



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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October 22, 2009

Amanda M. Burden, AICP
Chair
City Planning Commission
22 Reade Street
New York, NY 10007

Re: ULURP Applications No. 100051 ZMM, N100052 ZRM, 100053 ZSM, 100054 ZSM and 100055 HAM - Gotham West; West 44th Street, between Tenth and Eleventh Avenues; 592-608 11th Ave; 507-553 West 44th Street, 508-558 West 45th Street

Dear Chair Burden:

Manhattan Community Board No. 4, having held a duly noticed public hearing on ULURP applications nos. 100051 ZMM, N100052 ZRM, 100053 ZSM, 100054 ZSM and 100055 HAM adopted the following resolutions by roll call vote (35 favor, 0 opposed, 0 abstentions and 0 present but not eligible to vote) at its meeting on October 7, 2009. The resolutions recommend approval of each of the applications with conditions.

The Applications, submitted by the New York City Department of Housing Preservation and Development (“Applicant”), propose a new residential development with limited ground-floor commercial use. The proposed development encompasses almost an entire city block between West 44th and 45th Streets, between Tenth and Eleventh Avenues (“Project Site”). Specifically, the proposed project will result in the addition of approximately 1,210 residential units, of which 600 will be permanently affordable¹, and the construction of a new 630 seat public school that will replace the existing P.S. 51 (collectively referred to as “the Development”). The Development will also add retail space of approximately 10,000 square feet (s.f.) at street level, and 7,000 s.f. below grade, with up to 204 accessory parking spaces, largely for the residential units. Ultimately, the Development will realize several of the promises made to this community in connection with the 2005 Hudson Yards Rezoning.

¹ The proposed breakdown of affordable units by building is attached hereto as Exhibit A.

DEVELOPMENT BACKGROUND

The Project Site was originally condemned in 1975 for the construction of a new school and housing. Bonds were to be issued by the Education Construction Fund to build these facilities; however, as a result of New York City's fiscal crisis in the mid-1970s, the development was abandoned and the site remained undeveloped. Throughout the 1980s and 1990s, the City Administration and community members made several attempts to construct affordable housing on the site without success.

In 2000, the New York City Economic Development Corporation took control of the site and issued an RFP that was awarded to Westside Studios LLC, who presented a plan to construct a 14-story, 540,000-square foot building of studio, storage, production and office space, referred to as Studio City. As part of negotiations by the community regarding the project, a scope of work for improvements to Public School 51 ("P.S. 51") was formalized in a November 12, 2001 memo from Westside Studios to representatives of the Board of Education and CB4; the memo stipulated the installation of an HVAC system, construction of a gymnasium and addition of four classrooms to the existing school facilities. Two ULURP actions (C010136PPM and C010137ZSM) for the Studio City project were filed and approved by the City Council on February 14, 2001. Studio City was never realized.

The Project Site was then identified during the Hudson Yards Rezoning discussions in 2004 as a publicly-owned property with a history of unrealized plans to build housing. In the January 2005 Hudson Yards Points of Agreement² negotiated between the City Council and the City Administration, the City agreed to develop 600 units of permanently affordable housing on this site, expand P.S.51 by 110 seats and provide for the creation of an affordable housing fund to underwrite future housing projects. Jurisdiction of the site was subsequently transferred to the Applicant.

Since the January 2005 commitments, the stated improvements to P.S. 51 have evolved from upgrades to the existing 1905 school building, to an addition to the existing school, to the current proposal for a new school building on 44th Street; as part of these applications, the original, historic building will now be preserved for adaptive reuse.

Community meetings and public forums sponsored by CB4 regarding the new school and future use of the Project Site were held with many stakeholders, including the Applicant, the School Construction Authority (SCA), the Department of Education (DOE), Hudson Yards Development Corporation, (HYDC), CB4, the PS 51 principal, the P.S. 51 Parent Teacher Association, the broader school community, the West Side Neighborhood Alliance, block associations and area elected officials from the local, state and national levels of government. The current proposal represents a series of compromises developed to accommodate competing issues, as follows:

- **Building heights must balance the needs of the Development while respecting the low-rise nature of the surrounding Special Clinton District, including the**

² The Hudson Yards Points of Agreement is attached hereto as Exhibit "B."

- low-rise, mid-block housing, the limited height of the residential tower on Eleventh Avenue and the school footprint.
- The **residential and school use** of the site has been reaffirmed as the use for which the site was originally condemned.
 - The **location of the new school** is based on the SCA's request not to build the school on the rail cut adjacent to the existing gas station.
 - **Balancing the need for moderate- and middle-income housing** with other uses on the site.

For the community, realizing these essential elements of the proposed Development at a reasonable density that fits in our community has been the greatest concern. Multiple stakeholders have worked together to forge a compromise, which in the Board's opinion, is the best possible outcome given the conflicting nature of the Development's components.

THE PROJECT: AN OVERVIEW

Proposed Buildings' Siting and Massing

As proposed in the applications, the residential component of the Project would involve construction of a 7 story "C" shaped base with frontage on West 44th and West 45th Street and 11th Avenue, above which several residential buildings will rise to varying heights ranging from 7 and 14 stories on the mid blocks, to 31 stories on the northwest corner of the Development at 45th Street and 11th Avenue and up to 30 stories on the corner of 44th Street and 11th Avenue. Upon completion of a new P.S. 51 facility on West 44th Street, the current P.S. 51 facility will be converted to accommodate market-rate residential units. Finally, a platform will be built over the existing Amtrak right-of-way located on the eastern portion of the Project Site in order to facilitate the construction of two 14 story residential buildings, one on West 44th Street and one on West 45th Street. The Project's retail space would be located on the ground- and cellar-levels of the Eleventh Avenue frontage, and the below-grade parking garage would be accessible from West 45th Street. The residential buildings would be developed by 44th Development LLC, an affiliate of the Gotham Organization ("Gotham").

Affordable and Market Rate Housing Program

The residential buildings include up to 1,210 units available to a range of incomes. The two buildings constructed over the railroad right-of-way (Building C North and South) and the mid block building located immediately west of the P.S.51 facility (Building B) will include a combined 540 units and be 100% affordable in perpetuity. The additional 670 housing units will be located on the western portion of the Development (Building A, including Towers 1, 2, and 3) and will be developed under the NYS Housing Finance Agency's (HFA) 80/20 program, with 80% market-rate housing and 20% low-income housing (for families earning less than 50% Area Median Income (AMI)). Only 60 of the low-income units in this component will be affordable in perpetuity and count toward the Hudson Yards commitment of 600 permanently affordable units; the balance of 75 low-income units in the Towers will be affordable only for a limited length of time, as governed by the 80/20 bond financing.

A detailed breakdown of the permanently affordable units by building and by Area Median Income (AMI) is attached as Exhibit A and is summarized below:

Permanently affordable units:

<u>Income Range</u>	<u>No. of Units</u>
<40% AMI	44
>40%, but <50% AMI	124
>50%, but <135% AMI	216
>135% but <165% AMI	216

In addition, the project will also include:

Market-rate units	535
80/20 low-income* units (<50% AMI)	75
<i>*affordable only for the life of the bond, i.e., 30 years</i>	

New P.S. 51

The new school is sited on West 44th Street, immediately west of the railroad cut. The five-story building will seat 630 students and include a 12,658-square foot school yard located between the school building and the residential building on West 45th Street. The public school and school yard will be constructed by the New York City School Construction Authority (SCA) and maintained by the New York City Department of Education (DOE).

THE PROPOSED ACTIONS

To facilitate the Development, the Applicant has submitted five separate ULURP applications, as listed below. The Development also requires a separate Site Selection application for the relocation of P.S. 51³ and an application to secure HFA funding. . The Site Selection application, issued on September 11, 2009, is being responded to in a separate letter to SCA and DOE.

ULURP Application 100051 ZMM – Zoning Map Amendment

The Proposed Action seeks a zoning map change from M1-5 to R10 within 350 feet of Eleventh Avenue, and from M1-5 to R8 in the midblock beyond 350 feet from Eleventh Avenue, with a C2-5 overlay across the entire rezoned area.

ULURP Application N100052 ZRM – Zoning Text Amendment

The Proposed Action seeks designation of the R10 portion of the Project Site as an Inclusionary Housing designated area within this Excluded Area of the Special Clinton District.

ULURP Applications 100053ZSM and 100054ZSM – Special Permits

- The Proposed Action seeks to establish a General Large-Scale Development (GLSD), and as such, the Applicant requests a number of modifications of

³ The Notice of Site Selection was issued jointly by the SCA and DOE on September 11, 2009.

applicable bulk regulations affecting height, setback, rear-yard depth and open space requirements.

- The Applicant seeks a Special Permit that will allow development over the railroad cut right-of-way used by Amtrak.

ULURP Application 100055HAM – Disposition of City-Owned Land and Designation as a UDAAP project area

The Proposed Action seeks the disposition of the railroad cut and the footprint of the existing P.S. 51 building. In addition, the Applicant seeks to designate the entire Development as an Urban Development Action Area Project (UDAAP).

THE COMMUNITY’S CONCERNS

Community Board 4 acknowledges the multiple conflicting goals involved in this Development and continues to appreciate the willingness of the Gotham Organization to engage in substantive discussions concerning all aspects of the Development. Over the last four years, there have been numerous community meetings and workshops, as well as several public forums wherein Gotham, SCA, DCP and the Applicant presented the Development to the community and listened to the community’s concerns.

Gotham has presented a complex project that balances conflicting community concerns about building height, the affordable housing commitments of the Hudson Yards rezoning, a new expanded P.S.51, and construction over the railroad right-of-way, while negotiating a highly volatile economic climate.

While CB4 is pleased to finally see this project moving forward, we seek to reconcile the remaining concerns of the stakeholders to create a project that better meets the community’s needs, best uses scarce public resources and better integrates the project as a whole.

Affordable Housing

Affordable Housing Program

Realizing the promised affordable housing plan, targeted predominantly to the hard-to-reach moderate- and middle- income residents, is of utmost importance to CB4. The 2005 Hudson Yards Points of Agreement outlines the housing program for the Project Site as follows:

“The Administration anticipates that this site will generate 600 affordable housing units, including 120 low-income units (up to 60% of AMI), 240 moderate-income units (up to 135% of AMI), and 240 middle-income units (up to 165% of AMI).”

The Development generates 675 affordable units. CB4 requests that the proposed affordable housing program be modified as a condition of the Board’s approval:

- 600 of these units are permanently affordable as a condition of the previous Hudson Yards Points of Agreement. The Board is appreciative of the efforts of

the Mayor's Office and Gotham to meet the goals of the Hudson Yards commitments.

- The remaining 75 affordable units generated under the 80/20 program must also be affordable in perpetuity. In consideration of scarce resources and limited public land, any affordable units created through this Development must be permanent.
- 50% of all affordable units must be family-sized units, i.e. two-bedroom or larger. We appreciate that Gotham has modified its housing program so that 40% of the affordable units are two-bedroom or larger. We request that an additional 10% of the units be made larger to offset the disproportionate number of studio and one-bedroom units that are being constructed elsewhere in our community.

In addition, HPD and Gotham have already committed to the following condition:

- 50% of tenant selection must be allocated to residents of CD4.

These conditions must be included in the Land Disposition Agreement (LDA) to ensure that the affordable housing program better meets the community's long term needs.

Affordable Housing Fund

As described in the Hudson Yards Points of Agreement:

“The Administration agrees to create an affordable housing fund of up to \$45 million – to be managed by HPD – using the proceeds received from the disposition of the Studio City site for affordable moderate- and middle-income housing in the Hudson Yards area and citywide. The fund also may be used to augment funding for construction and renovation at P.S. 51 on the Studio City site.”

Given the demands on this project, the amount set aside for the Affordable Housing Fund has been adjusted to \$20,000,000 to fund future affordable housing projects. There are a number of already planned affordable projects located in CD4 which flow from mayoral commitments made during the Hudson Yards and West Chelsea rezonings that have yet to proceed due to gaps in funding. Those projects include the NYCHA parking lot sites at Fulton, Elliott-Chelsea and Harborview Houses. We therefore request that the affordable housing fund first be used to address any funding gaps for public sites committed to this Board by the City in the Hudson Yards and West Chelsea rezoning Points of Agreement documents before being applied to citywide needs.

Height/Bulk

Reconciling community commitments

The site plan represents a balance of conflicting needs to accommodate the Development's component parts. We appreciate the site plan's contextual design with lower, broader buildings. This is consistent with the area's immediate surroundings, which feature a mix of industrial loft buildings and lower-rise residential buildings. The 8.5 FAR, the 31-story tower and the mid-block buildings of up to 14-stories add more

density and height than desired, but this is an acceptable compromise in light of the inclusion of affordable housing and construction of the new school. We take comfort in knowing that, together with the proposed Eleventh Avenue Rezoning, this rezoning should not be a precedent for any other site.

Off-site transfers

The proposed Development will generate more development rights than are intended to be used on-site. To minimize any additional impact on neighborhood character, Gotham has already agreed not to transfer the excess development rights. The Land Disposition Agreement (LDA) must include Gotham's agreement not to transfer development rights off-site. Furthermore, the LDA must include limits on height, massing and set-backs of the proposed Development.

Commercial Uses

CB4 is particularly concerned about the proposed C2-5 overlay that would permit commercial use across the entire site at an FAR of 2. The Board understands that a C2-5 zoning is necessary to trigger the General Large Scale Development. However, commercial uses along our residential side streets do not reinforce residential character and exacerbate an already problematic bar/club use on residential blocks. While Gotham's site plan indicates that there will be no commercial and/or retail use on the residential side streets, the proposed rezoning must limit commercial use to the Avenue and then only at 1 FAR, consistent with the rest of the district. CB4 looks forward to working with DCP to find a means by which zoning would limit commercial use to a maximum of 1 FAR and minimize the area covered by the overlay that will also permit a General Large Scale Development. A similar resolution was proposed by the Department of City Planning in the recent ULURP related to the Western Rail Yards development for the off-site affordable housing project on the MTA site at 806 Ninth Avenue.

Design and Façade Treatment

Gotham's proposed design responds effectively to CB4's request to modify bulk, include punched windows, articulate façade treatments and break up the street wall. Long street walls on the side streets must be designed to reflect the area's context:

- using traditional building materials like brick;
- repeating fenestration to harmonize with surrounding streets; and
- variegating street walls and façade treatments to diminish the effect of the portions of the buildings above the 7-story bases.

The Board appreciates that the eastern façade of the building over the railroad cut will be finished with the same materials as the street wall façades, and punctuated with windows.

Historic Resources

CB4 requests the landmark designation of certain historic resources identified in the DEIS. The physical fabric of the Clinton/Hell's Kitchen community represents a unique opportunity to preserve elements of the neighborhood's residential and manufacturing history. The buildings presented in the DEIS embody the neighborhood's transformation from a low-rise, working-class, immigrant area of tenements to the growth of industry along Tenth and Eleventh Avenues in the late 19th and early 20th centuries. We

therefore urge the individual landmark designation of the following historic resources cited in the DEIS, listed here in order of the Board's priority⁴:

- *P.S. 51, 520 West 45th Street – S/NR-eligible*
This 1905 Renaissance-style school designed by C.B.J. Snyder marks the proliferation of school construction following the consolidation of New York City. Its five-story, red-brick façade with stone base features a tripartite design, with a base, shaft, and capital.

The conversion of the C.B.J. Snyder building into residential use and construction of a new, five-story school building immediately to the south reinstates the original use of the new school site, as it is the location of the original P.S. 51 school built in 1855.
- *E&J Burke Company Warehouse, 616-620 West 46th Street – S/NR-eligible*
Built in 1912-1913 for the E & J Burke company, an importer and seller of beer and whiskey, the warehouse was designed by Thomas J. Duff. The building's four bay-wide façade has street level loading docks, two end bays that project slightly forward from the two center bays, and regular fenestration with historic two-over-two double-hung sash and copper window frames. Two copper finials extend above the roof. A stone panel inscribed with the words "E & J. Burke" spans the top of the center bays.
- *Acker, Merrall & Condit Company Warehouse, 536 West 46th Street – S/NR-eligible*
Built circa 1907 for the former wholesale grocery business, the five-story Romanesque Revival warehouse, presently occupied by the Salvation Army Thrift Store, is faced in patterned orange and brown brick with terra cotta stringcourses. The ground floor has three tall arched garage entrances. The building's most distinctive components are its three expansive triple-height arched window bays extending from the second through the fourth floors.
- The Board requests the reconsideration of *626 Eleventh Avenue, the site of the Landmark Tavern* as eligible for designation. This building has been cited in the DEIS Appendix A as not eligible for listing on the National Register of Historic Places. The 1868 three-story, red brick building with three window bays across and an Italianate cornice is among the last buildings of its kind along Eleventh Avenue. The building, which has been continually occupied as a bar, retains original interior fittings. The Landmark Tavern significantly contributes to the story of Hell's Kitchen's immigrant and industrial past.
- *Houbigant Company Building, 539 West 45th Street –S/NR-eligible*
This 11-story warehouse was built for a perfume and cosmetics manufacturer, the Houbigant Company, by Lockwood Greene & Company in 1924. The tan brick-

⁴ Photographs of each of the proposed building is attached as Exhibit "C".

faced building has a granite and limestone base, copper spandrel panels below the tripartite window bays, and setbacks above the seventh and ninth floors. The word “Houbigant” is inscribed in the limestone panel above the second floor.

TWO RELATED ACTIONS

In addition to the ULURP applications discussed above, two further related actions include:

- the site selection application for P.S. 51, and
- securing mortgage funding for residential development from the New York State Housing Financing Agency (HFA).

As discussed above, pursuant to the Hudson Yards Points of Agreement, *see* Exhibit B, the City agreed to expand P.S. 51 by 110 seats. While the siting, funding commitment and construction of a new expanded P.S.51 and the future application for 80/20 bonds from the Housing Finance Agency are not part of the ULURP applications discussed herewith, they are intimately related to the Proposed Actions. Accordingly, Community Board 4 is including its comments regarding the SCA site selection here and in a separate letter to SCA and DOE.

1. SITE SELECTION – NEW PUBLIC SCHOOL 51

The new, expanded P.S.51 will be located along West 44th Street west of the railroad cut, and will seat 630 students and include a 12,658 square foot school yard between the school building and the residential building on West 45th Street.

Our community is delighted, after more than 30 years of unrealized proposals, to see concrete plans for a new school that will relieve overcrowding, provide up-to-date facilities and serve our expanding community.

The existing P.S.51 facility will continue to operate at the same location until the new facility is constructed. The City-owned land that is the current location of P.S.51 will be disposed of as part of the Proposed Action, even though the new facility will not yet have been built. After the disposition of the existing P.S.51 site, DOE will continue to operate the facility under a lease agreement with the developer.

Notice has been filed for the proposed site selection (letter from SCA to CB4 dated September 11, 2009). Although it is not subject to the ULURP process, the Board appreciates the SCA’s commitment to synchronizing the school construction timeline with that of the residential component of the Development, due to its integral nature in the Development. The site selection will be completed concurrently with the final City Council vote as part of the residential component ULURP process. It is therefore critical that: 1) the SCA site selection application be filed simultaneous with the Proposed Action; and 2) the construction of the facility must follow the same timeline as the

residential development to minimize disruption to the operations of P.S.51 and ensure a smooth transition to the new site.

Site Selection Timetable

- School site selection by the SCA should be concurrent with the ULURP timetable due to the integrated nature of the entire Development.

School Program

- The school should be for grades pre-K through 5, not pre-K through 8. Resolving P.S. 51's current overcrowding and increasing its capacity to accommodate new elementary school students is our first priority. The current P.S. 51 (pre-K through 5) operates at 121% capacity, indicating the need for additional grade school seats. According to the DEIS, the proposed school program reserves 277 seats out of the total 354 seat expansion for a new intermediate component at the site. Residential development on the site alone will add more than 162 new elementary students; we anticipate more than 800 additional new elementary students from other new developments within the school zone⁵.
- Establish a P.S. 51 School Task Force to participate in all actions relevant to the programming, construction, developer selection and design of the new school that includes representatives of the SCA, DOE, P.S.51 Administrators, P.S.51 PTA, CB4 and local elected officials, for regular consultation and input.

School Playground

- CB4 requests that 50% of the new school roof area be made available for additional outdoor play space. The existing school yard measures 16,250 square feet and benefits from plentiful amounts of sunlight. The proposed school yard is significantly smaller at 12,658 square, will need to accommodate more students, and is projected by the DEIS to be in full or partial shadow during every part of the day, all year long. While the ample indoor play space included in the school design is greatly appreciated, there must be adequate sunlit play space included in the design of the school. The Board understands the need to accommodate mechanical equipment on the roof and appreciates the expert analysis the SCA has shared, however, the Board requests that the mechanical equipment be located to leave 50% of roof space for play space at the western side of the building to maximize sunlight and compensate for the projected shadows in the proposed school yard.

Public Open Space

- The school yard must be opened to the public as a public playground, consistent with PlaNYC's top open space initiative. CD4 has less publicly-accessible open space than all but one other community district in the City. This Development presents a unique opportunity to address that shortcoming by designing a school yard that could do "double duty" as a school yard and a neighborhood playground when it is not being used as part of the school program.

⁵ A complete list of new developments approved or under construction is attached as Exhibit D.

Design

Façade: Overall Design Objectives

The Board and Gotham have had several discussions over two years to ensure that the proposed Development reflects the existing built context. CB4's overall goal is that the Development is physically integrated into the neighborhood rather than be prominent. The Board is satisfied with the proposed design by Gotham as it responds to this objective.

Façade: School Design Objectives

Given the Board's work with Gotham, the school building can be modern in design but must reflect the architectural rhythm of Clinton's mid-blocks, which are largely dominated by low-rise buildings on narrow lots and brick and stone façades embellished with appropriately scaled, horizontal elements. The proposed design contrasts too dramatically with the character of the surrounding neighborhood or adjacent housing development.

- The gray and white brick colors are inconsistent with neighboring streets;
- The verticality of the eastern section of the building distracts from the horizontal pattern typical of surrounding buildings;
- The PS 51 lettering on the proposed façade is exaggerated in scale.

In light of the Board's design preferences, it is dismayed by the proposed school façade and requests that the façade design be redesigned to:

- be brick, in a color that is consistent with adjacent buildings;
- de-emphasize the monumentality of the proposed design;
- reflect the horizontal rhythm characteristic of surrounding buildings; and
- be consistent in style with the rest of the Development.

Interior

In the current school design, the cluster of special education classrooms has been located in a portion of the school that isolates these students and teachers from the rest of the classrooms. While it is acknowledged that these classrooms require centrally provided resources, special education classrooms must be located among non-special education classrooms, so as to not segregate these students.

Environmental design considerations

The school should be designed to a LEED standard and incorporate green design elements, including, but not limited to, the use of recycled materials to construct playground furnishings.

Technology

The Board welcomes the inclusion of many state-of-the-art facilities in the school proposal. It is important that the school be designed to accommodate advancements in technology and educational tools.

Construction Impacts on the School

- CB4 has serious concerns for the vulnerable school-age population during construction. All steps necessary to minimize disruption, lessen health impacts and ensure regular communication must be taken, including:
 - ensuring that the construction of new P.S.51 is concurrent with residential construction so not to prolong construction interruptions;
 - establishing a Construction Task Force to minimize the impact during the school year and school hours; and
 - mitigating the exposure to serious health hazards by staff and children during demolition and construction through precautionary measures taken in the existing P.S.51 facility.
- As described in the DEIS, access to the existing P.S. 51 playground will be limited or unavailable during the construction period, meaning the school would be without both indoor and outdoor play space during this time. Students must have access to a playground while school is in session. An interim outdoor play space within three blocks of P.S. 51 must be identified.

Financial Contribution

- Gotham's financial contribution to the cost of construction must be held in a segregated account and used only for construction of the new school.

General Public Use

- Indoor school facilities, such as the gymnasium, should be made available to the local community and arts organizations as spaces for use during out-of-session hours.

2. HFA FUNDING

- CB4 supports the issuance of HFA bonds for this Development with the condition that the 75 additional low income units generated under this program be affordable *in perpetuity* for those earning less than 50% AMI.

NOW, therefore, be it resolved that Manhattan Community Board No. 4 recommends approval of ULURP Applications No. 100051ZMM, N100052ZRM, 100053ZSM, 100054ZSM, and 100055HAM, provided the following conditions are met:

Affordable Housing

- A restrictive declaration be filed that requires development of 600 units of housing, affordable in perpetuity, as follows:
 - 168 units be affordable to those earning less than 50% Area Median Income;
 - 216 units be affordable to those earning between 50% to 135% Area Median Income; and,
 - 216 units be affordable to those earning between 135% to 165% Area Median Income.
- In addition to the 600 units of permanently affordable housing units, the 75 additional low-income units developed under the 80/20 program must also be affordable in perpetuity, as follows:

- 75 additional units must be affordable to those earning less than 50% AMI.
- In the affordable units financed under HFA's 80/20 program:
 - Apartment finishes in the affordable units must be identical to those in the market-rate units, and,
 - Affordable units must be evenly distributed throughout 80% of the floors, with at least one unit on each floor and with no more than 33% of the units on any floor affordable.
- At least 50% of the 675 affordable units must be family-sized, i.e., two bedrooms or larger.
- Tenant selection through lottery must give preference to residents of Community District 4 for 50% of the affordable units.
- The affordable housing fund must first be used to address any funding gaps for public sites committed to this Board by the City in the Hudson Yards and West Chelsea rezoning Points of Agreement documents before being applied to citywide needs.

Height/Bulk

- Any excess development rights, including those generated under the Inclusionary Housing Program must be used on-site and not used off-site.
- Overall building heights must not exceed the height as depicted in the Site Plan.

Commercial Uses

- The commercial overlay must be limited to 1 FAR with the overlay limited to the R10 portion only.
- The LDA must restrict commercial/retail use to the Avenue, extending no more than 75 feet east of Eleventh Avenue along either side street.

Design and Façade Treatment

- Architectural features listed below must be incorporated into the Development's design, including:
 - Long street walls on the side streets must be designed to reflect the area's context using traditional building materials like brick; repeating fenestration to harmonize with surrounding streets; and variegating street walls and façade treatments to diminish the effect of the portions of the buildings above the 7-story bases.

Historic Resources

- After the completion of the new P.S.51, the existing P.S. 51 building must be preserved and renovated consistent with historic preservation regulations and converted to residential use.
- Designate as landmarks the previously listed buildings.

Community Facilities and Infrastructure

- The adverse findings of the DEIS regarding the need for additional daycare slots and a facility must be mitigated. The City must work with CB4 to identify a suitable location in the Clinton Urban Renewal Area and use similar mitigation measures to fund daycare slots such as the mechanism approved by the City Planning Commission as a requirement of the rezoning approval of “Clinton Park” at 770 11th Avenue developed by Two Trees Management LLC.

Traffic and Parking

- Parking must be limited to 204 accessory spaces.
- The curb area on the south side of 44th Street between Tenth to Eleventh Avenues must not continue to be used for taxis to park or stand.

Public and Open Space

- Street trees must be planted in accordance with ZR § 96-51.
- Address the DEIS finding that the open space ratio on both the Development itself and the surrounding study area is deplorably low – with only .22 acres of open space for every 1,000 residents, and well below the DCP minimum recommendation of 2.5 acres (Table 5-1). Identify quality open space alternatives, including but not limited to, opening the P.S.51 playground to the public after school hours and mapping as parkland the northeast portion of the DEP Site on the west side of Tenth Avenue between West 48th-49th Streets.
- A construction task force must be developed for purposes of oversight of the Development. This task force should include members of Gotham, Block Association, local businesses, P.S.51 Administrators, P.S.51 PTA members and CB4.

P.S.51 Construction conditions:

- The disposition of the City-owned site on which P.S.51 is currently located must be conditioned on the negotiation of a lease acceptable to DOE with Gotham that allows DOE to continue to operate at the existing location until the new facility is constructed.
- Funds allocated by Gotham for the construction of P.S.51 must be segregated in a separate fund by SCA for use only for P.S.51.
- Establish a formal advisory board, called the P.S.51 Task Force, that is representative of SCA, DOE, local elected officials, CB4 members, P.S.51 PTA members, P.S.51 Administrators and Gotham (as appropriate) for regular consultation and discussion regarding the Construction, Programming, Design and Selection of a Developer for the new P.S.51.
- P.S.51’s expansion of 354 new seats must be used solely for an elementary education program; no intermediate education program should be included on the site.
- All steps necessary to minimize disruptions lessen health impacts and ensure regular communication during the school construction period must be taken, including but not limited to the establishment of the advisory board listed above and preventive measures in the existing P.S.51 facility.
- Alternative playground space must be identified in the immediate vicinity for use by students currently attending P.S.51 throughout the construction period.

- 50% of the new school roof area must be made available for additional outdoor play space.
- Special education classrooms must be located among non-special education classrooms, so as to not segregate these students.
- The school yard must be opened to the public as a public playground, consistent with PlaNYC's top open space initiative
- The design of the new school façade must reflect the architectural rhythm of Clinton's mid-blocks and be consistent in style with the rest of the Development.
- The school should be designed to a LEED standard and incorporate green design elements.
- The school must be designed to accommodate advancements in technology and educational tools.

Thank you for this opportunity to provide comments and to submit recommendations on these important applications. We look forward to continued dialogue.

Sincerely,



John Weis, Chair
Manhattan Community Board 4



Elisa Gerontianos, Co-Chair
Clinton/Hell's Kitchen Land Use Committee



Sarah Desmond, Co-Chair
Clinton/Hell's Kitchen Land Use Committee

cc: City Planning Commission
DCP – Edith Hsu-Chen, Erika Sellke
DCP Calendar Office
HPD – Sara Levenson
MBPO – Anthony Borelli, Deborah Morris
NYC Council Speaker Christine Quinn
NYC Council Speaker Quinn's Office – Kate Seeley-Kirk, Melanie Larocca
NYC Council Land Use Division – Danielle DeCerbo
NYS Senator Thomas K. Duane
NYS Assemblyman Richard Gottfried
The Gotham Organization (Melissa Pianko) & Attorneys
NYS HFA
P.S. 51 - Nancy Sing-Bock,
P.S. 51 Parent Teacher Association - President