

Amanda M. Burden, A.I.C.P.  
Director  
Department of City Planning  
22 Reade Street  
New York, NY 10007

**Re: 306 West 44<sup>th</sup> Street – Harwood Properties**

Dear Director Burden:

306 West 44, LLC (aka Harwood Properties) appeared at the December 11, 2002 meeting of the Clinton Land Use and Zoning Committee of Manhattan Community Board No. 4 concerning Richard Bass's letter to you dated November 21, 2002. That letter set forth three zoning options to facilitate the redevelopment of the southwest corner of Eighth Avenue and West 44<sup>th</sup> Street.

Two of the zoning options have been the subject of prior letters of support from this Board – the “as-of-right development option,” which we supported in our letters to the City Planning Commission dated November 15, 2001 and to the Department of Housing Preservation and Development dated March 26, 2002, and “Zoning Text Amendment – Option #2,” which was the subject of our letter to you dated July \_\_, 2002. We write to confirm our continued support for both of those options.

The third option, which we had not previously considered, is a zoning text amendment to reduce the minimum zoning lot tower coverage from 33% to approximately 25%. That option would produce a tower approximately 40 stories tall. We vehemently oppose this option, because the resulting tower would be completely inconsistent with the existing scale of the western side of Eighth Avenue north of 42<sup>nd</sup> Street and at odds with the goals of the Special Clinton District and the positions previously taken by this Board in connection with the rezoning of Eighth Avenue in 1998.

Neither of the other two options is ideal for all parties. The developer is concerned that the area's high building costs and declining rents make the “as-of-right” option financially imprudent; they want to build a bigger building. We understand that DCP is concerned that Option #2 (which would eliminate the 25' transition strip between the Special Clinton District's Preservation and Perimeter Areas on the 2-1/2 blocks between 45<sup>th</sup> Street and 100' north of 42<sup>nd</sup> Street) would result in an unacceptably broad slab of building along 44<sup>th</sup> Street. We share that concern, and weighed it carefully in developing our position last July. We eventually concluded,

for the reasons stated in our July letter, that the advantages of allowing the project to move forward outweighed the disadvantages of the proposed text amendment.

The developer has advised us that it is carefully reconsidering the feasibility of the "as-of-right" option. We hope that the developer will conclude that it can proceed with this project without a text amendment. But if it concludes that it can only proceed with a bigger building, we respectfully urge the Department to carefully consider a text amendment along the lines of Option #2. We believe that allowing this project to move forward is preferable to letting it fail.

Letting it fail would leave the existing built environment of an unsightly garage, a derelict hotel and a porno theater in place, and a long history of tenant harassment uncured. It would leave open the possibility that a different assemblage of property and development rights in the future could result in the redevelopment of the entire block front from 43<sup>rd</sup> to 44<sup>th</sup> Streets, considerably changing the scale. And it would deprive the Clinton neighborhood of 75 sorely-needed low-income and affordable housing units both on and off site. As you know the off site units would be developed on the Clinton Urban Renewal Area, the continued redevelopment of which is primary community goal.

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Therefore, in consideration of the above factors, and limited effect of the proposed text amendment, we would ask for a reevaluation in that context. The Board's role continues to be one of balance. We believe the overall social and positive redevelopment impacts balance the urban design impacts. We look forward to your response in our continuing effort to solve this complex redevelopment site.

Sincerely,



Simone Sindin  
Chair  
Manhattan Community Board No. 4

Anna Hayes Levin  
Chair  
Clinton Land Use & Zoning Committee

This letter was passed at Manhattan Community Board No. 4's January 8, 2003 full board meeting.

cc: Local elected officials  
R. Bass