

1 Clinton\Hell's Kitchen Land Use Committee  
2 October 26<sup>th</sup>, 2015

Item# 12

3  
4 Vicki Bean  
5 Commissioner  
6 New York Department of Housing  
7 Development and Preservation  
8 100 Gold Street  
9 New York, NY  
10 100

11  
12 Dear xx

13 **Re: Cure for Harassment**  
14 **517 – 525 West 45<sup>th</sup> Street, New York**

15  
16  
17 Manhattan Community Board 4 (MCB4) is aware of current plans filed with New York City's  
18 Department of Buildings (DOB) which propose a substantial renovation to the existing buildings  
19 as well as sixth floor addition, new mechanical systems and a new elevator in each building. The  
20 renovation of the buildings on this lot would include new studio, 1-bedroom and 2-bedroom  
21 apartments, 20% of which would remain affordable under the Cure for Harassment program. The  
22 renovation would be around nine existing IMD tenants' apartments with the exception of new  
23 systems which would be connected and installed in all apartments.

24  
25 The apartments of the existing IMD tenants residing at the property will be included as part of  
26 the required square footage for the Cure for Harassment. MCB4 has been approached by the  
27 existing IMD tenants with concerns over rental increases which they have been informed by the  
28 owner will occur at completion of the development.

29  
30 MCB4 can confirm the current rent of the existing IMD tenants will be grandfathered in as per  
31 section 23-961(b) (ii) of Inclusionary Housing which states:

32  
33 *23-90 Inclusionary Housing*  
34 *(b) Monthly rent:*

35  
36 *(ii) The regulatory agreement shall provide that upon each annual registration of*  
37 *an affordable housing unit with the Division of Housing and Community Renewal, the*  
38 *legal regulated rent for such affordable housing unit shall be registered with the Division*  
39 *of Housing and Community Renewal at the amount not exceeding the maximum monthly*  
40 *rent. However, the regulatory agreement shall provide that this requirement shall not*  
41 *apply to an affordable housing unit occupied by a grandfathered tenant until the first*  
42 *vacancy after the regulatory agreement date*

43  
44 Given the above MCB4 requests a letter from New York City's Department of Housing  
45 Preservation and Development confirming all existing IMD tenants at 517-525 West 45<sup>th</sup> Street,

46 New York, existing rent will be grandfathered in whilst they continue to maintain occupancy of  
47 their apartment.

48  
49 Yours sincerely,

50

51

52

DRAFT

2  
3 November 4, 2015

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5 ?

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7  
8 **Re: Brookfield West Development Sidewalk Design**

9  
10 Dear ?,

11  
12 At the October 21, 2015 meeting of the Manhattan Community Board 4 (CB4) Transportation  
13 Committee Brookfield Office Properties presented a design for the sidewalk around their  
14 development between 9th and 10th Avenues on West 31st and West 33rd Street. Brookfield's  
15 Manhattan West project will include a 67 story 19 commercial building, 62 story residential  
16 building and 2 acre Plaza and unique sidewalk features that will provide a cohesive design  
17 between the sidewalk and the plaza.

18  
19 CB4 is generally pleased with the proposed design for the sidewalk, and supportive of the  
20 distinctive paving that would unify required Public Access Areas with adjacent sidewalks  
21 through the use of granite unit pavers and a 12" wide granite curb both of Virginia Mist granite  
22 with waterstorm finish, which matches the majority of the unit pavers throughout the larger site.  
23 While we support the design and the unique granite features we have several recommendations  
24 which we believe would improve the pedestrian experience. CB4 recommends:

- 25  
26
- Brookfield install a sign at the corner of West 31st street and 9th Avenue indicating there is elevator access to the plaza further down 31st Street.
  - The installation of planters where tree pits are not a possibility on account of underlying infrastructure. This is especially recommended for West 31st street between 9th and 10th Avenues where no trees are indicated on their proposed design.
  - Where possible Brookfield should consider the use and installation of permeable ground coverings that will reduce water runoff and provide water collection for street trees.
- 27  
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33

34 In addition to these recommendations, CB4 has serious concerns about the bollards which  
35 surround the development as required by Amtrak; but, we understand this is an NYPD  
36 requirement of their location. We do request that Brookfield come back to the Community Board  
37 before implementation to go over the bollard design and coloring.

38  
39 These recommendations and concerns were addressed during our discussion with Brookfield,  
40 and they agreed to implement or consider our recommendations.

41  
42 CB4 would also like to express our appreciation to Brookfield for addressing concerns we  
43 expressed previously regarding their application for revocable consent to construct an elevator  
44 and overhead plaza near the corner of West 31st Street and Dyer Avenue, on which we requested  
45 an 8 foot clearance around the entrance of the elevator on West 31st street. While we will  
46 continue to advocate with DOT to install a bulb out at the corner of Dyer Avenue and West 31st

47 Street, we are pleased that Brookfield has found a solution to enable 7'10" clearance on both  
48 Dyer Avenue and West 3rd street between the elevator and the bollards.

DRAFT

1 **Transportation Planning Committee**

Item: 15

2  
3 November 4, 2015

4  
5 Ms. Margaret Forgione  
6 Manhattan Borough Commissioner  
7 NYC Department of Transportation  
8 59 Maiden Lane, 35th Floor  
9 New York, NY 10038

10  
11 **Re: Support for Bike Corral Applications from HK 50/51 Block Association**

12  
13 Dear Commissioner Forgione:

14  
15 Manhattan Community Board 4 (CB4) supports the applications submitted by the HK 50/51  
16 Block Association for the installation of 2 bike corrals on 9th Avenue. The requested bike corral  
17 locations are:

- 18  
19 ● 790 9th Avenue in front of Pita Grill and Poulette. The current curbside regulations are 3  
20 Hour Metered Parking Commercial Vehicles Only, Others No Standing 7AM to 7PM  
21 Except Sunday and 2 Hour Metered Parking 7PM-11PM Except Sunday.  
22 ● 766 9th Avenue in front of Pure: Thai Cookhouse. The Current curbside regulations are 3  
23 Hour Metered Parking Commercial Vehicles Only 7AM-7PM Monday thru Saturday  
24 Others No Standing; 2 Hour Metered Parking 7PM-11PM Monday Thru Saturday.  
25

26 CB4 is also requesting that the bike racks currently installed on these sidewalks be removed.

27  
28 Manhattan Community Board #4 is pleased that the NYC Department of Transportation is  
29 willing to install bicycle corrals (bicycle racks located in parking lane in lieu of parking space  
30 with signage and a protected area around it) if there is a business willing to maintain this public  
31 space. The three restaurants directly adjacent to the proposed locations have submitted  
32 agreements indicating their willingness to maintain these bike corral locations.  
33

34 Neighborhood residents have indicated that on 9th Avenue, sometimes as many as 24 bikes are  
35 congregated in one spot on the sidewalk, obstructing the walkway on narrow sidewalks already  
36 very congested. We feel that this is a concept that is consistent with the city's efforts to increase  
37 bicycle usage and will discourage bicycle parking that obstructs pedestrian passageway on  
38 sidewalk. We also expect it will reduce occurrence of riding on the sidewalk, by further  
39 separating bicycles from pedestrians.  
40

- 41 ● In proposing these locations, we were mindful of the following considerations:  
42 ● The proposed Bicycle Corral is located adjacent to a bicycle lane;  
43 ● The locations were chosen because they are in the middle of the block or closest to the  
44 highest concentration of bike users.  
45 ● The business at the address fronting the bicycle corral agrees to maintain the space and  
46 signed a maintenance agreement with DOT or a local organization as required by the  
47 DOT.

- 48 ● Notification of the location of a proposed Bicycle Corral was posted at least one week in
- 49 advance of the public hearing on that location;
- 50 ● A follow up notification of loss of parking will be sent to all businesses on those blocks.
- 51 ● The current use and regulations on the parking lane
- 52 ● The Bicycle Corral space does not exceed the length of the lesser of the sponsoring
- 53 businesses street frontage or 9' (the equivalent of one parking space);
- 54 ● Residents and/or Community Board members have noted crowded and problematic
- 55 bicycle parking along the sidewalk.
- 56 ● The DOT will install signage and protection from traffic for the corral
- 57

58 As always, we appreciate your assistance and consideration.

DRAFT

1 **Transportation Planning Committee**

**Item: 16**

2  
3 November 4, 2015

4  
5 Ms. Polly Trottenberg  
6 Transportation Commissioner  
7 NYC Department of Transportation  
8 59 Maiden Lane, 35th Floor  
9 New York, NY 10038

10  
11 **Re: Equal Access Accommodations in Manhattan Community District 4**

12  
13 Dear Commissioner Trottenberg,

14  
15 Manhattan Community Board 4 (CB4) applauds the efforts of the Manhattan Borough President  
16 to identify and correct curb cuts in Manhattan that do not meet ADA Accessibility Guidelines.  
17 CB4 believes in the importance of equal-access accommodations on our sidewalks and would  
18 like to identify particular areas of concern in our district.

19  
20 Within Manhattan Community District 4 (MCD4) we have identified many access ramps that  
21 have become severely damaged and create an obstacle for many members of our community.  
22 The following is a list of ramps we would like repaired as quickly as possible:

23  
24 **LIST OF ACCESS RAMPS IS NEEDED**

25  
26 In addition to the rehabilitation of the above identified access ramps we would like the  
27 Department of Transportation to consider the following when constructing or rehabilitating  
28 access ramps:

- 29
- 30 ● The presence of a curb cut or any unusual sidewalk feature should be accompanied by a  
31 24 inch wide warning strip. These strips are vital for the safety of the visual impaired  
32 members of our community.
  - 33 ● The installation of accessible pedestrian signals at all intersections especially where the  
34 crossing is unusual or a unique traffic pattern occurs.
  - 35 ● CB4 would also like the construction of access ramps to be improved, to correct the gaps  
36 that occur at the point where the curb cut meets the street. We have found that some of  
37 the greatest damage occurs at this point and improved material or technique is needed to  
38 correct the problem.

39  
40 We thank you in advance for your cooperation and assistance correcting these issues as quickly  
41 as possible.

42  
43 cc

44 Mayor's Office for People with Disabilities

45 Manhattan Borough Commissioner Margaret Forgione  
46 Council Member Corey Johnson  
47 Council Member Helen Rosenthal  
48 Manhattan Borough President Gale Brewer  
49 State Senator Brad Holymann  
50 Assemblymember Richard Gottfried  
51 Assemblymember Linda Rosenthal  
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DRAFT

1 **Transportation Planning Committee**

Item: 17

2  
3 November 4, 2015

4  
5 Ms. Margaret Forgione  
6 Manhattan Borough Commissioner  
7 NYC Department of Transportation  
8 59 Maiden Lane, 35th Floor  
9 New York, NY 10038

10  
11 **Re: Request for a study of West 26th Street between 12th and 11th Avenues**

12  
13 Dear Commissioner Forgione,

14  
15 Manhattan Community Board 4 (CB4) requests the assistance of the Department of  
16 Transportation (DOT) in rectifying a dangerous situation for pedestrians occurring in front of the  
17 loading docks at 601 West 26th Street between 12th and 11th Avenues. Currently trucks using  
18 the loading docks block the sidewalk forcing pedestrians into the street. CB4 requests that DOT  
19 study West 26th street to determine an appropriate solution to the conflict between trucks in  
20 these loading docks and pedestrians using West 26th street to access the Hudson River Park.  
21 CB4 anticipates that the frequency of conflicts such as this will grow as this area of Community  
22 District 4 (CD4) becomes more residential and a destination for tourists. A study by DOT of this  
23 dangerous situation will help determine the best solution to this growing problem.

24  
25 The Starrett-Lehigh Building located at 601 West 26th Street is one of Manhattan's largest  
26 landmark properties. For 80 years, the Starrett-Lehigh Building has served as a commercial and  
27 industrial destination in CD4. Over the years as our district has changed, the mixing of increased  
28 pedestrian activity on our streets and the industrial nature of many blocks has created conflict.  
29 We believe it is important to preserve the industrial use of parts of our community while  
30 embracing these changes and ensuring our streets are safe and useable for all.

31  
32 The increased pedestrian use of the street in front of the Starrett-Lehigh Building has created a  
33 dangerous conflict between pedestrians and trucks using their loading docks. To determine the  
34 appropriate solution to this conflict CB4 requests that DOT conduct a study of West 26th street,  
35 to find a solution that allows for the tenants of the Starrett-Lehigh Building to continue to use  
36 their loading docks without creating a dangerous situation for pedestrians. In addition to other  
37 possible solutions identified by DOT, CB4 requests that DOT study the possibility of extending  
38 the sidewalk around the loading dock to allow for a walking path large enough for pedestrians to  
39 safely pass in front of trucks using the loading docks. We believe this can be done by removing  
40 parking on the south side of the street and creating a bulb-out around the loading docks. This  
41 would create a pedestrian safe solution that accommodates the loading docks and is safe for  
42 pedestrians without obstructing the flow of traffic.

43  
44 While the study is being conducted CB4 requests that the management of 601 West 26th Street  
45 hire a crossing guard to safely guide pedestrians to the south side of the street when trucks using  
46 the loading docks are obstructing the sidewalk, as is done when construction projects obstruct

47 sidewalks. We also request that DOT work with NYPD to limit the number of tickets being  
48 issued to trucks using the loading docks after the crossing guard has been hired.  
49  
50 CB4 appreciates the assistance of the DOT on correcting this problem and we look forward to  
51 hearing the DOT findings on this problem and their response to our recommended solutions.  
52

DRAFT

1 **Transportation Planning Committee**

Item: 18

2  
3 November 4, 2015

4  
5 Mayor Bill de Blasio  
6 City Hall  
7 New York, NY 10007

8  
9 **Re: Support for Car Free Day in New York City**

10  
11 Dear Mayor de Blasio,

12  
13 Manhattan Community Board 4 (CB4) would like the Mayor's office and relevant New York  
14 City agencies to consider the idea of a car free day in New York. This initiative has been  
15 successful in other large cities such as Paris and New Delhi. The Day without Cars in Paris  
16 resulted in significantly less pollution according to Airparif, a non-profit organization accredited  
17 by the Ministry of Environment to monitor the air quality there. Levels of nitrogen dioxide  
18 dropped by up to 40% in parts of the city, according to the group. Implementing such an  
19 initiative in New York would make our city the first major American city to do so and be an  
20 important step in supporting many of our cities current initiatives such as Vision Zero and  
21 PlaNYC. Furthermore, New York City has already laid the groundwork for a car free day on a  
22 smaller scale with programs such as Summer Streets.

23  
24 CB4 understand the complications involved with such initiative and we offer the following  
25 recommendations to help make a car free day in New York achievable and successful:

- 26
- 27 ● New York's Day without cars should be tied to a nationally recognized day associated
  - 28 with sustainability such as Earth Day, Bike-to-Work Day, or World Car Free Day.
  - 29 ● Restrict the car free zone to a particular area such as the central business district.
  - 30 ● Carefree New York should be restricted to particular hours of one day, allowing for
  - 31 commercial deliveries at other times, and public transportation such as busses and yellow
  - 32 cabs should be allowed to operate as usual.
  - 33 ● Consider the possibility of a Carfree day on a day that typically has less traffic such as
  - 34 Sunday.
- 35

36 While initiating a car free day in New York City will be a challenge we the result of a cleaner  
37 safer city, if only for a single day, will be well worth the effort. Major European cities such as  
38 Oslo Norway have committed to becoming completely car free by 2019, and cities such as  
39 Madrid Spain, Copenhagen Denmark, and even New York City have instituted car free zones.  
40 We believe in the ability of our city to take up such an initiative and we ask for your leadership  
41 and partnership in making a car free day in New York a reality.

42  
43 cc  
44 electeds  
45 DOT  
46 Transportation Alternatives  
47 CHEKPEDS

1 **Transportation Planning Committee**

Item: 19

2  
3 November 4, 2015

4  
5 New York Police Department Transportation  
6 Chief Thomas M. Chan 1 Police Plaza,  
7 New York, NY, 10038

8  
9 **Re: NYPD Parking Blocking MTA Bus Stops**

10  
11 Dear Chief Chan,

12  
13 Manhattan Community Board 4 (CB4) requests your assistance correcting the dangerous practice  
14 of NYPD officers parking their personal vehicles in MTA bus stops. For many years our board  
15 has received complaints from concerned residents about NYPD parking personal cars in bus  
16 stops, blocking access by the bus, and causing passengers to be dropped off away from the curb.  
17 This is particularly troublesome for elderly and disabled passengers who depend on the buses  
18 ability to pull up to the curb. Previously CB4 has written letters making this request about  
19 specific Precincts and many attempts have been made to address the situation directly with no  
20 result. CB4 hopes you will assist us in correcting this problem.

21  
22 Thank you for your assistance and cooperation.

23  
24 cc

25 Congressman Jerry Nadler  
26 DOT Manhattan Borough Commissioner Margaret Forgione  
27 Councilmember Corey Johnson  
28 NYPD Midtown South Inspector Edward J. Winski  
29 Manhattan Borough President Gale Brewer  
30 MTA Bus Company, President Darryl Irick  
31 Assemblymember Richard Gottfried  
32 Mayor's Office for People with Disabilities (MOPD)  
33 Americans with Disabilities  
34 U.S. Department of Justice 950 Pennsylvania Avenue, NW Civil Rights Division Disability  
35 Rights Section - NYA Washington, D.C. 20530

2  
3 November 4, 2015

4  
5 Pat Foye, Executive Director PANYNJ  
6 Cc Polly Trottenberg , Bill Replogle (DOT)  
7 Cc Chair Degnan (PA)

8  
9 **Re: Port Authority Mast Plan**

10  
11 Dear Sir,

12  
13 Manhattan Community Board 4 (CB4) applauds the resolution adopted by the PANYNJ  
14 Board at the October 22<sup>nd</sup> meeting as detailed below, but still harbors deep concerns  
15 with the currently preferred location and design. We also encourage you to take interim  
16 steps that could immediately relieve delays and congestion.

17  
18 The October 22<sup>nd</sup> , 2015 resolution includes very encouraging directives:

- 19  
20 • Soliciting substantial public and stakeholder input in this ongoing process  
21  
22 • Performing a “Trans-Hudson Commuting Capacity Study” including other modes  
23 like rail and ferry capacity, existing and anticipated patterns and preferences of  
24 bus commuter travel after arrival in Manhattan, strategies to reduce bus  
25 congestion in neighborhood streets adjacent to the proposed new bus terminal and  
26 in the Lincoln Tunnel and its approaches.  
27  
28 • Conducting an international design competition (the “Bus Terminal Design  
29 Competition” or “Design Competition”) soliciting conceptual designs for a new  
30 bus terminal on the site recommended by the Working Group, one block west of  
31 the current structure, between Ninth and Eleventh Avenues; and appropriate  
32 pedestrian connections to mass transit in the vicinity of the new terminal; suggest  
33 alternative sites for a new Port Authority bus terminal should their analysis  
34 determine that the proposed site west of 9th Avenue is not optimal.  
35  
36 • Selecting a preferred design concept for a new Port Authority bus terminal no  
37 later than its September 2016 meeting

38  
39 We are also pleased that a consensus is emerging to make this terminal a dedicated  
40 commuter facility, and relocate long distance buses to other facilities.

41  
42 However CB4 is deeply concerned with some aspects of the proposed site located one  
43 block west of the current structure, between Ninth and Eleventh Avenues, 39<sup>th</sup> and 40<sup>th</sup>  
44 streets, as described in Concept 3.  
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- 77
- Use of condemnation to free up properties when there are alternative options to the north and underground to connect commuters to the 8<sup>th</sup> Avenue station. CB4 is appalled at the idea of condemning two blocks in the heart of Hell's Kitchen-south, on 9<sup>th</sup> Avenue, our main retail corridor, in order to free up investment properties and make space for ramps and pedestrian passageways, when the existing underground passageways between Dyer and 8<sup>th</sup> Avenues could easily be uses instead. This would require the eviction of many affordable housing tenants, a church and food pantry, a nursery school, a farm, the only affordable food supermarket and a number of other retail stores essential to the character of our neighborhood. Robert Moses technique of razing our neighborhood is no longer acceptable. You can and must do better than that.
  - Lack of commuter circulation and connectivity: the terminal will add 7 minutes to the current commute in order to reach the A/C/E subway lines. It is critical that the construction of the 40<sup>th</sup> Street /10<sup>th</sup> Avenue # 7 subway station and its integration to the terminal be included in the project to provide improved connectivity to the subway network. Currently 8<sup>th</sup> Avenue sidewalks are overwhelmed with commuters and cannot accept increased volume – and 9<sup>th</sup> Avenue sidewalks were narrowed to make way for the Lincoln Tunnel traffic and cannot afford any increased volume. Both 8<sup>th</sup> and 9<sup>th</sup> Avenue are overflowing with Lincoln tunnel and commuter traffic and cannot be used for additional taxi pick-ups.
  - Lack of an identified location to build a Tour and Charter Bus Garage that was committed to this community as part of the FEIS of the Hudson Yards rezoning (see attached) as a joint project between the City and the Port Authority. Without a plan these buses are likely to travel through and pick-up drop off on our streets.
  - Overall lack of integration in the urban fabric: the current sketches of Option 3 show both the terminal and the real estate development being segregated in their own footprint. In an area with real estate as valuable as the West side of Manhattan it seems the terminal should be well integrated with commercial and residential buildings in the urban fabric and its air rights used on site.

78

79 We look forward to working closely with the staff and the consultants to find viable and  
80 scalable solutions to these issues.

81

82 In the meantime, we urge you to use of \$ 600 million of unallocated funds in your capital  
83 budget to fund without delay the following short-term projects the staff presented at the  
84 September meeting. These projects do not require a new building and can bring relief to  
85 commuters and the community alike:

86

- 87
- 88
- 89
- 90
- 91
- Centralize control of PABT operations in a single entity and use GPS based control on bus dispatching and routing
  - Increase bus-only lanes on the Lincoln Tunnel corridor.
  - Relocate Long Distance operations to existing terminals convenient to the subway network.

92           • Start identifying and evaluating commuter bus parking facilities in New Jersey  
93  
94  
95 We appreciate your leadership in providing the region with a well thought out modern  
96 transportation solution.  
97  
98  
99 CC elected

DRAFT



**CHRISTINE BERTHET**  
Chair

**JESSE BODINE**  
District Manager

CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

330 West 42<sup>nd</sup> Street, 26<sup>th</sup> floor New York, NY 10036  
tel: 212-736-4536 fax: 212-947-9512  
www.nyc.gov/mcb4

October 23, 2015

Hon. Meenakshi Srinivasan  
Chair  
Landmarks Preservation Commission  
Municipal Building, 9<sup>th</sup> floor  
One Centre Street  
New York, NY 10007

**Re: 437 West 22<sup>nd</sup> Street – Window replacement**

Dear Chair Srinivasan:

At a duly noticed public meeting the Chelsea Land Use Committee of Manhattan Community Board 4 (MCB4), voted to recommend denial of an application for aluminum-clad replacement windows on the street façade of the rowhouse at 437 West 22<sup>nd</sup> Street in the Chelsea Historic District. This recommendation is subject to ratification by the Board at its November 2015 meeting and is being sent now due to the application's hearing date of October 27th.

The applicant claims the right to install these windows despite LPC Permit's description of wood windows, on the grounds that supporting drawings cite aluminum-clad windows. The Board finds that this was clearly an oversight on the part of the Landmarks Preservation Commission and that wood windows only should be allowed, following the Commission's approval precedent in all historic districts, and in line with the standard requirement for wood replacement windows to which neighboring building owners in the Chelsea Historic District have been held. This is consistent with the Commission-published *Rowhouse Manual* for historic district properties, which on page 15 states that:

New windows should be designed to match the historic windows in configuration, operation, material, finish and details.

Making a clear distinction, the *Rowhouse Manual* further states on page 15:

Replacement windows on rear or secondary facades that are visible from a public thoroughfare should match the historic windows in configuration and finish but not necessarily the material.

Given the street façade location of the proposed new windows, there is no question that only wood windows matching the historic ones should be allowed, not aluminum-clad windows.

Sincerely,



Christine Berthet  
Chair



J. Lee Compton  
Co-Chair  
Chelsea Land Use Committee



Betty Mackintosh  
Co-Chair  
Chelsea Land Use  
Committee

1 **CHELSEA LAND USE COMMITTEE**

**Item # 22**

2  
3 October 26, 2015

4  
5  
6 Hon. Meenakshi Srinivasan  
7 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: 360 West 22<sup>nd</sup> Street – Entrance alterations and access ramp**

14  
15 Dear Chair Srinivasan:

16  
17 At a regularly scheduled full Board meeting on November 4, 2015, Manhattan  
18 Community Board 4 (CB4), on the recommendation of its Chelsea Land Use Committee,  
19 by a vote of \_\_\_in favor, \_\_\_opposed, and \_\_\_abstaining and \_\_\_present but not eligible to  
20 vote, voted to recommend approval of an application for entrance alterations and a  
21 wheelchair-accessible ramp at 360 West 22<sup>nd</sup> Street in the Chelsea Historic District,  
22 provided the options described below are given due consideration.

23  
24 **Description of Proposal**

25 This 16-story white-brick building with 221 cooperative apartments was constructed in  
26 1964. The ground floor façade is faced with white marble. Proposed exterior work  
27 includes:

- 28 • To improve building entrance accessibility, the addition of a five-foot long ramp  
29 parallel to an existing low black granite planter wall is proposed. The existing five  
30 inch step leading to the entry doors would be extended approximately six feet  
31 towards the front property line to form a landing for the new ramp. In addition to  
32 the ramp, a new step would be created. Slip-resistant black granite would replace  
33 terrazzo surfaces. Handrails would be installed for the ramp.
- 34 • To improve entry access to the lobby, new automatic bi-parting metal and glass  
35 doors would be installed.
- 36 • Polished black granite is proposed to replace white marble in the front entry area.  
37 The white marble has become discolored and cracked. The existing building sign,  
38 now an oval framed in aluminum would be replaced with new stainless steel  
39 letters.
- 40 • New light fixtures on the underside of the canopy would be replaced with more  
41 efficient LED fixtures.

42  
43 **Community Board 4 Recommendation and Concerns**

44 CB4 appreciates the applicant's goal to provide easier access for building residents and to  
45 replace the deteriorating entrance area. The Board does not object to the proposed new  
46 materials, lighting, signage or doors, but questions the advisability - if not code-

1 compliance - of retaining an isolated one-step stair which constitutes a recognized  
2 tripping hazard. This is a special concern in a building with a substantial elderly  
3 population.  
4

5 At the very least, and only if this condition is found to be code-compliant, a handrail  
6 should be provided as a visual clue to the step's presence and a safety precaution for  
7 those with balance issues. Ideally, an alternative to both this step and the proposed ramp  
8 would be found by substituting a paved approach path at a gradient not to exceed 1:20,  
9 per the maximum non-ramp slope identified by the Americans with Disabilities Act and  
10 other accessibility standards. It may be possible to achieve the required change in level  
11 from sidewalk to lobby by such a slope alone, given the substantial setback distance from  
12 the building's property line to the entry doors. These doors' already-proposed power  
13 activation may eliminate the requirement for a level wheelchair maneuvering space  
14 outside of them, thus allowing more space for a gentle slope. Such a solution would be  
15 safer and cleaner looking, and would reflect universal design principles. If necessary, the  
16 sidewalk could be modestly re-graded to achieve the required approach path. Such a  
17 solution should be seriously studied and presented before being dismissed. CB4 looks  
18 forward to the applicant's response to this suggestion.  
19

20 Sincerely,

21  
22 Christine, Lee, Betty  
23  
24  
25  
26  
27  
28

2  
3 November 4, 2015

4  
5 Carl Weisbrod, Chair  
6 City Planning Commission  
7 22 Reade Street  
8 New York, NY 10007  
9

10 **Re: Application for modification of a special permit for existing parking garage at 340**  
11 **West 31st Street**

12  
13 Dear Chair Weisbrod:

14  
15 At its regularly scheduled full Board meeting on November 4, 2015, Manhattan Community  
16 Board 4 (CB4), on the recommendation of its Chelsea Land Use Committee, voted \_\_ in favor,  
17 \_\_ opposed, \_\_ abstaining and \_\_ present but not eligible to vote to recommend approval with  
18 conditions of an application for a special permit modification under ZR 13-45 and ZR 13-451 for  
19 an existing parking garage at 340 West 31st Street. The conditions include requests for the height  
20 of the fence, street landscaping, CB4 review of sidewalk plan, monitoring morning rush hour  
21 conditions and a 10-year term for the special permit, if approved.  
22

23 **Background**

24 The existing public parking garage consists of a sub-cellar, cellar and eight stories; parking  
25 spaces are on each level and the roof. The rear yard is 20 feet deep. In 1971 CPC approved an  
26 application for special permits to allow 241 parking spaces with some spaces on the roof and a  
27 ten-foot portion of the garage building above 23 feet as a permitted obstruction in the rear yard.  
28 Those permits expired in 2001, and the garage was operating illegally with more than the 241  
29 permitted spaces until 2012.  
30

31 In December 2011 CB4 gave conditioned recommendation for approval of a special permit for  
32 309 spaces with 15 reservoir spaces, permitted obstruction of a ramp in the rear yard and two  
33 new 22 foot wide curb cuts. The Board was pleased with the planned changes, particularly the  
34 removal of all parking on the ground floor area other than reservoir parking, a new bicycle  
35 parking area, and an improved opening at the sidewalk that reduced the number of active lanes  
36 for entering and exiting the garage from six to four (see enclosed 2011 CB4 letter). In 2012 CPC  
37 granted the proposed special permit. The design in the 2012 approved special permit was never  
38 implemented and expires February 2016.  
39

40 **The Current Application**

41 The applicant has now an alternative proposal to the 2012 design which is to be more cost-  
42 effective and efficient. The current, proposed application, a minor modification of the 2012  
43 approved special permit, would provide 249 parking spaces with 12 reservoir spaces, the use of  
44 the existing ramp instead of a new ramp in the rear yard, and one 30-foot wide curb cut and one  
45 10-foot curb cut (total of 40 feet of curb cuts), located in the center of the property. Two fences  
46 rising from the sidewalk to a height of three feet are proposed to improve pedestrian safety.

47 These fences would be located on the right and left ends of the garage front, with the curb cuts in  
48 the center.

49

#### 50 **CB4 Recommendation**

51 CB4 recommends approval with conditions of this application for a special permit modification.  
52 CB4 is pleased that this application would reduce the number of proposed parking spaces from  
53 309 (2011 application) to 249 spaces with 12 reservoir spaces (total of 261 spaces). The  
54 reduction of the curb cuts by four feet is also a welcome improvement.

55

56 The current proposed design addresses some, but not all, of the conditions CB4 set forth in 2011.  
57 CB4's 2011 recommendation for approval was conditioned on the following improvements  
58 (shown in italics with smaller font size):

59

60 *Sidewalk-level barrier - With the reduction of the number of active lanes to four total lanes, the applicant must*  
61 *construct a physical barrier, such as a wall or parapet, along the front of the garage access the remainder of the*  
62 *garage front. Such a barrier will reinforce the new driveway limitation while proving clarity to drivers and*  
63 *pedestrians as to the location of the driveway.*

64

65 The applicant now proposes a three-foot high fence on the right and left sides of the garage front  
66 with the curb cuts in the center. CB4 applauds this addition but requests the applicant build a full  
67 fence (from the sidewalk to the bottom edge of the front brick opening) for safety and aesthetic  
68 reasons.

69

70 *Adequate downlighting on the sidewalk - The applicant must increase the amount of light on the sidewalk to improve*  
71 *pedestrian visibility to drivers with through downlighting attached to the garage structure. Poor lighting on the*  
72 *sidewalk currently compromises the safety of pedestrians in front of the active driveway at night, particularly in*  
73 *contrast with the high lighting levels inside the garage.*

74

75 The applicant stated that this lighting has already been installed.

76

77 *Handicapped accessible sidewalk - The applicant must modify the sidewalk near the garage driveway. It must be*  
78 *textured to adequately alert persons who are visually impaired of the presence of the active driveway and it must be*  
79 *leveled for the comfort of pedestrians and to prevent the visually impaired from mistakenly angling towards the*  
80 *street while walking in front of the garage.*

81

82 The applicant said that DOT has discouraged them from adding text to the sidewalk; a bond  
83 would be necessary and approval would be difficult. To enhance pedestrian safety, the applicant  
84 has installed chimes that ring when a vehicle is entering or exiting the garage.

85

86 *Sightlines - Trees must not obstruct sightlines for drivers entering and exiting the garage. While we very much like*  
87 *and appreciate the proposed addition of trees to the sidewalk, they must not compromise safety.*

88

89 Two sidewalk trees are included in the current proposed design on the far left and far right, in  
90 front of the proposed fence. The applicant explained that they have filed for these trees but the  
91 trees are not approved yet. There may be utilities under the sidewalk which would prevent the  
92 approval of tree pits in these two locations. Also, if sightlines are compromised, the applicant  
93 will not plant the trees. CB4 requests that if the trees are infeasible, the applicant add other green  
94 landscaping such as planters and greenery on the fences. The applicant was agreeable and also  
95 said that if the two trees are not approved or interfere with sightlines, the trees could be donated  
96 for another location in the neighborhood.

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*Sidewalk design review - The applicant must review plans for sidewalk changes in front of the garage with the community board before finalizing plans for construction.*

The applicant said that they have repaired the sidewalk temporarily and that they fully intend to completely replace the sidewalk. The applicant is agreeable to bringing the sidewalk plan to CB4 for review.

*Structural study - The Department of Buildings must be satisfied that the garage structure meets engineering standards that are sufficient to accommodate the increased allowable parking.*

*Limited permit term - Although we are recommending conditional approval of the present application, ...we recommend that if they are granted, the special permits be for a period of ten years, at which point the permits can be reevaluated in light of the operator's record of compliance and the changes to the neighborhood.*

CB4 continues to request that if this special permit modification is approved, the term should be for 10 years.

CB4 has a concern about the current morning rush hour backing up of vehicles onto the sidewalk and whether or not the garage has sufficient staff to move the vehicles quickly into the garage. The applicant expects that the current proposed design would provide more efficient reservoir space, allowing a constant flow of vehicles on the first floor. If necessary the garage would add more staff in the morning beyond the current nine employees.

CB4 notes that there are 32 bike racks in the garage, and encourages the applicant to provide more if possible, and to offer shorter time rates with lower prices. The current rate is \$15 for 24 hours; \$40 for one month.

To summarize, CB4 recommends approval of the minor modification of the special permit with the following conditions:

1. The addition of a full fence (from the sidewalk to the bottom edge of the front brick opening in two locations, to the right and left of the center curb cuts) for safety and aesthetic reasons.
2. If the two proposed street trees are infeasible, the applicant should add other green landscaping such as planters and/or greenery on the fences.
3. The applicant brings the sidewalk plan to CB4 for review.
4. The Department of Buildings must be satisfied that the garage structure meets engineering standards that are sufficient to accommodate the increased allowable parking.
5. The applicant monitors the morning rush hour and adds more staff if vehicles back up onto the sidewalk.
6. If this special permit modification is approved, the term should be for 10 years.

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147  
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Sincerely, Christine, Lee, Betty

DRAFT

Executive Committee

Item# 24

See separate attachment

2  
3 Commissioner, Dept of Sanitation

4  
5 Re: Enforcement of Sidewalk Obstructions

6  
7 Dear Commissioner,

8  
9 Manhattan Community Board 4 (CB4) respectfully requests a strict enforcement of  
10 the current sidewalk obstructions laws in order to free sufficient right of way to  
11 ensure the safety of pedestrians, seniors and disabled persons on our very busy  
12 sidewalks. The law presently does not permit Sandwich Boards also known as A  
13 Frames (Frames) on the sidewalk.

14  
15 CB4 has received numerous complaints from pedestrians, seniors, mothers of small  
16 children and disabled persons who are often forced to walk in the street because of  
17 excessive congestion on the sidewalks due in part by an ever-increasing number of  
18 A Frames.

19  
20 We recommend that

- 21 • A Frames not be allowed at all on the sidewalk per the current law or  
22 Community Boards be given an option to obtain stricter enforcement subsequent to  
23 a proper public consultation process.

24  
25 In 2013, CB4 undertook a study of this rapidly growing problem. Each store wants  
26 to be more visible than the neighbor and since 2013 we have observed an escalation  
27 in Frames in both number and space occupied. We counted 288 sandwich boards in  
28 our district. In many cases an establishment will have 2 or sometimes 3 Frames in  
29 front of his store. Since the buildings configuration allows two 12' façade stores to  
30 coexist in each tenement, it is not unusual to encounter 2 to 4 Frames within 25',  
31 continuously blocking the pathway for pedestrians. In 2015 your staff walked a  
32 section of 9<sup>th</sup> Avenue with us and observed first-hand the invasive nature of these  
33 installations.

34  
35 The problem is particularly acute on 9<sup>th</sup> Avenue where the pedestrian right of way  
36 would be reduced to 7' if the A Frames were allowed perpendicular to the building.  
37 In 1950, the road was enlarged to accommodate the traffic anticipated for the new  
38 Lincoln Tunnel, and the sidewalk width was reduced to a mere 14'. Taking in  
39 account the depth of the tree pits/furniture lane, pedestrians are left with 10' of  
40 pedestrian path. Another 3' used by the A Frames do further reduce the pedestrian  
41 path to 7'. With the proliferation of restaurants on this avenue, 139 of the 288 A  
42 Frames are concentrated on 20 blocks of 9<sup>th</sup> Avenue. It is customary to see  
43 pedestrians walking on the bike lane and wheelchairs bumping into the Frames.

44  
45 On 8<sup>th</sup> Avenue, subway grates occupy 3' of sidewalk. The volume of pedestrians  
46 coming and going to the Port Authority Bus Terminal or Penn Station is such that

1 everyday, thousands of harried commuters running to catch their buses or trains  
2 want to walk fast without obstructions. As a result pedestrians overtake the whole  
3 bike lane because of the lack of sidewalk space, putting themselves and bicyclists at  
4 risk.

5  
6 We have observed that any leniency engenders an escalation in numbers. Many  
7 businesses have indicated that they have A Frames because the competition has  
8 them. Considering that the A Frames are not affixed to the ground or the building,  
9 there is no way to ensure they will remain adjacent to the building: the staff will  
10 install them where they see fit, pedestrians will bump them into the right of way and  
11 store owners will contest the summonses.

12  
13 Thus we urge the Department of Sanitation to strictly enforce the law as written.  
14 The sidewalk was not created to be a platform for local advertisement. With Mayor  
15 De Blasio's goal of Vision Zero in a city where more and more people walk,  
16 pedestrians, commuters, seniors, mothers with small children and disabled persons  
17 should be able to walk safely on the sidewalk and not risk their lives by walking in  
18 the streets because illegal A Frames are allowed to obstruct the right of way.

19  
20 Sincerely,

21  
22 Christine Berthet

23  
24 Attachment: photographs

25  
26 cc: Council Member Corey Johnson

27 cc: Quemuel Arroyo, DOT , Office for people with Disabilities

28 cc: Victor Calise, Commissioner Mayor's office for People with Disabilities

29 cc: Margaret Forgione, DOT Manhattan Commissioner

30

1 Executive Committee

2  
3 November 30, 2015

4  
5 Carl Weisbrod, Chair  
6 City Planning Commission  
7 22 Reade Street  
8 New York, New York 10007

9  
10 Vicki Been  
11 Commissioner  
12 Department of Housing Preservation & Development  
13 100 Gold Street 10038

14  
15  
16 **Re: Mandatory Inclusionary Housing**  
17 *NI60051ZRY (zoning text amendment)*

18  
19 **[To all members of MCB4, the Board’s comments in the ULURP Process on these**  
20 **important proposed Zoning and Affordable Text Amendments are due to the City**  
21 **Planning Commission by November 30<sup>th</sup>, 2015. The Clinton/Hell’s Kitchen Land Use,**  
22 **Housing and Human Services and the Chelsea Land Committees have all heard and**  
23 **discussed the matters during their October meetings to make their recommendations.**  
24 **However, the Board must approve its comments at the November 4<sup>th</sup>, 2015 meeting.**  
25 **Therefore, due to the severe time constraint presented by the full Board meeting date,**  
26 **combined with the complexity of the response required, the combined positions are being**  
27 **presented in outline format, with full text drafting to follow the November 4<sup>th</sup> meeting for**  
28 **submission to the City Planning Commission by November 30<sup>th</sup> deadline.]**

29  
30  
31 Dear Chair Weisbrod and Commissioner Been,

32  
33 At its full board meeting on November 4th, 2015, Manhattan Community Board 4 (MCB4)  
34 reviewed the application by the New York City Department of City Planning (the "Applicant")  
35 for the proposed Citywide Zoning Text Amendment to create a Mandatory Inclusionary Housing  
36 Program (MIH).

37  
38 The Board by a vote of XX in favor, XX opposed, XX abstentions and XX present but not  
39 eligible **recommended to approve with conditions** the proposed text amendment.

40  
41 **Background—MCB4 Affordable Housing Preservation & Production**

42 Manhattan Community Board 4 has been an affordable housing advocate for decades. From the  
43 1970’s when the City was plagued by disinvestment and abandonment, through gentrification  
44 and tenant displacement in the 1980’s and 1990’s, and the major rezoning actions and luxury  
45 rental and condo development of the early 2000’s, MCB4 has always sought flexibility and  
46 creativity from the City government and the private sector to develop and preserve affordable

47 housing.

48

49 In 2015, MCB4 developed an Affordable Housing Plan for Manhattan Community District 4,  
50 with the goal of fostering the development and preservation of 10,966 units of affordable  
51 housing. The plan is a living document that guides its efforts to support affordable housing.

52

53 MCB4 believes that Economic Integration are the only way to help keep Chelsea, Hudson Yards,  
54 and Clinton/Hell's Kitchen the thriving neighborhoods they are today. The Board will work to  
55 ensure that any changes to Zoning Regulation establish the requirements, standards, and support  
56 necessary for developing the housing that is crucial to maintaining our diversity.

57

## 58 **Application**

59 The application is for a proposed city-wide text amendment that would apply to any new  
60 residential development, enlargement or conversion that requires a rezoning. At the point of such  
61 a rezoning action, MIH will be mapped over the rezoned underlying zoning. (It will not apply to  
62 any development not subject to these actions.) In the proposed Zoning text amendment, The City  
63 of New York would make the provision of permanently affordable housing a requirement in any  
64 development that falls under these parameters.

65

## 66 **Elements of the Application**

### 67 1. Applicability

- 68 • The zoning text amendment would apply to any new residential development,  
69 enlargement, or conversion that requires a rezoning.
- 70 • The requirement will also apply to neighborhoods that undergo large-scale rezonings.

71

### 72 2. Income bands

- 73 • The City Planning Commission, along with the City Council will have the discretion to  
74 apply one of three affordable housing options to a development.
- 75 • Option One requires developers to provide **at least 25% of their total residential floor**  
76 **area to households at an average of 60% of the Area Median Income (AMI).**
- 77 • Option Two requires developers to provide **at least 30% of their total residential floor**  
78 **area to households at an average of 80% AMI.**
- 79 • Option Three, called the Workforce Option, requires developers to provide **at least 30%**  
80 **of the residential floor area as housing for households of an average 120% AMI.**
- 81 • All options mandate that no affordable unit exceed 130% AMI.

82

### 83 3. Affordable Housing Fund

- 84 • For developments that are **between 10 and 25 units, or 12,500 to 25,000 square feet**, the  
85 developer must make a payment to an affordable housing fund (in lieu of constructing  
86 affordable apartments).
- 87 • The payment will be calculated by multiplying the number of affordable units required of  
88 the development by a factor that is based on the cost of providing an affordable unit in  
89 the particular community where the market rate development will be constructed.
- 90 • The funds will be used for construction, rehabilitation, preservation and other affordable  
91 housing purposes as defined by HPD guidelines.
- 92 • The funds will be used for projects within the same community district or within a half

- 93 mile radius of the market rate development.
- 94 • If the payment cannot be spent within the number of years set forth in HPD guidelines,
- 95 the funds would become available for use in a broader area.
- 96

97 4. Economic Integration-- Affordable Housing Apartment Distribution Within a Building

- 98 • Equal distribution will not be required for senior or supportive housing units, given the
- 99 need for social service program requirements
- 100 • Distribution will not apply to condominium and co-op developments when affordable
- 101 units are rentals
- 102

103 5. Location of Units

- 104 • Units can be located in the same building as the development, in a separate building on
- 105 the same zoning lot as the market rate development, or on a separate zoning lot within the
- 106 same community district or within a half mile of the market rate development.
- 107 • Units that are built as part of off-site developments not on the same zoning lot will not be
- 108 eligible for a 421-a real estate tax abatement.
- 109

110 6. Unit Size

- 111 • The minimum unit sizes would be as follows: 400 square feet of floor area for a zero-
- 112 bedroom unit; 575 square feet of floor area for a one-bedroom unit; 775 square feet of
- 113 floor area for a two-bedroom unit; 950 square feet of floor area for a three-bedroom unit.
- 114 • When the average floor area of an apartment of a particular apartment size (studio, one-
- 115 bedroom, etc.) is smaller than the minimum unit size requirement, the smaller floor area
- 116 standard would apply.
- 117 • The bedroom mix of the affordable units will have to either match the market rate units or
- 118 have at least 50% of units that are two bedrooms or more, with 75% or more being one
- 119 bedroom or more.
- 120

121 7. BSA Special Permit

- 122 • There will be a hardship exemption under which developers can go before the Board of
- 123 Standards and Appeals to modify their affordable housing requirements.
- 124

125 8. Additional Programs

- 126 • Developments may be able to meet their affordable housing requirements if they offer a
- 127 homeownership option, similar to the one currently available under the Voluntary
- 128 Inclusionary Housing program
- 129 • There would be no preservation option, whereby bonus floor area can be used to meet
- 130 affordable housing requirements
- 131 • Developers whose affordable units are supportive housing could locate those units in a
- 132 building separate from the market rate units
- 133 • A tenant who has lived in a site that is to be demolished for an MIH development may
- 134 live in one of the affordable units provided by the development, even if their household
- 135 income exceeds the qualifications set by the program.
- 136

137 9. Regulatory Agreement

- 138 • The regulatory agreement between the developer and HPD would contain an MIH

139 application, which would be a standardized form that would be required for all MIH sites  
140 that would specify compliance with the MIH guidelines

- 141 • The developer must submit a copy of the MIH application to the local Community Board
- 142 • HPD will provide a list of pre-qualified monitoring agents who can oversee compliance  
143 with the MIH regulatory agreement.

144

#### 145 10. HPD/MIH Program Guidelines

- 146 • Distribution requirements can be changed in situations where a development has too few  
147 units to meet the requirements.
- 148 • The method used by which HPD measures the square footage of affordable units will be  
149 changed so that it conforms to the method used by the Department of Buildings.

150

151

### 152 **MCB4 Proposed Actions and Recommendations**

153

#### 154 **1. Applicability**

155

156 **MCB4 supports** the applicability of the proposed text amendment, which will entail any new  
157 residential development, enlargement, or any conversion that requires a rezoning.

158

#### 159 **2. Affordable Housing Income Band--Proposed Options**

160

161 **MCB4 supports:**

162

- 163 • Option One, under which developers are required to provide *at least 25% of their total*  
164 *residential floor area to households at an average of 60% AMI.*
- 165 • Option Two, under which developers are required to provide *at least 30% of their total*  
166 *residential floor area to households at an average of 80% AMI.*

167

168 **MCB4 supports with conditions:**

169

- 170 • Option Three, the Workforce Option, under which developers are required to provide *at*  
171 *least 30% of the residential floor area as housing for households of an average 120%*  
172 *AMI (with no households earning more than 130% AMI).*

173

174 This option is currently proposed to be excluded in CD's 1-8 in Manhattan.

175

176 **MCB4 requests the Workforce Option be available in MCB4.** Manhattan and its Westside have  
177 been historically and should continue to be economically integrated communities. The  
178 Workforce Option targets households (from 1 to 4 persons) with annual household incomes  
179 ranging from \$36,300 to \$112,190. This income group includes firefighters, civil servants, and  
180 persons working in service, health and hospitality industries.

181

182 **Since 2000 in MCB4, the Voluntary Inclusionary Housing Program (VIH) has produced**

183 2,329 units of affordable housing<sup>1</sup>. Of those affordable units:  
184

AMI	Number of Units	Percent of Total Units	Income Range
40%	187	7.6%	\$24,200-\$34,520
50%	1,437	58.6%	\$30,250 - \$43,150
60%	667	27.2%	\$36,300 - \$51,780
80%	61	2.5%	\$48,350-\$69,050
100%	27	1.1%	\$60,500 - \$86,300
130%	27	1.1%	\$78,650-\$112,200
165%	47	1.9%	\$99,850-\$142,400
>165%	8	0.3%	

185  
186 Affordable housing in MCD4 should be available to a range of incomes to include all New  
187 Yorkers. **Economic Integration should be the goal, not economic segregation.** Manhattan  
188 should not be economically stratified for the very wealthy and lowest income only. Therefore the  
189 Workforce Option, which permits a broader range of incomes, must be available in MCB4.

190  
191 Given the strong real estate market in Manhattan, it is financially feasible for a market rate  
192 development to support a greater percentage of affordable housing. **Therefore MCB4**  
193 **recommends that the Workforce Option requirement for Manhattan be 30% or more.**

194  
195 **3. Local Affordable Housing Fund-- Payment in Lieu Contributions for Developments less**  
196 **than 12,500 square feet**

197  
198 For developments that are *between 10 and 25 units, or 12,500 to 25,000 square feet*, the  
199 developer can make a payment to an affordable housing fund (in lieu of construction affordable  
200 apartments).

201  
202 ***MCB4 supports contribution to a Local Affordable Housing Fund provided that:***

- 203  
204
- ***The Contribution Standard should be based on current actual costs for constructing housing in that Community District***
  - ***Proposed zoning text must include an annual review of the contribution formula and standard.***
  - ***Use of the Local Affordable Housing Fund should be determined by HPD in consultation with the local Community Board and Councilmember.***
- 206  
207  
208  
209  
210

211 **4. Economic Integration-- Affordable Housing Apartment Distribution within a Building**

212 The proposed MIH zoning proposes:

- 213  
214
- Allowing Supportive or Senior Housing to be clustered in a portion of a building
  - Decreasing the requirement for distribution of the affordable housing from 65% to 50% of the floors in a building
- 215  
216

---

<sup>1</sup> See Appendix attached (list of VIH buildings forthcoming)

- 217 • Waiving the requirement for distribution of the affordable housing in Condo buildings  
218 with affordable rental units  
219

220 **MCB4 supports:**  
221

- 222 • *Allowing Supportive or Senior Housing to be clustered in a portion of a building.* Such  
223 housing often has specific social services or programmatic needs (such as activity rooms,  
224 health care facilities and/or social service offices). Therefore the need to cluster such  
225 affordable units benefits the residents of those apartments and required to better meet  
226 their needs.  
227

228 **MCB4 cannot support:**  
229

- 230 • Decreasing the requirement for distribution of the affordable housing from 65% to 50%  
231 of the floors of a building  
232

233 Since 2007, MCB4 has reviewed 27 Inclusionary Housing applications, containing 3,516  
234 affordable units.  
235

236 In its direct experience in reviewing Inclusionary Housing applications in the Voluntary  
237 Inclusionary Housing Program (VIH), *MCB4 has requested, and developers have agreed, to*  
238 *affordable apartment distribution as high as 85% of the floors.*  
239

240 **[Insert Chart of all Inclusionary in CD#4, with % of floor distribution achieved]**  
241

242 The development community is properly focused on maximizing return on investment. More  
243 Market Rate units on higher floor bring higher per square foot rents or higher per square foot  
244 purchase prices.  
245

246 The City of New York, through it Department of Housing Preservation and Development and  
247 City Planning Commission, should focus on maximizing social investment. The MIH proposal  
248 should foster not only affordable housing but also Economic Integration, truly integrating all  
249 income groups within a building.  
250

251 The higher floors and increased floor area will only exist due to the proposed Mandatory  
252 Inclusionary Zoning. **Higher income New Yorkers' apartments should not sit on the**  
253 **shoulders of Lower Income households.**  
254

255 *MCB4 requests the affordable housing distribution requirement be increased from 50% to*  
256 *80% of all floors within a building.*  
257

258 *Segregating and or relegating affordable units to lower floors creates, not a Poor Door, but a*  
259 *Poor Floor.*  
260

261 **MCB4 cannot support:**  
262

- Waiving the requirement for distribution of the affordable housing in Condo or Co-op buildings with affordable rental units

In the VIH Program, affordable units are required to be integrated on 65% of the floors of the development.

In its MIH presentation to MCB4, HPD stated the reason for waiving the requirement for Economic Integration for Co-ops and Condos which contain affordable housing rental units was that they presented difficulties in management and operation.

MCB4 rejects this rationale as unfounded in longstanding real estate practice and operation. Since the 1960's, thousands of buildings throughout the City of New York have been converted from rental housing to home ownership in the form of Coops or Condominiums. In nearly every instance, rent stabilized or rent controlled renters have continued to live side by side with new owners (either prior tenants or new buyers). The majority of such buildings have been and continue to be successfully managed by the private sector. Managing a mixed building of market rate condos or coops and affordable rental housing is the same circumstance.

***MCB4 requests that the affordable housing distribution remain as a requirement for Co-op and Condominiums buildings and the distribution requirement be 80% of all floors within a building.***

***Segregating affordable units onto lower floors creates, not a Poor Door, but a Poor Floor, and in the case of Coops or Condos, creates the impression that the City of New York values homeowners over renters.***

Furthermore, MCB4 is both surprised and distressed that this proposal is silent with regards to access to amenities, finishes, and appliances for affordable units. These issues must be addressed in order to ensure that the residents of these affordable units do not become the victims of stigmatization. The need to set standard requirements for affordable units has become clear to MCB4, which in its years of evaluating applications, has seen an overwhelming number of developers who have sought to create separate standards for affordable units. This has been the key issue in the Community Board's reviews of these applications.

***Equality in Apartment Finishes and Appliances--for Market Rate and Affordable Housing Residents***

Economic Integration demands equality in apartment finishes (flooring, tile, countertops, plumbing and lighting fixtures) and appliances. Such finishes should be the same in all market rate and affordable units. The goal of Economic Integration is ensuring that tenants or owners in the same building live in the same standard of housing. ***Creating a separate but not equal apartment finish standards leads to stigmatization.***

All residents should be in the same housing; some apartments just rent or sell for less. The quality of the apartments should not be secondary; the affordable housing residents must not be treated as second class citizens. Their lower income housing creates the financial benefit of the additional height and or bulk directly resultant from MIH, and in turn increases the return for the

309 investment of the private sector.

310

311 MCB4 in review of 27 VIH applications has achieved the following:

312

313 **[Insert Chart of all Inclusionary in CD#4, with equal finishes agreed to by developers]**

314

315 Given the record in achieving a better degree of Equality of Apartment Finishes and Appliances,  
316 *MCB4 requests the proposed MIH Zoning Text be amended to include requirements for MIH*  
317 *developments for the same level of Apartment Finishes for Market Rate and Affordable*  
318 *Apartments. Such Equality in Apartment Finishes and Appliances should also be met if*  
319 *Affordable Apartments are built off site.*<sup>2</sup>

320

321 *MCB4 also requests post-construction compliance inspections be made by HPD to ensure that*  
322 *Apartment Finishes and Appliances are equal for Market Rate and Affordable Apartments.*

323

324 [Include text regarding utility charges for heating (fan blowers) which render units unaffordable.  
325 Note: S. Desmond must develop this request further]

326

327 **Equal Access to Building Amenities--for Market Rate and Affordable Housing Residents**

328 Economic Integration also demands equal access to building wide amenities such as:

329

- 330 • children’s playrooms and outdoor playrooms
- 331 • outdoor patios
- 332 • roof decks
- 333 • party rooms and kitchens
- 334 • libraries and game lounges
- 335 • storage lockers
- 336 • screening rooms
- 337 • bike rooms
- 338 • gyms

339

340 Access to such building wide amenities (except in the case of gyms which require a separate paid  
341 membership) should be equally accessible to all market rate and affordable apartment residents.  
342 The goal of Economic Integration is ensuring that tenants or owners in the same building are able  
343 to enjoy and mix socially in the building-wide amenities. *Restricting or limiting use of building-*  
344 *wide amenities creates two classes of residents through the Zoning Resolution and bakes in*  
345 *income inequality leading to stigmatization.*

346

347 MCB4 in review of 25 VIH applications has achieved the following:

348

349 **[Insert Chart of all Inclusionary in CD#4, with broader equal access to building wide**  
350 **amenities agreed to by developers]**

---

<sup>2</sup> Because developments that are built using monies from the Affordable Housing Fund will have no direct nexus with the market rate project that is contributing to the Fund, this requirement would not apply to units that are built using these funds.

351  
352 Given the record in achieving a better degree of Equal Access to Building Wide Amenities,  
353 *MCB4 requests the proposed MIH Zoning Text be amended to include requirements for MIH*  
354 *developments to provide Equal Access to Building Wide Amenities for Market Rate and*  
355 *Affordable Apartments.*<sup>3</sup>  
356

### 357 **5. Location of Units**

358

359 **MCB4 supports** establishing options that allow developers to place affordable housing units in  
360 the same development as the market rate units, in a separate building on the same zoning lot as  
361 the market rate development, on a separate zoning lot within the same Community District, or  
362 within a half mile of the market rate development. Additionally, eliminating affordable units  
363 built on off-site developments from the 421-a program ensures that developers will not  
364 unwarrantedly get financial benefits.  
365

### 366 **6. Unit Size**

367

368 **MCB4 supports** the proposed unit size minimums, and the built-in flexibility that would allow  
369 developments with market-rate units that are of smaller size to provide corresponding affordable  
370 units that are also equal in size. Additionally, maintaining equality in bedroom mix is important.  
371 The requirement that at least 50% of units be two bedrooms or more (with at least 75% being one  
372 bedroom or more) will make these affordable units open to a wider range of households in our  
373 community.  
374

### 375 **7. BSA Special Permit**

376

377 **MCB4 supports** having a procedure in place for developers who face unusual challenges to  
378 meeting the affordable housing requirements. The Board expects that such requirements will be  
379 justifiably modified to give developers allowances while still holding them responsible to the  
380 affordable housing goals of the proposed amendment.  
381

### 382 **8. Additional Programs**

383

384 **MCB4 supports** the consideration of other programs with regards to affordable units provided  
385 under MIH. Such consideration allows multiple programs, like the homeownership option, and  
386 MIH requirements to work in harmony. The community Board also supports eliminating the  
387 preservation option and enabling supportive housing units, whose residents have a range of  
388 special needs, to be placed in a separate building from the contributing development.  
389 Furthermore, MCB4 is in agreement with the support of grandfathered tenants in the proposed  
390 amendment. This is key to protecting the long-term resident and character of our community.  
391

### 392 **9. Regulatory Agreement**

393

394 **MCB4 supports** including a standardized application as part of the MIH process, as well as the

---

<sup>3</sup> This requirement would not apply in the case of gyms that require a separate paid membership.

395 monitoring of the affordable units to ensure that developers comply with the MIH regulatory  
396 agreement.

397  
398 **MCB4 requests changes:**

399  
400 ***Maintain the 45 day Community Board Public Comment Period for MIH applications.***  
401 Proposed MIH text requires that the MIH application must be submitted to the affected  
402 Community Board, but no public review is required. The current public review requirement  
403 under VIH must be maintained. MCB4 has reviewed 27 Inclusionary Housing Plans since 2007,  
404 the greatest number of any in the any Community District in the city. That review process is  
405 integral for public information and ensuring developer compliance. Below is a chart listing the  
406 developments which have been reviewed by MCB4 over the last several years:

407  
408 ***MCB4 requests the inclusion following Zoning Text from the Zoning Resolution<sup>4</sup>:***

409  
410 d (3) A copy of any proposed #affordable housing plan# shall be  
411 delivered to the affected Community Board, which may review such  
412 proposal and submit comments to #HPD#. #HPD# shall not approve a  
413 proposed #affordable housing plan# until the earlier of:

- 414  
415 (i) the date that the affected Community Board submits  
416 comments regarding such proposal to #HPD# or informs  
417 #HPD# that such Community Board has no comments; or  
418 (ii) 45 days from the date that such proposal was submitted to  
419 the affected Community Board.

420  
421 **10. HPD/MIH Program Guidelines**

422  
423 **MCB4 supports** the flexibility that the proposed text would provide for developments with too  
424 few units to meet distribution requirements. Furthermore, it applauds the proposal to standardize  
425 square footage calculations across both HPD and DOB.

426  
427 **MIH Requirements Waiver for Infrastructure or Transit Improvements**

428  
429 **[Insert clear rationale and concerns; cite old open space option removed from  
430 Clinton Special District text]**

431  
432 **Other considerations**

433 Funding is needed for DOB/HPD to penalize owners who neglect affordable housing. Stronger  
434 regulations for buildings with occupied units undergoing renovations or re-construction are  
435 needed. The City Council recently passed Local Law 83, placing greater scrutiny on owners who  
436 repeatedly approach tenants with buyout offers and labels such actions as harassment of tenants.  
437 Additionally, at the moment, the City Council is considering a bill that would also classify illegal  
438 apartment conversions as harassment. In order to be properly enforced, the City will need  
439 funding that will allow agencies like HPD and DOB develop the adequate staff capacity to

---

<sup>4</sup> Section 23-961, subsection d (3)

440 respond to these abuses.  
441  
442 MCB4 looks forward to continuing this conversation with both the Department of City Planning  
443 and the Department of Housing Preservation and Development in order to ensure that the  
444 proposed Mandatory Inclusionary Housing program adequately address the needs of our  
445 Community District.

Sincerely,

Jean-Daniel Noland, Co-Chair  
Clinton/Hell's Kitchen Land Use Committee

Christine Berthet  
Board Chair

446  
447  
448 Betty Mackintosh, Co-Chair  
449 Chelsea Land Use Committee

Lee Compton, Co-Chair  
Chelsea Land Use Committee

450  
451  
452  
453 Joe Restuccia, Co-Chair  
454 Housing, Health & Human Services Committee

Barbara Davis, Co-Chair  
Housing, Health and Human Services Committee

455  
456 cc: J. Nadler, U.S. Congress  
457 B. Hoylman, State Senator  
458 A. Espaillat, State Senator  
459 D. Gottfried, State Assemblymember  
460 L. Rosenthal, State Assemblymember  
461 C. Johnson, City Councilmember  
462 H. Rosenthal, City Councilmember  
463 V. Been, HPD  
464 L. Carroll, HPD  
465 D. Hernandez, HPD  
466 E. Hsu-Chen, DCP  
467 F. Ruchala, DCP  
468 K. Grebowiec-Hall, DCP

Executive Committee

November XX, 2015

Carl Weisbrod, Chair  
City Planning Commission  
22 Reade Street  
New York, New York 10007

**re Zoning for Quality and Affordability**  
*NI60049ZRY (zoning text amendment)*

**[To all members of MCB4, the Board’s comments in the ULURP Process on these important proposed Zoning and Affordable Text Amendments are due to the City Planning Commission by November 30<sup>th</sup>, 2015. The Clinton/Hell’s Kitchen Land Use, Housing and Human Services and the Chelsea Land Committees have all heard and discussed the matters during their October meetings to make their recommendations. However, the Board must approve its comments at the November 4<sup>th</sup>, 2015 meeting. Therefore, due the severe time constraint presented by the full Board meeting date, combined with the complexity of the response required, the combined positions are being presented in outline format, with full text drafting to follow the November 4<sup>th</sup> meeting for submission to the City Planning Commission by November 30<sup>th</sup> deadline.]**

Dear Chair Weisbrod,

At its full board meeting on November 4th, 2015, Manhattan Community Board 4 (MCB4) reviewed the application by the New York City Department of City Planning (the "Applicant") for the proposed Citywide Zoning Text Amendment to create a Mandatory Inclusionary Housing Program (MIH).

The Board by a vote of XX in favor, XX opposed, XX abstention and XX present but not eligible **recommended to deny unless** the following modifications changes are made to the proposed Zoning for Quality and Affordability zoning text amendment (ZQA).

**Background and Context**

The Community Board has long understood the importance of affordable and senior housing in the communities of Chelsea, Hudson Yards and Clinton/Hell’s Kitchen. Our concerns are based on 40 years of community planning and the creation of four Special Zoning Districts.

- [Insert background information on creation of Special Clinton District]**
- [Insert background information on creation of Chelsea Plan]**
- [Insert background information on creation of Special Hudson Yards District]**
- [Insert background information on creation of Special West Chelsea district]**

**Application**

- 47 The City proposes city-wide amendments to the Zoning Resolution that will:  
48     • Increase available floor area for developments that include affordable senior housing  
49     • Remove parking requirements for affordable housing developments  
50     • Modify height and setback restrictions in contextual districts

51

## 52 **Elements of the Application**

53

### 54 *Senior Housing*

55

#### 56 *Affordable Senior Housing*

- 57     • Change name of the zoning definition “non-profit residence for the elderly” to  
58     “affordable independent residence for seniors”  
59     • Allow approximately 20% more floor area for “non-profit residences for the elderly” in  
60     R8 through R10 districts and numerous medium density contextual districts  
61     • Increase permitted unit density in “affordable independent residence for seniors”

62

#### 63 *Long-Term Care Facilities*

- 64     • Create a new definition for “long term care facilities” and add this designation to Use  
65     Group 3, Community Facilities  
66     • Allow all “long-term care facilities” in R3 through R10 districts, including nursing  
67     homes, as-of-right  
68     • Extend proposed FAR increase for “affordable independent residences for seniors” to  
69     “long term care facilities” in districts R3 through R10 as-of-right  
70     • Require special permits for development of “long-term care facilities” in R1 and R2  
71     districts

72

#### 73 *Mixing of Residence and Care Facilities*

- 74     • Clarify calculations for requirements and floor area deductions under Quality Housing  
75     • Allow use of residential FAR caps for mixed developments with residential units and  
76     Non-profit Institutions with Sleeping Accommodations and Long-Term Care Facilities,  
77     instead of typical reduced FAR for mixed use facilities in order to provide a ‘spectrum of  
78     care’ for senior residents  
79     • Clarify calculation of dwelling unit factor in buildings with residential and community  
80     facility uses  
81     • Remove restriction that community facilities cannot be on the same floor or above  
82     residential uses in special districts. Maintain restriction for commercial uses

83

84

85

86

### 87 *Height and Setback Modifications*

88

#### 89 *Affordable Senior Housing and Long-term Care Facility Building Envelopes*

- 90     • Increase permitted FAR by approximately 20% in R6 through R10 districts for affordable  
91     senior housing and long term care facilities

- 92 • Permit greater height and number of stories for uses other than residential where higher  
93 FAR is permitted for buildings with 20% or greater affordable senior housing and long  
94 term care facility uses
- 95 • Increase base height to conceal increase in overall additional building height
- 96 • Permit shared accessory spaces for affordable senior housing in rear yards and ground  
97 floors in districts other than “B” districts
- 98 • Remove the height restriction of the width of abutting street and change to maximum  
99 permitted by the contextual envelope for narrow buildings (less than 45 feet)
- 100 • In R6 through R10 non-contextual districts, permit a more flexible “alternative Quality  
101 Housing building envelope” for sites where infrastructure creates barrier  
102

103 *Inclusionary Housing Building Envelopes*

- 104 • Permit greater maximum height for full use of FAR available through the IH program
- 105 • Increase base height to conceal increase in overall additional building height
- 106 • Permit shared accessory spaces in rear yards and ground floors in districts other than “B”  
107 districts
- 108 • Remove the height restriction of the width of abutting street and change to maximum  
109 permitted by the contextual envelope for narrow buildings (less than 45 feet)  
110

111 *Ground Floors*

- 112 • Increase ground floor height to allow buildings with residential units on the ground floor  
113 to elevate unit windows above street level and to allow for the addition of retail spaces  
114 which require heights greater than the maximums currently in place.
- 115 • Increase maximum height of Quality Housing buildings by 5 feet if the second floor  
116 begins at 13 feet or higher in all contextual zoning districts except R7B and R8B
- 117 • Allow a floor area exemption of up to 100sf for ramps in a residential floor lobby  
118

119 *Street Walls*

- 120 • For medium density contextual districts, require buildings to locate their streetwall only  
121 in relation to directly adjacent buildings
- 122 • Reduce maximum setback from 15 feet off of the property line to 10 feet
- 123 • Clarify line-up provisions for buildings with architectural features such as bay windows  
124 in “B” districts
- 125 • Add street wall requirements beyond 50 feet of a wide street in high density districts
- 126 • Permit window recesses and structural expression within one foot from the street wall
- 127 • Allow deeper projections for a limited percentage of the street wall’s overall width
- 128 • In R6 through R10 districts, modify required width to depth ratio to 1:1 for courts less  
129 than 30 feet and remove restrictions for courts wider than 30 feet
- 130 • Add streetwall requirements beyond 50 feet of a wide street in high density commercial  
131 districts
- 132 • Wholly residential buildings must comply with more stringent streetwall commercial  
133 regulations in commercial districts
- 134 • Remove special line-up provision whereby narrow buildings in a commercial district  
135 have to line up with adjacent buildings so that they may better conform to conditions in  
136 the area.

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*Corner Buildings*

- Increase maximum permitted lot coverage to 80% to 100% for buildings within 100 feet of a corner in R6 through R10 districts
- Allow portions of buildings in a high density district that are also within 25 feet of a low density district to build either a maximum height of 75 feet or the maximum base height of the zoning district, whichever is less

*Setback Requirements*

- Remove rear yard setback requirements from Quality Housing buildings
- Reduce required front setback above base height by 1 foot for every foot it is set back from the property line, but maintain a 5 foot minimum setback

*Building Envelopes and Number of Stories*

- Increase maximum base height in some districts by 5 feet, consistent with maximum overall height increase
- Establish a maximum number of stories that can be built in a zoning district in concert with maximum building height
- Increase maximum building height by 5 to 10 feet in R9 and R10 districts
- Align Quality Housing optional regulations on wide streets with comparable “A” districts and narrow street regulations in “B” districts
- Allow for Quality Housing option building envelope in former study areas in non-contextual areas
- Adjust building envelopes in Special Zoning Districts where special building envelope and maximum FAR rules are not explicitly stated so that the maximum building envelopes are in line with the changes proposed for Quality Housing.

*Unit Size and Configuration*

- Remove 400sf minimum apartment size to provide greater unit type flexibility and allow unit density factor to govern
- Reduce density factor in R8 through R10 districts to 680sf
- Remove various double-paned window requirements from Zoning Resolution as they restrict use of higher efficiency window and are already mandated by building code
- Allow the Office of Environmental Remediation to modify sound-attenuated window requirements based on site conditions

*Irregular Site Conditions*

- Adjust rear yard and lot coverage requirements to allow for shallower rear yards and higher lot coverage
- Provide greater flexibility for street walls on acutely angled lots
- Reduce lot slope requirement from 10% to 5% for use of sloping base plane
- Reduce separation of multiple buildings on a single lot from 60 feet to 40 feet
- Create a new BSA special permit for Quality Housing on an irregular lot with additional flexibility for sites with predominately affordable housing

182 **MCB4 Proposed Actions and Recommendations**

183

184 **Senior Housing**

185

186 The provision of a wide array of housing options for seniors is essential to fostering communities  
187 in which seniors can receive a spectrum of services as they age in place. These proposed changes  
188 will ensure that senior housing meets the diverse needs and capabilities of our seniors.

189

190 **MCB4 supports:**

191

192 **Affordable senior housing**

193 Senior housing in our community allows for a greater diversity of residents. Ensuring that  
194 affordable options are also available to our seniors ensures that longtime residents are able to  
195 age in place while also contributing to the diversity of our neighborhoods.

196

- 197 ○ *Changing name of the zoning definition “non-profit residence for the elderly”*  
198 *to “affordable independent residence for seniors”*
- 199 ○ *The proposed increases in floor area in R8 through R10 districts as a method of*  
200 *fostering the development of affordable senior housing.*
- 201 ○ *Increased unit density for non-profit residences for the elderly*

202

202 **Long-Term Care Facilities**

203

- 204 ○ *The new definition in the Zoning Text of long-term care facilities*
- 205 ○ *Allowing all “long-term care facilities” in R3 through R10 districts, including*  
206 *nursing homes, as-of-right*
- 207 ○ *Extending proposed FAR increases for “affordable independent residences for*  
208 *seniors” to “long term care facilities” in districts R3 through R10 as-of-right*

209

209 **The mixing of residential and care facilities**

210

- 211 ○ *Clarification of calculations for requirements and floor area deductions under*  
212 *Quality Housing and calculation of dwelling unit factor in buildings with*  
213 *residential and community facility uses*
- 214 ○ *Allowing use of residential FAR caps for mixed developments with residential*  
215 *units and Non-profit Institutions with Sleeping Accommodations and Long-*  
216 *Term Care Facilities, instead of typical reduced FAR for mixed use facilities in*  
217 *order to provide a ‘spectrum of care’ for senior residents*
- 218 ○ *Removing restrictions prohibiting community facilities not be on the same floor*  
219 *or above residential uses in special zoning districts. (this restriction will be*  
220 *maintained for commercial uses*

220

221 **MCB4 cannot support:**

222

223 **Affordability Time Limits on Senior Housing.**

224

- 225 ○ *Currently, the City proposes an affordability restriction for independent senior*  
226 *residences that are not counted as Inclusionary Housing. MCB4 recommends*  
227 *that affordable senior housing developments which receive as of right 20% FAR*  
*increases should be permanently affordable. If the additional bulk is permanent,*

228 *the affordability should be permanent as well.*

229

230 **Height and Setback Modifications**

231

232 **MCB4 supports:**

233

234 **Affordable Senior Housing and Long-term Care Facility Building Envelopes**

235 These zoning text changes will enable better use of rear yards and ground floors for senior  
236 housing and more flexible building envelopes.

237

- 237 ○ *shared accessory spaces for affordable senior housing in rear yards and ground*  
238 *floors in districts other than “B” districts*

239

- 239 ○ *Changes to height restrictions for narrow buildings (less than 45 feet), within*  
240 *the contextual envelope*

241

- 241 ○ *In R6 through R10 non-contextual districts, permit a more flexible “alternative*  
242 *Quality Housing building envelope” for sites where infrastructure creates*  
243 *barrier*

244

245 **Inclusionary Housing building envelopes.**

246 These zoning text changes will enable better use of rear yards and ground floors for senior  
247 housing and more flexible building envelopes for narrow buildings.

248

- 248 ○ *shared accessory spaces for affordable senior housing in rear yards and ground*  
249 *floors in districts other than “B” districts*

250

- 250 ○ *Changes to height restrictions for narrow buildings (less than 45 feet), within*  
251 *the contextual envelope*

252

253 **Ground Floors**

254 This zoning text changes will enable ground floors at lower than street level by exempting a  
255 limited FAR for accessible ramps.

256

- 256 ○ *A floor area exemption of up to 100sf for ramps in a residential floor lobby*

257

258 **Street Walls**

259 These zoning text changes will enable corner buildings to better fit into their neighborhood  
260 context on 7<sup>th</sup> and 9<sup>th</sup> Avenues in Chelsea, on 9<sup>th</sup> Avenue lower Hell’s Kitchen and on 11<sup>th</sup>  
261 Avenue from West 42<sup>nd</sup> to West 54<sup>th</sup> Streets.

262

- 262 ○ *For medium density contextual districts, requiring buildings to locate their*  
263 *streetwall only in relation to directly adjacent buildings*

264

- 264 ○ *Reducing maximum setback from 15 feet off of the property line to 10 feet*

265

- 265 ○ *Clarifying line-up provisions for buildings with architectural features such as*  
266 *bay windows in “B” districts*

267

- 267 ○ *Adding street wall requirements beyond 50 feet of a wide street in high density*  
268 *districts (R8 through R10).*

269

- 269 ○ *Permit window recesses and structural expression within one foot from the*  
270 *street wall*

271

- 271 ○ *Allow deeper projections for a limited percentage of the street wall’s overall*  
272 *width*

273

- 273 ○ *In R6 through R10 districts, modify required width to depth ratio to 1:1 for*

- 274 *courts less than 30 feet and remove restrictions for courts wider than 30 feet*  
275 ○ *Add streetwall requirements beyond 50 feet of a wide street in high density*  
276 *commercial districts*  
277 ○ *Requiring wholly residential buildings to comply with more stringent streetwall*  
278 *commercial regulations in commercial districts*  
279 ○ *Removing special line-up provision whereby narrow buildings in a commercial*  
280 *district have to line up with adjacent buildings so that they may better conform*  
281 *to conditions in the area.*

### **Corner Buildings**

282  
283  
284 These zoning text changes will enable corner buildings to better fit into their neighborhood  
285 context on 7<sup>th</sup> and 9<sup>th</sup> Avenues in Chelsea, on 9<sup>th</sup> Avenue lower Hell's Kitchen and on 11<sup>th</sup>  
286 Avenue from West 42<sup>nd</sup> to West 54<sup>th</sup> Streets.

- 287 ○ *Increasing maximum permitted lot coverage to 80% to 100% for buildings*  
288 *within 100 feet of a corner in R6 through R10 districts*  
289 ○ *Allowing portions of buildings in a high density district that are also within 25*  
290 *feet of a low density district to build either a maximum height of 75 feet or the*  
291 *maximum base height of the zoning district, whichever is less*  
292

### **Setback Requirements**

- 293  
294 ○ *Removing rear yard setback requirements from Quality Housing buildings*  
295 ○ *Reducing required front setback above base height by 1 foot for every foot it is*  
296 *set back from the property line, but maintain a 5 foot minimum setback*  
297

### **Building Envelopes and Number of Stories**

- 298  
299 ○ *Aligning Quality Housing optional regulations on wide streets with comparable*  
300 *“A” districts and narrow street regulations in “B” districts*  
301 ○ *Allowing for Quality Housing option building envelope in former study areas in*  
302 *non-contextual areas*  
303 ○ *Adjusting building envelopes in Special Zoning Districts where special building*  
304 *envelope and maximum FAR rules are not explicitly stated so that the*  
305 *maximum building envelopes are in line with the changes proposed for Quality*  
306 *Housing.*  
307

### **Unit Size and Configuration**

308  
309 These zoning text changes will provide for greater flexibility in unit sizes, greater density and  
310 permit more diverse population in buildings.

- 311 ○ *Removing 400sf minimum apartment size to provide greater unit type flexibility*  
312 *and allow unit density factor to govern*  
313 ○ *Reduce density factor in R8 through R10 districts to 680sf*  
314 ○ *Remove various double-paned window requirements from Zoning Resolution as*  
315 *they restrict use of higher efficiency window and are already mandated by*  
316 *building code*  
317 ○ *Allow the Office of Environmental Remediation to modify sound-attenuated*  
318 *window requirements based on site conditions*  
319

320 **Irregular Site Conditions**

321 These zoning text changes will enable more flexibility to develop shallow and acutely angled  
322 lots.

- 323 ○ *Adjust rear yard and lot coverage requirements to allow for shallower rear*
- 324 *yards and higher lot coverage*
- 325 ○ *Provide greater flexibility for street walls on acutely angled lots*

326

327 **MCB4 cannot support unless the modifications and conditions below are met:**

328

329 **Affordable Senior Housing and Long-term Care Facility Building Envelopes**

- 330 ○ *An as of right 20% FAR increase for the purpose of creating affordable senior*
- 331 *housing and long-term care facilities.*
- 332 ○ *However, MCB4's support is qualified below.*

333

334 **Inclusionary Housing Building Envelopes.**

- 335 ○ *Greater maximum height for full use of FAR available through the IH*
- 336 *program.*
- 337 ○ *However, MCB4's support is qualified below.*

338

339 **Building Envelopes and Number of Stories**

- 340 ○ *Increasing maximum base height in some districts by 5 feet, consistent with*
- 341 *maximum overall height increase*
- 342 ○ *Establishing a maximum number of stories that can be built in a zoning district*
- 343 *in concert with maximum building height*
- 344 ○ *Increasing maximum building height by 5 to 10 feet in R9 and R10 districts*
- 345 ○ *However, MCB4's support is qualified below.*

346

347 For the above three areas of proposed Zoning Text Modifications in the ZQA, MCB4 requests  
348 the City Planning Commission to modify the proposed Zoning Text to include the following:

349

350 **Include Zoning Text to establish Building and Streetwall Height Limits for:**

351

- 352 • **Clinton Special District**--Subarea C2 in the SCD (11<sup>th</sup> Avenue, West 43<sup>rd</sup> and  
353 West 44<sup>th</sup> Streets, 10<sup>th</sup> 11<sup>th</sup> Avenues)
- 354 • **Hudson Yards Special District**--Subareas D4 & D5 (Hell's Kitchen Subdistrict)  
355 of the HYSD
- 356 • **West Chelsea Special District**—West 23<sup>rd</sup> Street between 10<sup>th</sup> and 11<sup>th</sup> Avenues
- 357 • **East Chelsea**--[a geographic area in East Chelsea area rezoned under the 1996  
358 Chelsea Plan. This request needs to be refined by CLU]

359

360 **Clinton Special District** --- [Insert rationale & history of zoning changes for building &  
361 streetwall height limits 11<sup>th</sup> Avenue corridor & West 43<sup>rd</sup>/44<sup>th</sup> Street corridor Clinton]

362

363 *MCB4 requests that SCD, 96-50, be modified to include Zoning Text to establish height and*

364 *setback limits consistent with the 2011 West Clinton Rezoning.*<sup>1</sup>

365  
366 **Hudson Yards Special District**-- [Insert rationale & history of zoning changes for building  
367 & streetwall height limits for D4 & D5 in Hell's Kitchen]

368  
369 *MCB4 requests that HYSO, 93-50, be modified to include Zoning Text to establish height and*  
370 *setback limits consistent with the 2005 Hudson Yards Rezoning.*<sup>2</sup>

371  
372 **West Chelsea Special District**-- [Insert rationale & history of zoning changes for building &  
373 streetwall height limits for West 23<sup>rd</sup> Street in West Chelsea]

374  
375 *MCB4 requests that WCSO, 98-50, be modified to include Zoning Text to establish height and*  
376 *setback limits consistent with the 2005 West Chelsea Rezoning.*<sup>3</sup>

377  
378 **East Chelsea**--MCB4 requests the establishment of Building and Streetwall Height Limits in a  
379 geographic area of East Chelsea in areas rezoned under the 1996 Chelsea Plan. The Chelsea  
380 Plan, adopted by the City Council in May 1996, was a set of recommendations for zoning  
381 changes intended to create housing opportunities and to balance new development with the  
382 preservation of neighborhood context within a 64-block area between 14th and 34th Streets west  
383 of Sixth Avenue. With the Chelsea Plan the community undertook the task of deciding what  
384 compromises and trade-offs best balanced the two competing needs.

385  
386 East Chelsea was subjected to the same intensive review that West Chelsea received during the  
387 subsequent creation of the Special West Chelsea District (SWCD). The designated subareas in  
388 the SWCD, which have text-based height limits and are not affected by the proposed ZQA  
389 Zoning Text Amendment. However, the areas rezoned through the 197-a Chelsea Plan would be  
390 fully subject to the proposed building height and setback increases

391  
392 *MCB4 requests that a geographic area rezoned under the Chelsea 197-a Plan (as modified by*  
393 *DCP and adopted as a 197-c rezoning by the City Council on May 22, 1996), establish height*  
394 *and setback limits in the Zoning Text consistent with that 1996 plan.*<sup>4</sup>

395  
396 **MCB4 does not support:**

- 397  
398 **Affordable Senior Housing and Long-term Care Facility Building Envelopes**  
399 These zoning text changes will benefit commercial uses on the upper floors of a building and  
400 cluster senior housing on the lower floors.  
401 ○ *Greater height and number of stories for uses other than residential*  
402 *where higher FAR is permitted for buildings with 20% or greater*  
403 *affordable senior housing and long term care facility uses.*

404  
405 **Ground Floors**

---

<sup>1</sup> Attached Zoning text (Appendix X)

<sup>2</sup> Attached Zoning text (Appendix X)

<sup>3</sup> Attached Zoning text (Appendix X)

<sup>4</sup> Attached Zoning text (Appendix X)

406 MCB4 has seen extensive new construction throughout entire district. A great deal of that  
407 construction has included ground floor commercial space, both on avenues and narrow side  
408 streets. These spaces have been occupied by all types of businesses (see appendix XX),  
409 which are successful within the existing building envelopes and height controls. The ability  
410 to have successful commercial space is a function of the local retail market, not ceiling  
411 height.

412  
413 Creating higher ceiling heights for commercial spaces will create out of scale first floors to  
414 the context of surrounding existing buildings. Context creates one city of different style and  
415 period which seek to harmonize, not emphasize their difference.

- 416 ○ *Increase ground floor height to allow buildings with residential units on the*  
417 *ground floor to elevate unit windows above street level and to allow for the*  
418 *addition of retail spaces which require heights greater than the maximums*  
419 *currently in place.*
- 420 ○ *Increase maximum height of Quality Housing buildings by 5 feet if the second*  
421 *floor begins at 13 feet or higher in all contextual zoning districts except R7B*  
422 *and R8B*

423  
424 MCB4 looks forward to continuing this conversation with the Department of City Planning and  
425 working together to ensure that that the proposed Zoning for Quality and Affordability changes  
426 adequately address the needs and concerns of our Community District.

Sincerely,

Christine Berthet  
Board Chair



Jean-Daniel Noland, Co-Chair  
Clinton/Hell's Kitchen Land Use Committee

Betty Mackintosh, Co-Chair  
Chelsea Land Use Committee

Lee Compton, Co-Chair  
Chelsea Land Use Committee

Joe Restuccia, Co-Chair

Barbara Davis, Co-Chair

- 427
- 428 cc: J. Nadler, US Congress
- 429 B. Hoylman, State Senate
- 430 A. Espailat, State Senate
- 431 D. Gottfried, State Assembly
- 432 L. Rosenthal, State Assembly
- 433 C. Johnson, City Council
- 434 H. Rosenthal, City Council
- 435 V. Been, HPD
- 436 L. Carroll, HPD
- 437 D. Hernandez, HPD
- 438 E. Hsu-Chen, DCP
- 439 F. Ruchala, DCP
- 440 K. Grebowiec-Hall, DCP

DRAFT

Re: Letter to HPD re Clinton Towers 790 11<sup>th</sup> Avenue Commercial Space Lease Letter will be posted on Monday, November 2nd



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

330 West 42<sup>nd</sup> Street, 26<sup>th</sup> floor New York, NY 10036  
tel: 212-736-4536 fax: 212-947-9512  
www.nyc.gov/mcb4

4  
**Christine Berthet**  
Chair

6  
**Jesse R. Bodine**  
District Manager

**Item#: 30**  
**RADIFICATION**

8 **New Business**

9  
10 October 28, 2015

11  
12 Meenakshi Srinivasan  
13 Chair  
14 New York City Landmarks Preservation Commission  
15 1 Centre Street  
16 9th Floor North  
17 New York, New York 10001

18  
19 Re: Item 1-Borough of Manhattan Group A:  
20 Item H: Powerhouse, 850 Twelfth Avenue  
21 Item I: Mission of the Immaculate Virgin, West 56th Street

22  
23 Honorable Chair Srinivasan:

24  
25 I'm Jean-Daniel Noland, Chair of the Clinton/Hell's Kitchen Land Use and Zoning Committee of  
26 Manhattan Community Board 4 (MCB4). Thank you for the opportunity to testify on the historical,  
27 architectural, social and cultural significance of two buildings in the Hell's Kitchen/Clinton neighborhood  
28 of Manhattan District 4.

29  
30 I would like to reaffirm Community Board 4's support for the designation of the Mission of the  
31 Immaculate Virgin at 448 West 56th Street and for our long-held support of the designation of the former  
32 Interborough Rapid Transit Powerhouse on 12th Avenue as New York City landmarks.

33  
34 **Mission of the Immaculate Virgin**

35 The Mission of the Immaculate Virgin on West 56th Street is a handsome three-story, three bay, red brick  
36 and limestone Beaux-Arts style building completed in 1903 for the Mission of the Immaculate Virgin, a  
37 Catholic charity founded around 1870 by Irish immigrant and Catholic priest John C. Drumgoole.

38  
39 For the mission's Midtown branch, architects Schickel and Ditmars designed a modestly scaled civic  
40 building distinguished by an elegantly proportioned Beaux-Arts scheme. The building's rusticated  
41 limestone base with off-set entry portico is balanced by plain brick facade on the second and third floors  
42 punctuated by an ordered rhythm of square and round-arched windows under elaborate lintels. A  
43 denticulated, pressed-metal cornice with four consoles crowns the building.

44  
45 It remains one of the most outstanding examples of the Beaux-Arts style in the Clinton neighborhood. But  
46 it is also important a social monument to the immigrant history of the West Side and of New York City.  
47 For among those immigrants were thousands of children — poor, homeless, and hungry.

48  
49 During the 1870s and 1880s in NY, Catholic charities began to assume a greater role in municipal poor  
50 relief efforts, especially those aimed at children. According to one historian, by 1885 nuns were rearing  
51 over 80 percent of the city's dependent youths and had won effective control of the metropolitan child

1 care system. Catholic priests like Father John Christopher Drumgoole also took leadership in poor relief.

2  
3 Designed by the firm of Schickel & Ditmars, the building was originally used as a boy's club. The stated  
4 purpose of the Mission was to provide temporary and permanent shelter, food and clothing for dependent  
5 boys as well as to provide secular and religious education. Father Drumgoole gained considerable  
6 recognition for the work of the Mission, becoming known as the "friend and protector of children of the  
7 street."  
8

9 Schichel & Ditmars were responsible for two individually designed NYC Landmarks — the Renaissance  
10 Revival-style Church of St. Ignatius Loyola at 980 Park Avenue (18-95-1900) and the Beaux-Arts-style  
11 Baumgarten House at 294 Riverside Drive (1900-1901). The Mission of the Immaculate Virgin on West  
12 56th is important both for its architectural quality and for its historical and social importance. We urge its  
13 designation as a New York City Landmark.  
14

### 15 **IRT Powerhouse**

16 The IRT Powerhouse, now owned by Consolidated Edison, is not only important for the design of its  
17 exterior by Sanford White but also as a monument of the history of transportation and technology in New  
18 York City. This Board has long advocated for its designation as a New York City landmark (see attached  
19 letter from October 6, 2008) and raised the alarm over changes which have altered the character of this  
20 important edifice (see attached letters).  
21

22 Occupying the entire block bounded by Eleventh and Twelfth Avenues, West 58th and West 59th Streets,  
23 the original powerhouse of the Interborough Rapid Transit Subway is the most monumental building  
24 associated with the subway system in New York City. It was the largest powerhouse in the world upon its  
25 completing in 1904 and it represented the highest level of technical sophistication in the production of  
26 electrical power at that time.  
27

28 From the powerhouse, current was generated and fed to eight substations to power the signal and lighting  
29 systems. In its role as company symbol, the building heralded a new era of electrified urban  
30 transportation, illustrating the power of technology to improve urban life. The IRT Powerhouse still  
31 stands as a monument to the engineers and architects who planned and built New York City's first  
32 successful underground transit system.  
33

34 Executed in the Beaux-Arts style and drawing upon Renaissance prototypes, it is the embodiment of the  
35 aesthetic ideals of the civic-minded City Beautiful movement spawned by the World's Columbian  
36 Exposition of 1893 in Chicago, which held that public improvement could beautify American industrial  
37 cities.  
38

39 Standing on a base of smooth ashlar granite, the building has symmetrically designed facades of buff-  
40 colored brick arranged in bays with two-story arched window openings that are decorated with terra-cotta  
41 moldings and keystones. The arches are surmounted by an attic story with paired window openings  
42 framed by terra-cotta plaster with foliated terra-cotta rustication blocks and topped by terra-cotta wreaths.  
43 Many of the windows retain their original multiplane industrial sash.  
44

45 The Powerhouse must be preserved not only as a monument to New York City's past but also as a  
46 potential great public space for its future.  
47

48 I would like to quote from the Board's October 6, 2008 letter about the Powerhouse, written by the  
49 eminent MCB4 historian and beloved colleague Edward Kirkland and signed by me when I was Chair of  
50 the Board.  
51

1 "The resulting structure shows an impressive exterior and remarkable interior spaces, some of them of  
2 them now unused. Above all, the great hall that contained the huge generators or dynamos is now empty.  
3 Suggestions for reuse could point the way toward making this extraordinary interior into one of the great  
4 public spaces in New York, and recent changes in the area might support reuse of the underutilized  
5 portions of the interior for purposes that would turn the building into a source of income that could enable  
6 adequate long-term maintenance and possibly even restoration of missing or destroyed elements of the  
7 exterior."  
8

9 Ed goes on to say:

10  
11 "The importance of the Powerhouse to the first subway in New York is reflected in the amount of space  
12 given to an elaborate treatment of the advanced technology of the building in the third chapter of the  
13 commemorative book, *The New York Subway*, produced after the subway opening. This makes clear both  
14 the dominant role played by technical requirements and the skills of the engineers that resolved them in  
15 shaping the interior spaces and the general form of the building."  
16

17 Community Board 4 urges that designation be no longer delayed. The building is important both for its  
18 historic importance and for its impressive architectural quality. And, we hope, for the potential its interior  
19 spaces offer to one day enrich New York City.  
20

21 Thank you.  
22



23  
24 Jean-Daniel Nolan  
25 Chair, Clinton / Hell's Kitchen Land Use Committee  
26

27 Enclosure  
28