



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD No. 4

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J. LEE COMPTON
Chair

ANTHONY M. BORELLI
District Manager

October 11, 2005

Hon. Amanda Burden
Chair
City Planning Commission
22 Reade Street
New York, New York 10007

Re: Hudson Yards Additional Text Amendments: ULURP Application N 060046 ZRM

Dear Chair Burden:

At the recommendation of its Clinton/Hell's Kitchen Land Use Committee, Manhattan Community Board No. 4, having held a duly noticed public hearing on October 6, 2005, on ULURP application number N 060046 ZRM, unanimously adopted the following resolution by roll call vote (29 in favor, 0 opposed, 0 abstaining and 0 present but not eligible to vote).

Preliminary Statement

This application implements many of the follow-up changes in the Zoning Resolution that were agreed to when the Hudson Yards rezoning was approved by the City Council in January 2005. As agreed with the Council, this Board and Council member Christine Quinn are co-applicants on the application.

The proposed text includes several changes of great importance to this community, in particular the addition of a harassment and cure provision, updating of the harassment and cure provisions of the Special Clinton District text, and prohibition of conversion of ground floor residential uses in the Hell's Kitchen Midblocks.

The Department's staff, as well as the staff of the Department of Housing Preservation and Development and Councilmember Quinn's office, have consulted the Board's office frequently as the proposed text has been developed, and we are gratified by the cooperative effort that has brought the text to the point of referral for public review and comment.

Additional text amendment required. We note that a further text amendment is still required to make the central provisions of the Special Clinton District, Special Hudson Yards District and the P2 portion of the Special Garment Center district more consistent concerning protection of existing residential buildings. A draft of that text has been informally submitted to this Board for discussion, and will eventually be implemented through a separate ULURP application.

Theater Bonus Provision. The proposed modification to the theater bonus in ZR Section 96-25 (Item 16 in the application) has generated substantial public comment. This section presently allows a floor area bonus for developments within the block and a half on the south side of 42nd Street between Dyer Avenue and Eleventh Avenue that include “new legitimate theater use.” The modification would also allow “non-profit performing arts uses” to qualify for the bonus.

As a practical matter this bonus will be available for only two sites – the southeast corner of 42nd Street and Eleventh Avenue, and the site that is now being developed by The Related Companies at the southeast corner of 42nd Street and Tenth Avenue (block 1051, lot 1). This is an area that is now primarily residential in character, and is likely to become even more densely residential as a result of the Hudson Yards rezoning. Ground floor spaces in the immediate surroundings are occupied by local retail and service establishments and small off-Broadway theaters.

There has been a swirl of activity surrounding Related’s selection of a tenant for the available “bonus space” in its project. The Orchestra of St. Luke’s has proposed a classical music rehearsal space. MCC Theater is seeking space for a 199-seat theater and approximately 5,000 square feet of rehearsal studio and administrative space. Rumors abound that the owner is in discussion with other organizations for Times Square style entertainment uses that would be entirely inappropriate for this area. Others may have made proposals of which the Board is unaware.

Representatives of The Orchestra of St. Luke’s and MCC Theater attended the meeting of the Clinton/Hell’s Kitchen Land Use Committee on September 14 at which this application was considered, and spoke convincingly of their planned activities and need for space. The Related Companies were invited to attend, but sent only an observer from the office of its land use counsel.

The proposed modification to ZR 96-25 for “non-profit performing arts uses” is intended to allow the proposed classical music rehearsal space to qualify for the bonus. We agree that the uses proposed by both The Orchestra of St. Luke’s and MCC Theater represent public amenities that should qualify for the bonus.¹ Unfortunately, however, we understand that neither organization has yet been able to engage The Related Companies in meaningful discussion of their proposals, much less reach an agreement.

The proposed modification, and indeed the entire bonus mechanism, will provide a substantial financial benefit to the developer. It makes no sense to establish more specific terms of the mechanism until the developer’s intentions are known and the corresponding benefit to the public is clear. Such caution is warranted particularly since the developer has chosen to take no part in the public consideration of this application though the proposed text change would directly benefit the developer’s project.

We are concerned that adding such loose language as “non-profit performing arts uses” will invite uses that are inappropriate for this location. This Board has a demonstrated history of working with property owners to adapt zoning text to specific situations that meet the needs of all parties. We urge The Related Companies to work with this community to identify a use and a tenant that will satisfy the developer’s legitimate financial and marketing needs and provide a public amenity appropriate for

¹ The development has displaced the Houseman Theater (286 seats) and the Fairbanks Theater (199 seats). We recognize that larger theaters are now financially problematic, but we would welcome – and indeed encourage – the restoration of one or more smaller theaters.

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the scale of this bonus and appropriate for this residential area. We commit ourselves to working quickly with all concerned to approve an appropriate text modification, written with a specific user in mind and with appropriate protections concerning future users.

However, in the absence of a specific proposal, we cannot recommend approval of the proposed modification, and we further recommend removal of the theater bonus provision altogether.

Now, Therefore, Be It Resolved that Manhattan Community Board No. 4:

- recommends approval of Items 1 through 15, inclusive, and Items 17 and 18 in the application,
- recommends disapproval of Item 16 – Modifications to the Theater Bonus (Section 96-25), and
- recommends amendment of the Zoning Resolution to remove Section 96-25, and further

Resolved that this Board will welcome a subsequent proposal for a text amendment that will allow a bonus for narrowly defined non-profit performing arts uses at a scale appropriate for this location, provided the specific use and tenant have been identified.

Sincerely,



J. Lee Compton

Chair

Manhattan Community Board No. 4



Anna Hayes Levin

Co-Chair

Clinton/Hell's Kitchen Land Use Committee



Simone Sindin

Co-Chair

Clinton/Hell's Kitchen Land Use Committee

Cc: Manhattan Borough President's Office
Local elected officials
Dept. of Cultural Affairs
The Related Companies
The Orchestra of St. Luke's
MCC Theater
Manhattan Plaza Tenants' Association