simply not realistic for many  
28 tenants.

29  
30 The numerous advocates, attorneys and elected officials involved with this building have reached  
31 out repeatedly to Nancy Clifford, the administrator of the residence, to no avail. Ms. Clifford  
32 and Mother Mary Jennifer Carroll, the managing agent of St. Joseph's, insist that their hands are  
33 tied and that there are simply no alternatives to this draconian rent increase. Despite our attempts  
34 to present other sources of cost savings and offers to facilitate meetings with local affordable  
35 housing developers, we have only been met with resistance. This callous disregard of the tenants  
36 is a blatant rejection of the mission of Catholic Charities, to "uphold the dignity of each person  
37 as made in the image of God by serving the basic needs of the poor, troubled, frail and oppressed  
38 of all religions."

39  
40 The members of Community Board 4—which includes both affordable housing developers and  
41 members of the clergy among others—are eager to work with all concerned parties to reach a  
42 compromise that helps keep the building open and affordable for low-income women and cuts  
43 costs going forward. We would like to meet with you and discuss ways that the building owners  
44 can defray costs through grant and low cost loan programs among others. Joe Restuccia and  
45 Barbara Davis, the co-chairs of the Board's Housing, Health and Human Services Committee,

46 have developed many affordable housing developments in the Hell's Kitchen community and  
47 would be happy to offer their expertise and knowledge.

48  
49 The tenants know that they are very fortunate to have found such a unique housing situation.  
50 They understand that costs have risen and are willing to pay incremental increases. However,  
51 the dramatic increase of 50% is difficult or impossible for many tenants to afford, and we believe  
52 there must be a way to implement this increase in such a way that would not displace or cause  
53 hardship for so many.

54 Please let us know what we can do. Thank you again for your assistance and patience.

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56 Sincerely,

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58 Christine, Joe and Barbara

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60 Cc: Catholic Charities, Nancy Clifford, electeds

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DRAFT

1 **Transportation Planning Committee**

**Item #: 49**

2  
3 July 23, 2014

4  
5 Margaret Forgione  
6 NYC Department of Transportation  
7 59 Maiden Lane, 37th Floor  
8 New York, NY 10038  
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10  
11 **Re: Buses' Illegal Use of Residential Streets**

12  
13 Manhattan Community Board 4 (CB4) requests the assistance of your agencies in reducing the  
14 dangerous interaction of buses and pedestrian in our neighborhood of Hell's kitchen. This  
15 request is made more urgent after the tragic collision which took place on Monday July 14, 2014,  
16 during which 2 pedestrians were struck by a Trans-Bridge Line bus at the intersection 47th street  
17 and 10th Avenue  
18

19 There has been a substantial increase in the number of commuter buses using the Lincoln Tunnel  
20 in the last several years. Many empty buses, typically entering from either the Lincoln Tunnel or  
21 parking spaces further south or west, enter the Port Authority between 4pm and 6pm each  
22 weekday to load passengers and then depart. Traffic regulations require empty buses to use  
23 "Through" or "Local Truck Routes" to arrive at the Port Authority. These routes include 8th, 9th,  
24 10th and 11th Avenues; West 40th Street between the Tunnel Entrance and 11th Avenue; and the  
25 entire length of West 42nd Street. Unfortunately, drivers of empty buses are illegally using other  
26 residential streets within Community District 4.

27 It has also come to our attention that drivers are unaware that they can only park at dedicated bus  
28 parking spaces and not at curbs with a simple commercial parking regulation.  
29

30 CB4 recommends that the following steps be taken to direct the buses to the proper routes and  
31 parking spaces, in addition to the steps described in our letter on safety improvements dated  
32 (July 2013):  
33

- 34 • Install a sign on West 44th Street indicating no bus parking and a sign reminding drivers  
35 of fines for Idling.
- 36 • Install signs clarifying that buses should not park in areas designated for commercial  
37 parking in the West 40's between 9<sup>th</sup> and 10<sup>th</sup> Avenues.  
38  
39

40 This community is overwhelmed with traffic and buses are a large contributor to the problem.  
41 We appreciate your help in containing their presence to routes and parking spaces that maintains  
42 a safe separation from residents and pedestrians.  
43

44 Sincerely,  
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