



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

330 West 42nd Street, 26th floor New York, NY 10036
tel: 212-736-4536 fax: 212-947-9512
www.ManhattanCB4.org

JEAN-DANIEL NOLAND
Chair

ROBERT J. BENFATTO, JR., ESQ.
District Manager

July 28, 2008

Edith Hsu-Chen, Acting Director
Erika Sellke, Planner for Community Board 4
Manhattan Office
Department of City Planning
22 Reade Street
New York, NY 10007

Re: West Clinton/Eleventh Avenue Rezoning

Dear Edith and Erika:

Thank you for Erika's presentation of the proposed West Clinton/Eleventh Avenue Rezoning at the June 11, 2008 meeting of the Clinton/Hell's Kitchen Land Use Committee. As reflected by the large turn-out that evening, the proposed rezoning is of great interest to many in our community, and we are grateful for the time and attention you are giving it. We are also pleased to discover that you share many of our thoughts and goals for the area.

This letter transmits our comments and suggestions on the Draft Proposed Zoning. They are based on the following principles, which have been developed in a series of community meetings since your presentation. Fundamentally, we seek responsible development in this area with mixed-uses reflecting the area's light-industrial past and that will enhance the existing character of the neighborhood by providing affordable housing, family services, improved mass transit and quality of life enhancements.

PRINCIPLES

1. Residential Corridor, Mixed-Use Waterfront.
 - New development along both sides of Eleventh Avenue and around DeWitt Clinton Park should be residential.
 - The area west of the Eleventh Avenue corridor between 43rd and 51st Streets should allow residential use on a base of light-industrial or community facility use. This will encourage retention of viable M-zone uses, provide space for services the growing residential neighborhood will need, and allow transition

of the area from industrial to residential use. We support an increase in building density here, if building heights are limited. The remaining industrial uses in the area are, for the most part, compatible with residential use. The comparison with West Chelsea in the presentation struck many of us as inapposite. Unlike West Chelsea, with its large loft buildings suitable for conversion to commercial use and eventual conversion to residential use, the West Clinton area consists primarily of small industrial buildings – garages and the like. The vast majority of properties west of Eleventh Avenue have a built FAR less than 3.5, and most of the handful of buildings whose built FARs exceed 3.5 have already been converted – to offices for Prada and Kenneth Cole and the Vu Hotel. Thus, new development here is likely to involve new construction. New construction for commercial uses is inconsistent with the eventual transition of this area to residential uses.

2. Don't Wall Us In. Building heights should be limited, to avoid a visual barricade between the Preservation Area and the waterfront.
3. Permanent Affordable Housing, especially for moderate- and middle-income families. As you know, our long-established policy is that 30% of floor area in new residential developments should be affordable to a range of low-, moderate- and middle-income households. The private market is producing small residential units for low- income households in abundance. (We are preparing a detailed analysis and will provide it to you when it is complete.) Affordable housing mechanisms in West Clinton should prioritize moderate- and middle- income households and family sized units of 2 bedrooms and more. It should also prioritize on-site development so that affordable units are not isolated from related market rate units. In accordance with our recently-adopted Inclusionary Housing Policy (copy enclosed), inclusionary housing should expand the affordable housing stock for the general population, not supplant or replace existing programs that serve special needs populations.¹
4. Housing Preservation. Existing affordable housing must be preserved and existing tenants must be protected through extension of the Preservation Area's provisions against tenant harassment and demolition of residential buildings (ZR 96-108 and 96-110) throughout the rezoned area. To our knowledge, there are at least 7 residential buildings with a total of 66 residential units on or west of Eleventh Avenue.²

¹ We are concerned that the inclusionary housing now proposed for Harborview site would produce so much inclusionary bonus potential (400,000 square feet) housing that it could satisfy any bonus requirement in CD4 for years to come. To ensure that any inclusionary bonus for West Clinton/Eleventh Avenue produces additional affordable housing, the new zoning should required that the compensating development be on-site (our preference), in the rezoned area or, at the very least, in the Special Clinton District via text amendment similar to ZR Section 96-21(b)(1) (the "Clinton Cure" applicable in the 42nd Street Perimeter Area; the Harborview site is excluded from the Special Clinton District).

² A survey we did in May 2007 identified these residential buildings:

610 Eleventh Ave. (45 th St.)	12 units
723 Eleventh Ave. (51-52)	11 units
725 Eleventh Ave. (51-52)	12 units

5. Infrastructure. New development will put additional pressure on the community's already limited infrastructure and services. We support attracting community-oriented social service uses such as childcare and healthcare facilities in the rezoned area. The parents and staff of neighborhood schools have been active participants in our discussions about the rezoning, and have made us keenly aware of the unacceptable conditions many students and educators face in the neighborhood. PS51 has an enrollment that exceeds its capacity, and many neighborhood children are forced to attend other elementary schools far from home. The neighborhood has NO middle school. The 600-seat school being planned on the Studio City/PS51 site should be an elementary school. And we would like to work with you and the School Construction Authority to identify another site in the neighborhood appropriate for construction of a new middle school with a similar capacity.

6. Public Parks. In a neighborhood with a disproportionate lack of public parks and green space, Dewitt Clinton Park is an enormous asset that should be surrounded by park-oriented residential use. However, the park needs serious reinvestment. The city budget includes funds to renovate the heavily used ball fields, which are indeed in grave need of repair. Plans for that renovation are being developed, and we are encouraged by the attention the project is receiving from DPR. In addition, however, the entire park is in need of major renovation, including play areas, fully functioning restrooms, the steps at the western edge of the park and seating areas. Lighting and drainage systems remain serious health and safety concerns. Zoning mechanisms that would encourage private investment in the park should be considered.

7. Transit, Environmental Sustainability and Quality of Life.
 - To encourage the use of public transit and discourage the use of the private automobile, the Preservation Area's off-street parking regulations (ZR Section 96-111) should be extended to the rezoned area.
 - The area is now actively used as layover space by private charter buses and jitneys, which will inevitably be displaced by development. We recognize the importance of these vehicles to the city's economy and have therefore long advocated for the construction of a charter bus garage so that these vehicles can continue to serve the midtown area.
 - Enhanced bus service (a Bus Rapid Transit lane?) and bicycle lanes must be planned to connect residents and workers to the subway system.
 - Sustainable building practices should be required for all new development.
 - Enclosed sidewalk cafes should not be allowed in the Special Clinton District, by amending Section 14-44 of the Zoning Resolution to remove mention of the Special Clinton District. (See our letter to Amanda Burden dated November 13, 2007.)

735 Eleventh Ave. (52 nd St)	7 units
605 W. 47 th St.	10 units
621 W. 51 st St.	8 units
628 W. 52 nd St.	6 units

- Historic Resources must be identified and considered for preservation.
8. Neighborhood Retail. As Eleventh Avenue develops into a residential corridor, we would like to encourage small ground floor commercial uses that serve neighborhood residents. An affordable grocery store is a priority.
 9. Restrict clubs and hotels with use group limitations, similar to Area P-2 of the Special Garment Center District.
 10. Maintain the limitation on the duration of existing adult uses via Section 52-77 of the Zoning Resolution.

COMMENTS ON THE DRAFT PROPOSED ZONING

(Please refer to the attached map; the area designations are for ease of reference for this letter, and not meant to be permanent or substantive designations.)

East of Eleventh Avenue

Area 1. East of the Eleventh Avenue Corridor and west of the existing Preservation Area boundary, between 45th and 51st Streets.

- You propose extending the existing R8 district and the Preservation Area to this area, and we enthusiastically agree. This is one of the fundamental elements of the proposed rezoning, and we are delighted that your proposal matches ours.
- Include a streetwall requirement (indeed streetwalls should be required throughout the rezoned area).

Area 2. East Side of Eleventh Avenue between 45th and 51st Streets, to a depth of 100 feet.

- You have proposed an R8A zoning designation, with a 120 ft. height limit (your Option #3). We agree, again with enthusiasm.
- You have proposed a base FAR of 5.4, bonusable to 7.2 FAR for inclusionary housing. We agree, subject to the comments above about prioritizing housing for moderate- and middle-income families, units of 2BR and larger and on-site development of the inclusionary units.
- The commercial overlay should allow local retail and service, on the ground floor only.
- The R8A zoning designation should apply to 636 Eleventh Avenue as well, so that the zoning map remains consistent. As you know, this building is now being renovated for Ogilvy & Mather's headquarters. The renovation is expected to be complete in June 2009, which is, realistically, before the West Clinton rezoning will be effective. As such, office use of that building will be grandfathered, and a residential zoning designation should be of no concern to O&M or the building's owner. Any exception, if necessary, should be provided via zoning text. An R8A

zoning designation will ensure that the building would convert to residential use should office use become obsolete, and would prevent a conversion to hotel use.

Area 3. The Studio City/PS51 Affordable Housing Site – Eleventh Avenue most of the way to Tenth Avenue, between 44th and 45th Streets.

- Though this site will be the subject of a separate zoning action that is now being prepared by HPD and the private developer in consultation with this board, development must be consistent with the principles underlying the West Clinton rezoning. The environmental impacts of both actions must be comprehensively assessed, and appropriate mitigations developed. We are especially concerned about the impacts on schools and health and social services.

Area 4. The next block south – Eleventh Avenue most of the way to Tenth Avenue, between 43rd and 44th Streets.

- You have proposed an R9 zoning designation, with a 2 FAR commercial overlay on the entire rezoned area.
- While we agree with you that this area should develop as a transition from the high density of the 42nd Street corridor to the lower densities of the areas to the north, building heights must be limited to avoid casting shade across more of the Special Clinton District. The zoning designation here should be R9A, with a 145 ft height limit.
- You have proposed a base FAR of 6, bonusable to 8 FAR for inclusionary housing. We agree, subject to the comments above about prioritizing housing for moderate- and middle-income families, units of 2BR and larger and on-site development of the inclusionary units.
- The commercial overlay should be limited to the Eleventh Avenue frontage, and should allow local retail and service, on the ground floor only. Commercial use in the mid-block portion of this area will conflict with the residential development planned for the Studio City/PS51 site on the block to the north.

Area 5. Beyond 100 ft east of Eleventh Avenue and west of the existing Preservation Area boundary, between 51st and 52nd Streets.

- Map as R8A, to facilitate plans for redevelopment of this portion of the Clinton Urban Renewal Area being negotiated by HPD and Clinton Housing Development Co., with this board's preliminary support.
- Include in the Preservation Area, as you propose.

Area 6. Beyond 100 ft east of Eleventh Avenue, between 52nd and 53rd Streets.

- Map as R8A, to facilitate plans for this portion of the Clinton Urban Renewal Area being negotiated by HPD, Clinton Housing Association, Clinton Housing Development Co. and Tana Seybert LLC (owner of the Triangle Building, 525 W. 52nd St.), with this board's preliminary support. By zoning text amendment, allow

the following elements as required for those projects (details to be provided as plans evolve): ground floor industrial uses, height and setback waivers and 1 FAR commercial use on sites with pre-existing community facility use.

West of the Eleventh Avenue

You have proposed retaining the existing manufacturing zoning designation, though replacing the M2-3 and M3-2 designations with an M2-4 designation, which would prevent hotels (a worthy goal). For the reasons stated above, we believe that residential use should be allowed in this area.

Area 7. West Side of Eleventh Avenue between 43rd and 51st Streets, to a depth of 100 feet.

- This area should mirror Area 2 on the east side of Eleventh Avenue, with an R8A zoning designation and a 120 ft height limit, and the same inclusionary housing provisions and commercial overlay. Alternatively, a mixed-use zoning designation could allow light industrial or community facility use at the base with residential use above.

Area 8. The block south of Dewitt Clinton Park, between Eleventh and Twelfth Avenues and 51st and 52nd Streets.

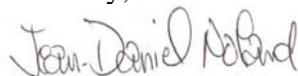
- Map as R8A, with a 120 ft. height limit. Allowing residential development on Dewitt Clinton Park will encourage its restoration, maintenance and active use. There currently is substantial residential use in the existing M1-5 portion of this block.
- We are concerned about shadows on the park; the 120 ft height limit may have to be reconsidered based on the results of shadow studies.

Area 9. Beyond 100 feet west of Eleventh Avenue, between 43rd and 51st Streets.

- Map a mixed-use zoning district (M1-5/R7X?), allowing 2 FAR of residential use above a base of 3 FAR of light-industrial or community facility use, and bonusable to a total of 6 FAR for inclusionary housing. We would allow some flexibility in height limits if needed for financial viability of developments in this area, but are very concerned about building heights here that exceed building heights to the east.

We know that our proposals will require further discussion, and would welcome the opportunity to meet with you about them as soon as possible. We are grateful for your attention to this project, and look forward to continuing our work with you towards development of planning recommendations we can all support.

Sincerely,



Jean-Daniel Noland
Chair



Anna Hayes Levin, Chair
Clinton/Hell's Kitchen Land Use Committee

cc: Council Speaker Christine Quinn
City Council Land Use – Danielle Decerbo
Manhattan Borough President’s Office – Anthony Borelli, Mike Kent
State Senator Tom Duane
Assembly Member Richard N. Gottfried