



IN THE MATTER OF an application submitted by 801 11 Ave., LLC pursuant to Sections 197- c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 89- 21 of the Zoning Resolution:

1. to allow the distribution of 64,392 square feet of floor area from granting sites (B-G1, Block 1109, p/o Lot 25 and a portion of Marginal Street, Wharf or Place; B-G2, Block 1107, p/o Lots 5 and 14; B-G3 Block 662, p/o Lots 11, 16, 19, and a portion of Marginal Street, Wharf, or Place) to a receiving site (B-R3, Block 1103, Lot 36); and
2. to modify the street wall location requirements of Section 35-631(a) (Street wall location);

in connection with a proposed mixed use development on property located at 801 11th Avenue (Block 1103, Lot 36), in a C4-7 District, within the Special Hudson River Park District (HRP) and the Special Clinton District (CL), Borough of Manhattan, Community District 4.

An application for a special permit (C 260015 ZSM) pursuant to Section 89-21 of the Zoning Resolution (ZR) (Transfer of Floor Area from Hudson River Park) was filed by 801 11th Avenue., LLC on December 12, 2025, to facilitate the redevelopment of 801 11th Avenue in Manhattan, Community District 4, with a mix of uses.

The proposed development would comprise 386,350 square feet of floor area and a total area ratio (FAR) of 14.4. It would contain as many as 541 dwelling units, including up to 162 units of income-restricted housing pursuant to the Mandatory Inclusionary Housing (MIH) program. The proposed actions would also enable a transfer of floor area from commercial park piers in Hudson River Park to support improvements and capital maintenance in Hudson River Park within Manhattan, Community District 4.

RELATED ACTIONS

In addition to the special permit (C 260015 ZSM), that is the subject of this report, implementation of the proposed project also requires action from the City Planning Commission

(CPC) on the following applications, which are being considered concurrently with this application:

- N 260014 ZRM** Zoning text amendment to modify the regulations of the Special Hudson River Park District, clarify the requirements of the Special Clinton District, and designate a Mandatory Inclusionary Housing (MIH) area.
- C 260013 ZMM** Zoning map amendment to change the M2-3(CL) zoning district to a C4-7(CL) district and establish the Special Hudson River Park District.

BACKGROUND

This application for a special permit, along with the related actions, would facilitate the development of 801 11th Avenue with a mixed residential and commercial uses totaling 386,350 square feet of floor area in Manhattan, Community District 4. Additionally, it would establish new granting sites and a new receiving site, in the Special Hudson River Park District, permit a wider range of high density uses on the development site, require permanently income-restricted housing, and support certain identified improvements and the maintenance of Hudson River Park in Manhattan, Community District 4.

The rezoning area, which comprises Block 1103, Lot 36 (development site) and a portion of Block 1103, Lot 23, is located on the eastern portion of Manhattan Block 1103 and is bounded by 12th Avenue, West 55th Street, 11th Avenue, and West 56th Street. The rezoning area has been zoned in a manufacturing district since the ZR was enacted on December 15, 1961. In 1974, the Special Clinton District (CP-22758) was established, and the rezoning area was included in Subarea C1 of the Special District.

Special Clinton District

The Special Clinton District was established in 1974 and is generally bounded by 12th Avenue to the west, West 59th Street to the north, Eighth Avenue to the east, and West 41st Street to the south. It was created to preserve and strengthen the residential character of the Clinton neighborhood, which borders Midtown, Manhattan. The special district includes several subareas including the Preservation Area, Perimeter Areas, and Other Areas with varying rules and regulations. In the Preservation Area, the floor area ratio of certain zoning districts is modified to

create more contextual developments in the residential core of the neighborhood, through the mid blocks. The Perimeter Area allows for the development of buildings to the maximum FAR of the underlying zoning district, and is generally located along Eighth Avenue, encouraging higher density developments. The development site is located in subarea C1 (Other Areas) where there are generally fewer use and bulk modifications to the underlying regulations. The Other Areas include a mix of underlying manufacturing and high-density residential commercial districts.

Hudson River Park

Occupying approximately 550 acres in and along the Hudson River waterfront from Chambers Street to West 59th Street, Hudson River Park has become one of the City's and the State's premier open space resources, drawing approximately 17 million visits each year. The park serves the Tribeca, Greenwich Village, Hudson Square, Chelsea, Hell's Kitchen, and Clinton neighborhoods that immediately border it. Hudson River Park offers a wide range of activities, recreation spaces, learning opportunities and on-the-water experiences.

Following a 10-year planning effort, the park was established by New York State legislation, the Hudson River Park Act, in 1998. At its inception, it was envisioned that the park would comprise upland, pier and water areas with a continuous waterfront esplanade and that the park would contain a mixture of active and passive public recreational facilities, maritime facilities, a variety of ecological, educational, cultural and historic features, and allow for some limited commercial uses at defined locations that would be compatible with park use and financially support the park's operations. In 2013, the Hudson River Park Act was amended to stipulate that, to the extent practicable, the costs of operation and maintenance of the park, be paid by revenues generated from commercial piers within the park. The Hudson River Park Act also empowered the Hudson River Park Trust with the authority over the planning, construction, operation, and maintenance of the Hudson River Park. The State and City own the underlying park property, and the Hudson River Park Trust leases the property from each entity. As of 2025, the Hudson River Park Trust had completed construction of nearly all major, originally planned public components envisioned by the Hudson River Park Act. Additional areas are now in design.

The Hudson River Park Act also defines uses that are permitted throughout the park, and restricts uses, locations and the extent of construction within the Hudson River. Residential, manufacturing, hotel, casino, riverboat gambling and office uses (except at Pier 57) are prohibited throughout the park. On certain piers, the Hudson River Park Act allows “park/commercial uses,” defined as uses that are not prohibited, that are “compatible” with park uses, and that are limited to: water dependent transportation, entertainment, retail, restaurant, certain media studios, commercial, recreational uses and amusements, performing arts, educational facilities and, at Pier 57, primary office uses. At many other piers, only “park uses” are permitted. Primary Park uses include public open space, recreation, and the arts, alongside specialized programming for boating, environmental education, and historic preservation.

Special Hudson River Park District

In 2016, the City adopted a zoning change (N 160308 ZRM) to establish the Special Hudson River Park District in the ZR and simultaneously approved a set of private applications pursuant to the special district provisions to transfer unused development rights from Pier 40 to 550 Washington Street. The intent of the special district is to facilitate the repair, rehabilitation, maintenance and development of the Hudson River Park through the transfer of development rights within the Special Hudson River Park District, and to promote appropriate uses on receiving sites that complement the park and serve residents of varied income levels. The establishment of the Special Hudson River Park District codified in the ZR the ability to transfer development rights from Pier 40, the granting site, to 550 Washington Street, the receiving site. At that time, it was anticipated that the special district boundaries would need to be amended to facilitate future floor area transfers from additional areas within Hudson River Park to new upland receiving sites. To date, three transfers of development rights from Hudson River Park have been completed: (1) from Pier 40 to the St. John’s Terminal development (C160310 ZSM); (2) from Chelsea Piers to 301 West 29th Street (C 180129(A) ZSM); and (3) from Chelsea Piers to 606 West 30th Street (C 180152 (A) ZSM).

This application (C 260015 ZSM) is being considered concurrently with a private application one block south at 629 West 54th Street. Together they would constitute the fourth and fifth transfers of development rights from Hudson River Park via the Special Hudson River Park District special permit. While separate and distinct applications, the proposed developments at

801 11th Avenue and 629 West 54th Street were analyzed under a joint environmental impact statement.

Granting sites, Receiving Sites and Surrounding Area

The areas to be affected by the proposed special permit, in conjunction with the related actions, include the rezoning area (Block 1103, Lot 36 and p/o 23) and portions of three commercial park piers; Piers 81/83, Pier 98 and a portion of Chelsea Piers. All of the granting sites are in an M2-3 zoning district, which permits 2.0 FAR for manufacturing and commercial uses.

Pier 81/83 consists of Block 1107 and portions of Lots 5 and 14 and is located west of 12th Avenue between West 41st Street and West 43rd Street. Pier 81 is maintained by Circle Line Cruises and is currently being used for dockages for large vessels hosting private events. Pier 83 is used as the terminal for Circle Line boat cruises. At the time of this application, there is approximately 211,167 square feet of unused floor area available for transfer.

Pier 98 is located west of 12th Avenue at West 58th Street. The Pier 98 granting site consists of a part of Manhattan Block 1109, a portion of Lot 25 and a part of the Marginal Street, Wharf or Place, adjacent to Lot 25. Pier 98 is currently used by Con Edison as a fuel transfer facility. At the time of this application there is approximately 65,891 square feet of floor area available to be granted.

Originally used as a terminal for large ocean liners, Chelsea Piers currently contains numerous sports and entertainment venues for golf, rock climbing, field sports, ice skating, fitness and bowling. In addition, the complex also includes several event spaces, along with Silver Screen Studios, and a commercial marina with both excursion and private boats. Chelsea Piers is situated on Piers 59, 60, and 61. In 2018, the CPC voted to approve two applications on Manhattan Block 675 which facilitated the transfer of approximately 158,000 square feet of unused development rights from Piers 59, 60, 61 and the associated headhouse section of Chelsea Piers to development sites at 606 West 30th Street and 601 West 29th Street via the Special Hudson River Park special permit. The floor area available for transfer from Chelsea Piers and the associated headhouses was not exhausted as a part of the 2018 transfers, however, as a part of this application, the granting site area is proposed to be extended to include portions of Chelsea Piers directly to the north of the existing area designated as a granting site. The

proposed granting site (Manhattan Block 662, p/o Lots 11,16, and 19 and a part of Marginal Street, Wharf or Place), as shown on the survey submitted by the Hudson River Park Trust, has a total of 289,154 square feet of unused floor area remaining available for potential transfers.

The rezoning area includes two zoning lots, Block 1103, Lot 36 and a portion of Lot 23. The development site consists of Block 1103, Lot 36 and is 26,829.86 square feet in area, currently mapped in an M2-3 zoning district within Subarea C1 of the Special Clinton District. The site is currently improved with two buildings that were previously operated as a single commercial auto dealership, including a two-story, roughly 50-foot-tall building and a three-story, roughly 35-foot-tall, with a total built area of approximately 57,805 gross square feet. The buildings were constructed in 1920, and the northern building was enlarged in 2011. The development site is currently vacant. Lot 23, a portion of which is in the rezoning area, is currently improved with the Terminal 5 concert venue and is not affiliated with the applicant. The development site is proposed as the receiving site for approximately 64,392 square feet of unused floor area from the granting sites.

The rest of Block 1103 is occupied by a mix of commercial and industrial uses, including various retail businesses such as a plumbing company and musical instrument rental service.

Additionally, the block contains a large Department of Sanitation (DSNY) facility that spans two blocks and contains parking, office, and maintenance space, as well as truck storage areas. The main vehicular entrances to this facility are located west and north of the development site on 12th Avenue, West 56th Street, and West 57th Street.

Directly to the north of the development site, are two mixed-use buildings mainly containing residences, ranging from 37 to 43 stories constructed in 2018 and 2015, respectively. To the west is Hudson River Park, the Hudson River Park Greenway, a popular cycling and walking route, as well as Piers 98 and 99. Pier 98 is a Con Edison fuel transfer facility and Pier 99 is operated by DSNY as a Marine Transfer Station for recyclables. South of the development site, between West 54th and West 55th Street, are multiple auto-industry facilities, including a car dealership space, a parking facility, and offices, which include a Mount Sinai Doctors facility. Other medical facilities are also present to the north of the site including a Century Medical and Dental Center on 11th Avenue and the Hospital for Special Surgery West Side Center on West 58th Street. To the east of the development site, at West 57th Street and 11th Avenue, is the CBS

studio building. Also to the east of the development site are several commercial buildings, auto dealerships, and a hotel. There have been several zoning changes over the past few decades that highlight the area's increasingly residential nature. These include the 2014 rezoning of 606 West 57th Street, which transitioned the block directly north of the development site from M1-5 and M2-3 districts to C4-7, and a 2001 action that rezoned the area two blocks north of 801 11th Avenue from M2-3 to C4-7. In recent years, the area immediately surrounding the development site and along 11th Avenue was previously considered to be a target for public and private investment in the life sciences sector, however, several projects previously announced have since stalled.

There is a mixture of various commercial, manufacturing, and residential zoning districts in the surrounding area. To the north, a C4-7 zoning district is mapped, which allows residential and commercial uses and up to 12 FAR with qualifying affordable housing. To the southeast, a C6-3X district is mapped, which allows 6.0 FAR for commercial use and 9.0 FAR for residential use with qualifying affordable housing. Also located to the southeast of the development, an R9 district is mapped, which allows for 9.02 FAR for residential use with qualifying affordable housing. Additionally, there are several manufacturing districts in the immediate vicinity. Directly south of the development site is an M2-4 district within the Western Subarea of the Special Clinton District, which permits 5.0 FAR for manufacturing uses. The M2-4 district covers blocks extending from West 55th Street to West 43rd Street between 11th and 12th Avenues.

To the south of the development site, open spaces in the surrounding area include DeWitt Clinton Park. The park contains a dog run, garden, and spaces for basketball, baseball, and football. To the west is Clinton Cove, which connects Piers 95, 96, and 97 within Hudson River Park. It provides public open and recreation space, including a kayaking boathouse, synthetic turf play space, and open lawns.

The surrounding area is served by several different modes of transportation. The Columbus Circle subway station is located to the northeast of the development site and provides access to the A, C, B, D, and 1 line. There are also several bus lines in the immediate vicinity including the M12, M57 and M31. Finally, there is a CitiBike docking station located at West 54th Street and 11th Avenue.

Proposed development

The proposed development, facilitated by a transfer of up to 64,392 square feet of floor area from the granting sites, would include a total of 386,350 square feet of floor area (14.4 FAR) in a 38-story, predominantly residential building. It would contain approximately 477 dwelling units of which approximately 119 to 143 would be income-restricted pursuant to MIH Option 1 or 2.

The proposed development would contain a podium portion rising to a height of 110 feet on West 55th and West 56th Streets and a height of 60 feet at the midblock on 11th Avenue. Above the base, the residential tower would set back 15 feet and then rise to a maximum height of 485 feet (525 feet inclusive of a 40-foot mechanical bulkhead).

On the ground floor, the proposed development would contain a primary residential lobby at the corner of West 55th Street and 11th Avenue. The residential entrance on the ground floor would set back 10 feet from 11th Avenue and 15 feet from West 55th Street. The commercial use in the building's base is anticipated to be an auto dealer and would be located on West 56th Street and 11th Avenue. The proposed development would contain three curb cuts to accommodate the commercial use, two curb cuts on West 56th Street and one on West 55th Street. There is one existing curb cut on 11th Avenue.

Alternate Development

The applicant has also proposed an alternate development scenario, which would include a total of 386,350 square feet (14.4 FAR) in a 39-story, predominantly residential building. In this scenario, commercial uses would only be located on the first floor, rising to an anticipated 20 feet and totaling 18,038 square feet of floor area (0.67 FAR). The building would contain 368,312 square feet of residential floor area (13.73 FAR) and up to 541 dwelling units, including 135 to 162 units of permanently income-restricted housing pursuant to MIH Option 1 or 2. The building envelope and ground floor uses would remain the same as the proposed development scenario.

Hudson River Park improvements

As a part of the proposal, the transfer of floor area to the development site is intended to provide funds for significant improvements to portion of Hudson River Park within Manhattan,

Community District 4. The Hudson River Park Trust plans to allocate at least 80 percent of the transfer funds for identified capital improvements and set aside 20 percent as a reserve for future capital maintenance needs. In a letter to the CPC, dated August 14, 2025, the Hudson River Park Trust stated that it intends to use the funds generated by the sale of development rights from the granting sites to construct a new pile-supported pier and related public park improvements at Pier 76. The upgrades include design and construction of one or more components of this pile-supported pier and related landscaped park areas inclusive of associated utilities, plantings, pavement, railings, as well as design and construction of a waterfront esplanade connection fronting Pier 76. Any excess of funds not needed for the Pier 76 project would be used toward other park improvements or future capital maintenance of existing park improvements in the sections of Hudson River Park within Manhattan, Community District 4.

REQUESTED ACTIONS

Zoning Text Amendment

The applicant seeks a zoning text amendment (N 260014 ZRM) to establish new maps in the Appendix to the Special Hudson River Park District regulations (ZR 89-00) to define portions of Pier 81/83, Pier 98, and Chelsea Piers as granting sites and the rezoning area as a receiving site; to modify the bulk regulations applicable in a C4-7 zoning district when the commission grants a special permit pursuant to ZR 89-21; to modify ZR 89-11 to allow automobile sales and services or preparation of vehicles for delivery uses on the development site; redesignate certain existing granting and receiving sites; to amend ZR 89-12 to clarify and reconcile the requirements of the Special Hudson River Park District and Special Clinton District; and to designate an MIH area mapped with Options 1 and 2. Specifically, the proposed text amendment would:

- Amend ZR 89-02 (Definitions) to include portions of Chelsea Piers (Block 662, part of Lots 11, 16, and 19 and part of Marginal Street), Pier 81/83 (Block 1107, part of Lots 5 and 14), and Pier 98 (Block 1109, part of Lot 25 and part of Marginal Street) as new granting sites and the rezoning area (Block 1103, Lot 36 and p/o 23) as a new receiving site in order to enable the transfer of unused development rights from new areas within the park to a new upland site and secure funds for park improvements and capital maintenance.

- Amend ZR 89-11 (Use and Bulk Regulations) to:
 - a. apply the use and bulk regulations of an M2-3 district to the development site;
 - b. introduce a new provision, Section 89-13, to allow the use and bulk regulations of a C4-7 district and a maximum FAR of 14.4 to apply to the development site to establish the appropriate density; and
 - c. allow for automobile dealers and all other motor vehicle dealers on the development site to include repair services and preparation of vehicles for delivery.

- Amend Appendix (Special Hudson River Park District Plan) to include a new map, which defines the proposed granting and receiving sites, and redesignates certain existing granting and receiving sites and makes conforming modifications to ZR Section 89-12;

- Amend Section 96-02 (Special Clinton District General Provisions) to clarify that the requirements of the Special Hudson River Park District apply to areas that are within both the Special Clinton District and the Special Hudson River Park District; and

- Amend Appendix F (Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas) to map MIH Option 1 and Option 2. Option 1 requires that at least 25 percent of the residential floor area be provided as housing permanently affordable to households with incomes at an average of 60 percent of the area median income (AMI), including a 40 percent AMI tier, with no units targeted to households with incomes exceeding 130 percent AMI. Option 2 requires that at least 30 percent of the residential floor area be provided as housing permanently affordable to households with incomes at an average of 80 percent AMI, with no units targeted to households with incomes exceeding 130 percent AMI.

Zoning Map Amendment

The applicant seeks a zoning map amendment (C 260013 ZMM) to map portions of Pier 81/83 (Block 1107, part of Lots 5 and 14), Pier 98 (Block 1109, part of Lot 25 and part of Marginal Street, and Chelsea Piers (Block 662, part of Lots 11, 16, and 19 and part of Marginal Street) and

the rezoning area at 801 11th Avenue (Block 1103, Lots 36 and p/o 23) in the Special Hudson River Park District, and to alter the zoning district designations on the development site.

Mapping a special district on the granting and receiving sites would, in conjunction with the zoning text amendment, enable the transfer of unused development rights from new areas within Hudson River Park and secure funds for park improvements and maintenance within Manhattan, Community District 4.

The zoning map amendment would also rezone the rezoning area (Block 1103, Lots 36 and p/o 23) from an M2-3 district to a C4-7 district (R10 equivalent), which, as modified by the zoning text amendment, would allow the uses and density on the development site as proposed by the applicant. With the transferred floor area, the site is proposed to permit up to 14.4 FAR.

The Special Hudson River Park District stipulates that, absent the election of the special permit and construction pursuant to the special permit approvals, the receiving site is restricted to the M2-3 manufacturing district that applies today.

Special Permit pursuant to ZR 89-21

The applicant seeks a special permit (C 260015 ZSM) pursuant to Section 89-21 (Transfer of Floor Area from Hudson River Park). The special permit would allow the transfer of 64,392 square feet of floor area from the granting sites to the development site. The transfer of floor area would enable improvements and capital maintenance in park areas within Manhattan, Community District 4.

Pursuant to the C4-7 zoning district, the maximum permitted floor area at the development site is 321,958 square feet (12.0 FAR). The additional 64,392 square feet of floor area (2.4 FAR) transferred will increase the total floor area permitted to 386,350 square feet (14.4 FAR), increasing the maximum permitted floor area by 20 percent.

Under the special permit, the applicant also seeks the modification of bulk requirements as follows:

- Street Wall Location (ZR Section 35-631(a)): A waiver is sought to modify the street wall location regulations along 11th Avenue to allow a portion of the street wall within 66 feet of West 55th Street to not be located at the street, as required by ZR Section 35-

631(a). The requested waiver would facilitate improved pedestrian circulation near the proposed residential entrance to accommodate an anticipated increase in pedestrian traffic flow.

In the future, the applicant will also seek a Chairperson's Certification pursuant to 89-21(d) to ensure that building permits and (temporary) certificates of occupancy may only be issued by the Department of Buildings once the payment obligations to the Hudson River Park Trust associated with the transfer of floor area have been satisfied.

ENVIRONMENTAL REVIEW

The application (C 260015 ZSM), in conjunction with the related applications for a zoning map amendment (C 260013 ZMM) and a zoning text amendment (N 260014 ZRM) was reviewed pursuant to New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.* And the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is: 25DCP049M. The lead is the CPC.

It was determined that the proposed actions may have a significant effect on the environment and that an Environmental Impact Statement (EIS) would be required. A Positive Declaration was issued on December 30, 2024, and subsequently distributed, published, and filed. Together with the Positive Declaration, a Draft Scope of Work for the Draft Environmental Impact Statement (DEIS) was issued on December 30, 2024. A public scoping meeting was held on January 30, 2025 and the Final Scope of Work, reflecting comments made during scoping, was issued on December 12, 2025.

A DEIS was prepared and the Notice of Completion for the DEIS was issued on December 12, 2025. On April 1, 2026, a public hearing was held on the DEIS pursuant to SEQRA and other relevant statutes. A Final Environmental Impact Statement (FEIS), reflecting the comments made during the public review process was completed, and a Notice of Completion for the FEIS was issued on April 30, 2026. The DeWitt Clinton Park North (629 West 54th Street and 801 11th Avenue) FEIS considers, in a single environmental review, the potential separate and cumulative adverse impacts, as well as mitigations, for the proposed projects at 801 11th Avenue (C 260015

ZSM, C 260013 ZMM, and N 260014 ZRM) and 629 West 54th Street (C 260061 ZSM, C 260060 ZMM, and N 260062 ZRM).

To avoid potential significant adverse impacts related to hazardous materials, air quality, and noise the FEIS includes an (E) designation (E-869) that would apply on Block 1103, Lots 36 (801 11th Avenue) and Block 1102, Lot 11 (629 West 54th Street).

The proposed project as analyzed in the FEIS identified significant adverse impacts with respect to transportation (traffic and transit (buses)) and construction (traffic and noise).

The identified significant adverse impacts and proposed mitigation measures are summarized in Chapter 18, Mitigation of the FEIS. To ensure implementation of the mitigation measures identified in the FEIS, in connection with the proposed project, Restrictive Declarations would be recorded to authorize the proposed projects' development with certain requirements. The Restrictive Declaration for each proposed project will specify the mitigation measures and the process of their implementation, consistent with the FEIS.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY

This application (C 260015 ZSM), along with the related applications for a zoning map amendment (C 260013 ZMM) and a zoning text amendment (N 260014 ZRM) was reviewed by the City Coastal Commission for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved the New York City Council on October 30, 2013 and by the New York State Department of State on February 3, 2016, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981, (New York State Executive Law, Section 910 *et seq.*). The designated WRP number is: 23-224. This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

UNIFORM LAND USE REVIEW

The special permit application (C 260015 ZSM), in conjunction with the related application for a zoning map amendment (C 260013 ZMM), was certified as complete by the Department of City Planning on December 15, 2025, and was duly referred to Manhattan Community Board 4 and

Manhattan Borough President on December 23, 2025 in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b); along with the related application for a zoning text amendment (N 260014 ZRM), which was referred for information and review in accordance for non-ULURP matters.

Community Board Review

On February 4, 2026, Community Board 4 held a public hearing on this application (C 260015 ZSM), and the related actions, and on that day, voted 33 in favor, one opposed, and one abstention. On February 23, 2026, Manhattan Community Board 4 submitted a resolution recommending disapproval of the application with the following conditions:

“Building Height and Bulk

- Reduce the proposed Twelfth Avenue building height to be no greater than 450 feet, 30 feet lower than the Eleventh Avenue building proposed at 485 feet. Achieve this height reduction by redistributing the massing to the base of the building. MCB4 supports building height stepping down toward the Hudson River to mitigate shadows and preserve light in the district.
- MCB4 supports a Very High Density FAR of 14.4, and requests this height reduction through bulk redistribution (not a FAR reduction).

Street wall Requirements

- Maintain current Streetwall Requirements (ZR 96-332) for the Eleventh Avenue Building of 50 to 95 feet, along Eleventh Avenue with no setbacks, recesses or entry plaza to reinforce and contribute to the existing streetwall streetscape.

Increase Affordability, Family Size Apartments and Affordable Apartment Distribution

- Increase the percentage of affordable apartments from 25% of residential square footage to 30% of the entire square footage both residential and commercial. As part of any such increase, include moderate and middle income permanently affordable apartments in the development
- Include apartment distribution of at least 20% 2 bedroom and/or 3-bedroom apartments. These proposed developments must promote family sized apartments and stability in the Hell’s Kitchen community. This request is modeled on the SCD’s Preservation Area zoning requirements (ZR Section 96-104) for 20% 2-bedroom apartments.

- Increase the affordable apartment distribution from 65% of the floors to 80% of the floors

Parity and Inclusivity – Market-Rate and Affordable Apartments

- Agree to identical apartment finishes and equipment in the affordable and market rate apartments.
- Agree to affordable and inclusive amenity spaces for affordable and market rate apartments.

DeWitt Clinton Park Improvements

- Agree to a negotiated contribution to current capital projects DeWitt Clinton Park as planned by the NYC Department of Parks

Good-Paying Jobs

- Agree to recognize 32BJ SEIU for building maintenance jobs.

Construction Task Force

- Establish a Construction Task Force to manage communication with the public and impacted neighbors during entire project construction period.”

Borough President Recommendation

This application (C 260015 ZSM), in conjunction with the related applications (C 260013 ZMM and N 260014 ZRM), was considered by the Manhattan Borough President, who, on March 25, 2026, issued a recommendation to approve the application with the following conditions:

“1. **Public Realm Improvements** - Make streetscape improvements including introducing additional lighting and street trees or other green infrastructure, improving the sidewalk surface, minimizing curb cuts, and ensuring that intersections and crosswalks are visible and safe. Such improvements should be completed prior to issuance of a Temporary Certificate of Occupancy by the Department of Buildings;

2. Maximize Affordability and Equity

- Provide at least 20% family-sized, two- to three- bedroom units;
- Distribute affordable units on at least 80% of residential floors;
- Provide identical finishes to market-rate units;
- Ensure that tenants of affordable units can afford to access amenity spaces;

- e. Explore creative financing opportunities to provide a higher proportion of affordable units than required by MIH;

3. DeWitt Clinton Park Improvements - Collaborate with DPR to advance capital improvements to the public restrooms and/or playground at DeWitt Clinton Park, which will serve as the backyard for future residents of the Proposed Projects.”

City Planning Commission Public Hearing

On March 18, 2026, the CPC scheduled April 1, 2026, for a public hearing on the special permit application (C 260015 ZSM) (Calendar No. 4). The hearing was duly held on April 1, 2026 (Calendar No. 14), in conjunction with the public hearings on the applications for the related actions (C 260013 ZMM and N 260014 ZRM). Thirteen speakers testified for the proposed project, two speakers were in conditional opposition, and eleven speakers were in support.

The applicant team, consisting of three applicant representatives, testified in support of the proposed project. The applicant’s land use counsel described the proposed project at 801 11th Avenue together with an application at 629 West 54th Street. Although distinct applications, the proposed projects required similar actions and were analyzed under a single, combined Environmental Impact Statement. A representative from the architecture team at Hill West Architects described the ground floor plan, the building massing, and the design rationale. The architect stated that the residential entrance on West 55th Street was strategically placed away from the existing entertainment venue on West 56th Street and described the massing as two volumes in lieu of a single, rectilinear floor plate. He also stated that the podium is designed to activate the 11th Avenue street frontage and to integrate the previously existing auto uses with the newly introduced residential uses. The applicant’s land use counsel also described the proposed actions including the transfer of unused floor area from the designated piers in Hudson River Park. He stated that the funds from the transfer of floor area will be directed to improvements at Pier 76 as well as improvements to the waterfront esplanade adjacent to it. Finally, the land use counsel stated that a DEIS was prepared in connection with this application and potential adverse impacts were identified with respect to transportation and the construction phase of the project.

Eight additional speakers spoke in favor of the project. These included community members, a labor union representative, and representatives from the Hudson River Park Trust. Many of those

in support referenced the City's low residential vacancy rate and housing shortage. They also noted that the proposed project is in an amenity- and transit-rich neighborhood. A representative from SEIU 32BJ spoke in support of the proposed project and noted that the proposed project, along with the proposed development at 629 West 54th Street, would create 15 permanent union building service jobs. Two representatives from the Hudson River Park Trust testified in support of the application. The President and CEO of Hudson River Park Trust stated that the trust identified Pier 76 as the priority for the funds associated with the transfer of development rights from Hudson River Park to the proposed development. They also described the community engagement process that would be required following the sale of development rights to solicit community feedback on park improvements. They stated that in the case of Pier 76, the transfer funds will help to improve the existing Pier 76 space and make it more usable and enjoyable for the public.

Two representatives from Manhattan Community Board 4 spoke in conditional opposition to the proposed project. They stated they are in support of the proposed density but would like to see deeper affordability levels in the proposed project. Additionally, they asked that the street wall waiver at the corner of West 55th Street and 11th Avenue be removed due to public safety concerns of persons congregating in the arcade-like area.

There were no other speakers and the hearing was closed.

In addition to the public testimony heard at the public hearing, the CPC received three additional written comments in support of the project. One commenter wrote on behalf of the Association for a Better New York and expressed their support for introducing residential uses to the neighborhood and maintaining auto uses on the development site. They also praised the developer's financial contribution to Hudson River Park Trust.

CONSIDERATION

The Commission believes that the special permit application (C 260015 ZSM), in conjunction with the related zoning text amendment (N 260014 ZRM) and zoning map amendment (C 260013 ZMM), is appropriate.

This application will facilitate the redevelopment of 801 11th Avenue in Manhattan, Community District 4. The proposed project will transform an existing vacant building, formerly an auto sales and service center, into a high density mixed commercial and residential development, with residences serving a variety of income levels. Additionally, the transfer of floor area from Hudson River Park proposed as a part of the project will support design and construction of more usable park areas and capital maintenance in Hudson River Park.

The Commission notes that the proposed development at 801 11th Avenue is appropriate for the surrounding context in the Clinton and Hell's Kitchen neighborhoods. The proposed height and bulk distribution are appropriate for a location fronting on 11th Avenue, a wide street, in proximity to several transit options. Notably, Columbus Circle is approximately three quarters of a mile from the development site.

Furthermore, the proposed mix of uses and two potential development programs, will provide opportunities for maintaining previously existing auto showroom uses on site, keeping with the historical and current land uses in the surrounding area.

Finally, the inclusion of up to 162 income restricted residential units in the proposed project, via the MIH program, helps further the City's goal of affordable housing production.

Zoning Text Amendment

The Commission believes that the proposed zoning text amendment (N 260014 ZRM) is appropriate.

The text amendment will expand the Special Hudson River Park District and codify in the ZR the ability to transfer unused development rights from portions of Chelsea Piers, Pier 81/81, and Pier 98 to 801 11th Avenue, in fulfillment of the enabling legislation enacted by the New York State Legislature through the 2013 amendment to the Hudson River Park Act.

The floor area transfer mechanism established in the Special Hudson River Park District in the ZR, with the enabling State legislation, is one of the tools available to the Hudson River Park Trust to fulfill its responsibilities as a custodian of the park. The targeted expansion of the special district, as proposed, would further the objectives of the special district and unlock areas in the park with unused development rights that are available for transfer. The Commission

agrees that the expansion of the special district to facilitate the repair and rehabilitation of piers, bulkheads and infrastructure and their maintenance will enhance this valued park.

Portions of Chelsea Piers, Pier 81/83, and Pier 98 have been proposed as new granting sites in the special district. The Hudson River Park Act designates Chelsea Piers, Pier 81/83, and Pier 98 as park/commercial piers and specifies that the piers and their associated headhouses were intended to serve as an economic generator for the park. As the proposed granting piers are all located in an M2-3 zoning district and are subject to zoning, they are permitted 2.0 FAR for development. With the adoption of the proposed text amendment, unused development rights on the granting piers would be eligible for transfer. The Commission understands that other portions of Chelsea Piers have previously been designated as granting sites for unused floor area, during a previous application of the special district at Block 675 and the Commission notes that, at that time, it was stated that unused development rights on Chelsea Piers had not be exhausted and that the Hudson River Park Trust intended to work with interested parties to continue exploring future transfer opportunities. The Commission acknowledges that the proposed project at 801 11th Avenue is one such opportunity.

801 11th Avenue is proposed to be the receiving site for floor area transferred from Chelsea Piers, Pier 81/83, and Pier 98 and is the subject of related actions to improve the site with mixed-use development. The special district text requires that the receiving sites be located in the same Community District as the granting site; 801 11th Avenue meets this requirement. The Commission also notes that the receiving site is an underutilized zoning lot surrounded by a mix of industrial and medium to high density residential and commercial uses that would appropriately assume transferred floor area and support requested improvements and capital maintenance in the park.

The Commission believes that the amendment to the use and bulk regulations applicable to 801 11th Avenue is appropriate. The proposed text amendment appropriately modifies the underlying proposed C4-7 zoning floor area regulations, establishing a maximum density of 14.4 FAR on the development site. The Commission understands that the 14.4 FAR maximum density includes the floor area set aside for permanently affordable housing and is only achievable through the election of the special permit to transfer floor area from Hudson River Park. Furthermore, the Commission understands that the amendment will allow for the modification of

use regulations in C4-7 districts, permitting automobile dealers (Use Group VI), including repair services and preparation of vehicles for delivery to locate on the development site. The Commission believes this amendment to be appropriate and notes that this amendment would allow for the applicant's proposed development scenario, which includes an automobile dealership in the commercial floor area, to be realized.

The amendment to Section 96-02 in the ZR to reconcile the Special Clinton District and the Special Hudson River Park District regulations is appropriate. The Commission notes that the development site is located in Subarea C1 of the Special Clinton District and notes that in order to clarify that the requirements of the Special Hudson River Park District apply to areas that are within both the Special Clinton District and the Special Hudson River Park District, a text amendment is necessary. The Commission also notes that this text amendment is consistent with past precedent; Section 96-02 of the ZR accounts for developments that are within both the Special Midtown District and the Special Clinton District, as well.

The Commission believes that the amendment to Appendix F to map MIH Options 1 and 2 on the development site is appropriate. As a result, the development site must provide permanently income-restricted housing at appropriate levels to ensure it serves residents of varied incomes. Under MIH Option 1, 25 percent of the proposed residential floor area must be set aside for affordable units at an average income level of 60 percent AMI or lower. Under MIH Option 2, at least 30 percent of the proposed residential floor area must be set aside for affordable units at an average income level of 80 percent AMI or lower. The Commission notes that the provision of income-restricted housing will enhance neighborhood economic diversity by broadening the range of housing choices for residents.

Zoning Map Amendment

The Commission believes that the proposed zoning map amendment is appropriate. The existing M2-3 district on the development site permits 2.0 FAR of commercial or manufacturing uses. The proposed C4-7 district, as modified by the proposed text amendment, will allow residential as well as commercial use up to 12.0 FAR with qualifying affordable housing. The floor area may be increased further to 14.4 through development rights transfer.

The C4-7 zoning district's use and bulk regulations would correspond to adjacent uses, densities, and built forms and effectively integrate the development with existing C4-7 zoning districts on the blocks to the north and northeast. The C4-7 district would introduce a mixture of residential and commercial uses where only manufacturing uses have been permitted and allow densities significantly higher than permitted under the M2-3 district. The Commission believes that mapping the C4-7 to allow a wider range of uses is aligned with the continued residential and commercial growth in the area.

The Commission finds that the floor area regulations, as modified by the proposed text amendment, are appropriate. The existing C4-7 district to the north permits up to 10.0 FAR for commercial and residential uses, and up to 12.0 FAR for qualifying affordable housing. Other high-density districts, R9 and C6-3X, are located directly east and south of the development site. Additionally, the Commission notes that the proposed development, unlike other areas of the Special Clinton District, is not located in a subarea that suppresses FAR, reflecting the higher density, non-contextual nature of the area.

The permitted 14.4 FAR also reflects the site's location, adjacent to transit options and other public amenities. The Commission notes that the development site fronts 11th Avenue, a wide street, and is near 12th Avenue, a major thoroughfare; it is located near public transit, and it is in proximity to neighborhood and waterfront parks, including the Hudson River Park Greenway, a waterfront greenway for walking and cycling.

The Commissioner further notes that the proposed C4-7 district is only applicable to development sought pursuant to Section 89-21 for the Transfer of Floor Area from Hudson River Park. Absent the approval and exercise of the special permit, the existing M2-3 district regulations apply.

Zoning Special Permit

The Commission believes that the proposed zoning special permit pursuant to ZR Section 89-21, to allow for a transfer of development rights from Hudson River Park to the development site and related bulk modifications, is appropriate.

The proposed mixed-use development of 386,350 square feet (14.4 FAR) will include up to approximately 541 dwelling units, including as many as 162 permanently income-restricted units and a commercial ground floor. The development site is currently underutilized and is occupied by two buildings, previously operated as an auto dealership, that are now vacant. The vacant buildings present an unattractive and inactive streetscape.

The proposal is facilitated by a transfer of 64,392 square feet of floor area from portions of Chelsea Piers, Piers 81/83, and Pier 98 in Hudson River Park to the development site. The special permit will contribute to the continued design and improvement of the existing park areas and capital maintenance within Community District 4. The Commission understands that the Trust has indicated that proceeds from the transfer of the development site, combined with the proceeds from a separate but concurrent transfer on an adjacent site at 629 West 54th Street, would provide funding directed to upgrades to Pier 76. These upgrades include design and construction of one or more components of this pile-supported pier and related landscaped park areas inclusive of associated utilities, plantings, pavement, railings, as well as design and construction of a waterfront esplanade connection fronting Pier 76. The Commission acknowledges that the proceeds from the proposed floor area transfer would not provide the total funds needed for the completion of the entire reconstruction of Pier 76. Nevertheless, the Commission believes that the proposed project, including the transfer of development rights, will contribute to park improvements and will result in a more usable and open space for the public.

The Commission finds that the proposed design and programming of the proposed project is appropriate. The site plan and building massing have been developed to be responsive to several neighborhood and site conditions. The Commission notes that the residential entrance to the building is proposed on the corner of West 55th Street, strategically placed away from the existing entertainment venue on West 56th Street and away from the proposed commercial entrance on West 56th Street. The Commission also notes that the commercial base of the building will serve to enliven and activate the block frontage along 11th Avenue. Additionally, the Commission notes that the location and proposed mix of uses and the transferred floor area will not unduly increase the bulk on the development site or unduly obstruct access of light and air to the detriment of neighboring buildings, streets, or public spaces.

To achieve optimal site planning and building design, the Commission finds that the proposed modification to the street wall location requirements at the corner of West 55th Street and 11th Avenue, is appropriate. The Commission understands that the requested waiver will allow a portion of the street wall along 11th Avenue, within 66 feet of West 55th Street, to not be located at the street line and believes that the modification will enhance the pedestrian experience and public realm by optimizing place and movement at a key intersection where many residents will be added to the neighborhood. The Commission also notes that a similar urban design strategy was implemented one block north, demonstrating a successful precedent for enhancing the public realm in this immediate context.

The project will also bring a substantial amount of affordable housing to the area, which will contribute and enhance the economic diversity in Manhattan, Community District 4. The Commission notes that pursuant to MIH Option 1 and 2, the proposed development will create between 119 to 162 income-restricted units. While the applicant's proposal fully complies with MIH requirements, the Commission encourages the applicant to explore the Community Board's request for identical finishes and appliances in affordable and market-rate units and encourages the applicant to explore affordable amenity spaces and a greater distribution of affordable units across the residential floor area.

The Commission is in receipt of a letter from the Hudson River Park Trust dated August 14, 2025, that describes the identified improvements to be funded through the proposed development rights transfer. The Commission believes that the transfer of floor area, supplemented as needed with other funding, would adequately support the completion of these identified improvements and capital maintenance. The Commission also believes that the proposed transferred floor area and proposed modifications to bulk are appropriate in relation to the identified improvements to Hudson River Park.

FINDINGS

The CPC hereby makes the following findings pursuant to Section 89-21 (Transfer of Floor Area from Hudson River Park) of the Zoning Resolution:

- (1) such transfer of floor area will facilitate the repair, rehabilitation, maintenance and development of Hudson River Park, including its piers, bulkheads and infrastructure;

- (2) the transfer of floor area will support the completion of improvements to Hudson River Park as identified in the statement submitted to the Commission by the Trust as part of this application; and
- (3) for the receiving site:
- i. the proposed configuration and design of buildings, including any associated structures and open areas, will result in a superior site plan, and such buildings and open areas will relate harmoniously with one another and with adjacent buildings and open areas;
 - ii. the location and quantity of the proposed mix of uses will complement the site plan;
 - iii. the proposed transfer of floor area and any modification to bulk regulations will not unduly increase the bulk of any building on the receiving site or unduly obstruct access of adequate light and air to the detriment of the occupants or users of buildings on the block or nearby blocks, or of people using the public streets and other public spaces;
 - iv. such transferred floor area and any proposed modifications to bulk are appropriate in relation to the identified improvements to Hudson River Park; and
 - v. any qualifying affordable housing that is provided as part of the project will enhance neighborhood economic diversity by broadening the range of housing choices for residents at varied incomes; and
 - vi. the Commission, in consultation with the Fire Department, determines that the amount of proposed floor space and the number of proposed parking spaces in such ambulance station is reasonable in order to provide a necessary service to the surrounding area.

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on April 30, 2026, with respect to this application (CEQR No. 25DCP049M), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and regulations, have been met and that:

1. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the actions that are set forth in this report; and
2. Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable by incorporating as conditions to approval, pursuant to the Restrictive Declaration, attached to this report, those project components related to the environment and mitigation measures that were identified as practicable and the placement of (E) designation (E-869) for hazardous materials, air quality and noise; and
3. Development pursuant to this resolution shall be allowed only after the attached restrictive declaration dated May 13, 2026, executed by 801 11th Avenue LLC, the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, County of New York

The report of the City Planning Commission, together with the FEIS, constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

RESOLVED, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the action will not substantially hinder the achievement of any WRP policy and hereby determines that this action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination, and the consideration and findings described in this report, the application submitted by 801 11 Ave., LLC pursuant to Section 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 89-21 of the Zoning Resolution:

1. to allow the distribution of 64,392 square feet of floor area from granting sites (B-G1, Block 1109, p/o Lot 25 and a portion of Marginal Street, Wharf or Place; B-G2, Block 1107, p/o Lots 5 and 14; B-G3 Block 662, p/o Lots 11, 16, 19, and a portion of Marginal Street, Wharf, or Place)

to a receiving site (B-R3, Block 1103, Lot 36); and 2. to modify the street wall location requirements of Section 35-631(a) (Street wall location); in connection with a proposed mixed use development on property located at 801 11th Avenue (Block 1103, Lot 36), in a C4-7 District, within the Special Hudson River Park District (HRP) and the Special Clinton District (CL) is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (C 260015 ZSM) shall be developed in the size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans prepared by Hill West Architects, LLP, filed with this application and incorporated in this resolution:

Dwg. No.	Title	Last Date Revised
1 of 1	Chelsea Piers	12/01/2025
Z-102	Zoning Analysis	12/10/2025
	Survey of Circle Line Piers 81 & 83	09/09/2024
Z-106	Zoning Analysis	12/10/2025
63255	Survey	09/23/2024
Z-104	Zoning Analysis	12/10/2025
Z-02	Zoning Calculations	12/10/2025
Z-03	Zoning Lot Site Plan	12/10/2025
Z-05	Waiver Plan	12/10/2025
Z-06	Sections	12/10/2025
Z-07	Sections	12/10/2025

2. Such development shall conform with all applicable provisions of the Zoning Resolution except for modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations area subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. Development pursuant to this resolution shall be allowed only after the attached restrictive declaration dated May 13, 2026, executed by 801 11th Avenue., the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, County of New York.
5. The development shall include those mitigation measures listed in the Final Impact Statement (CEQR No. 25DCP049M) issued on April 30, 2026 and identified as practicable.

6. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
7. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.
8. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted [or of the attached restrictive declaration]..
9. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the City's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C 260015 ZSM), duly adopted by the City Planning Commission on May 13, 2026 (Calendar No. 19), is filed with the Office of the Speaker, City Council, and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

SIDEYA SHERMAN, *Chair*

KENNETH J. KNUCKLES, Esq., *Vice Chairman*

GAIL BENJAMIN, ALFRED C. CERULLO III, Esq.,

ANTHONY W. CROWELL, Esq., JOSEPH I. DOUEK,

RASMIA KIRMANI-FRYE, DAVID GOLD, Esq.,

RAJU MANN, ORLANDO MARÍN,

RAJ RAMPERSHAD, *Commissioners*

LEAH GOODRIDGE, Esq., *Commissioners,* VOTING NO

RESTRICTIVE DECLARATION

THIS RESTRICTIVE DECLARATION (this “Declaration”), made as of this 13th day of May, 2026, by 801 11TH AVE., LLC, a New York limited liability company having an address at c/o Chapman Consulting LLC, 770 Lexington Avenue, 11th Floor, New York, NY 10065 (the “Declarant”).

WITNESSETH:

WHEREAS, the Declarant is the fee owner of certain real property located at 801 11th Avenue in the Borough of Manhattan, County of New York, City and State of New York, designated for real property tax purposes as Block 1103, Lot 36 and as more particularly described in **Exhibit “A”** (the “Subject Property”);

WHEREAS, Declarant desires to redevelop the Subject Property with a mix of residential and commercial uses as described in the Land Use Applications (as defined herein) (the “Proposed Development”);

WHEREAS, pursuant to the Zoning Text Amendment (defined herein), proposed Section 89-10 of the Zoning Resolution provides that the use and bulk regulations of the underlying zoning districts under the proposed Zoning Map Amendment (defined hereinafter) shall not apply to the Subject Property except with respect to a development or enlargement that is the subject of a special permit granted by the Commission pursuant to the Special Hudson River Park District provisions;

WHEREAS, the Hudson River Park Trust, a New York public benefit corporation (“HRPT”), constituted under Chapter 592 of the Laws of 1998 (as amended, the “Hudson River

Park Act” or “HRPA”), is lessee of certain real property designated for real property tax purposes as Block 662, Lots 11, 16, and 19 (“Chelsea Piers”); Block 1107, Lots 5 and 14 (“Piers 81/83”); and Block 1109, Lot 25 (“Pier 98”) pursuant to a lease with the State of New York, in accordance with the HRPA;

WHEREAS, pursuant to amendments to the HRPA enacted under Chapter 517 of the Laws of 2013, HRPT is permitted to transfer any unused development rights from the Hudson River Park (the “Park”) to properties located up to one block east of the Park, if and to the extent designated and permitted under local zoning ordinances;

WHEREAS, Section 89-21 of the Zoning Resolution provides that the Commission may permit development rights to be transferred from a “granting site” to a “receiving site” within the Special Hudson River Park District;

WHEREAS, the Declarant applied to the Commission for (i) a zoning text amendment to ZR Section 89-00 et seq. to create a Map in the Appendix to the Special Hudson River Park District regulations to define Piers 59, 60, and 61 (Block 662, Lots 11, 16, and 19); Piers 81 and 83 (Block 1107, Lots 5 and 14); and Pier 98 (Block 1109, Lot 25), which are portions of the Park, as “granting sites” and the Subject Property as a “receiving site” and to modify the bulk regulations applicable in a C4-7 district within the Special Hudson River Park District; (ii) a zoning text amendment to Appendix F of the Zoning Resolution to map a Mandatory Inclusionary Housing designated area on the Subject Property; (iii) a zoning map amendment to rezone the Subject Property and part of Block 1103, Lot 23 from an M2-3 manufacturing zoning district to a C4-7 commercial zoning district; and (iv) a special permit pursuant to ZR Section 89-21 (the “Special Permit”) to permit the transfer of 64,392 square feet of unused development rights from

Piers 59, 60, 61, 81, 83, and/or 98 to the Subject Property and to permit certain bulk waivers to facilitate the massing of the Proposed Development (collectively, the “Land Use Applications”);

WHEREAS, CPC acted as lead agency and conducted an environmental review of the Land Use Applications (as defined herein) pursuant to CEQR and SEQRA, and issued a Notice of Completion for the Final Environmental Impact Statement (the “FEIS”) dated April 30, 2026;

WHEREAS, in connection with the Special Permit, Declarant has proposed to purchase development rights from Chelsea Piers, Piers 81/83, and/or Pier 98 from HRPT, and to transfer such development rights to the Subject Property, and in order to effectuate such transfer, Declarant will record against the Subject Property and HRPT will record against Chelsea Piers, Piers 81/83, and/or Pier 98 a Transfer of Development Rights and Notice of Restrictions, substantially in the form annexed hereto as **Exhibit “E”**, upon the closing of the purchase and sale of the Development Rights, and the recordation of such Transfer of Development Rights and Notice of Restrictions will give Declarant the right to make the Special Permit Election (as defined herein), in accordance with this Declaration;

WHEREAS, Stewart Title Guaranty Company (the “Title Company”) has certified in the certification (the “Certification”) attached hereto as **Exhibit “B”** and made a part hereof, that as of April 14, 2026, Declarant (the “Parties-in-Interest”) is the only party-in-interest in the Subject Property, as such term is defined in the definition of “zoning lot” in Section 12-10 of the Zoning Resolution;

WHEREAS, all parties-in-interest to the Subject Property have either executed this Declaration or waived their right to execute and subordinated their interest in the Subject Property to this Declaration by written instrument annexed hereto as **Exhibit “C”** (the “Waiver and

Subordination”) and made a part hereof, which instrument is intended to be recorded simultaneously with this Declaration; and

WHEREAS, Declarant desires to restrict the manner in which the Subject Property is developed, redeveloped, maintained and operated in the future, and intends these restrictions to benefit all the land, including land owned by the City, lying within a one-half-mile radius of the Subject Property.

NOW THEREFORE, Declarant does hereby declare, covenant and agree that the Subject Property shall be held, sold, transferred, conveyed and occupied subject to the restrictions, covenants, obligations, easements, and agreements of this Declaration, which shall run with the Subject Property and which shall be binding on Declarant and its successors and assigns as follows:

ARTICLE I

CERTAIN DEFINITIONS

For purposes of this Declaration, the following terms shall have the following meanings:

1.01 “Affordable Housing Appeals Board” shall mean the affordable housing appeals board established pursuant to New York City Charter Section 197-g.

1.02 “Approvals” shall mean all the approvals of the Land Use Applications by the Commission and City Council with respect to the Proposed Development of the Subject Property.

1.03 “Association” shall have the meaning set forth in Section 6.03 of this Declaration.

1.04 “Attorney General” shall mean the Attorney General of the State of New York.

1.05 “Board” shall have the meaning set forth in Section 6.03 of this Declaration.

1.06 “Buildings Department” shall mean the New York City Department of Buildings, or any successor to the jurisdiction thereof under the New York City Charter.

1.07 “Building Permit” shall mean, with respect to the Proposed Development, any of an Excavation Permit, Demolition Permit, Foundation Permit, or New Building Permit.

1.08 “Chair” shall mean the Chair of the City Planning Commission of the City of New York from time to time, or any successor to its jurisdiction.

1.09 “City” shall mean the City of New York.

1.10 “City Council” shall mean the City Council of the City of New York, or any successor to its jurisdiction.

1.11 “Commission” shall mean the City Planning Commission of the City of New York, or any successor to its jurisdiction.

1.12 “DCP” shall mean the New York City Department of City Planning, or any successor to the jurisdiction thereof under the New York City Charter.

1.13 “Declarant” shall have the meaning given in the Recitals of this Declaration and shall include any Successor Declarant and any entity that becomes a Declarant pursuant to this Declaration.

1.14 “Declaration” shall mean this Declaration, as same may be amended or modified from time to time in accordance with its provisions.

1.15 “Delay Notice” shall have the meaning set forth in Section 5.04 of this Declaration.

1.16 “Demolition Permit” shall mean a permit issued by the Buildings Department, in connection with the Proposed Development, authorizing the dismantling, razing or removal of a building or structure, including the removal of structural members, floors, interior bearing walls and/or exterior walls or portions thereof.

1.17 “DOB” shall mean the Department of Buildings of the City of New York, or any successor to the jurisdiction thereof under the New York City Charter.

1.18 “DOT” shall mean the New York City Department of Transportation, or any successor to the jurisdiction thereof under the New York City Charter.

1.19 “Effective Date” shall have the meaning given in Section 4.01 of this Declaration.

1.20 “Excavation Permit” shall mean any permit issued by the Buildings Department, in connection with the Proposed Development, authorizing excavations, including those made for the purpose of removing earth, sand, gravel, or other material from the Subject Property.

1.21 “FEIS” shall have the meaning set forth in the Recitals to this Declaration.

1.22 “Final Approval” shall mean approval or approval with modifications of the Land Use Applications by the Commission pursuant to New York City Charter Section 197-c, unless pursuant to New York City Charter Section 197-d(b), the City Council reviews the decision of the Commission approving or approving with modifications the Land Use Applications and takes final action pursuant to New York City Charter Section 197-d, in which event “Final Approval” shall mean: (a) the City Council approves without modifications the Land Use Applications and either

(i) the Mayor does not issue a written disapproval or (ii) the Mayor files a written disapproval which is overridden by the City Council; (b) the City Council approves with modifications the Land Use Applications and either: (i) no request for review of the Land Use Applications is timely made to the Affordable Housing Appeals Board pursuant to New York City Charter Section 197-g(c); or (ii) the Affordable Housing Appeals Board fails to act, fails to act by the required vote, or affirms the decision of the City Council; or (c) the City Council disapproves or approves with modifications the decision of the Commission, and either (i) the Affordable Housing Appeals Board approves the Land Use Applications where disapproved by the City Council; or (ii) the Affordable Housing Appeals Board reverses one or more modifications made by the City Council; in any which event “Final Approval” shall mean the approval or approval with modifications of the Land Use Applications by the City Council, an action or lack of action by the Affordable Housing Appeals Board, or an override of a Mayoral disapproval, as applicable. Notwithstanding anything to the contrary contained in this Declaration, “Final Approval” shall not be deemed to have occurred for any purpose of this Declaration if the final action taken pursuant to New York City Charter Section 197-d is disapproval of the Land Use Applications.

1.23 “Force Majeure” shall mean that a Force Majeure Event has occurred and Declarant has provided the Delay Notice.

1.24 “Force Majeure Event” shall mean an occurrence, or occurrences, beyond the reasonable control of Declarant(s), which causes delay in the performance of Declarant’s obligations hereunder, provided that Declarant has taken all reasonable steps reasonably necessary to control or to minimize such delay, and which occurrences shall include, but not be limited to: (i) a strike, lockout or labor dispute; (ii) the inability to obtain labor or materials or reasonable substitutes therefor; (iii) acts of God; (iv) restrictions, regulations, orders, controls or judgments

of any Governmental Authority; (v) undue material delay in the issuance of approvals or actions by any Governmental Authority, provided that such delay is not caused by any act or omission of Declarant; (vi) enemy or hostile government action, civil commotion, insurrection, terrorism, revolution or sabotage; (vii) fire or other casualty; (viii) a taking of the whole or any portion of the Subject Property by condemnation or eminent domain; (ix) unusual or reasonably unforeseeable inclement weather substantially delaying construction of any relevant portion of the Subject Property; (x) unforeseen building, demolition, underground, or soil conditions, provided that Declarant did not and could not reasonably have anticipated the existence thereof as of the date hereof; (xi) the denial of access to adjoining real property, notwithstanding the existence of a right of access to such real property in favor of Declarant arising by contract, this Declaration or Legal Requirements, (xii) failure or inability of a public utility to provide adequate power, heat or light or any other utility service; (xiii) orders of any court of competent jurisdiction, (xiv) unusual delays in transportation, (xv) the pendency of any litigation which results in an injunction or restraining order prohibiting or otherwise delaying the construction of any portion of the Subject Property, or (xvi) any epidemic, pandemic, public health emergency, or any quarantine, shutdown, restriction, or other mandate imposed by any Governmental Authority in connection therewith. No event shall constitute a Force Majeure Event unless Declarant, the Association, or the holder of a Mortgage on the Subject Property in control of the Subject Property, as applicable, complies with the procedures set forth in Section 5.04.

1.25 “Former Zoning” shall mean the M2-3 zoning district and all bulk, use, and other regulations applicable in such zoning districts in accordance with the Zoning Resolution.

1.26 “Foundation Permit” shall have the meaning given in Section 4.01(a) of this Declaration.

1.27 “Land Use Applications” shall have the meaning given in the Recitals to this Declaration, as such Land Use Applications may be hereafter modified.

1.28 “Mayor” shall mean the Mayor of the City of New York.

1.29 “Mortgage” shall mean a mortgage given as security for a loan in respect of all or any portion of the Subject Property.

1.30 “Mortgagee” shall mean the holder of a Mortgage.

1.31 “Named Mortgagee” shall have the meaning given in Section 6.04 of this Declaration.

1.32 “New Building Permit” shall mean a work permit issued by the Buildings Department under a new building application authorizing the construction of the Proposed Development.

1.33 “New York City Charter” shall mean the Charter of the City of New York, effective as of January 1, 1990, as amended from time to time.

1.34 “New York City Noise Control Code” shall mean Chapter 2 of Title 24 of the New York City Administrative Code.

1.35 “Notice” shall have the meaning given in Section 6.04 of this Declaration.

1.36 “Obligations” shall mean any requirement of this Declaration, including, without limitation, the requirements set forth in Article II.

1.37 “Party-in-Interest” shall have the meaning given in the Recitals to this Declaration.

1.38 “PCRE” shall have the meaning given in Section 3.01 of this Declaration.

1.39 “Plans” shall mean the drawings for the Development prepared by Hill West Architects, LLP, as approved pursuant to the Approvals, reduced-size copies of which are attached as Exhibit “D” to this Declaration, as more particularly described in Section 2.01(a), and as may be modified pursuant to Section 4.03 hereof.

1.40 “Possessory Interest” shall mean either (1) a fee interest in the Subject Property or any portion thereof or (2) the lessee’s estate in a ground lease of all or substantially all the Subject Property or portion thereof.

1.41 “Proposed Development” shall have the meaning given in the Recitals to this Declaration.

1.42 “Register” shall have the meaning given in Section 4.01 of this Declaration.

1.43 “Register’s Office” shall have the meaning given in Section 3.06(b) of this Declaration.

1.44 “Rezoning” shall have the meaning given in the Recitals to this Declaration.

1.45 “Section 3.06 Request” shall have the meaning given in Section 3.06(c) of this Declaration.

1.46 “Special Permits” shall have the meaning given in the Recitals to this Declaration.

1.47 “Special Permit Election” shall have the meaning given in Section 4.01(a) of this Declaration.

1.48 “Subject Property” shall have the meaning given in the Recitals to this Declaration.

1.49 “Successor Declarant” shall have the meaning given in Section 4.05 of this Declaration.

1.50 “Unit Interested Party” shall mean any and all of the following: all owners, lessees, and occupants of any individual residential or commercial condominium unit, and all holders of a mortgage or other lien encumbering any such residential or commercial condominium unit.

1.51 “Zoning Resolution” shall have the meaning set forth in the Recitals to this Declaration.

1.52 Certain additional terms are defined in the Sections in which they first appear or to which they most closely pertain.

ARTICLE II

DEVELOPMENT AND USE OF THE SUBJECT PROPERTY

2.01 Development of the Subject Property.

(a) Development of the Subject Property.

(i) Development Prior to a Special Permit Election. Unless and until Declarant has made a Special Permit Election in accordance with Section 4.01, Declarant shall have no Obligations under this Declaration, and shall be entitled to develop the Subject Property with such uses and bulk, and only such uses and bulk, permitted on an as-of-right basis under the Former Zoning.

(ii) Development Pursuant to the Approvals. If Declarant has made a Special Permit Election in accordance with Section 4.01, Declarant covenants that the Subject Property shall be developed in substantial conformity with the Plans prepared by Hill West Architects, LLP and listed below, approved as part of the Special Permits and annexed hereto in **Exhibit “D”** and made a part hereof, as such Plans may be modified in accordance with Section 4.02 or 4.03 hereof.

Drawing No.	Title	Date
1 of 1	Chelsea Piers	12/01/2025
Z-102	Zoning Analysis	12/10/2025
	Survey of Circle Line Piers 81 & 83	09/09/2024
Z-106	Zoning Analysis	12/10/2025
63255	Survey	09/23/2024
Z-104	Zoning Analysis	12/10/2025
Z-02	Zoning Calculations	12/10/2025
Z-03	Zoning Lot Site Plan	12/10/2025
Z-05	Waiver Plan	12/10/2025
Z-06	Sections	12/10/2025
Z-07	Sections	12/10/2025

2.02 Representation. Declarant hereby represents and warrants that there is no restriction of record on the development, enlargement, or use of the Subject Property, nor any present or presently existing estate or interest in the Subject Property, nor any existing lien, obligation, covenant, easement, limitation or encumbrance of any kind that shall preclude the restrictions and obligations as set forth herein.

ARTICLE III

PROJECT COMPONENTS RELATED TO THE ENVIRONMENT; MITIGATION MEASURES

3.01 Declarant shall implement the following Mitigation Measures and Project Components Related to the Environment (“PCREs”) as the same may be modified as set forth herein, in connection with development facilitated by any of the Land Use Applications, in accordance with the FEIS and as further set forth in this Section; such Mitigation Measures and PCREs may be modified in accordance with the provisions of Section 3.06.

3.02 Construction Noise Reduction Measures.

(a) Declarant shall (x) develop a plan for implementation of, and (y) thereafter implement, the following measures to reduce construction noise from construction activities (including demolition and excavation) related to the development of the Subject Property:

(i) Contractors would be required to self-certify that all construction tools and equipment have been maintained to not generate excessive or unnecessary noise and that noise emissions would not exceed the levels specified in Subchapter 5 of the New York City Noise Control Code and Table 22-1 of the *2025 CEQR Technical Manual*;

(ii) Where feasible, practical, and safe, the use of back-up alarms would be minimized and/or quieter back-up alarms would be installed in accordance with the standards of the Occupational Safety and Health Administration;

(iii) Contractors would implement a training program to inform workers of methods that can minimize construction noise;

(iv) Where logistics allow, noise equipment such as cranes, concrete pumps, concrete trucks, and delivery trucks, could be located away from and shielded from sensitive receptor locations; and

(v) Should noise complaints occur during construction, contractors shall use path noise control measures such as temporary noise barriers and jersey barriers.

(b) Declarant shall include enforceable contractual requirements with contractors and subcontractors to implement the provisions of this Section 3.02(a) with respect to applicable work at the Subject Property.

3.03 Traffic Mitigation Measures. Declarant shall not apply for or accept a temporary certificate of occupancy or a permanent certificate of occupancy for the Proposed Development until thirty (30) days after Declarant has sent written notice to DOT requesting that DOT investigate the need for the traffic mitigation measures set forth in Chapter 18 of the FEIS. To the extent that such mitigation measures are not required at the time of a temporary certificate of occupancy or a permanent certificate of occupancy, or DOT does not implement or deems unnecessary the traffic mitigation measures set forth in Chapter 18 of the FEIS, Declarant shall have no further obligation with respect to such measures.

3.04 Construction Traffic Mitigation Measures. Declarant shall not accept a New Building Permit for the Proposed Development until thirty (30) days after Declarant has sent written notice to DOT requesting that DOT investigate the need for the construction traffic

mitigation measures set forth in Chapter 18 of the FEIS. To the extent that such mitigation measures are not required at the time of issuance of the New Building Permit, or DOT does not implement or deems unnecessary the construction traffic mitigation measures set forth in Chapter 18 of the FEIS, Declarant shall have no further obligation with respect to such measures.

3.05 Inconsistencies with the FEIS. If this Declaration inadvertently fails to include a PCRE set forth in the FEIS as a PCRE to be implemented by Declarant, such PCRE shall be deemed incorporated in this Declaration by reference. If there is any inconsistency between a PCRE as set forth in the FEIS and as incorporated in this Declaration, the more restrictive provision shall apply.

3.06 Innovation and Alternatives: Modifications Based on Further Assessments.

(a) Innovation and Alternatives. In complying with Article III of this Declaration, Declarant may, at its election, implement innovations, technologies or alternatives that are or become available, including replacing any equipment, technology, material, operating system or other measure previously located on the Subject Property or used within the Proposed Development which Declarant demonstrates to the satisfaction of DCP would result in equal or better methods of achieving the relevant PCRE than those set forth in this Declaration.

(b) Modifications Based on Further Assessments. In the event that Declarant believes, based on changed conditions, that a PCRE required under Article III should not apply or could be modified without diminishment of the environmental standards which would be achieved by implementation of the PCRE, it shall set forth the basis for such belief in an analysis submitted to DCP. In the event that, based upon review of such analysis, DCP determines that the relevant PCRE should not apply or could be modified, Declarant may eliminate or modify the PCRE

consistent with the DCP determination, provided that Declarant records a notice of such change, as approved by DCP Counsel's Office, against the Subject Property in the Office of the City Register, New York County (the "Register's Office").

(c) Process for Innovations, Alternatives and Modifications Pursuant to Section 3.06. Following the delivery of a Notice to DCP requesting an Innovation, Alternative or Modification pursuant to Section 3.06 hereof (the "Section 3.06 Request"), Declarant shall meet with DCP to respond to any questions or comments on such request and accompanying materials, and shall provide additional information as may reasonably be requested by DCP in writing in order to allow DCP to determine, acting in consultation with City agency personnel as necessary in relation to the subject matter of the Section 3.06 Request.

3.07 Event Involving a PCRE. Notwithstanding any provision of Section 5.04 to the contrary, where the Obligation as to which a Force Majeure Event applies is a PCRE set forth in Article III of this Declaration, Declarant may not be excused from performing such PCRE that is affected by the Force Majeure Event unless and until the Chair has made a determination in his or her reasonable discretion that not implementing the PCRE during the period of the Force Majeure Event, or implementing an alternative proposed by Declarant, would not result in any new or different significant adverse environmental impact not addressed in the FEIS.

ARTICLE IV

EFFECTIVE DATE; AMENDMENTS AND MODIFICATIONS TO AND CANCELLATION OF THIS DECLARATION

4.01 Effective Date; Lapse; Cancellation.

(a) This Declaration and the provisions and covenants hereof shall become effective only upon Final Approval of the Land Use Applications (the “Effective Date”). However, following such Effective Date, Declarant shall not be subject to or have any obligations under this Declaration unless and until Declarant has elected to proceed under the Special Permits by (i) obtaining a permit from the Buildings Department permitting the construction of the foundation of the Proposed Development (the “Foundation Permit”) pursuant to the Special Permits, and (ii) recording against the Subject Property, and causing HRPT to record against Chelsea Piers, Piers 81/83, and/or Pier 98 the Transfer of Development Rights and Notice of Restrictions, in the form annexed hereto as **Exhibit “E”** (the “Transfer Instrument”) (both (i) and (ii), the “Special Permit Election”). Unless and until Declarant has made a Special Permit Election, Declarant shall be entitled to develop the Subject Property with such uses and bulk, and only such uses and bulk, permitted on an as-of-right basis under the Former Zoning.

(b) Within ten (10) days of such Final Approval of the Land Use Applications and prior to application for any Building Permit relating to the Subject Property, the Declarant shall record this Declaration and any related waivers executed by Mortgagees or other Parties-in-Interest or other documents executed and delivered in connection with the Land Use Applications and required by this Declaration to be recorded in public records, in the Register’s Office, indexing them against the entire Subject Property, and deliver to the Commission within ten (10) days from any such submission for recording, a copy of such documents as submitted for recording, together with an affidavit of submission for recordation. Declarant shall deliver to the Commission a copy of all such documents, as recorded, certified by the City Register (the “Register”), promptly upon receipt of such documents from the Register. If the Declarant fails to so record such documents, then the City may record duplicate originals of such documents. However, all fees paid or payable

for the purpose of recording such documents, whether undertaken by the Declarant or by the City, shall be borne by Declarant.

(c) Notwithstanding anything to the contrary contained in this Declaration, if the Approvals given in connection with the Land Use Applications are declared invalid or otherwise voided by a final judgment of any court of competent jurisdiction from which no appeal can be taken or for which no appeal has been taken within the applicable statutory period provided for such appeal, then, upon entry of said judgment or the expiration of the applicable statutory period for such appeal, then this Declaration shall be cancelled and shall be of no further force or effect and an instrument discharging or terminating it may be recorded. Prior to the recordation of such instrument discharging or terminating this Declaration, the Declarant shall notify the Chair of Declarant's intent to discharge or terminate this Declaration and request the Chair's approval, which approval shall be limited to insuring that such discharge and termination is in proper form and provides that the proper provisions which are not discharged or terminated survive such termination. Upon recordation of such instrument, Declarant or Successor Declarants (as hereinafter defined) shall provide a copy thereof to the Commission so certified by the Register.

4.02 Amendment. This Declaration may be amended, modified or cancelled only upon application by the Declarant, and with the express written approval of the Commission or an agency succeeding to the Commission's jurisdiction (except with respect to a cancellation pursuant to Section 4.01 hereof, for which no such approval shall be required). Except as set forth in Section 4.06 of this Declaration, no other approval or consent shall be required from any public body, private person or legal entity of any kind, including, without limitation, any other present Party-in-Interest or future Party-in-Interest who is not a successor of Declarant.

4.03 Minor Modifications. Notwithstanding the provisions of Section 4.02 above, any change to this Declaration proposed by the Declarant, which the Chair deems to be a minor modification of this Declaration, may by express written consent be approved administratively by the Chair and, except as set forth in Section 4.06 of this Declaration, no other approval or consent shall be required from any public body, private person or legal entity of any kind, including, without limitation, any present or future Party-in-Interest. Such minor modifications shall not be deemed amendments requiring the approval of the Commission. In the event that a minor modification results in a modification of the Plans, a notice indicating such modification shall be recorded in the City Register's Office, in lieu of a modification of this Declaration.

4.04 Future Recording. Any modification, amendment or cancellation of this Declaration shall be executed and recorded in the same manner as this Declaration.

4.05 Certain Provisions Regarding Modification. For so long as any Declarant, or any successor entity to the balance and entirety of such Declarant's Possessory Interest in the Subject Property so that Declarant no longer holds any Possessory Interest in the Subject Property (the "Successor Declarant"), shall hold a Possessory Interest in the Subject Property or any portion thereof, all other Unit Interested Parties, their heirs, successors, assigns and legal representatives, hereby irrevocably (i) consent to any amendment, modification, cancellation, revision or other change in this Declaration, (ii) waive and subordinate any rights they may have to enter into an amended Declaration or other instrument amending, modifying, canceling, revising or otherwise changing this Declaration, and (iii) nominate, constitute and appoint Declarant, or any Successor Declarant, their true and lawful attorney-in-fact, coupled with an interest, to execute any documents or instruments of any kind that may be required in order to amend, modify, cancel,

revise or otherwise change this Declaration or to evidence such Unit Interested Parties' consent or waiver as set forth in this Section 4.05.

4.06 HRPT. In the event that Declarant seeks to (i) cancel this Declaration pursuant to Section 4.01(c) of this Declaration or (ii) amend or modify this Declaration pursuant to Sections 4.02 and 4.03 of this Declaration, then Declarant shall provide written notice to HRPT of Declarant's intent to seek such cancellation, amendment, or modification no less than three (3) business days prior to seeking such cancellation, amendment, or modification.

ARTICLE V

COMPLIANCE; DEFAULTS; REMEDIES

5.01 Default.

(a) Declarant acknowledges that the restrictions, covenants, and Obligations of this Declaration will protect the value and desirability of the Subject Property, as well as benefit the City. Declarant acknowledges that the City is an interested party to this Declaration, and consent to enforcement by the City, administratively or at law or equity, of the restrictions, covenants, easements, obligations and agreements contained herein. If the Declarant fails to perform any of its obligations under this Declaration with respect to its Obligations, the City shall seek to enforce this Declaration and exercise any administrative legal or equitable remedy available to the City, and Declarant hereby consents to same; provided that this Declaration shall not be deemed to diminish Declarant's or any other Party in Interest's right to exercise any and all administrative, legal, or equitable remedies otherwise available to it, and provided further, that the City's rights of enforcement shall be subject to the cure provisions and periods set forth in Section 5.01(c) hereof and the limitations of Sections 6.01 and 6.02 hereof. Declarant also acknowledges

that the remedies set forth in this Declaration are not exclusive and that the City and any agency thereof may pursue other remedies not specifically set forth herein, subject to Sections 6.01 and 6.02 hereof, including, but not limited to, a mandatory injunction compelling Declarant to comply with the terms of this Declaration and a revocation by the City of any certificate of occupancy, temporary or permanent, for any building located within the Proposed Development that does not comply with the provisions of this Declaration; provided, however, that such right of revocation shall not permit or be construed to permit the revocation of any certificate of occupancy for any use or improvement that exists on the Subject Property as of the date of this Declaration;

(b) Notwithstanding any provision of this Declaration, only Declarant, Mortgagees, and Declarant's successors and assigns and the City, shall be entitled to enforce or assert any claim arising out of or in connection with this Declaration. Nothing contained herein should be construed or deemed to allow any other person or entity to have any interest in or right of enforcement of any provision of this Declaration or any document or instrument executed or delivered in connection with the Land Use Applications or Approvals.

(c) Prior to City instituting any proceeding to enforce the terms or conditions of this Declaration due to any alleged violation hereof, City shall give the Declarant, every Mortgagee of all or any portion of the Subject Property, and every Party in Interest, ninety (90) days written notice of such alleged violation, during which period the Declarant, any Party in Interest and Mortgagee shall have the opportunity to effect a cure of such alleged violation or to demonstrate to City why the alleged violation has not occurred. If a Mortgagee or Party in Interest performs any obligation or effects any cure the Declarant is required to perform or cure pursuant to this Declaration, such performance or cure shall be deemed performance on behalf of the Declarant and shall be accepted by any person or entity benefited hereunder, including the

Commission and the City, as if performed by the Declarant. If the Declarant, any Party in Interest or Mortgagee commences to effect such cure within such ninety (90) day period (or if cure is not capable of being commenced within such ninety (90) day period, the Declarant, any Party in Interest or Mortgagee commences to effect such cure when such commencement is reasonably possible), and thereafter proceeds diligently toward the effectuation of such cure, the aforesaid ninety (90) day period (as such may be extended in accordance with the preceding clause) shall be extended for so long as the Declarant, any Party in Interest or Mortgagee continues to proceed diligently with the effectuation of such cure. In the event that more than one Declarant exists at any time on the Subject Property, notice shall be provided to all Declarants from whom City has received notice in accordance with Section 6.04 hereof, and the right to cure shall apply equally to all Declarants.

(d) If, after due notice and opportunity to cure as set forth in this Declaration, the Declarant, Mortgagee or a Party in Interest shall fail to cure the alleged violation with respect to the Subject Property, the City may exercise any and all of its rights, including without limitation those delineated in this Section 5.01 and may disapprove any amendment, modification or cancellation of this Declaration on the sole ground that such Declarant is in default of a material Obligation under this Declaration.

The time period for curing any violation of this Declaration by the Declarant shall be subject to extension due to the occurrence of a Force Majeure Event subject to the provisions of Section 5.04 hereof.

5.02 Rights of Mortgagees. Except as otherwise provided in Section 5.03 of this Declaration, if the Declarant shall fail to observe or perform any of the covenants or provisions

contained in this Declaration and such failure continues beyond the cure period set forth in Section 5.01 hereof, the City shall, before taking any action to enforce this Declaration, give notice to any Named Mortgagee, setting forth the nature of the alleged default. A Named Mortgagee shall have available to it an additional cure period of the same number of days as the Declarant had in which to cure such alleged default, as extended by Force Majeure Events. If such Named Mortgagee has commenced to effect a cure during such period and is proceeding with reasonable diligence towards effecting such cure, then such cure period shall be extended for so long as such Named Mortgagee is continuing to proceed with reasonable diligence with the effectuation of such cure. With respect to the effectuation of any cure by any Named Mortgagee, such Named Mortgagee shall have all the rights and powers of the Declarant pursuant to this Declaration necessary to cure such default. If a Named Mortgagee performs any obligation or effects any cure the Declarant is required to perform or cure pursuant to this Declaration, such performance or cure shall be deemed performance on behalf of the Declarant and shall be accepted by any person or entity benefited hereunder, including the Commission and the City, as if performed by Declarant. Notwithstanding anything to the contrary contained herein, the execution of a Waiver and Subordination or the failure by a Named Mortgagee to cure an alleged default shall not defeat, invalidate, or impair the validity of the lien of the Mortgage in favor of a Named Mortgagee.

5.03 Enforcement of Declaration. No person or entity other than Declarant, Mortgagees, the City, or a successor, assign or legal representative of any such party, shall be entitled to enforce, or assert any claim arising out of or in connection with, this Declaration. This Declaration shall not create any enforceable interest or right in any person or entity other than the parties named above in this Section, who shall be deemed to be the proper entities to enforce the provisions of this Declaration, and nothing contained herein shall be deemed to allow any other person or entity,

public or private, any interest or right of enforcement of any provision of this Declaration or any document or instrument executed or delivered in connection with the Land Use Applications. Declarant consents to the enforcement by the City, administratively or at law or equity, or by any legal means necessary, of the covenants, conditions, easements, agreements and restrictions contained in this Declaration.

5.04 Delay By Reason of Force Majeure Event. In the event that Declarant is unable to comply with any Obligations of this Declaration (including, without limitation, any violation of this Declaration under Section 5.01 hereof) as a result of a Force Majeure Event, then Declarant may, upon written notice to the Chair (the “Delay Notice”), request that the Chair, certify the existence of such Force Majeure Event. Such Delay Notice shall include a description of the Force Majeure Event, and, if known to such Declarant, its cause and probable duration and the impact it is reasonably anticipated to have on the completion of the item of work, to the extent known and reasonably determined by the Declarant. In the exercise of its reasonable judgment the Chair shall, within thirty (30) days of its receipt of the Delay Notice certify in writing whether a Force Majeure Event has occurred. If the Chair certifies that a Force Majeure Event does not exist, the Chair shall set forth with reasonable specificity, in the certification, the reasons therefor. If the Chair certifies a Force Majeure Event exists, upon such notification, the Chair shall grant Declarant appropriate relief including notifying DOB that a Building Permit, a temporary certificate of occupancy, or a permanent certificate of occupancy, as applicable, may be issued for the Proposed Development. Failure to respond within such thirty (30) day period shall be deemed to be a certification by the City that Force Majeure Events have occurred. Any delay caused as the result of a Force Majeure Event shall be deemed to continue only as long as the Force Majeure Event continues. Upon a certification or deemed certification that Force Majeure Events have occurred, the City may grant

such Declarant appropriate relief. As a condition of granting such relief, the City may require that such Declarant post a bond, letter of credit or other security in a form reasonably acceptable to the City in order to ensure that the Obligation will be completed in accordance with the provisions of this Declaration. Any delay caused as the result of Force Majeure Event shall be deemed to continue only as long as the Force Majeure Event continues. Declarant shall re-commence the Obligation at the end of the probable duration of the Force Majeure Event specified in the Delay Notice, or such lesser period of time as the Chair reasonably determined the Force Majeure Event shall continue; provided, however, that if the Force Majeure Event has a longer duration than as set forth in the Delay Notice, or as reasonably determined by the Chair, the Chair shall grant additional time to re-commence the Obligation.

ARTICLE VI

MISCELLANEOUS

6.01 Binding Effect. Except as specifically set forth in this Declaration and, subject to applicable law, Declarant shall have no obligation to act or refrain from acting with respect to the Subject Property. The restrictions, covenants, rights and agreements set forth in this Declaration shall be binding on each Declarant and any Successor Declarant who acquires a Possessory Interest in the Subject Property, provided that the Declaration shall only be binding upon a Declarant or a Successor Declarant for the period during which such Declarant or such Successor Declarant is the holder of a Possessory Interest in the Subject Property and only to the extent of such Possessory Interest in the Subject Property. At such time as a Declarant or any Successor Declarant no longer holds a Possessory Interest in the Subject Property, such Declarant's or such Successor Declarant's obligation and liability under this Declaration shall wholly cease and terminate except with respect to any liability during the period when such Declarant held a Possessory Interest in the Subject

Property, and the party succeeding such Declarant shall be deemed to have assumed the obligations and liability of Declarant pursuant to this Declaration with respect to actions or matters occurring subsequent to the date such party succeeds to a Possessory Interest in the Subject Property to the extent of such party's Possessory Interest in the Subject Property. For purposes of this Declaration, any successor to a Declarant shall be deemed a Declarant for such time as such successor holds all or any portion of a Possessory Interest in the Subject Property. The provisions of this Declaration shall run with the land and shall inure to the benefit of and be binding upon Declarant.

6.02 Limitation of Liability. Notwithstanding anything to the contrary contained in this Declaration, the City will look solely to the estate and interest of Declarant, and any or all of their respective successors and assigns or the subsequent holders of any interest in the Subject Property, on an in rem basis only, for the collection of any judgment or the enforcement of any remedy based upon any breach by any such party of any of the terms, covenants or conditions of this Declaration. No other property of any such party or its principals, disclosed or undisclosed, or its partners, shareholders, directors, officers or employees, or said successors, assigns and holders, shall be subject to levy, execution or other enforcement procedure for the satisfaction of the remedies of the City or of any other party or person under or with respect to this Declaration, and no such party shall have any personal liability under this Declaration. In the event that the Proposed Development is subject to a declaration of condominium, every condominium unit shall be subject to levy or execution for the satisfaction of any monetary remedies of the City solely to the extent of each Unit Interested Party's Individual Assessment Interest. The "Individual Assessment Interest" shall mean the Unit Interested Party's percentage interest in the common elements of the condominium in which such condominium unit is located applied to the assessment imposed on the condominium in which such condominium unit is located. In the event of a default in the

obligations of the condominium as set forth herein, the City shall have a lien upon the property owned by each Unit Interested Party solely to the extent of each such Unit Interested Party's unpaid Individual Assessment Interest, which lien shall include such Unit Interested Party's obligation for the costs of collection of such Unit Interested Party's unpaid Individual Assessment Interest. Such lien shall be subordinate to the lien of any prior recorded Mortgage in respect of such property given to a bank, insurance company, real estate investment trust, private equity or debt fund, or other institutional lender (including but not limited to a governmental agency), the lien of any real property taxes, and the lien of the board of managers of any such condominium for unpaid common charges of the condominium, and the lien of the condominium pursuant to the provisions of Article VI hereof. The City agrees that, prior to enforcing its rights against a Unit Interested Party, the City shall first attempt to enforce its rights under this Declaration against the applicable Declarant, and the boards of managers of any condominium association. In the event that the condominium shall default in its obligations under this Declaration, the City shall have the right to obtain from the boards of managers of any condominium association, the names of the Unit Interested Parties who have not paid their Individual Assessment Interests.

6.03 Condominium and Cooperative Ownership

(a) In the event that the Subject Property or any portion thereof is developed as, sold, or converted to condominium or cooperative ownership requiring the approval of the Attorney General, Declarant so doing shall provide a copy of this Declaration and any subsequent modification hereof to the Attorney General with the offering documents at the time of application for approval of any offering plan for such condominium or cooperative. Declarant shall include in the offering plan, if any, for such condominium or cooperative this Declaration or any portions hereof which the Attorney General determines shall be included and, if so included in

the offering plan, shall make copies of this Declaration available to condominium purchasers and cooperative shareholders purchasing from such Declarant pursuant to such offering plan. Such condominium or cooperative (or the board of managers of a condominium or board directors of a cooperative having a Possessory Interest therein) shall be deemed to be a Declarant for purposes of this Declaration, and shall succeed to a prior Declarant's obligations under this Declaration in accordance with Section 6.01 hereof.

(b) With respect to any portion of the Subject Property which shall be subject to a condominium, cooperative or similar form of ownership, for the purposes of this Declaration, except as otherwise set forth below, the board of directors or managers of the condominium, cooperative or similar association (such entity, a "Board") or a master association (an "Association") selected by the Board and authorized by underlying organizational documents to act on behalf of the individual condominium unit owners, cooperative shareholders or similar owners, shall have the sole right as Declarant of such portion of the Subject Property to assess a lien for any costs incurred under this Declaration or to otherwise act as a Declarant with respect to this Declaration, to the extent such action is required for any purpose under this Declaration, and the consent of any individual condominium unit owner, cooperative shareholder or other similar owner who may be considered a party in interest under the Zoning Resolution shall not be required. For purposes of this Declaration, the Board or the Association, as the case may be, shall be deemed the sole Party in Interest with respect to the property interest subjected to the condominium, cooperative or similar ownership arrangement, and any such condominium unit owner, cooperative shareholder or other similar owner, or holder of any lien encumbering any such individual unit, shall not be deemed a Party in Interest. For purposes of Section 6.04

hereof, notice to the Board or the Association, as the case may be, shall be deemed notice to the Declarant of the applicable portion of the Subject Property.

6.04 Notices.

All notices, demands, requests, consents, approvals, and other communications (each, a “Notice”) which may be or are permitted, desirable, or required to be given under this Declaration shall be in writing and shall be sent or delivered as follows:

To Declarant:	801 11th Ave., LLC c/o Chapman Consulting LLC 770 Lexington Avenue, 11th Floor, New York, NY 10065 Telephone: (212) 888-7400 Email: pmilner@gmcparking.com
With a copy to:	Fried, Frank, Harris, Shriver & Jacobson LLP One New York Plaza New York, NY 10004 Attention: Wesley O’Brien Telephone: (212) 859-8334 Email: wesley.obrien@friedfrank.com
If to CPC:	New York City Planning Commission 120 Broadway, 31st Floor New York, New York 10271
With a copy to:	General Counsel New York City Department of City Planning 120 Broadway, 31st Floor New York, New York 10271

Declarant, the Commission, any Party in Interest, and any Mortgagee may, by notice provided in accordance with this Section 6.04, change any name or address for purposes of this Declaration. In order to be deemed effective any Notice shall be sent or delivered in at least one of the following manners: (A) sent by registered or certified mail, postage pre-paid, return receipt requested, in which case the Notice shall be deemed delivered for all purposes hereunder five days after being

actually mailed; (B) sent by overnight courier service, in which case the Notice shall be deemed delivered for all purposes hereunder on the date the Notice was actually received or was refused; or (C) delivered by hand, in which case the Notice will be deemed delivered for all purposes hereunder on the date the Notice was actually received. All Notices from the Commission to Declarant shall also be sent to every Mortgagee of whom the Commission has notice (“Named Mortgagee”), and no Notice shall be deemed properly given to Declarant without such notice to such Named Mortgagee(s). In the event that there is more than one Declarant at any time, any Notice from the City or the Commission shall be provided to all Declarants of whom the Commission has notice.

6.05 Certificates. The City will at any time and from time to time upon not less than fifteen (15) days’ prior notice by the Declarant or a Named Mortgagee execute, acknowledge and deliver to such Declarant or such Named Mortgagee, as the case may be, a statement in writing certifying (a) that this Declaration is unmodified and in full force and effect (or if there have been modifications or supplements that the same is in full force and effect, as modified or supplemented, and stating the modifications and supplements), (b) whether or not to the best knowledge of the signer of such certificate the Declarant is in default in the performance of any Obligation contained in this Declaration, and, if so, specifying each such default of which the signer may have knowledge, and (c) as to such further matters as such Declarant or such Named Mortgagee may reasonably request. If the City fails to respond within such fifteen (15) day period, Declarant may send a second written notice to the City requesting such statement (which notice shall state in bold upper case type both at the top of the first page thereof and on the front of the envelope thereof the following: “SECOND NOTICE PURSUANT TO SECTION 6.04 OF THE DECLARATION OF PROPOSED DEVELOPMENT”). If the City fails to respond within ten (10) days after receipt of

such second notice, it shall be deemed to have certified (i) that this Declaration is unmodified and in full force and effect (or if there have been modifications or supplements that the same is in full force and effect, as modified or supplemented), (ii) that to the best knowledge of the signer of such certificate Declarant is not in default in the performance of any Obligation contained in this Declaration, and (iii) as to such further matters as such Declarant or such Named Mortgagee had requested, and such deemed certification may be relied on by such Declarant or such Named Mortgagee and their respective successors and assigns.

6.06 Successors of Declarant. References in this Declaration to “Declarant(s)” shall be deemed to include Successor Declarant(s), if any, which are holders of a Possessory Interest in the Subject Property. Notwithstanding anything to the contrary contained in this Declaration, no holder of a mortgage or other lien in the Subject Property shall be deemed to be a successor of Declarant for any purpose, unless and until such holder obtains a Possessory Interest and provided further that, following succession to such Possessory Interest, the holder of any such mortgage or lien shall not be liable for any obligations of Declarant as the “Declarant” hereunder unless such holder commences to develop the Subject Property in accordance with the terms of Section 2.01 hereof or has acquired its interest from a Party who has done so.

6.07 Parties-in-Interest. Declarant shall provide the City with an updated Certification of Parties-in-Interest as of the recording date of this Declaration and will cause any individual, business organization or other entity which, between the date hereof and the effective and recording date and time of this Declaration, becomes a Party-in-Interest in the Subject Property or portion thereof to subordinate its interest in the Subject Property to this Declaration. Any and all mortgages or other liens encumbering the Subject Property after the recording date of this Declaration shall be subject and subordinate hereto as provided herein. Notwithstanding anything

to the contrary contained in this Declaration, if a portion of the Subject Property is held in condominium ownership, the board of managers of the condominium association shall be deemed to be the sole Party-in-Interest with respect to the premises held in condominium ownership, and the owner of any unit in such condominium, the holder of a lien encumbering any such condominium unit, and the holder of any other occupancy or other interest in such condominium unit shall not be deemed to be a Party-in-Interest.

6.08 Governing Law. This Declaration shall be governed and construed by the laws of the State of New York, without regard to principles of conflicts of law.

6.09 Severability. In the event that any provision of this Declaration shall be deemed, decreed, adjudged or determined to be invalid or unlawful by a court of competent jurisdiction, such provision shall be severed and the remainder of this Declaration shall continue to be of full force and effect.

6.10 Incorporation by Reference. Any and all exhibits, appendices and attachments referred to herein are hereby incorporated fully and made an integral part of this Declaration by reference.

6.11 Counterparts. This Declaration may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original, but all of which taken together shall be construed as and shall constitute but one and the same instrument.

[Signature Page Follows]

IN WITNESS WHEREOF, Declarant has executed and delivered this Declaration
as of the day and year first above written.

DECLARANT:

801 11TH AVE., LLC

By: 
Name: Patrick Milner
Title: Authorized Rep

STATE OF NEW YORK)
)ss.:
COUNTY OF NEW YORK)

On the 7th day of May in the year 2026 before me, the undersigned, personally appeared Patrick Milner, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person or entity upon behalf of which the individual(s) acted, executed the instrument.


Notary Public

BREANNA K. SCHNEEBELI
Notary Public - State of New York
No. 01SC0003990
Qualified in New York County
My Commission Expires 03/27/2027

SCHEDULE OF EXHIBITS

EXHIBIT A Metes and Bounds of Subject Property

EXHIBIT B Parties in Interest Certification

EXHIBIT C Waivers

EXHIBIT D Plans

EXHIBIT E Form of Transfer of Development Rights and Notice of Restrictions

Exhibit "A"

Metes and Bounds of Subject Property

ALL those certain plot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being in the Borough of Manhattan, County of New York, City and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the northerly side of West 55th Street and the westerly side of 11th Avenue;

RUNNING THENCE northerly along the westerly side of 11th Avenue, 200 feet 10 inches to the corner formed by the intersection of the westerly side of 11th Avenue with the southerly side of West 56th Street;

THENCE westerly along the southerly side of West 56th Street, 150 feet;

THENCE southerly parallel with 11th Avenue, 132 feet 1/2 of an inch;

THENCE easterly on a line forming an interior angle of 96 degrees 36 minutes 20 seconds with the last mentioned course, 50 feet 4 inches;

THENCE southerly parallel with 11th Avenue, 63 feet to the northerly side of West 55th Street;

THENCE easterly along the northerly side of West 55th Street, 100 feet to corner, the point or place of BEGINNING.

Exhibit “B”

Parties-in-Interest Certification

[See Attached]



Stewart Title Guaranty Company
2 Grand Central Tower, 33rd Floor
New York, New York 10017

N.B. # _____
Or
Alt. # _____

EXHIBIT I

**CERTIFICATION OF PARTIES IN INTEREST
PURSUANT TO SUBDIVISION (C)
OF THE DEFINITION OF ZONING LOT SET FORTH
IN SECTION 12-10 OF THE ZONING RESOLUTION
OF THE CITY OF NEW YORK
EFFECTIVE DECEMBER 15, 1961
AS AMENDED EFFECTIVE AUGUST 18, 1977**

TITLE NO. NY14132

STEWART TITLE GUARANTY COMPANY, a title insurance company licensed to do business in the State of New York and having its principal office at 140 East 45th Street, 33rd Floor, New York, New York, 10017, hereby certifies that as to the land hereafter described, being a tract of land either unsubdivided or consisting of two or more lots of record contiguous for a minimum of ten linear feet located within a single block and under the single fee ownership of 801 11th Ave LLC, that all parties constituting a "party in interest" as defined for purposes of the provisions of subdivision (c) of the Definition of Zoning Lot set forth in Section 12-10 of the Zoning Resolution of the City of New York, effective December 15, 1961, as amended, are as follows:

<u>NAME & ADDRESS</u>	<u>NATURE OF INTEREST</u>
801 11 th Ave LLC c/o Garage Management Corp., 124 East 63 rd Street, New York, NY 10021	Fee Owner

TITLE NO. NY 14132

The subject tract of land as to which the aforesaid parties are parties in interest is known as Tax Lot 36 in Block 1103 as shown on the Official Tax Map of the City of New York, New York County, and more particularly bounded and described as follows:

TAX LOT 36 (BLOCK 1103)

ALL that certain plot, piece or parcel of land, situate, lying and being in the Borough of Manhattan, County of New York, City and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the northerly side of West 55th Street and the westerly side of Eleventh Avenue;

RUNNING THENCE northerly along the westerly side of Eleventh Avenue, 200 feet 10 inches to the corner formed by the intersection of the westerly side of Eleventh Avenue with the southerly side of East 56th Street;

THENCE westerly along the southerly side of West 56th Street, 150 feet;

THENCE southerly parallel with Eleventh Avenue, 132 feet 0-½ of an inch;

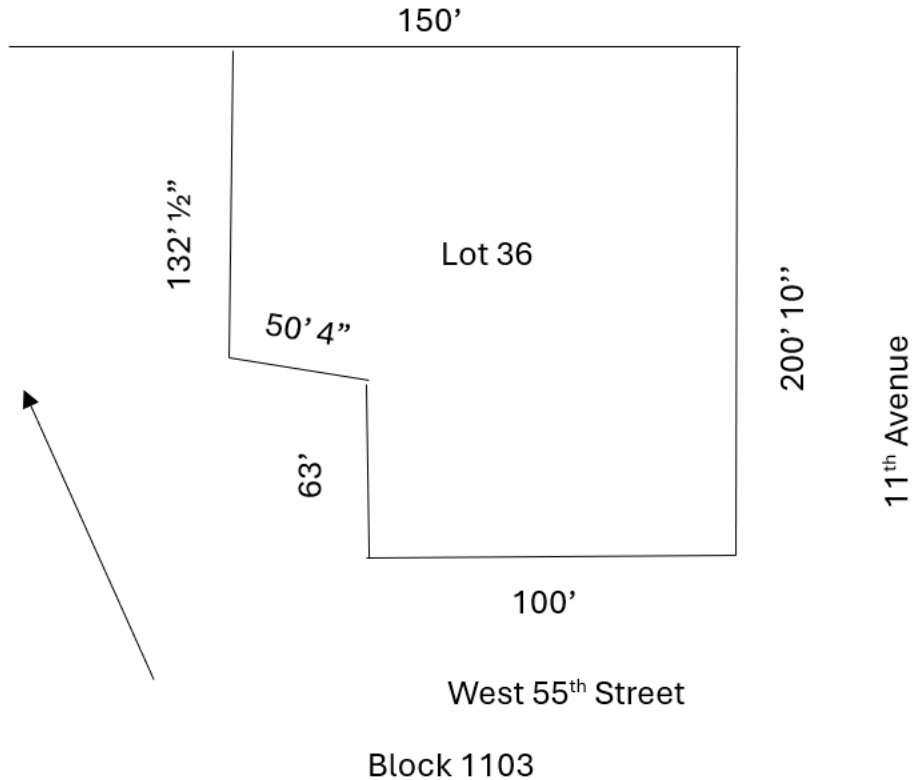
THENCE easterly on a line forming an interior angle of 96 degrees 36 minutes 20 seconds with the last mentioned course, 50 feet 4 inches;

THENCE southerly parallel with Eleventh Avenue, 63 feet to the northerly side of West 55th Street; and

THENCE easterly along the northerly side of West 55th Street, 100 feet to the corner, the point or place of BEGINNING.

TITLE NO. NY 14132

Said Tax Lot 36 in Block 1103 is as shown on the annexed diagram.



NOTE: This Certification has been prepared prior to the execution and recording of the necessary Declaration of Restrictions, Waivers of Declaration and Zoning Lot Description and Ownership Statement. Upon execution and recording of these documents, a Final Certification will be prepared.

NOTE: A Zoning Lot may or may not coincide with a lot as shown on the Official Tax Map of the City of New York or on any recorded subdivision plat or deed. A Zoning Lot may be subdivided into two or more Zoning Lots, provided that all resulting Zoning Lots and all buildings thereon shall comply with all of the applicable provisions of the Zoning Resolution of the City of New York, effective December 15, 1961, as amended.

THIS CERTIFICATION IS MADE FOR AND ACCEPTED BY THE APPLICANT UPON THE EXPRESS UNDERSTANDING THAT LIABILITY HEREUNDER IS LIMITED TO ONE THOUSAND DOLLARS (\$1,000).

STEWART TITLE GUARANTY COMPANY

DATED: April 14, 2026

By: _____
Irene Pangilinan
Underwriting Counsel

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

On the _____ day of _____ in the year ____ before me, the undersigned, personally appeared Irene Pangilinan, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

Exhibit “C”

Waivers

[See Attached]

**WAIVER OF EXECUTION OF RESTRICTIVE DECLARATION
AND SUBORDINATION OF MORTGAGE**

**WAIVER OF EXECUTION OF RESTRICTIVE DECLARATION AND
SUBORDINATION OF MORTGAGE**, made as of [_____] [____], 202_ by
[_____] a [_____] [_____] having an address at
[_____] ("Mortgagee").

W I T N E S S E T H:

WHEREAS, Mortgagee is the lawful holder of that certain [_____] between [_____] ("Borrower") and Mortgagee in the consolidated principal amount of [_____] dated as of [_____] [____], [____] and recorded in the City Register on [_____] at CRFN [____];

WHEREAS, the Mortgage encumbers all or a portion of the property (the "Premises") known as Block 1103, Lot 36 on the Tax Map of the City of New York, County of New York, and more particularly described in **Schedule A** attached hereto and made a part hereof, and any improvements thereon (such improvements and the Premises are collectively referred to herein as the "Subject Property"), which Subject Property is the subject of a restrictive declaration dated as of _____, 202_ (the "Restrictive Declaration"), made by Borrower; and

WHEREAS, Mortgagee represents that the Mortgage represents its sole interest in the Subject Property; and

WHEREAS, the Restrictive Declaration, which is intended to be recorded in the Office of said Register/Clerk simultaneously with the recording hereof, shall subject the Subject Property and the sale, conveyance, transfer, assignment, lease, occupancy, mortgage and encumbrance thereof to certain restrictions, covenants, obligations, easements and agreements contained in the Restrictive Declaration; and

WHEREAS, Mortgagee agrees, at the request of the Borrower, to waive its right to execute the Restrictive Declaration and to subordinate the Mortgage to the Restrictive Declaration.

NOW, THEREFORE, Mortgagee (i) hereby waives any rights it has to execute, and consents to the execution by Borrower of, the Restrictive Declaration and (ii) hereby agrees that the Mortgage, any liens, operations and effects thereof, and any extensions, renewals, modifications and consolidations of the Mortgage, shall in all respects be subject and subordinate to the terms and provisions of the Restrictive Declaration.

This Waiver of Execution of Restrictive Declaration and Subordination of Mortgage shall be, binding upon Mortgagee and its heirs, legal representatives, successors and assigns.

IN WITNESS WHEREOF, Mortgagee has duly executed this Waiver of Execution of Restrictive Declaration and Subordination of Mortgage as of the date and year first above written.

MORTGAGEE:

[_____]

By: _____
Name: _____
Title: _____

STATE OF _____)
)ss.:
COUNTY OF _____)

On the ____ day of _____ in the year 202_, before me, the undersigned notary public, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

Schedule A

Metes and Bounds Description of the Premises

ALL those certain plot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being in the Borough of Manhattan, County of New York, City and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the northerly side of West 55th Street and the westerly side of 11th Avenue;

RUNNING THENCE northerly along the westerly side of 11th Avenue, 200 feet 10 inches to the corner formed by the intersection of the westerly side of 11th Avenue with the southerly side of East 56th Street;

THENCE westerly along the southerly side of West 56th Street, 150 feet;

THENCE southerly parallel with 11th Avenue, 132 feet 1/2 of an inch;

THENCE easterly on a line forming an interior angle of 96 degrees 36 minutes 20 seconds with the last mentioned course, 50 feet 4 inches;

THENCE southerly parallel with 11th Avenue, 63 feet to the northerly side of West 55th Street;

THENCE easterly along the northerly side of West 55th Street, 100 feet to corner, the point or place of BEGINNING.

Exhibit “D”

Plans

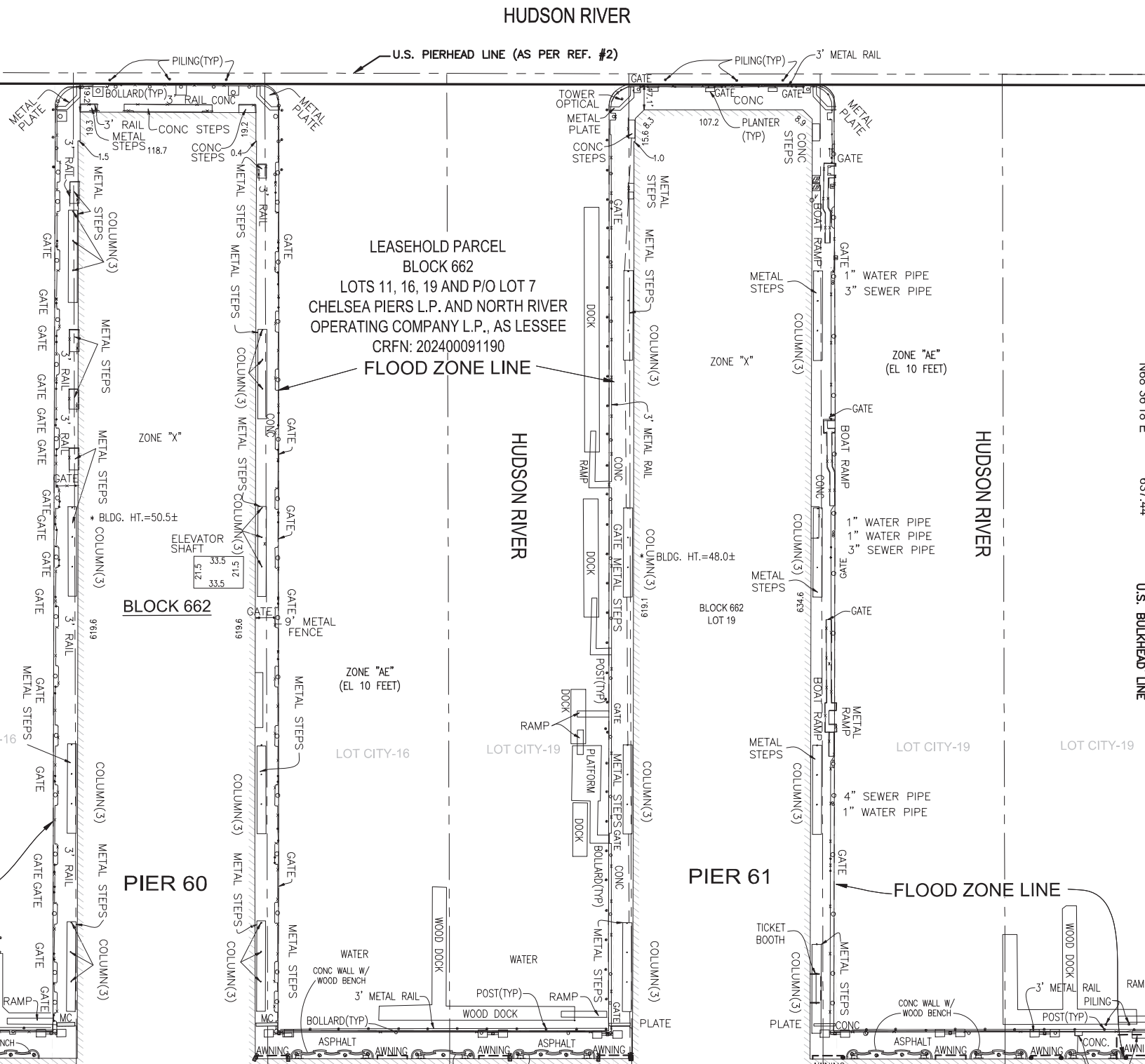
[See Attached]

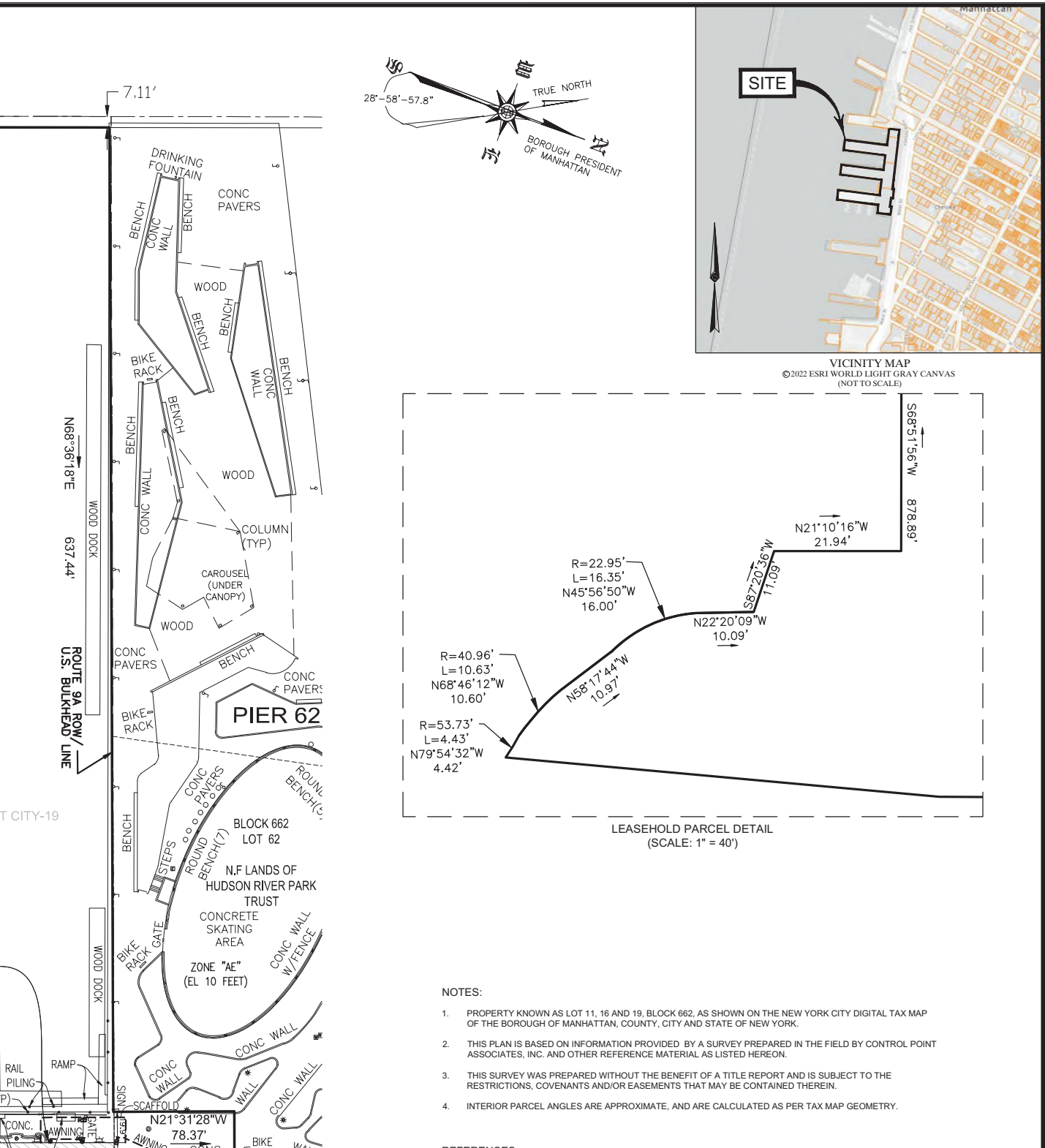
Order of Plan Segments

1	2	3
4	5	6

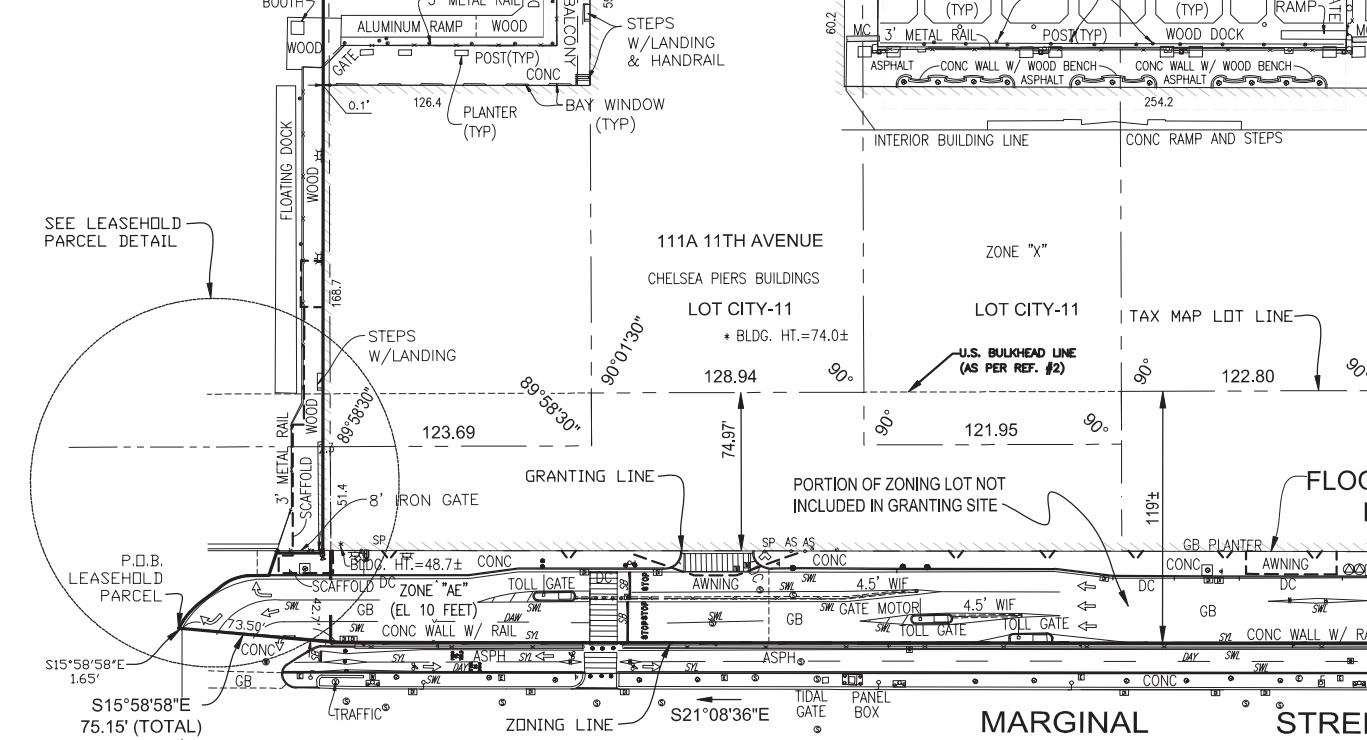
[illegible]

Exhibit D, 1 of 1, Chelsea Piers, 2 of 6



[illegible]

CONTROL POINT ASSOCIATES INC. PC - ALL RIGHTS RESERVED.
THIS DOCUMENT IS THE PROPERTY OF CONTROL POINT ASSOCIATES INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF CONTROL POINT ASSOCIATES INC. IS PROHIBITED.



FIRST FLOOR AREA
(BASED UPON EXTERIOR
FOOTPRINT OF BUILDING)

LOT 11	89,679± SQ. FT.
LOT 16	158,813± SQ. FT.
LOT 19	195,571± SQ. FT.

FIRST FLOOR MEZZANINE AREA

LOT 11	13,148± SQ. FT.
LOT 16	15,646± SQ. FT.
LOT 19	12,195± SQ. FT.

FIRST FLOOR PARKING AREA

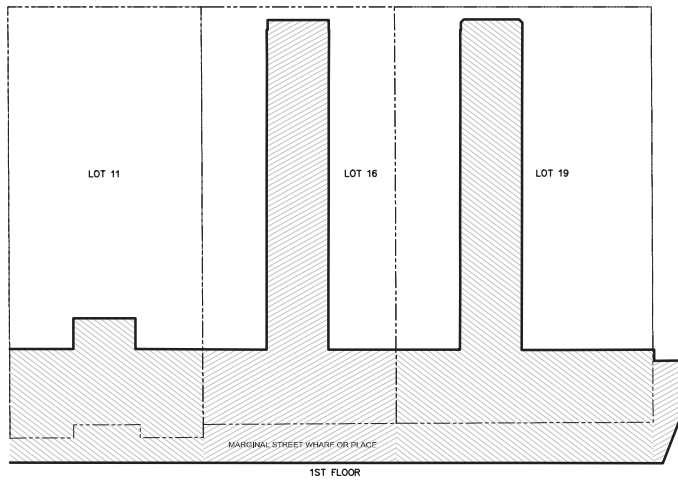
LOT 11	20,496± SQ. FT.
LOT 16	49,247± SQ. FT.
LOT 19	64,545± SQ. FT.

SECOND FLOOR AREA

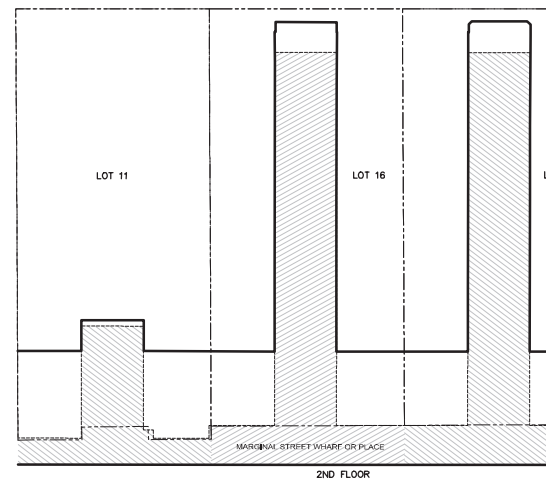
LOT 11	45,688± SQ. FT.
LOT 16	115,448± SQ. FT.
LOT 19	136,830± SQ. FT.

SECOND FLOOR MEZZANINE AREA

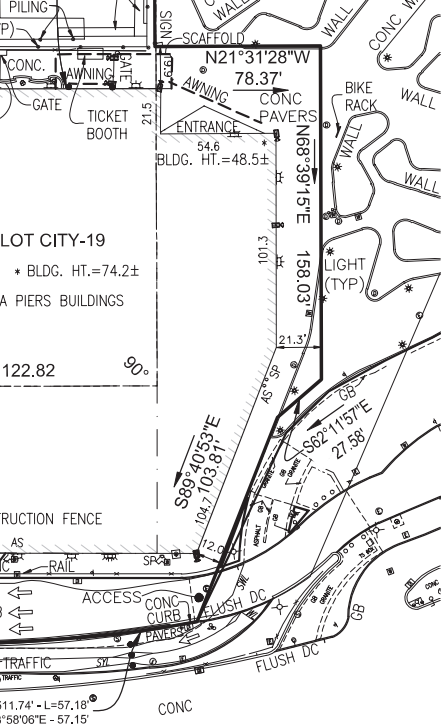
LOT 11	6,515± SQ. FT.
LOT 16	29,130± SQ. FT.
LOT 19	4,685± SQ. FT.



FIRST FLOOR AREA
(NOT TO SCALE)



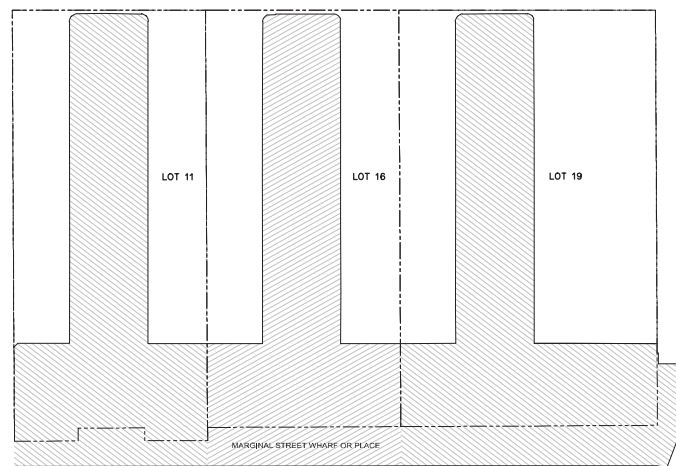
SECOND FLOOR AREA (PER REF. #4)
(NOT TO SCALE)



- RESTRICTIONS, COVENANTS AND/OR EASEMENTS THAT MAY BE CONTAINED THEREIN.
4. INTERIOR PARCEL ANGLES ARE APPROXIMATE, AND ARE CALCULATED AS PER TAX MAP GEOMETRY.
- REFERENCES:
- THE OFFICIAL TAX ASSESSOR'S DIGITAL MAP OF THE BOROUGH OF MANHATTAN, CITY, COUNTY AND STATE OF NEW YORK, SHEET #1 OF 1.
 - MAP ENTITLED "LEASE SURVEY CHelsea PIERS 59, 60, 61, 62 & 63 (EASEMENT ACCESS), BOROUGH OF MANHATTAN, CITY, COUNTY AND STATE OF NEW YORK", PREPARED BY STANTEC CONSULTING INC., DATED 08-14-2015.
 - SECTION MAP #39 BOROUGH OF MANHATTAN.

LOT AREA
(INCLUDING BUILDING AND PIER
TO GRANTING LINE)

LOT 11	186,695± SQ. FT.
LOT 16	186,134± SQ. FT.
LOT 19	225,409± SQ. FT.



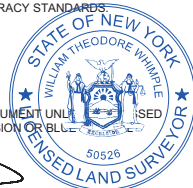
LOT AREA (INCLUDING BUILDING AND PIER)

LOT AREA (INCLUDING BUILDING AND PIER)
(NOT TO SCALE)

LEGEND	
	ZONING LOT LINE
	GRANTING LINE
	TAX LOT LINE

9.	REVISED PER CLIENT COMMENTS		J.H.	W.T.W.	12/01/2025
8.	SURVEY UPDATE	D.G.	J.H.	W.T.W.	07/08/2025
7.	REVISED AS PER CLIENT COMMENTS		R.G.	R.G.	11/21/2017
6.	REVISED AS PER CLIENT COMMENTS		T.C.	R.G.	11/8/2017
5.	REVISED AS PER CLIENT COMMENTS		T.C.	R.G.	11/8/2017
4.	MODIFIED BUILDING FOOTPRINTS/DIMENSIONS FOR PIERS 60 & 61		T.C.	R.G.	10/30/2017
3.	ADDED GLASS ENCLOSURE AREAS TO FIRST FLOOR TOTALS		T.C.	R.G.	10/27/2017
2.	REVISE TAX PARCEL DATA		R.G.	R.G.	10/25/2017
1.	REVISE AREA CALCULATIONS	S.W./E.P.	D.E.C.	R.G.	9/28/2017
No.	DESCRIPTION OF REVISION	FIELD CREW	DRAWN:	APPROVED:	DATE

THIS SURVEY HAS BEEN PERFORMED IN THE FIELD UNDER MY SUPERVISION, AND TO THE BEST OF MY KNOWLEDGE, BELIEF, AND INFORMATION, THIS SURVEY HAS BEEN PERFORMED IN ACCORDANCE WITH CURRENTLY ACCEPTED ACCURACY STANDARDS:



NOT A VALID ORIGINAL DOCUMENT UNLESS
WITH RAISED IMPRESSION OR BLUE INK

12-01-2025

WILLIAM T. WHIMPLE
NEW YORK PROFESSIONAL LAND SURVEYOR #50526

DATE

FIELD DATE
08-28-2017
09-05-2024

FIELD BOOK NO.
24-06

FIELD BOOK PG.
137-141

FIELD CREW
S.W./E.P.
D.G./K.S.

DRAWN:
D.E.C.

REVIEWED:
T.C.

PARCEL AREA SURVEY

CHELSEA PIERS

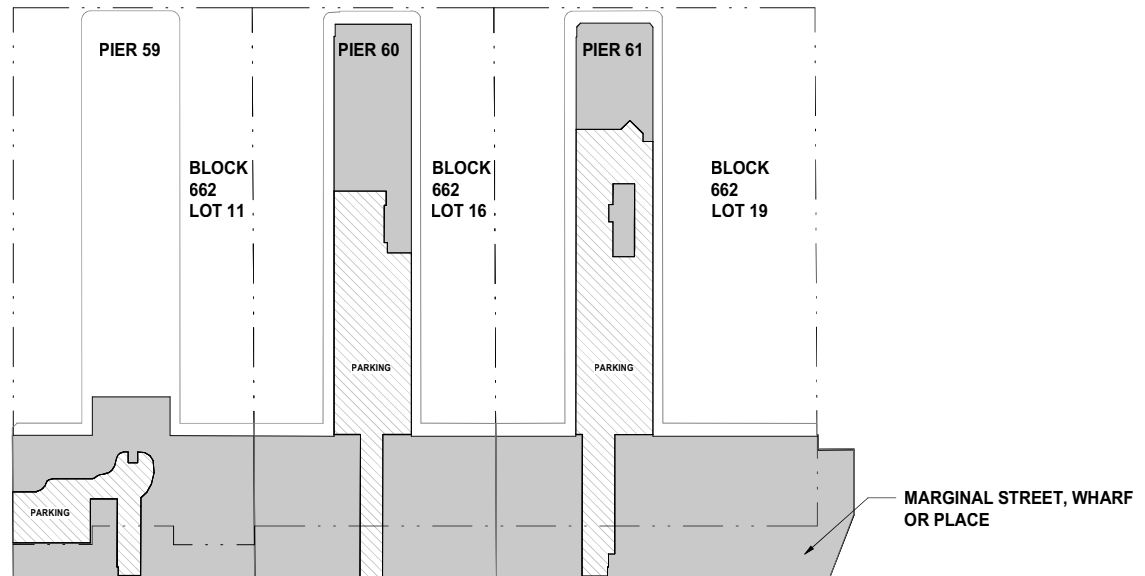
LOT 11, 16, AND 19, BLOCK 662
BOROUGH OF MANHATTAN
CITY, COUNTY AND STATE OF NEW YORK



**CONTROL POINT
ASSOCIATES INC PC**
9 TIMES SQUARE, 200 WEST 41ST STREET,
14TH FLOOR, NEW YORK, NY 10036
646.780.0411 - 908.668.9595 FAX
WWW.CPASURVEY.COM

WARREN, NJ 908.668.0099
CHALFONTE, PA 215.712.9800
MT. LAUREL, NJ 609.857.2099
LONG ISLAND, NY 631.580.2645
SOUTHBOROUGH, MA 508.548.3000
ALBANY, NY 518.217.5010
ROCHESTER, NY 585.255.1764
GEORGETOWN, DE 302.295.1010
PHILADELPHIA, PA 215.712.9800
HUDSON VALLEY, NY 845.691.7339
FT. LAUDERDALE, FL 954.763.7611

APPROVED: R.G.	DATE 09-08-2017	SCALE 1"=50'	FILE NO. 07-170171-04	DWG. NO. 1 OF 1
-------------------	--------------------	-----------------	--------------------------	--------------------



FIRST FLOOR

FIRST FLOOR AREA

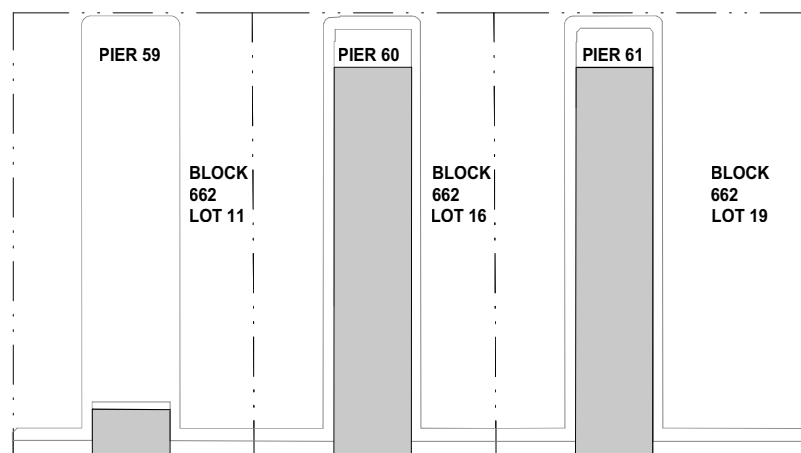
LOT NUMBER	GROSS FLOOR AREA (S.F.)	FAR DEDUCTIONS (S.F) PARKING AREA	FLOOR AREA (S.F)
LOT 11	89,679	20,496	69,183
LOT 16	158,813	49,247	109,566
LOT 19	195,571	64,545	131,026

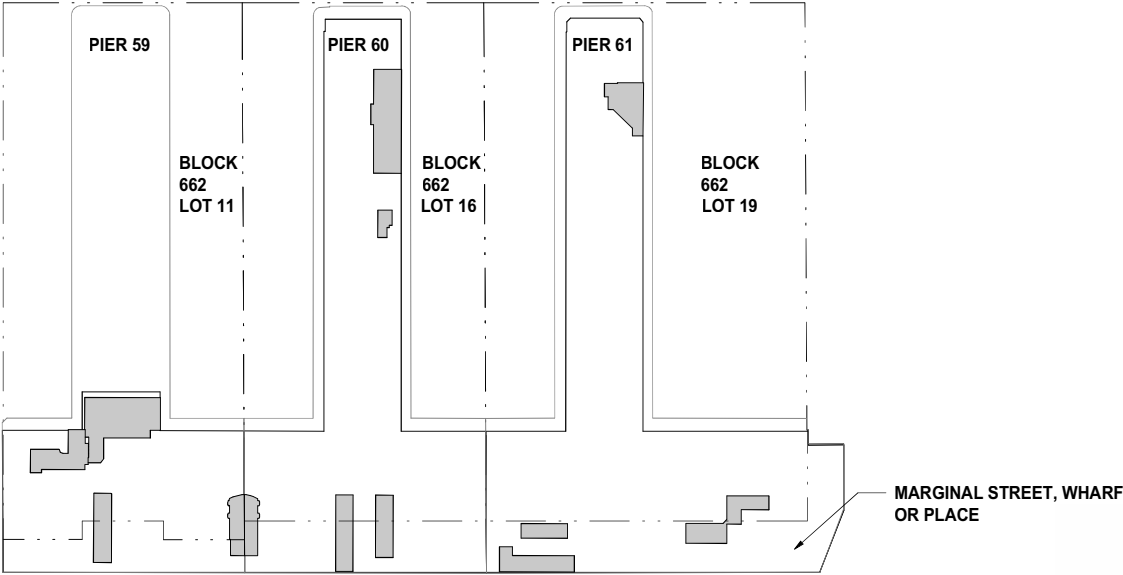
NOTES:

PARKING EXEMPT FROM FAR AS PER 12-10 FLOOR AREA (L)(6)

FLOOR SPACE USED FOR ACCESSORY OFF-STREET PARKING SPACES PROVIDED IN ANY STORY AFTER JUNE 30, 1989: WHICH IS LOCATED MORE THAN 23 FEET ABOVE CURB LEVEL IN ANY OTHER BUILDING; IS CONSIDERED FLOOR AREA.

PARKING AREAS HERE WITHIN ARE LOCATED AT GRADE BELOW 23 FEET, THERE ARE NO ADDITIONAL ELEMENTS LOCATED WITHIN THE PARKING AREAS BELOW 23 FEET THAT CAN BE CONSIDERED FLOOR AREA.





FIRST FLOOR MEZZANINE

FIRST FLOOR MEZZANINE AREA

LOT NUMBER	AREA (S.F)
LOT 11	13,148
LOT 16	15,646
LOT 19	12,195

ZONING DISTRICT- M2-3

MAP- 8B

BLOCK- 662

LOT- 11

GRANTING AREA FOR THE

MAX. F.A.R= 2.0 (PER ZR 43

ALLOWABLE FLOOR AREA

LOT 11 EXISTING FLOOR AREA

FLOOR
FIRST FLOOR
FIRST FLOOR MEZZ.
SECOND FLOOR
SECOND FLOOR MEZZ.
THIRD FLOOR
THIRD FLOOR MEZZ.
TOTAL

AVAILABLE AREA (S.F)

ZONING DISTRICT- M2-3

MAP- 8B

BLOCK- 662

LOT- 16

GRANTING AREA FOR THE

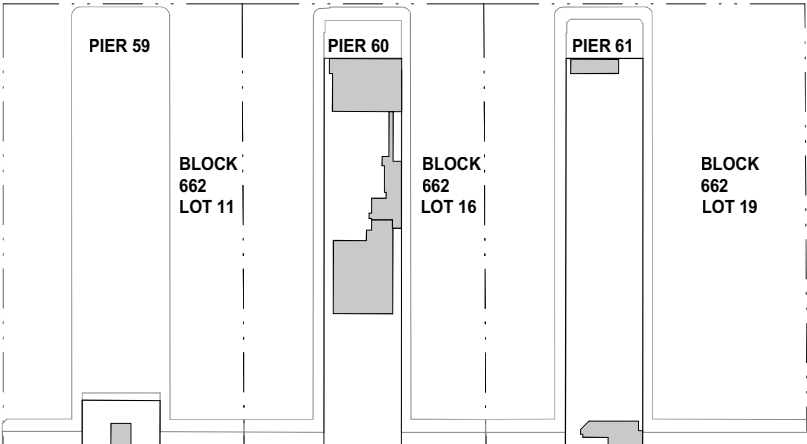
MAX. F.A.R= 2.0 (PER ZR 43

ALLOWABLE FLOOR AREA

LOT 16 EXISTING FLOOR AREA

FLOOR
FIRST FLOOR
FIRST FLOOR MEZZ.
SECOND FLOOR
SECOND FLOOR MEZZ.
THIRD FLOOR
THIRD FLOOR MEZZ.
TOTAL

AVAILABLE AREA (S.F)



T- M2-3

FOR THE PURPOSES OF DETERMINING ALLOWABLE FLOOR AREA (PER ZR 62-31) (S.F)= 186,695
PER ZR 43-12)

OR AREA (S.F)	373,390
---------------	---------

FLOOR AREA (S.F)

	EXISTING AREA (S.F)
	69,183
ZZ.	13,148
	45,688
MEZZ.	6,515
	10,674
EZZ.	624
	145,832

(S.F)	227,558
-------	---------

Marvel Architects
145 HUDSON STREET, FLR.3 NEW YORK, NY 10013
212.616.0420

ARCHITECT
MARVEL DESIGNS
145 HUDSON ST, NEW YORK, NY 10013

T- M2-3

FOR THE PURPOSES OF DETERMINING ALLOWABLE FLOOR AREA (PER ZR 62-31) (S.F)= 186,134
PER ZR 43-12)

OR AREA (S.F)	372,268
---------------	---------

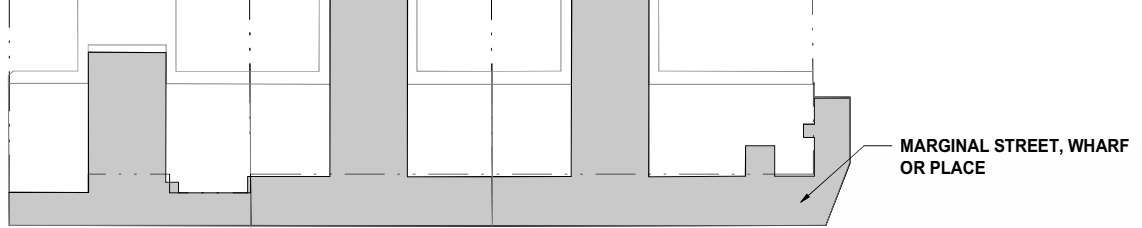
FLOOR AREA (S.F)

	EXISTING AREA (S.F)
	109,566
ZZ.	15,646
	115,448
MEZZ.	29,130
	4,884
EZZ.	720
	275,394

(S.F)	96,874
-------	--------

NOT FOR CONSTRUCTION

REV	DATE	DESCRIPTION
-----	------	-------------



SECOND FLOOR

SECOND FLOOR AREA

LOT NUMBER	AREA (S.F)
LOT 11	45,688
LOT 16	115,448
LOT 19	136,830



THIRD FLOOR

THIRD FLOOR AREA

LOT NUMBER	AREA (S.F)
LOT 11	10,674
LOT 16	4,884
LOT 19	32,404

THIRD FLOOR MEZZANINE AREA

LOT NUMBER	AREA (S.F)
LOT 11	624
LOT 16	720
LOT 19	10,956

NOTE: AREA NUMBERS ARE BASED ON CONTROL POINT'S SURVEY ISSUED ON 12/20/24.

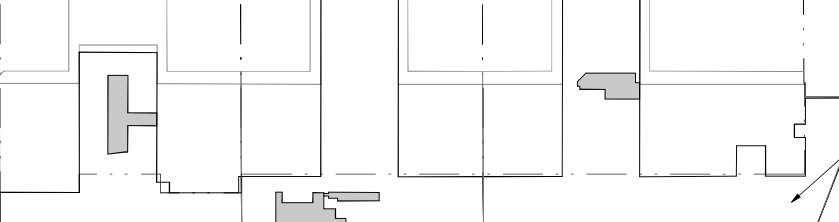
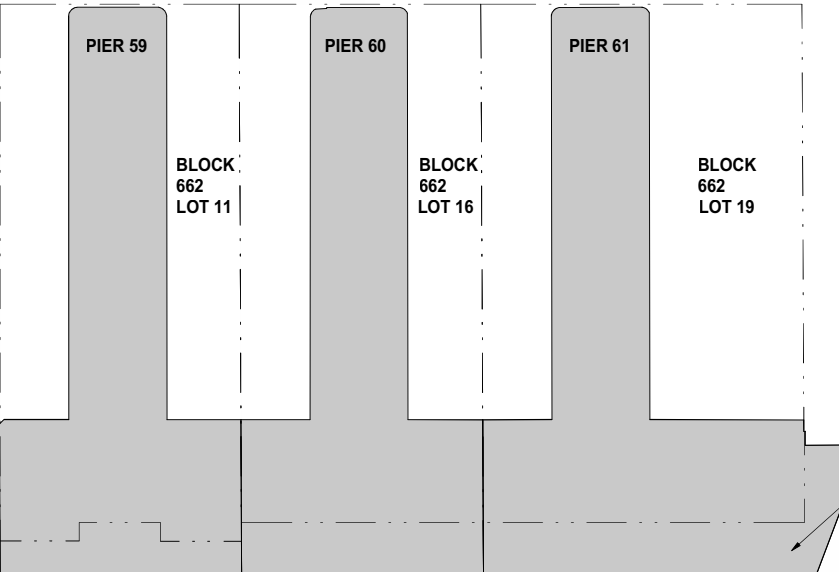
WHARF			TOTAL							
	SECOND FLOOR MEZZANINE		AVAILABLE AREA (S.F)							
	SECOND FLOOR MEZZANINE AREA		ZONING DISTRICT- M2-3							
	<table> <tr> <th>LOT NUMBER</th><th>AREA (S.F)</th></tr> <tr> <td>LOT 11</td><td>6,515</td></tr> <tr> <td>LOT 16</td><td>29,130</td></tr> <tr> <td>LOT 19</td><td>4,685</td></tr> </table>		LOT NUMBER	AREA (S.F)	LOT 11	6,515	LOT 16	29,130	LOT 19	4,685
LOT NUMBER	AREA (S.F)									
LOT 11	6,515									
LOT 16	29,130									
LOT 19	4,685									
			BLOCK- 662							
			LOT- 19							
			GRANTING AREA FOR THE							
			MAX. F.A.R= 2.0 (PER ZR 43)							
			ALLOWABLE FLOOR AREA							
			LOT 19 EXISTING FLOOR AREA							
WHARF			FLOOR							
	GRANTING AREA FOR THE PURPOSES OF DETERMINING ALLOWABLE FLOOR AREA (PER ZR 62-31)		FIRST FLOOR							
	GRANTING AREA FOR THE PURPOSES OF DETERMINING ALLOWABLE FLOOR AREA (PER ZR 62-31)		FIRST FLOOR MEZZ.							
	<table> <tr> <th>LOT NUMBER</th><th>AREA (S.F)</th></tr> <tr> <td>LOT 11</td><td>186,695</td></tr> <tr> <td>LOT 16</td><td>186,134</td></tr> <tr> <td>LOT 19</td><td>225,409</td></tr> </table>		LOT NUMBER	AREA (S.F)	LOT 11	186,695	LOT 16	186,134	LOT 19	225,409
LOT NUMBER	AREA (S.F)									
LOT 11	186,695									
LOT 16	186,134									
LOT 19	225,409									
			SECOND FLOOR MEZZ.							
			THIRD FLOOR							
			THIRD FLOOR MEZZ.							
			TOTAL							
			AVAILABLE AREA (S.F)							
			SUMMARY							
			LOT NUMBER							
			LOT 11							
			LOT 16							
			LOT 19							
			ZFA PREVIOUSLY TRANSFERRED							
			(DEDUCTION)							
			TOTAL							

Exhibit D, Z-102, 5 of 6

		278,034
(S.F)		96,874

12/10/25

CT-M2-3

FOR THE PURPOSES OF DETERMINING ALLOWABLE FLOOR AREA (PER ZR 62-31) (S.F)= 225,409
(PER ZR 43-12)

FLOOR AREA (S.F)	450,818
------------------	---------

FLOOR AREA (S.F)

	EXISTING AREA (S.F)
	131,026
ZZ.	12,195
	136,830
MEZZ.	4,685
	32,404
MEZZ.	10,956
	328,096

(S.F)	122,722
-------	---------

NOTE: PURSUANT TO ZR 89-00 ET. SEQ., B-G3 AREA WITHIN WHICH A GRANTING SITE MAY BE LOCATED, PROVIDED (A) ZFA TO BE TRANSFERRED TO BOTH RECEIVING SITES B-R3 AND B-R4 DOES NOT EXCEED 148,741 SQUARE FEET, AND (B) IF, IN COMBINATION WITH GRANTING SITES B-G1 AND B-G2, ZFA TO BE TRANSFERRED DOES NOT EXCEED, CUMULATIVELY, 64,392 SQUARE FEET FOR RECEIVING SITE B-R3 AND 84,349 SQUARE FEET FOR RECEIVING SITE B-R4.

NOTE: REFERENCES TO LOT AREA OF PARTICULAR TAX LOT ALSO INCLUDES LOT AREA OF PORTIONS OF MARGINAL STREET, WHARF OR PLACE IMMEDIATELY ADJACENT TO SUCH TAX LOT WITHIN THE GRANTING SITE.

NOTE: REFERENCES TO FLOOR AREA LOCATED ON A PARTICULAR TAX LOT ALSO INCLUDE FLOOR AREA LOCATED WITHIN PORTIONS OF MARGINAL STREET, WHARF OR PLACE IMMEDIATELY ADJACENT TO SUCH TAX LOT WITHIN THE GRANTING SITE.

	AVAILABLE AREA (S.F)
	227,558
	96,874
	122,722
Y TRANSFERRED	
	158,000
	289,154

DOB STAMP ZONE

PLOT PLAN

#2441

HRPT

CHELSEA PIERS
NEW YORK, NY

ZONING ANALYSIS

SCALE: NTS



DRAWING #:

Z-102

of

DOB JOB:



12/10/2025 9:59:10 AM MARVEL ARCHITECTS, LANDSCAPE ARCHITECTS, URBAN DESIGNERS, PLLC

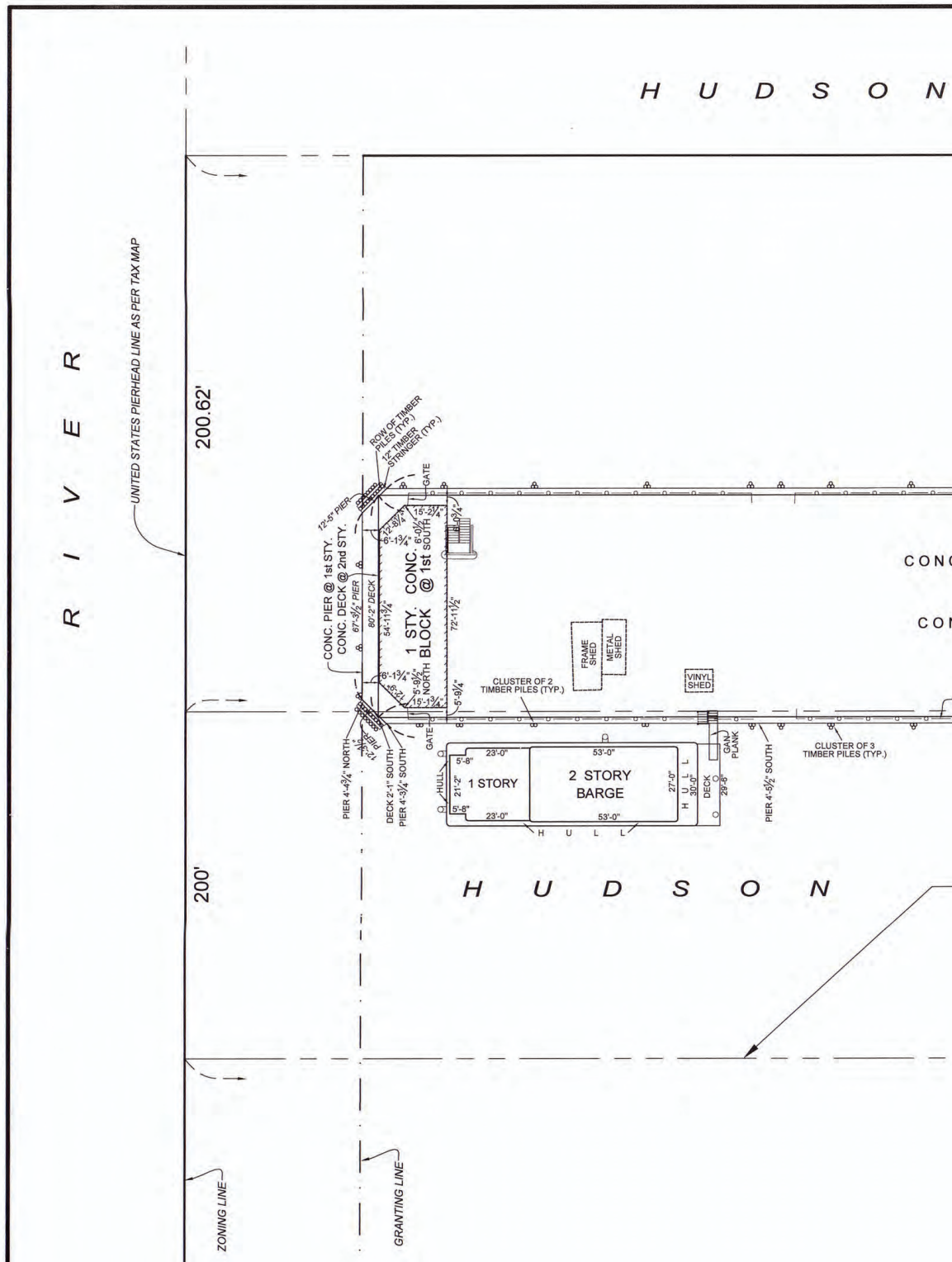
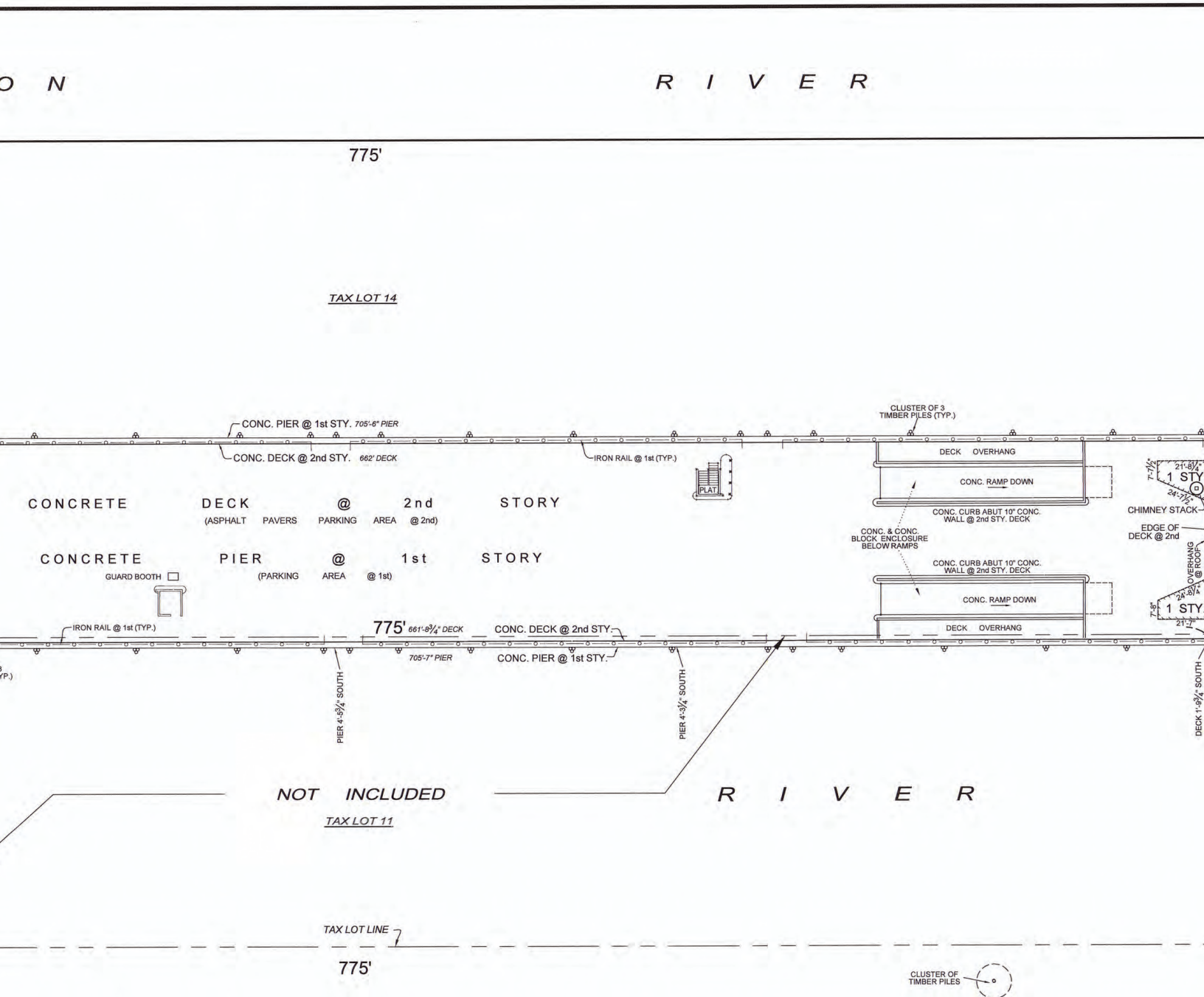
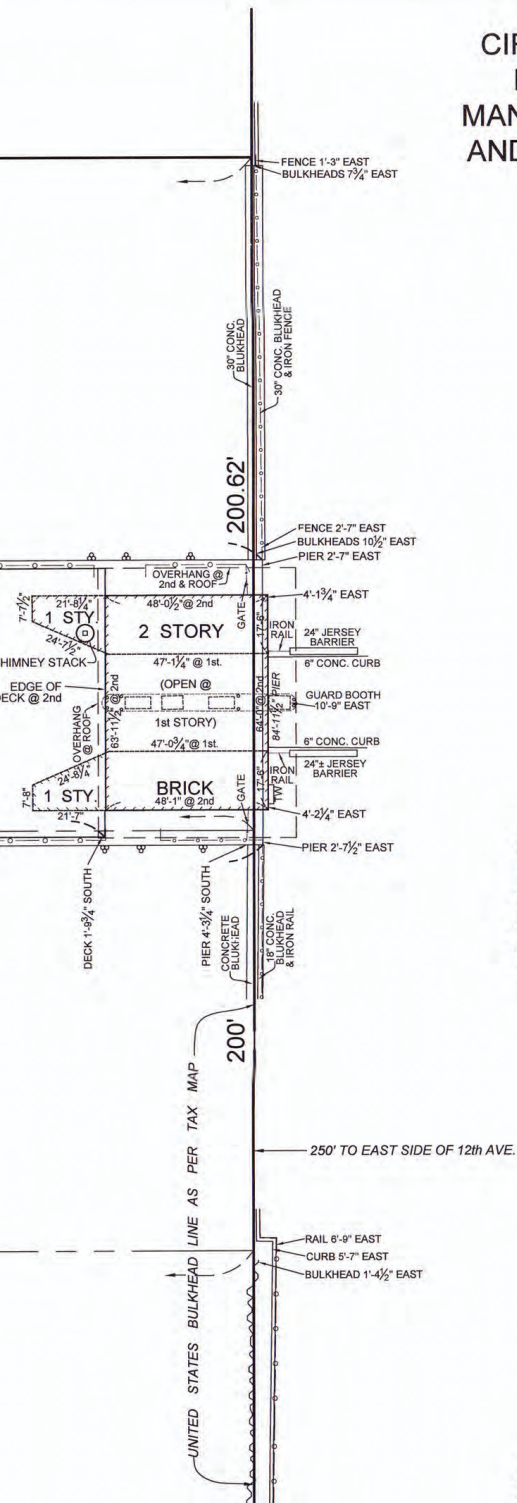


Exhibit D, Survey of Circle Line Piers 81 & 83, 2 of 6



SURVEY OF
CIRCLE LINE PIERS 81 & 83
IN THE BOROUGH OF
MANHATTAN, COUNTY, CITY
AND STATE OF NEW YORK



H U D S O N

UNITED STATES PIERHEAD LINE AS PER TAX MAP

358.75'

ZONING LINE

GRANTING

ROW OF TIMBER
PILES (TYP.)
1" TIMBER
STRINGER (TYP.)
13'-11 1/2" PIER

CLUSTER OF 2
TIMBER PILES (TYP.)

IRON RAIL (TYP.)

CONC. PIER

56'-3 1/4" PIER

75'-3 1/2" PIER

13'-6 3/8" PIER

CLUSTER OF 3
TIMBER PILES (TYP.)

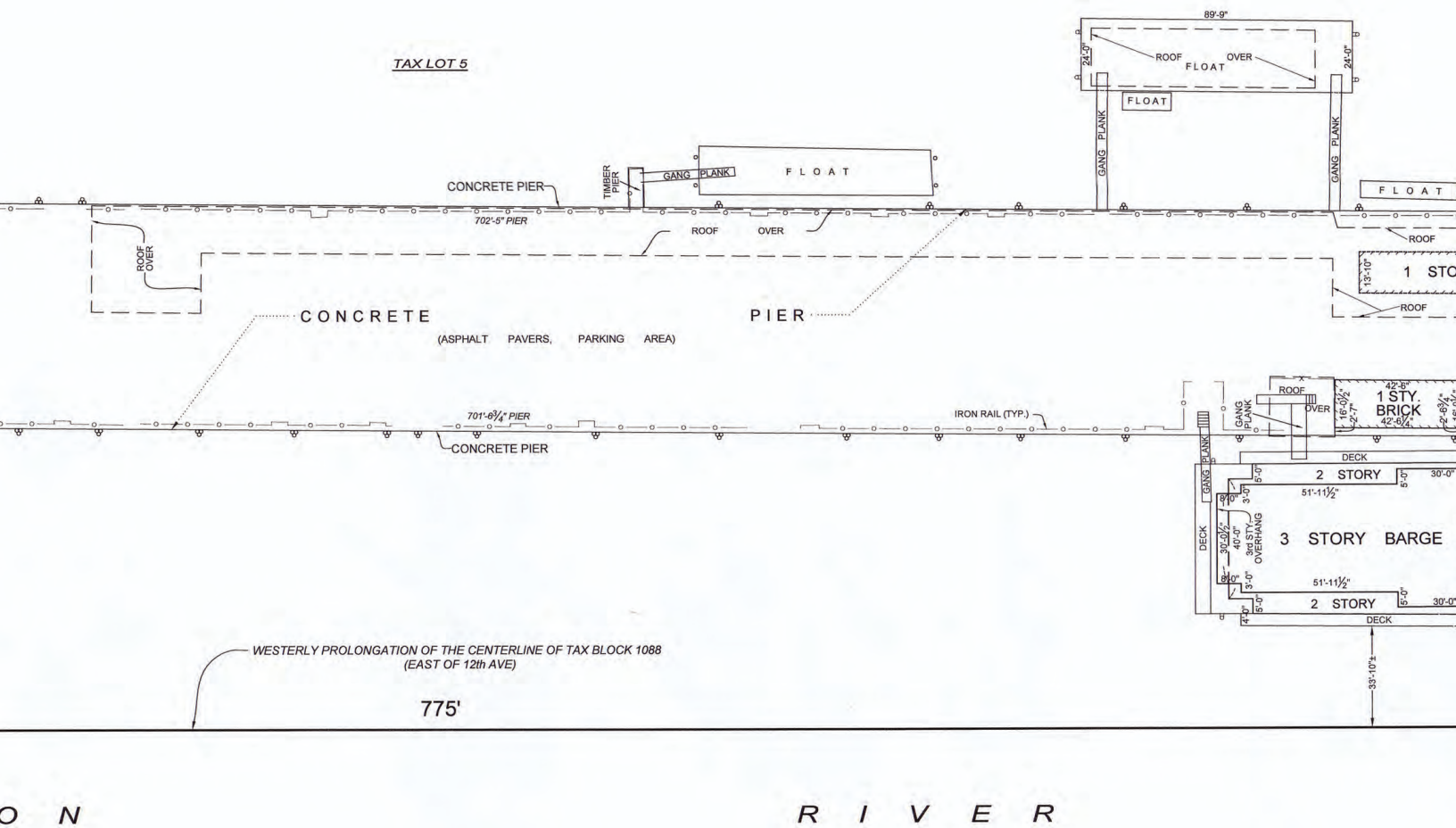
102'-4 1/2"

H U D S O N

ORDER NO.:M-1080

TAX BLOCK:1107

LOT:5 & 14



GRANTING AREA (INCLUDING BUILDINGS AND PIER)

LOT 5	53,420 Sq. Ft.
LOT 14	57,311 Sq. Ft.

FIRST FLOOR AREAS

LOT 5	1,789 Sq. Ft.
LOT 14	4,002 Sq. Ft.

SECOND FLOOR AREA

LOT 14	4,504 Sq. Ft.
--------	---------------

FLOATING STRUCTURES AREA LOT 5

1ST FLOOR	4,648 Sq. Ft.
2ND FLOOR	4,356 Sq. Ft.
3RD FLOOR	3,491 Sq. Ft.

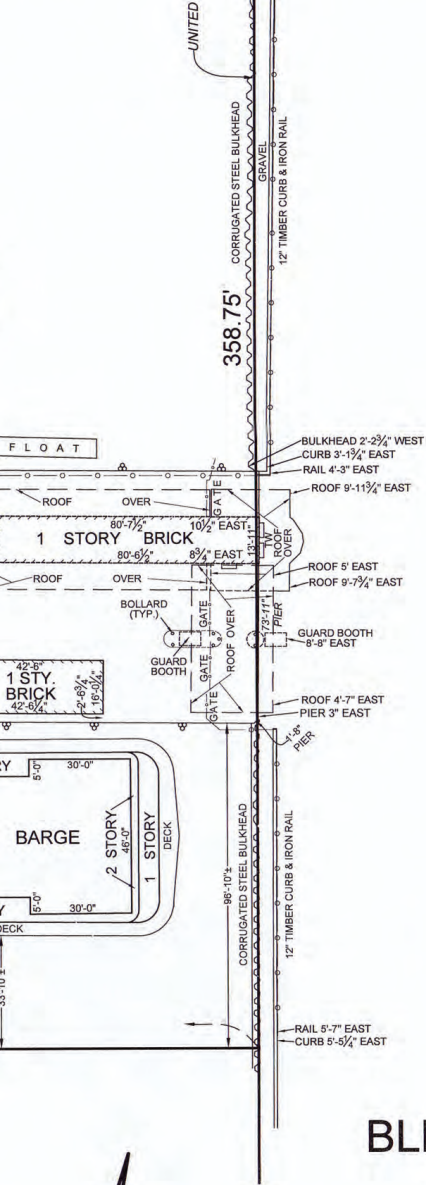
FLOATING STRUCTURES AREA LOT 14

1ST FLOOR	2,151 Sq. Ft.
2ND FLOOR	1,427 Sq. Ft.

LEGEND

	ZONING LOT LINE
	GRANTING LINE
	TAX LOT LINE

SPECIAL NOTE:
ZONING AND GRANTING LINES PER
MARVEL ARCHITECTS.



12th

MARGINAL



BLD LAND SURVEYORS LLP

SUCCESSORS TO

BARTLETT, LUDLAM & DILL ASSOCIATES

LAND AND CITY SURVEYORS SINCE 1809

116-20 GROSVENOR LN. - STE. 2 RICHMOND HILL, NY 11418

PHONE: 718-366-4832

EMAIL: INFO@BLDSURVEY.COM

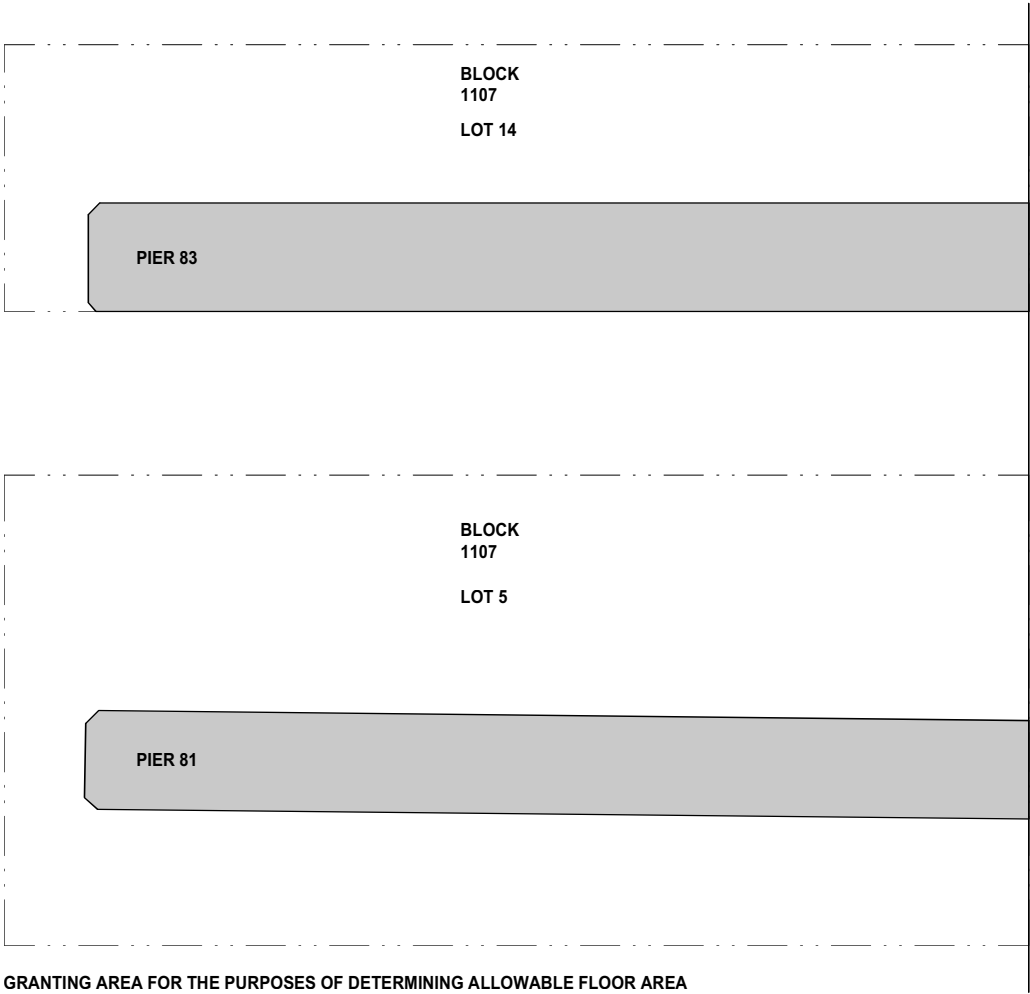
DATE: SEPTEMBER 9, 2024

REV A - GRANTING AND ZONING LINES ADDED

REV B - ZONING LINE RELOCATED

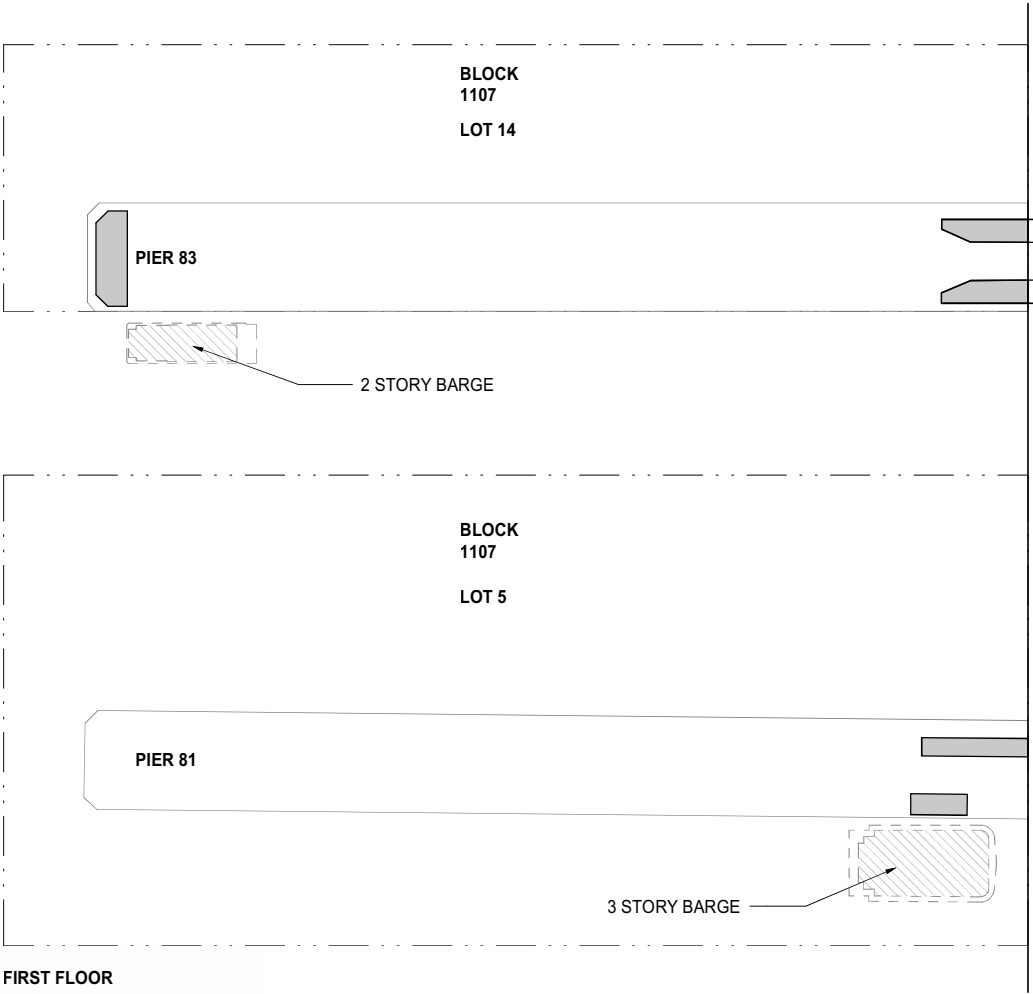
SCALE: 1"=30'

© ALL RIGHTS RESERVED 2024



GRANTING AREA FOR THE PURPOSES OF DETERMINING ALLOWABLE FLOOR AREA (PER ZR 62-31)

LOT NUMBER	AREA (S.F)
LOT 5	53,420
LOT 14	57,311



FIRST FLOOR AREA

LOT NUMBER	AREA (S.F)
LOT 5	1,789
LOT14	4,002

ZONING DISTRICT- M2-
MAP- 8A
BLOCK- 1107
LOT- 5

GRANTING AREA FOR T
MAX. F.A.R= 2.0 (PER Z
ALLOWABLE FLOOR AR

LOT 5 EXISTING FLOOR

FLOOR
FIRST FLOOR
SECOND FLOOR
TOTAL

AVAILABLE AREA (S.F)

ZONING DISTRICT- M2-
MAP- 8A
BLOCK- 1107
LOT- 14

GRANTING AREA FOR T
MAX. F.A.R= 2.0 (PER Z
ALLOWABLE FLOOR AR

LOT 14 EXISTING FLOOR

FLOOR
FIRST FLOOR
SECOND FLOOR
TOTAL

AVAILABLE AREA (S.F)

DISTRICT- M2-3

FLOOR AREA FOR THE PURPOSES OF DETERMINING ALLOWABLE FLOOR AREA (PER ZR 62-31) (S.F)= 53,420
2.0 (PER ZR 43-12)

FLOOR AREA (S.F)	106,840
------------------	---------

EXISTING FLOOR AREA (S.F)

	EXISTING AREA (S.F)
	1,789
ADDITIONAL	-
	1,789

FLOOR AREA (S.F)	105,051
------------------	---------

DISTRICT- M2-3

FLOOR AREA FOR THE PURPOSES OF DETERMINING ALLOWABLE FLOOR AREA (PER ZR 62-31) (S.F)= 57,311
2.0 (PER ZR 43-12)

FLOOR AREA (S.F)	114,622
------------------	---------

EXISTING FLOOR AREA (S.F)

	EXISTING AREA (S.F)
	4,002
ADDITIONAL	4,504
	8,506

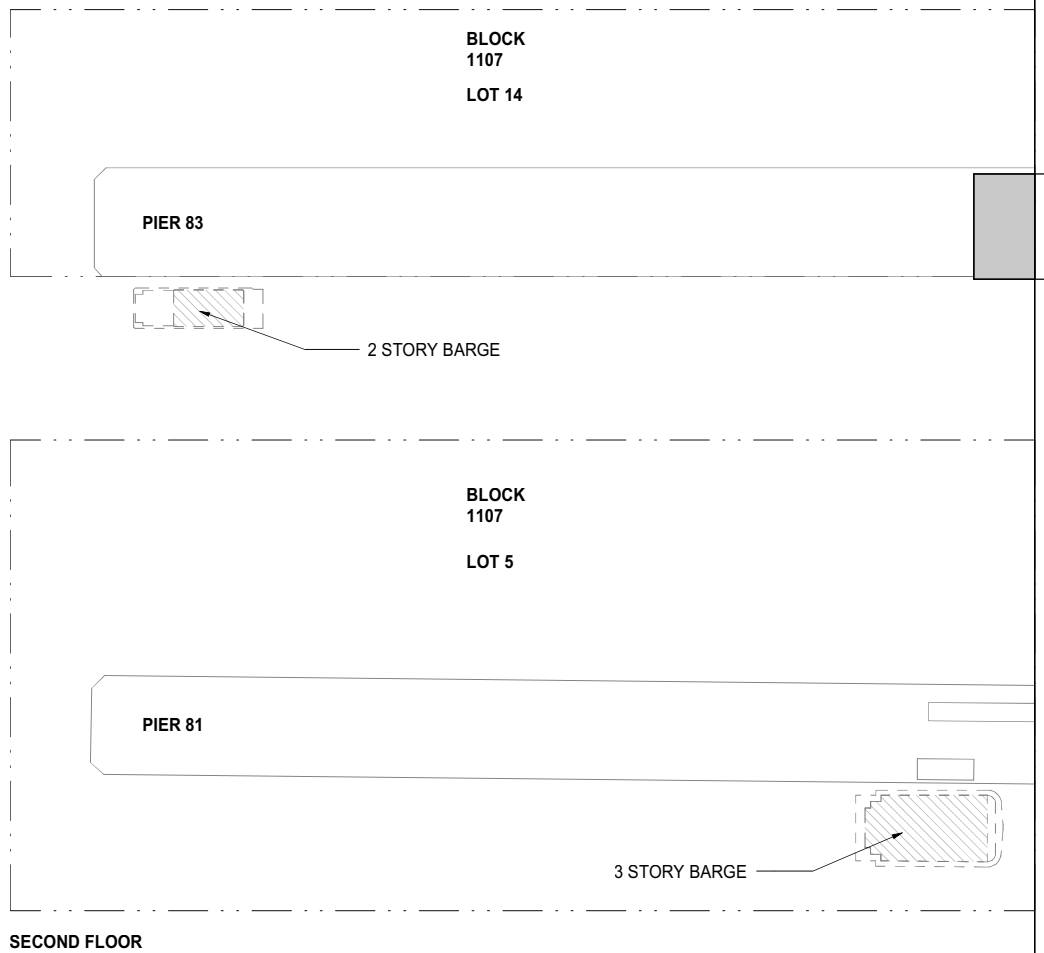
FLOOR AREA (S.F)	106,116
------------------	---------

Marvel Architects
145 HUDSON STREET, FLR.3 NEW YORK, NY 10013
212.616.0420

ARCHITECT
MARVEL DESIGNS
145 HUDSON ST, NEW YORK, NY 10013

NOT FOR CONSTRUCTION

REV	DATE	DESCRIPTION
-----	------	-------------

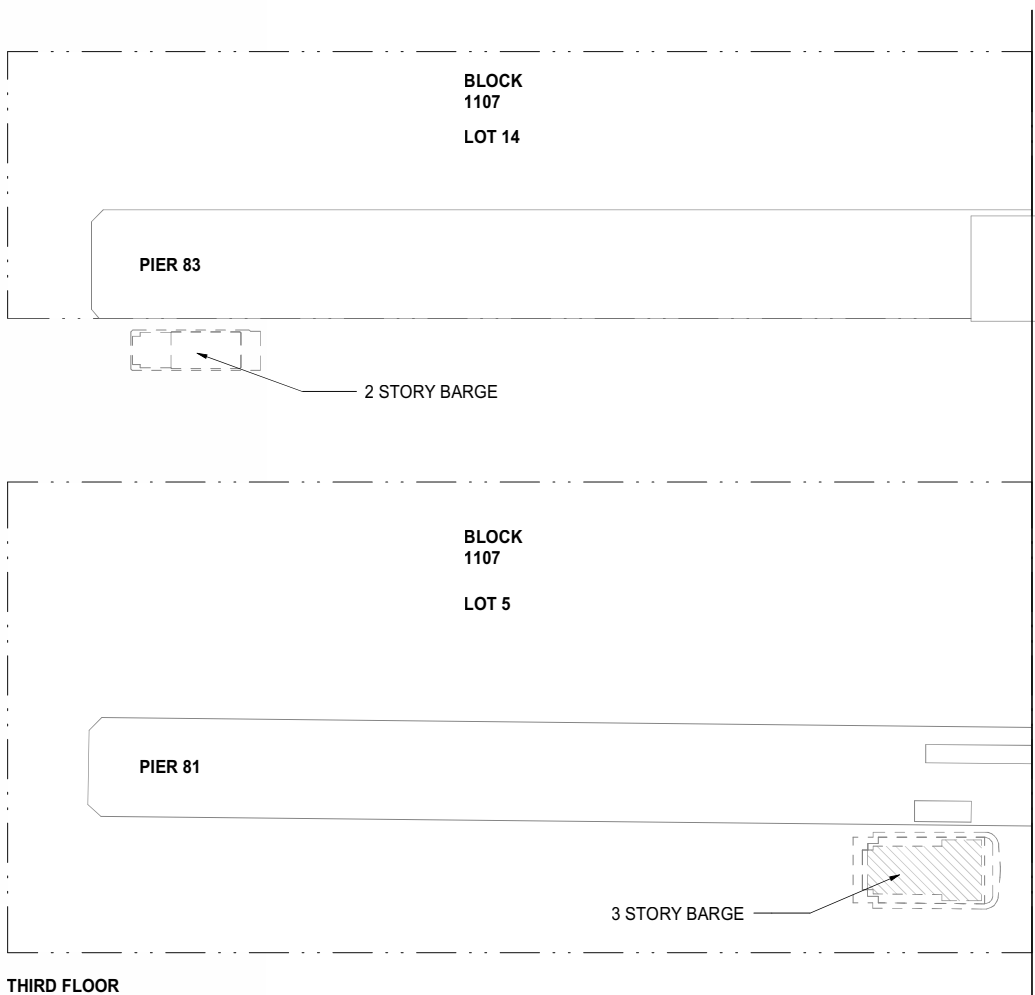


SECOND FLOOR AREA

LOT NUMBER	AREA (S.F)
LOT 5	-
LOT 14	4,504

TOTAL

AVAILABLE AREA (S.F.)



SUMMARY

LOT NUMBER
LOT 5
LOT 14
TOTAL

NOTE: PURSUANT TO ZR 89- GRANTING SITE MAY BE LOCATED TO BOTH RECEIVING SITES. (A) IF, IN B-G3, ZFA TO BE TRANSFERRED. SQUARE FEET FOR RECEIVING SITE B-R4.

NOTE: EXISTING FLOOR AREA OF STRUCTURES LOCATED WITHIN FLOATING STRUCTURES.)

FLOATING STRUCTURES AREA LOT 5 (NOT INCLUDED IN FAR CALCULATION PURSUANT TO ZR 62-31)

FLOOR	AREA (S.F)
1ST FLOOR	4,648
2ND FLOOR	4,356
3RD FLOOR	3,491

FLOATING STRUCTURES AREA LOT 14 (NOT INCLUDED IN FAR CALCULATION PURSUANT TO ZR 62-31)

FLOOR	AREA (S.F)
1ST FLOOR	2,151
2ND FLOOR	1,427

	8,506
REA (S.F)	106,116

12/10/25

	AVAILABLE AREA (S.F)
	105,051
	106,116
	211,167

DOB STAMP ZONE

PLOT PLAN

#2441

HRPT

CIRCLE LINE PIER 81 & 83
NEW YORK, NY

ZONING ANALYSIS

SCALE: NTS



DRAWING #:

Z-106

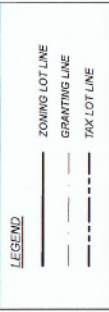
of

DOB JOB:

SURVEY NO. 63255

63255001.DWG
63255001.CRD
63255-DREVA.CRD

158.88'



SPECIAL NOTE:
ZONING AND GRANTING LINES PER MARVEL ARCHITECTS.

U.S. PIERHEAD LINE
ZONING LINE

432' ± NTS

257.37'

WALL

CONCRETE OVERHANG

PIER 98

METAL TOWER
(Typ.)



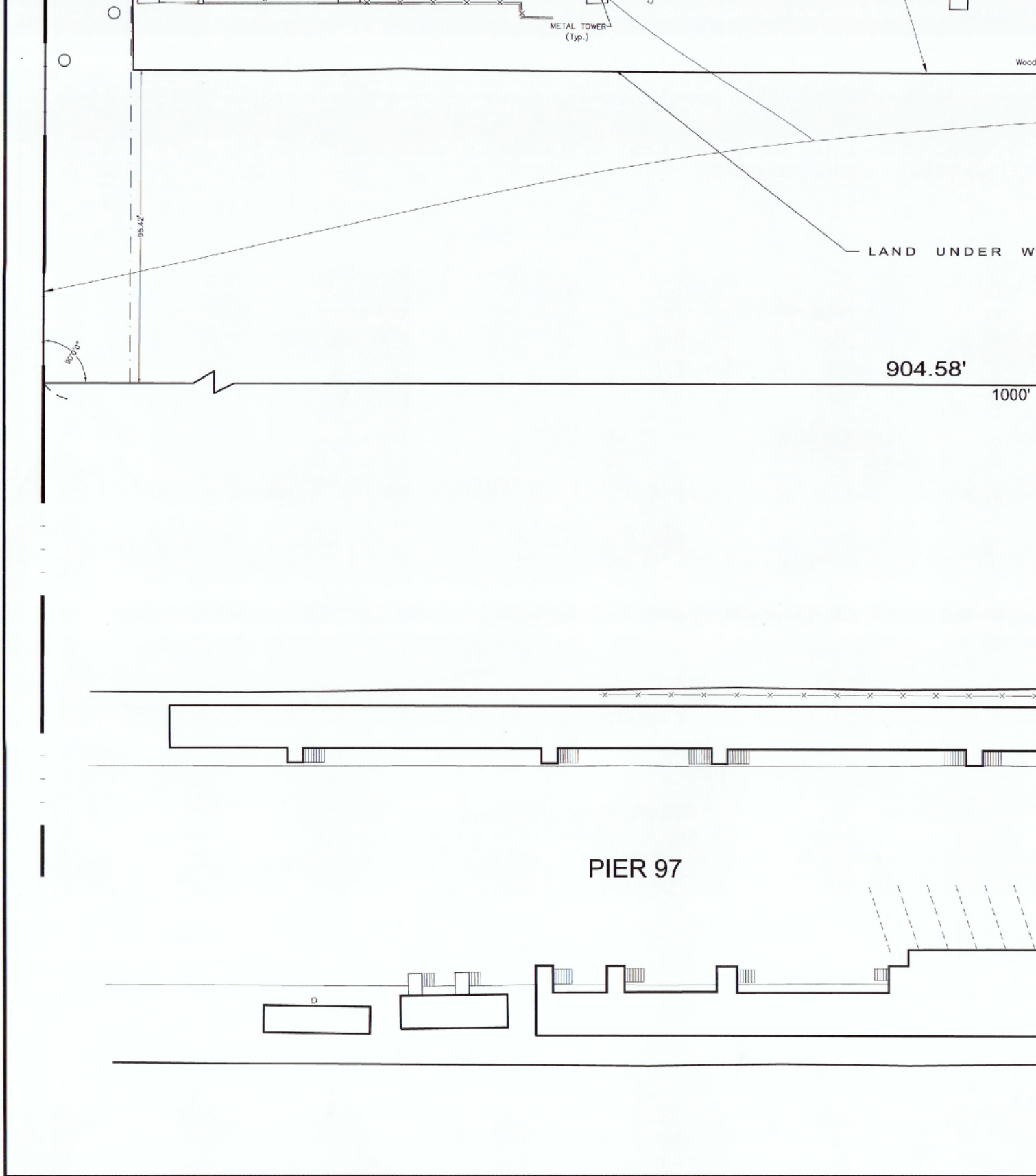
MANHATTAN TOPO BUREAU DATUM
MEAN SEA LEVEL 0.00 (NAVD 1988)
MEAN SEA LEVEL 0.00 (NOV/D1828)
NAVD 1988 DATUM IS 1.65 FEET BELOW THE MANHATTAN TOPO BUREAU DATUM

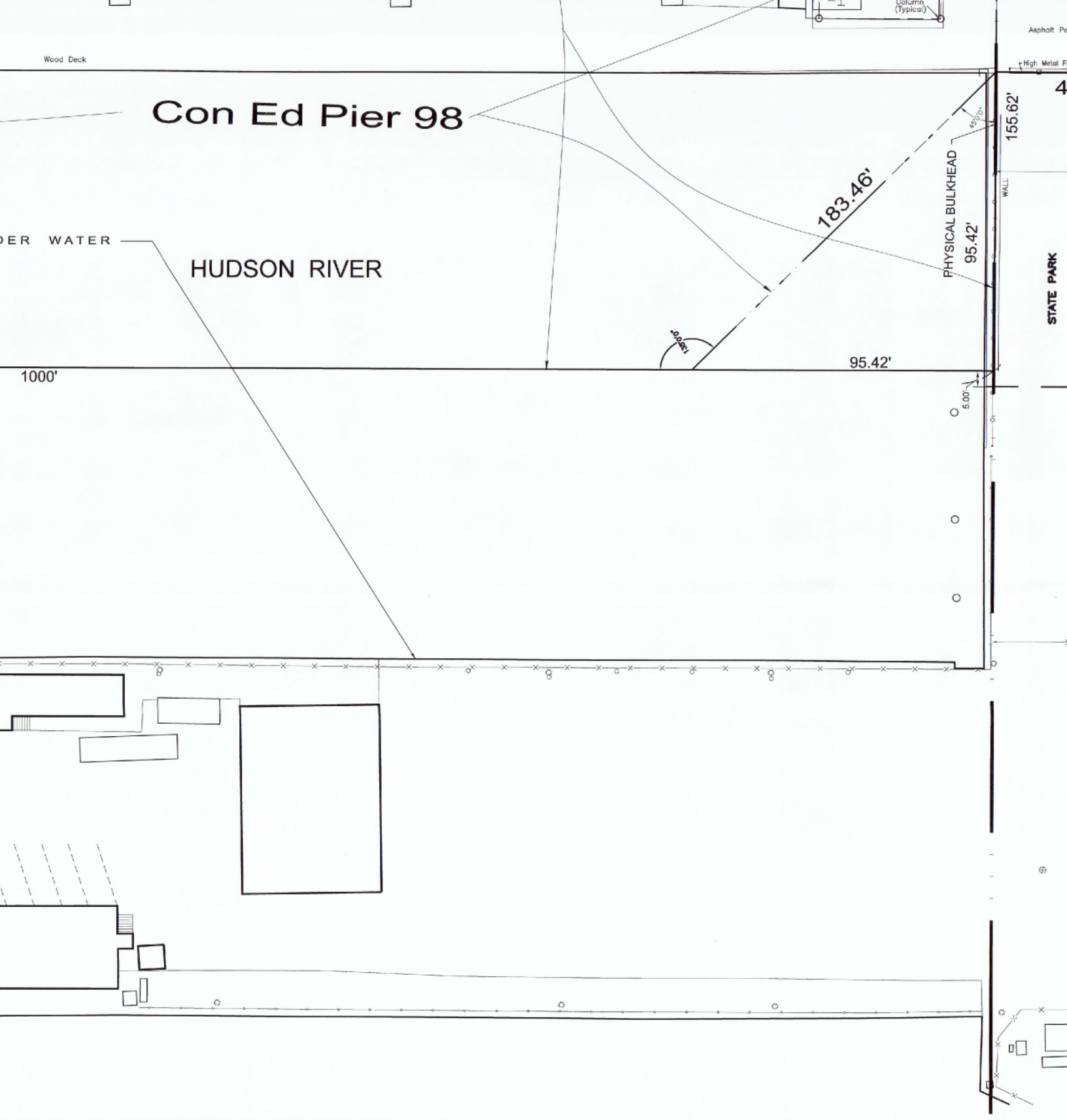
FLOOD HAZARD NOTE
THE PARCEL SURVEYED IS COMPRISED OF AREAS DESIGNATED AS
ZONE X (LESS THAN 0.2% CHANCE OF FLOODING) &
ZONE AE (EL. 10.00 TO 12.00, EL. 8.9 NAVD 88)
FLOOD INSURANCE RATE MAP
COMMUNITY PANEL NUMBER 362497 0088 F
EFFECTIVE DATE SEPTEMBER 5, 2007

PRELIMINARY FLOOD HAZARD NOTE
THE PARCEL SURVEYED IS COMPRISED OF AREAS DESIGNATED AS
ZONE AE (EL. 11.00 AND EL. 13.00 NAVD 1988)
FLOOD INSURANCE RATE MAP
COMMUNITY PANEL NUMBER 362497 0088 G
PRELIMINARY DATE SEPTEMBER 5, 2013

Wood Deck
134.81'
134.73'
ZONE X
1 STORY METAL BUILDING

GRANTING / ZONING



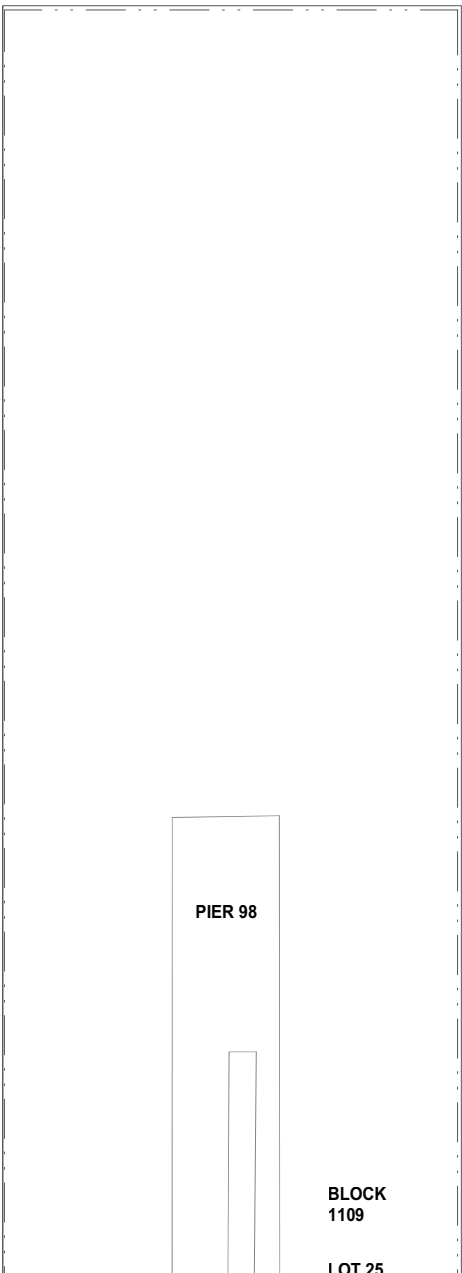


PIER 98

BLOCK
1109

LOT 25

PIER 98



NOTE: PURSUANT TO ZR 89-
GRANTING SITE MAY BE LOCATED
TO BOTH RECEIVING SITES
SQUARE FEET, AND (B) IF, IN
B-G3, ZFA TO BE TRANSFERRED
SQUARE FEET FOR RECEIVING
RECEIVING SITE B-R4.

NOTE: REFERENCES TO LOT
PORTION OF MARGINAL STREET
SITE.

NOTE: REFERENCES TO FLOOR
FLOOR AREA LOCATED WITHIN
OR PLACE WITHIN THE GRANTING

ZONING DISTRICT- M2-
MAP- 8C
BLOCK- 1109
LOT- 25

GRANTING AREA FOR THE
MAX. F.A.R= 2.0 (PER ZONING)
ALLOWABLE FLOOR AREA

LOT 25 EXISTING FLOOR
FLOOR
FIRST FLOOR
SECOND FLOOR
TOTAL

Marvel Architects
145 HUDSON STREET, FLR.3 NEW YORK, NY 10013
212.616.0420

ARCHITECT
MARVEL DESIGNS
145 HUDSON ST, NEW YORK, NY 10013

T TO ZR 89-00 ET. SEQ., B-G1 AREA WITHIN WHICH A
MAY BE LOCATED, PROVIDED (A) ZFA TO BE TRANSFERRED
ING SITES B-R3 AND B-R4 DOES NOT EXCEED 65,891
ND (B) IF, IN COMBINATION WITH GRANTING SITES B-G2 AND
TRANSFERRED DOES NOT EXCEED, CUMULATIVELY, 64,392
OR RECEIVING SITE B-R3 AND 84,349 SQUARE FEET FOR
B-R4.

CES TO LOT AREA OF LOT 25 ALSO INCLUDES LOT AREA OF
RGINAL STREET, WHARF OR PLACE WITHIN THE GRANTING

CES TO FLOOR AREA LOCATED ON LOT 25 ALSO INCLUDE
CATED WITHIN THE PORTION OF MARGINAL STREET, WHARF
IN THE GRANTING SITE.

RICT- M2-3

AREA FOR THE PURPOSES OF DETERMINING ALLOWABLE FLOOR AREA (PER ZR 62-31) (S.F)= 38,164

2.0 (PER ZR 43-12)

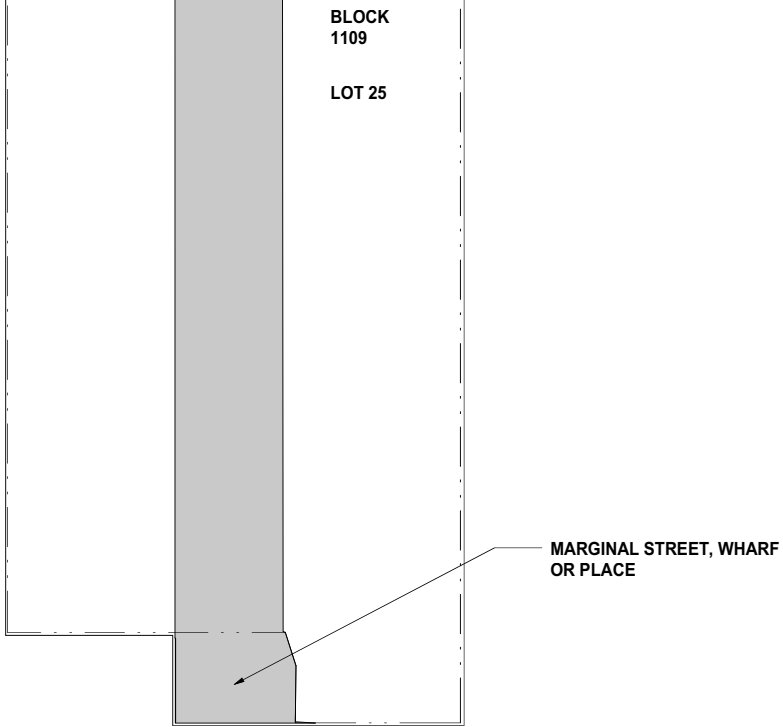
FLOOR AREA (S.F)	76,328
------------------	--------

ING FLOOR AREA (S.F)

	EXISTING AREA (S.F)
	6,887
OR	3,550

NOT FOR CONSTRUCTION

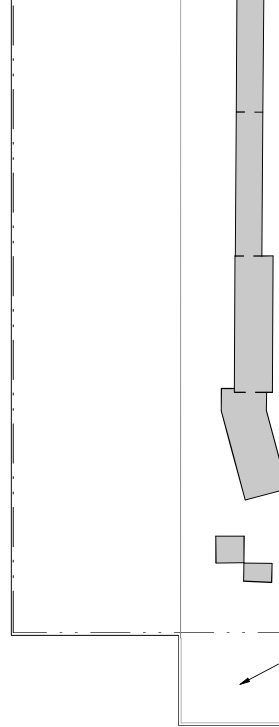
REV	DATE	DESCRIPTION
-----	------	-------------



GRANTING AREA FOR THE PURPOSES OF DETERMINING ALLOWABLE FLOOR AREA

GRANTING AREA FOR THE PURPOSES OF DETERMINING ALLOWABLE FLOOR AREA (PER ZR 62-31)

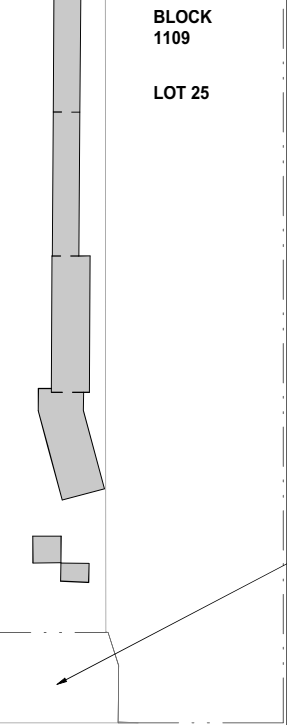
LOT NUMBER	AREA (S.F)
LOT 25	38,164



FIRST FLOOR

FIRST FLOOR AREA

LOT NUMBER	
LOT 25	



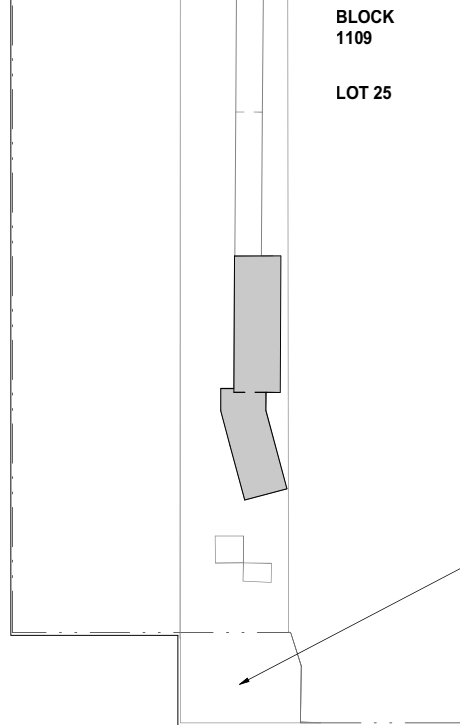
BLOCK
1109

LOT 25

MARGINAL STREET, WHARF
OR PLACE

A

	AREA (S.F)
	6,887



BLOCK
1109

LOT 25

MARGINAL STREET, WHARF
OR PLACE

SECOND FLOOR

SECOND FLOOR AREA

LOT NUMBER	AREA (S.F)
LOT 25	3,550

FLOOR
FIRST FLOOR
SECOND FLOOR
TOTAL

AVAILABLE AREA (S.F)

	EXISTING AREA (S.F.)
	6,887
OR	3,550
	10,437

REA (S.F)	65,891
-----------	--------

12/10/25

DOB STAMP ZONE

PLOT PLAN

#2441

HRPT

CON ED PIER 98
NEW YORK, NY

ZONING ANALYSIS

SCALE: NTS

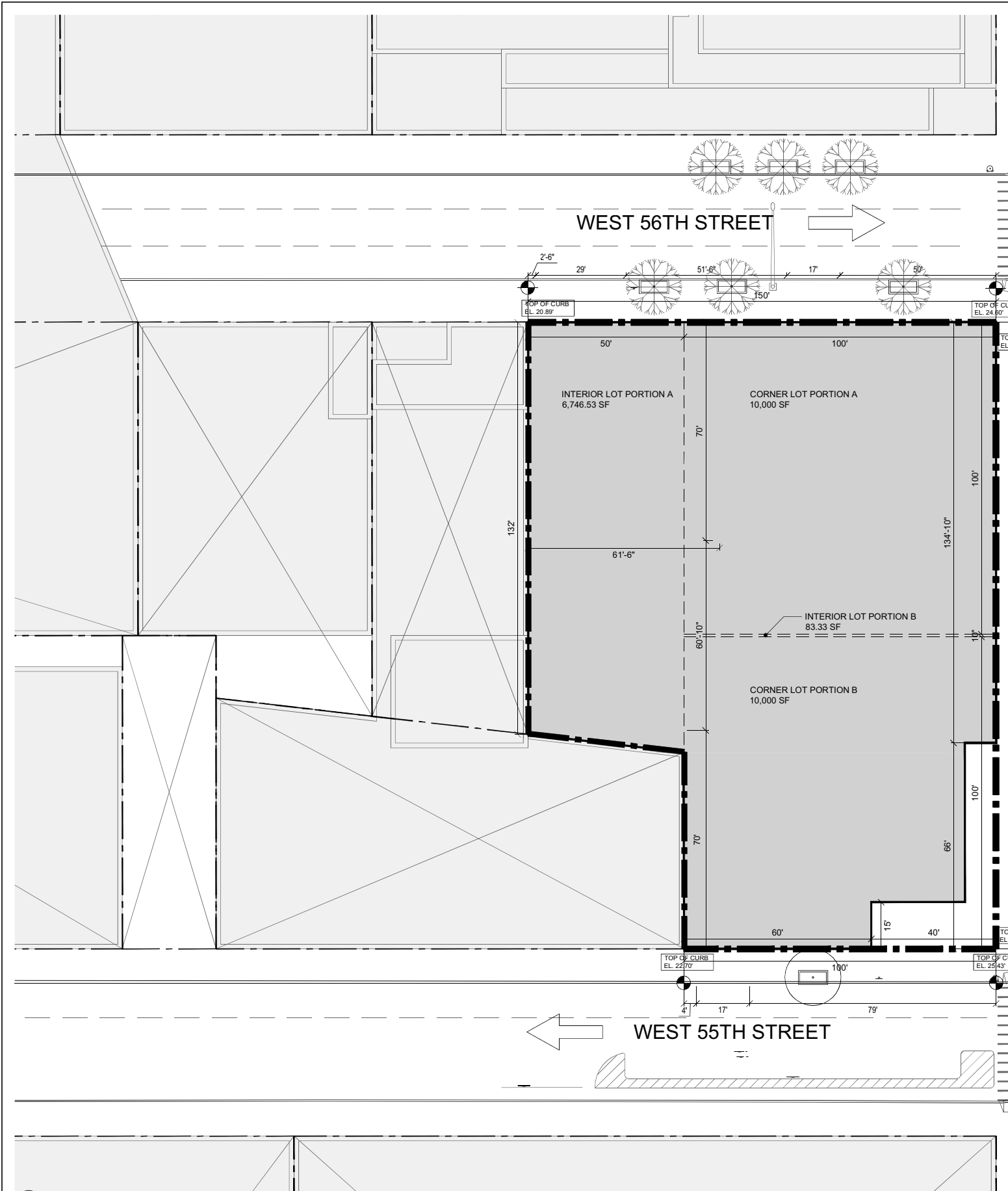


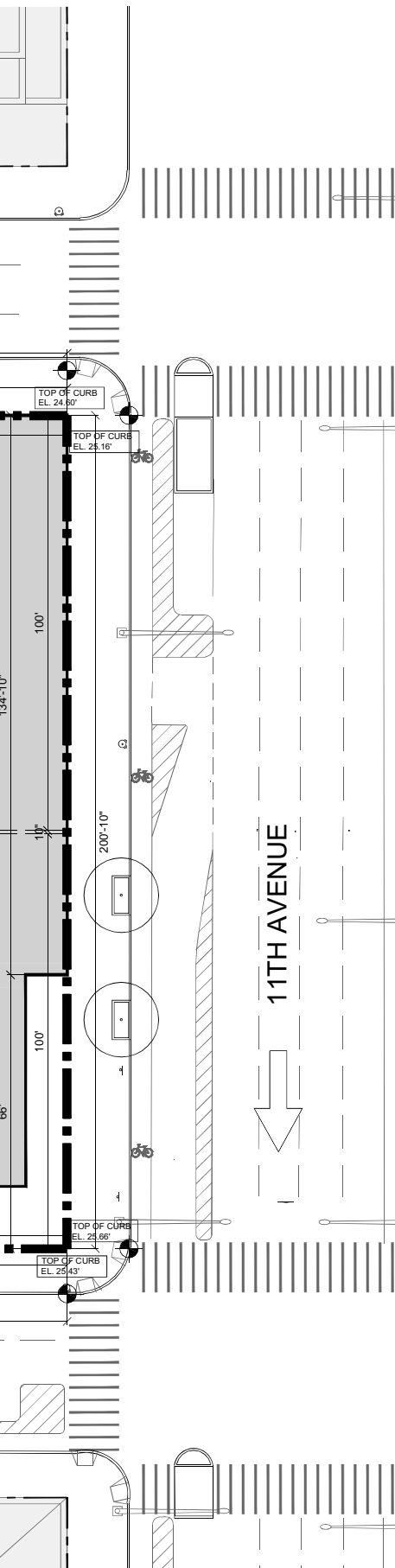
DRAWING #:

Z-104

of

DOB JOB:





ZONING ANALYSIS

SITE DATA		LIST OF F
Block	1103	1. Zoning
Lot	36	Special H
Site Address	801 11th Avenue New York NY	2. Zoning
Existing Zoning	M2-3 (Special Clinton District)	granting
Proposed Zoning	C4-7 (Special Clinton District / Hudson River Park District)	designate
Community District	MN 4	3. Special
Zoning Map No.	8c	develop
Zoning Lot Area	26,829.86 SF	
ZR Sec. No.	Item	Permitte
	Uses	
ZR 32-10, 89-11		Use Grou
	FAR	
ZR 33-122	Base Commercial	10.00
	Commercial with Floor Area Transfer	12.00
ZR 23-22	Base Residential	12.00
	Residential with Floor Area Transfer	14.40
ZR 89-21	Total Floor Area Transferred from Granting Sites	2.40
ZR 89-21	Total Floor Area	14.40
	Floor Area	
ZR 33-122	Base Commercial	26,829.86
	Commercial with Floor Area Transfer	26,829.86
ZR 23-22	Base Residential	26,829.86
	Residential with Floor Area Transfer	26,829.86
ZR 89-21	Total Floor Area Transferred from Granting Sites	26,829.86
ZR 89-21	Total Floor Area	26,829.86
	Yard Regulations	
ZR 35-51	Minimum Front Yard	None
ZR 35-53, 33-26	Minimum Rear Yard Commercial - Interior Lot	20'
ZR 35-23, 23-342(a)	Minimum Rear Yard Residential - Interior Lot	20' Below
ZR 35-52	Minimum Side Yard	None Rec
	Height & Setback	
	Street Wall Location	
ZR 35-631(a)	11th Avenue - (Wide Street)	At Street
ZR 35-633; 23-436(c)	W55th Street - (Narrow Street within 100' of Wide Street)	Not requi
ZR 35-633; 23-436(c)	W56th Street - (Narrow Street within 100' of Wide Street)	Not requi
ZR 35-631(b)	W56th Street - (Narrow Street beyond 100' of Wide Street)	70% with
ZR 35-632, 35-24(a)(2)(ii), 23-432	Minimum Base Height	
	11th Avenue	60'
	W55th Street	60'
	W56th Street	60'
ZR 35-632, 35-24(a)(2)(ii), 23-432	Maximum Base Height	
	11th Avenue	155'
	W55th Street	155'
	W56th Street	155'
ZR 35-632, 35-24(a)(2)(ii), 23-433	Minimum Setback	
	Wide Street: 11th Avenue	10'
	Narrow Street: W55th Street	15'
	Narrow Street: W56th Street	15'
	Tower Regulations	
	Tower Coverage	
ZR 35-632(c) , 23-435(a)	Maximum Coverage up to 300': 65% of zoning lot.	26,829.86
ZR 35-632(c) , 23-435(b)	Maximum Coverage above 300': 50% of zoning lot.	26,829.86
	Parking	
ZR 36-21, 36-31, 13-10	Parking	None Rec
	Loading	
ZR 36-62	Use Group VI (Retail): LRC-B	First 25,0
	Proposed Floor Area: 64,390 sf	Next 15,0
		Next 60,0
		2 Berths
	Use Group II (Residential):	None Rec
		Total: 2 E
	Bicycle Parking	
ZR 36-711	Minimum 1 bicycle space per 100 sq ft of floor area	1 space

Exhibit D, Z-02, 3 of 6

12/10/2025		
LIST OF REQUIRED ACTIONS		
1. Zoning Map amendment to rezone the Development Site from a M2-3 zoning district to a C4-7 zoning district and establish the Special Hudson River Park District on the Development Site and Granting Site.		
2. Zoning text amendment to (a) Section 89-00 et seq. to (i) designate the Development Site as a receiving site; (ii) designate the granting sites as granting sites, and (iii) modify certain provisions of the Special Hudson River Park District; and (b) Appendix F to designate the development site as an MIH area.		
3. Special permit pursuant to Section 89-21 to permit (a) the transfer of 64,392 sf of floor area from the granting sites to the development site and (b) modify the following regulations: street wall location.		
Permitted / Required	Proposed	Compliance / Notes
Use Groups, I - VIII	Use Groups II, VI	Complies
10.00		
12.00	2.40	Complies
12.00		
14.40	12.00	Complies
2.40	2.40	Special permit required pursuant to ZR 89-21
14.40	14.40	Special permit required pursuant to ZR 89-21
26,829.86 x 10.00 = 268,299		
26,829.86 x 12.00 = 321,958	64,392	Complies
26,829.86 x 12.00 = 321,958		
26,829.86 x 14.40 = 386,350	321,958	Complies
26,829.86 x 2.40 = 64,392	64,392	Special permit required pursuant to ZR 89-21
26,829.86 x 14.40 = 386,350	386,350	Special permit required pursuant to ZR 89-21
None	None	Complies
20'	20'	Complies
20' Below 75', 30' Above 75'	30'	Complies
None Required or 5'	None	Complies
At Street Line	Not located at street line	Does not comply; special permit required pursuant to ZR 89-21
Not required	60% located at street line	Complies
Not required	100% located at street line	Complies
70% within 8' of street line	100% located at street line	Complies
60'	60'	Complies
60'	155'	Complies
60'	155'	Complies
155'	155'	Complies
155'	155'	Complies
155'	155'	Complies
10'	10'	Complies
15'	15'	Complies
15'	15'	Complies
26,829.86 x 65% = 17,439 SF	49.9% (13,410.2 SF)	Complies
26,829.86 x 50% = 13,415 SF	49.9% (13,410.2 SF)	Complies
None Required	None Provided	Complies
First 25,000 SF: None		
Next 15,000 SF: 1 Berth		
Next 60,000 SF: 1 Berth		
2 Berths Required	2 Berths Provided	
None Required		
Total: 2 Berths Required	Total: 2 Berths Provided	Complies

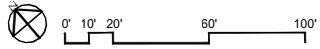
NOTES:

NOT FOR CONSTRUCTION

1

BASE PLANE

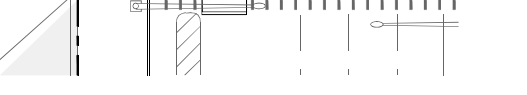
SCALE:1/16" = 1'-0"



LEGEND:

- ZONING LOT
LINE
- BUILDING FOOTPRINT LINE
- EXISTING BUILDING
FOOTPRINT
- PROPOSED BUILDING
FOOTPRINT

BASE PLANE CALCULATIONS			
WEST 55TH STREET	11TH AVENUE	WEST 56TH STREET	TOTAL
$(22.70+25.43) / 2 = 24.07$	$(25.66+25.16) / 2 = 25.41$	$(24.60+20.89) / 2 = 22.75$	$(24.07+25.41+22.75)$



AL
$7+25.41+22.75 / 3 = 24.08$

	Use Group II (Residential):	None Required
		Total: 2 Bicycles
	Bicycle Parking	
ZR 36-711	Use Group VI (Retail):	1 per 10,000 sq ft
		64,392 sq ft
	Total Required for Use Group VI (Retail)	6 Spaces
	Use Group II (Residential):	1 per 2 units
		477 Units
	Total Required for Use Group II (Residential):	239 Spaces
	Total Bicycle Parking Spaces Required	245 Spaces
	Street Trees	
ZR 26-41	Street Trees Required	1 tree per 100 linear feet of street frontage
		11th Avenue (200.83 FT)
		8 Trees
	W 55th Street (100 FT)	4 Trees
	W 56th Street (150 FT)	6 Trees
	Existing Trees to Remain	
	Trees Off Site	
	Street Tree Total	18 Trees

Note:
Number of trees provided on-site, off-site or paid into a fund is subject to change pursuant to ZR Section 26-41

Proposed Floor Area Summary	
Use Group	
Use Group VI - Auto Dealer	64,392 SF
Use Group II - Residential	321,958 SF
Zoning Lot Total	386,350 SF

* Proposed uses and floor area amounts are illustrative and are subject to change

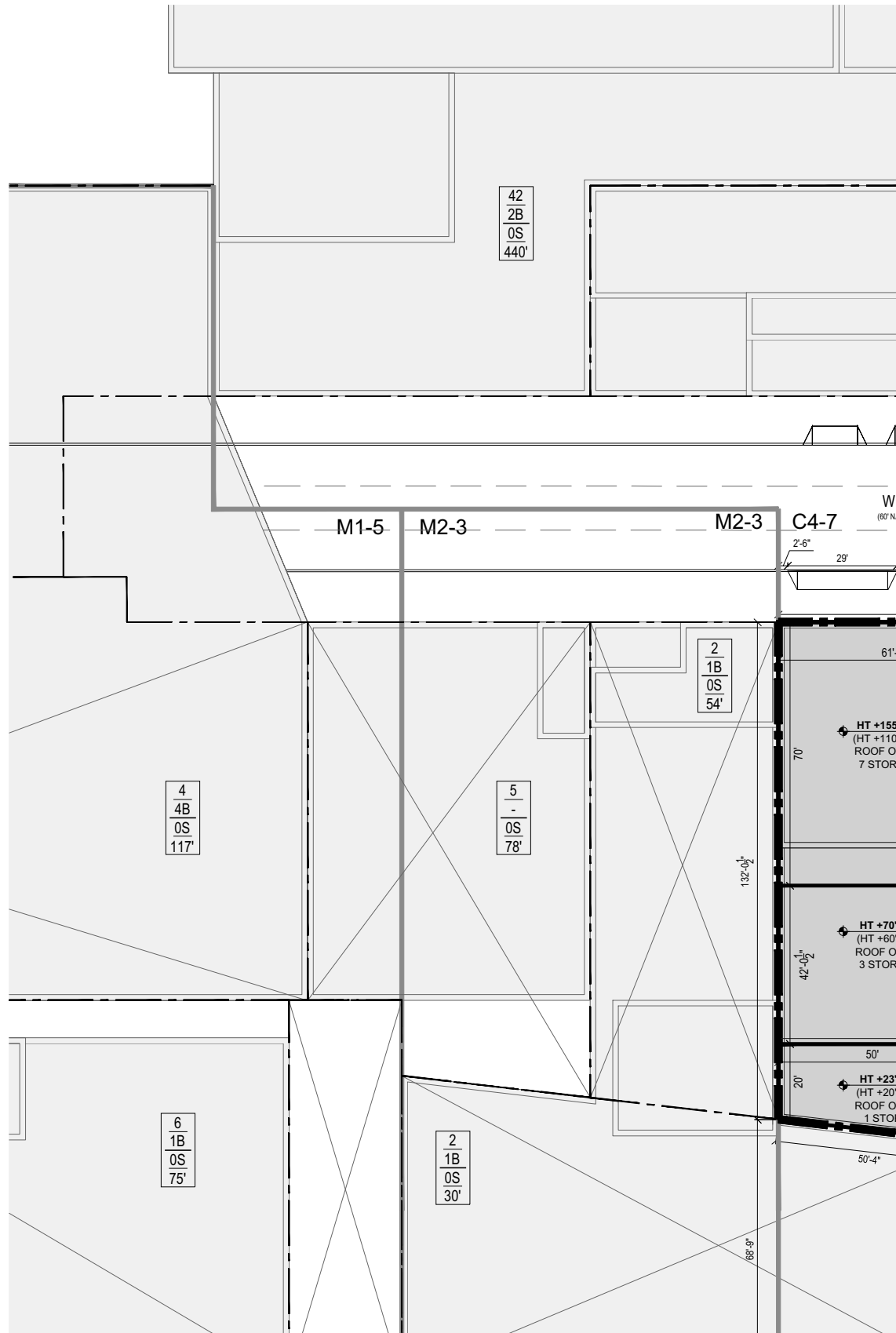
None Required		
Total: 2 Berths Required	Total: 2 Berths Provided	Complies
1 per 10,000 sf		
64,392 sf / 10,000 = 6.4		
6 Spaces	6 Spaces	Complies
1 per 2 units		
477 Units / 2 = 238.5		
239 Spaces	239 Spaces	Complies
245 Spaces	245 Spaces	Complies
1 tree per 25' of zoning lot street frontage	Proposed Trees	
8 Trees	2 Trees	
4 Trees	1 Trees	
6 Trees	0 Trees	
	3 Trees	
	12 Trees	
18 Trees	18 Trees	Complies

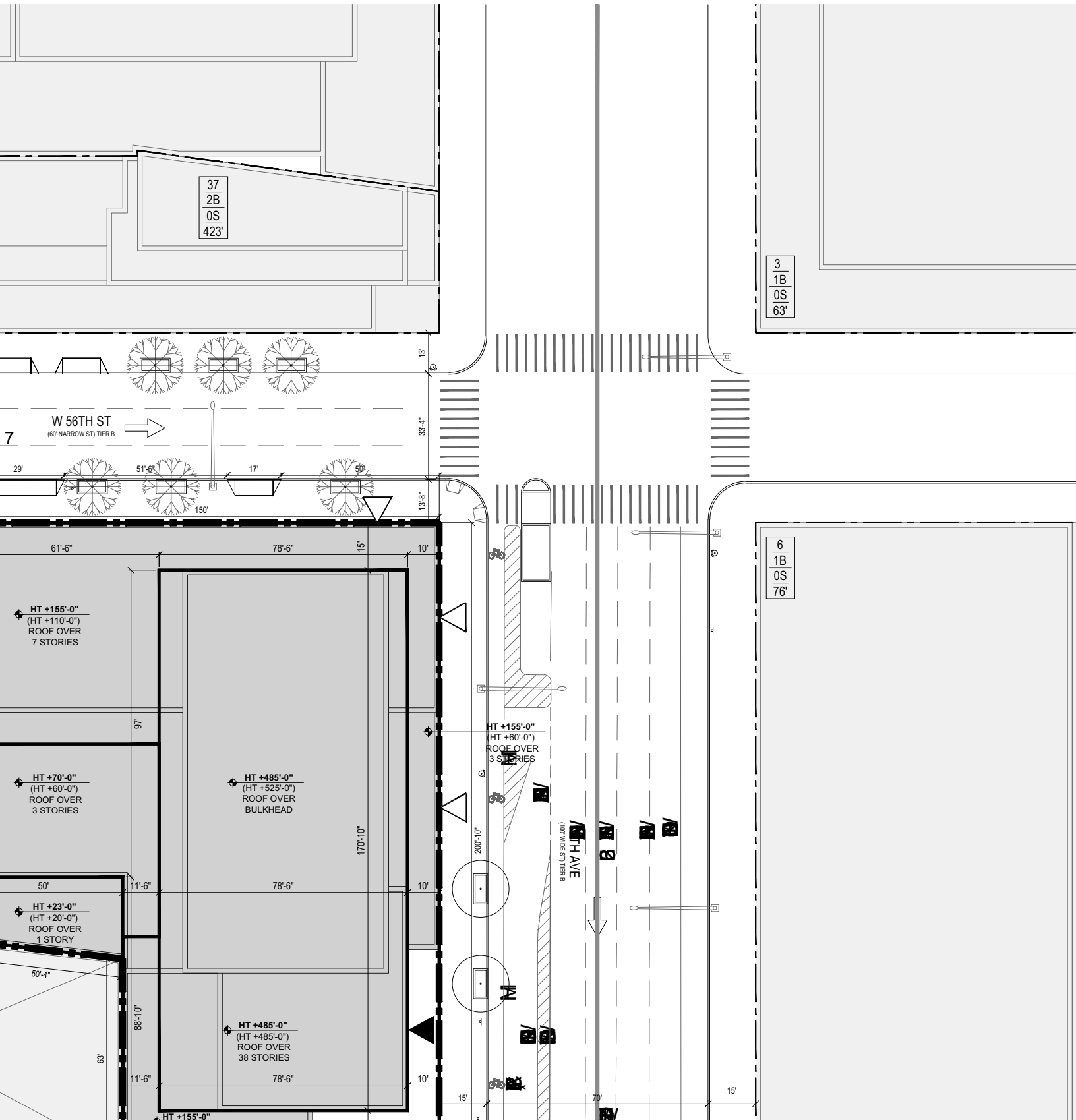
Floor Area Summary *		
	Floor Area	FAR
	64,392 SF	2.40 FAR
	321,958 SF	12.00 FAR
	386,350 SF	14.40 FAR

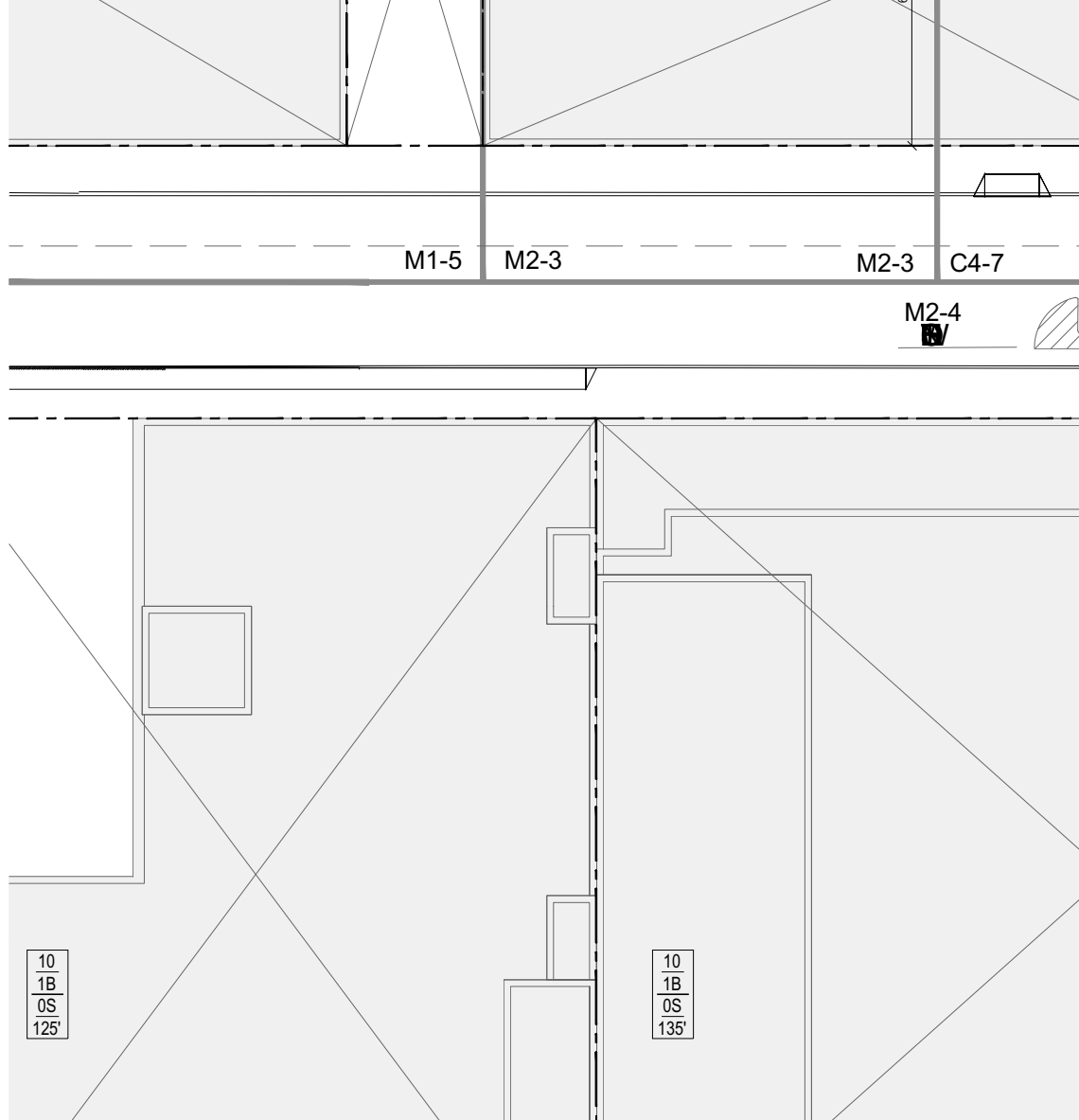
subject to change.

	NOT FOR CONSTRUCTION	
02	12/10/2025	SUBMISSION 2
01	07/17/2025	SUBMISSION 1
#	DATE	SUBMISSION
Project:		
Dewitt Clinton Park North 801 11th Avenue NEW YORK, NY 10019		
Applicant:		
801 11TH AVE., LLC		
Architect:		
HILL WEST ARCHITECTS 11 BROADWAY 17TH FLOOR NEW YORK, NY 10004 T. 212 213 8007		
DOB STAMPS & SIGNATURES:		
DWG TITLE:		
ZONING CALCULATIONS		
SEAL & SIGNATURE:		DATE: 12/10/2025
		PROJECT #: Z3P11
		SCALE: AS NOTED
		Z-02
		DWG NO.

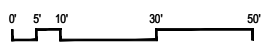








1 ZONING LOT SITE PLAN SCALE: 1/16" = 1'-0"



LEGEND:

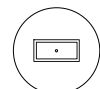
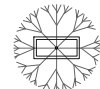
	ZONING LOT LINE
	ZONING DISTRICT BOUNDARY
	ILLUSTRATIVE BUILDING LINE
	MAXIMUM BUILDING ENVELOPE
	ROAD DIRECTION
	R9D / C2-4 ZONING DISTRICT
	7 — # OF STORIES
	3B — # OF STORIES W / BASEMENT
	1S — # OF STORIES W / STORE
	60' — BUILDING HEIGHT

HT +558'-0"
(HT +546'-0")

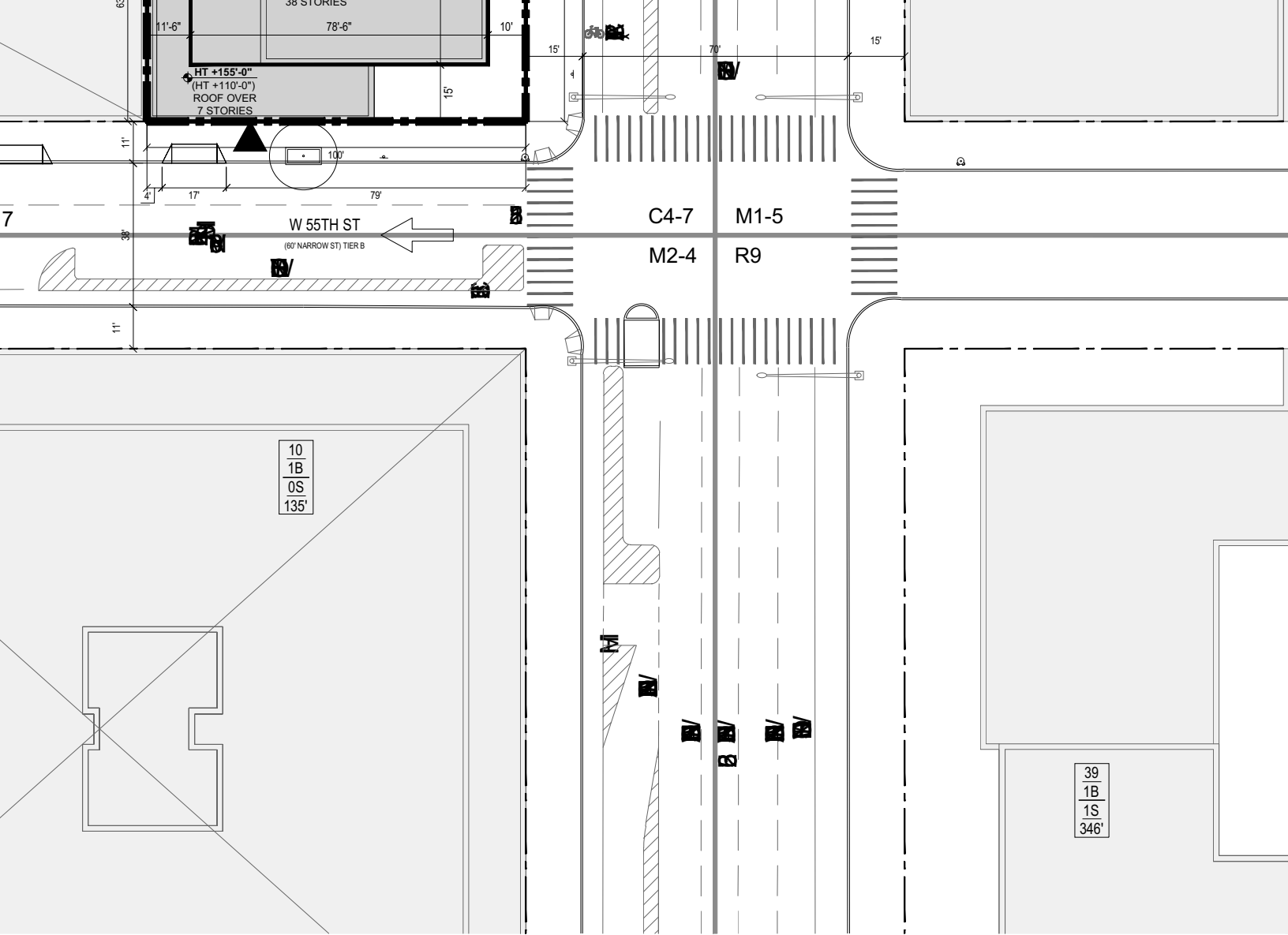
44
458'



	MAXIMUM BUILDING ENVELOPE HEIGHT
	ILLUSTRATIVE BUILDING HEIGHT
	# STORIES
	BUILDING HEIGHT
	COMMERCIAL ACCESS POINT
	RESIDENTIAL ACCESS POINT
	EXISTING BUILDING FOOTPRINT
	PROPOSED BUILDING FOOTPRINT



	EXISTING STREET TREE
	PROPOSED STREET TREE
	STREET LAMP
	PEDESTRIAN RAMP
	FIRE HYDRANT



STREET TREE

STREET TREE

P

RAMP

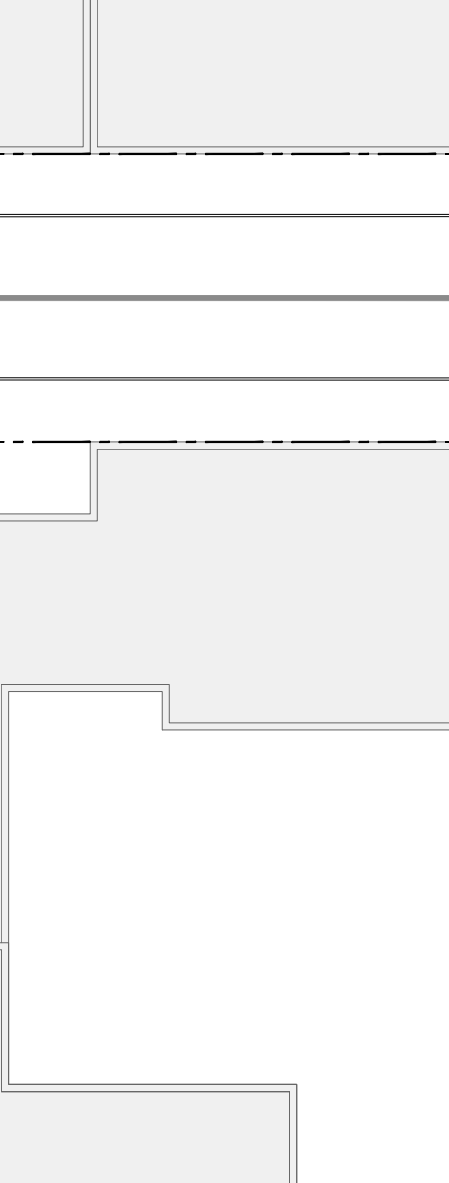
NT

STREET SIGN

CURB CUT

NOTES:

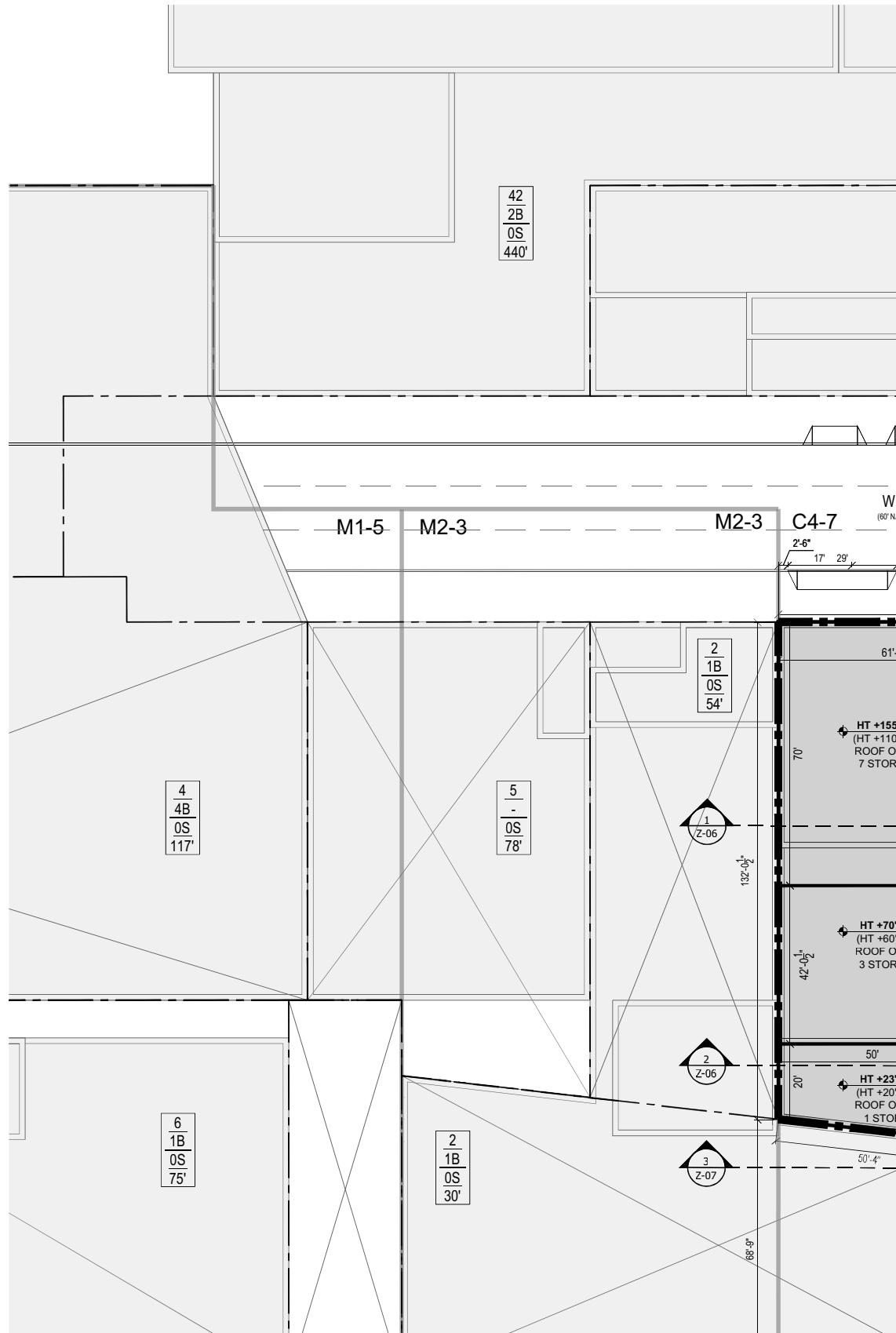
1. ALL E
2. ARCH
REGA
3. BUILD
4. BUILD
5. INTER
6. PERM
FORT
7. CURE
8. FOR
TRAN
MATE

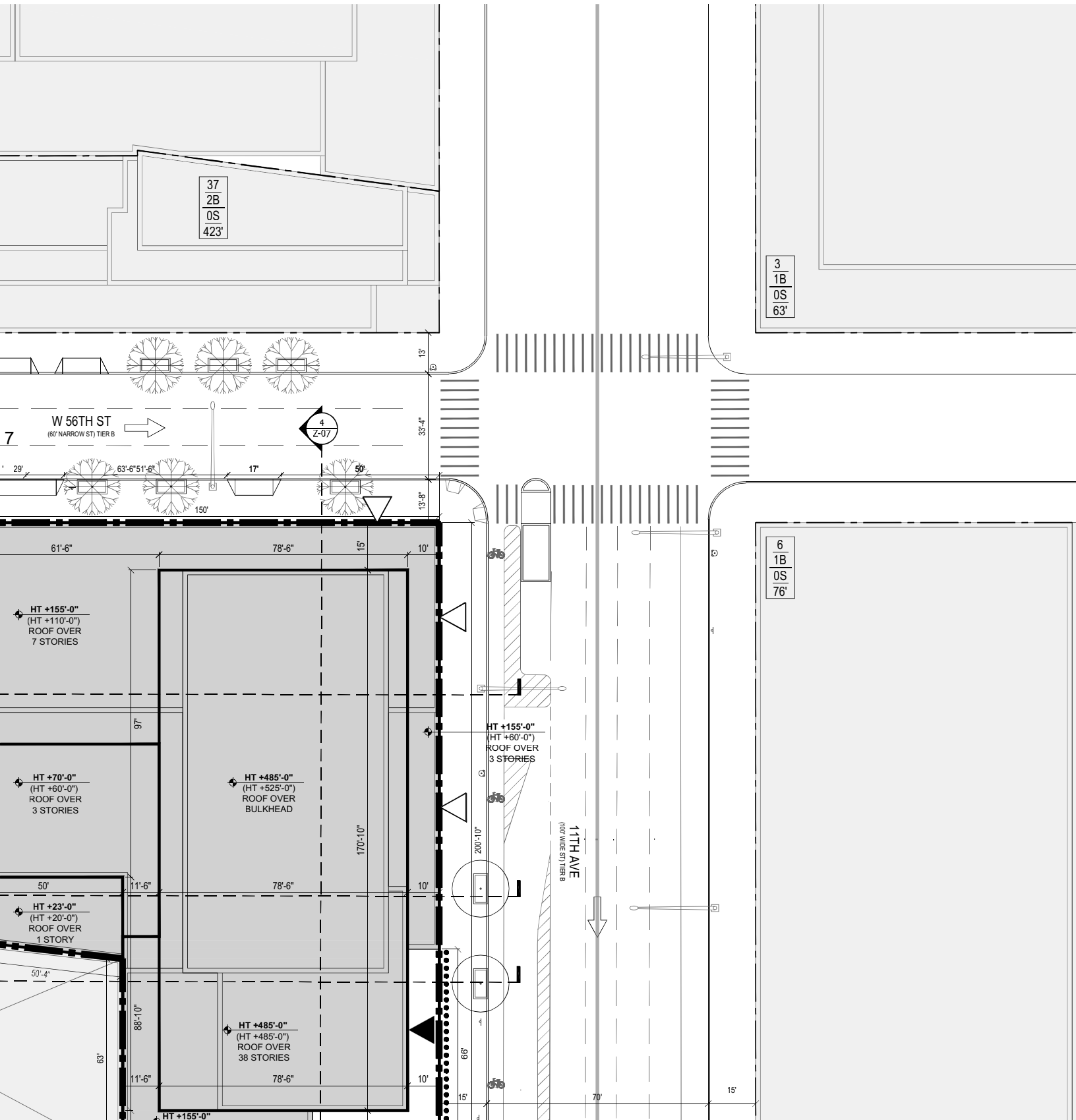


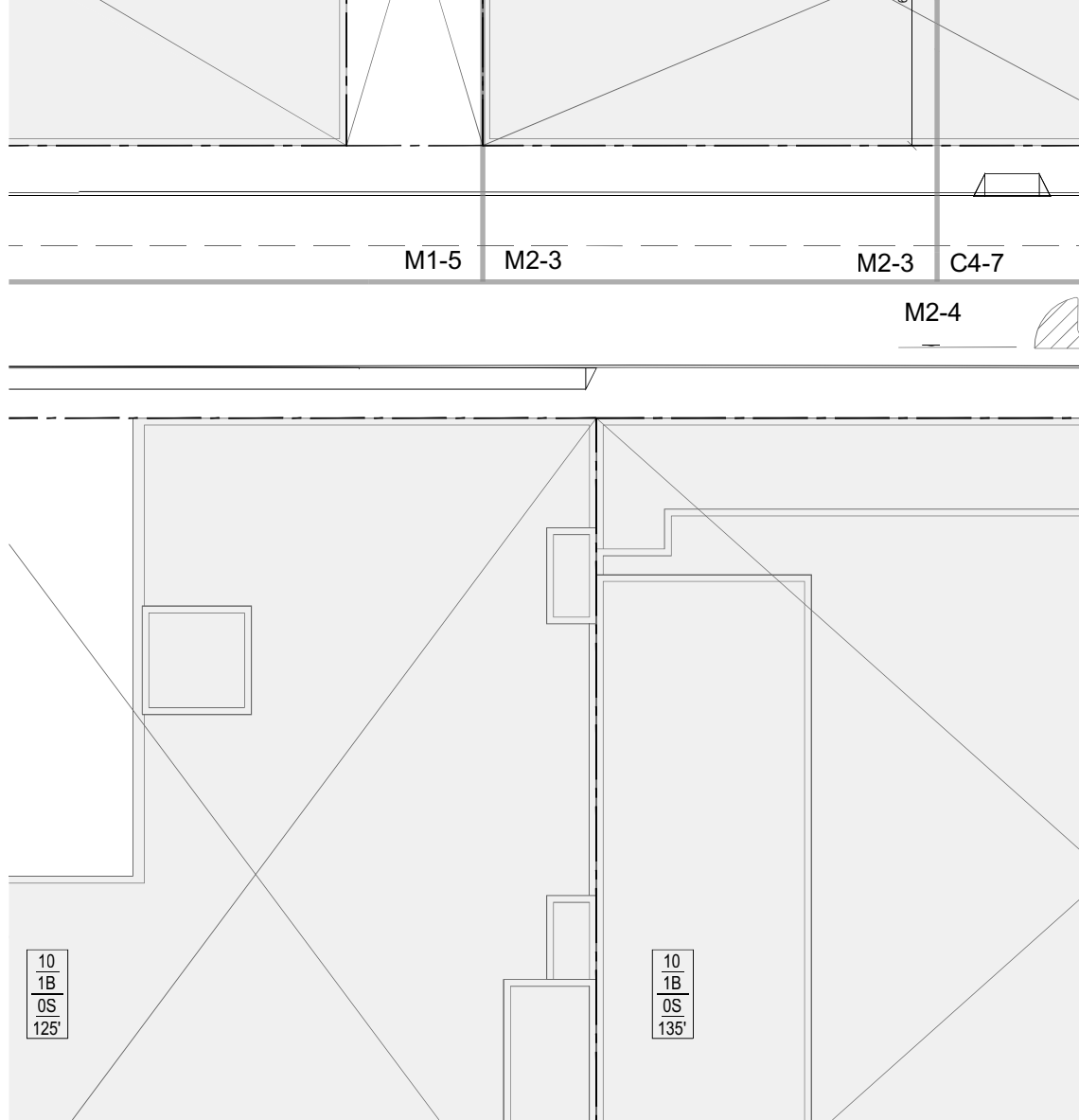
- NOTES:**
1. ALL BUILDING HEIGHTS ARE MEASURED FROM BASE PLANE.
 2. ARCHITECT'S STAMP AND SEAL CORRESPONDS TO INFORMATION REGARDING THE DEVELOPMENT SITE, ZONING LOT AND RELATED CURB CUTS. INFORMATION REGARDING THE SURROUNDING PROPERTY IS SHOWN FOR ILLUSTRATIVE PURPOSES ONLY.
 3. BUILDING SHOWN WITHIN THE PROPOSED MAXIMUM DEVELOPMENT ENVELOPE IS SHOWN FOR ILLUSTRATIVE PURPOSES ONLY AND IS SUBJECT TO CHANGE.
 4. BUILDING ENTRANCES ARE SHOWN FOR ILLUSTRATIVE PURPOSES ONLY.
 5. INTERIOR PARTITIONS AND USE DESIGNATIONS ARE ILLUSTRATIVE ONLY AND SUBJECT TO CHANGE.
 6. PERMITTED OBSTRUCTIONS MAY BE PROVIDED ABOVE THE MAXIMUM BUILDING ENVELOPE IN ACCORDANCE WITH LOCATION AND SIZE RESTRICTIONS AS SET FORTH IN THE ZONING RESOLUTION.
 7. CURB CUT WIDTHS AND LOCATIONS SUBJECT TO DEPARTMENT OF BUILDINGS AND DEPARTMENT OF TRANSPORTATION REVIEW AND APPROVAL.
 8. FOR ANY PORTION OF THE GROUND FLOOR LEVEL STREET WALL THAT DOES NOT ALIGN WITH THE LOT LINE BOUNDARY AND THAT CONTAINS NO TRANSPARENT ELEMENTS SHALL BE TREATED WITH A DECORATIVE ELEMENT OR MATERIAL IN THE FORM OF (A) VARIED SURFACE TEXTURE AND/OR MATERIALS, (B) MURALS OR OTHER VISUAL ARTWORK, AND/OR (C) LIVING PLANT MATERIALS, TO A MINIMUM HEIGHT OF 15 FEET.



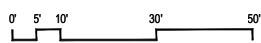
NOT FOR CONSTRUCTION		
02	12/10/2025	SUBMISSION 2
01	07/17/2025	SUBMISSION 1
#	DATE	SUBMISSION
Project: Dewitt Clinton Park North 801 11th Avenue NEW YORK, NY 10019		
Applicant: 801 11TH AVE., LLC		
Architect: HILL WEST ARCHITECTS 11 BROADWAY 17TH FLOOR NEW YORK, NY 10004 T. 212 213 8007		
DOB STAMPS & SIGNATURES:		
DWG TITLE: ZONING LOT SITE PLAN		
SEAL & SIGNATURE: 		DATE: 12/10/2025 PROJECT #: Z3P11 SCALE: AS NOTED Z-03 DWG NO.







1 WAIVER PLAN
SCALE: 1/16" = 1'-0"



LEGEND:

- ZONING LOT LINE
- ZONING DISTRICT BOUNDARY
- ILLUSTRATIVE BUILDING LINE
- MAXIMUM BUILDING ENVELOPE
- ROAD DIRECTION
- ZONING DISTRICT

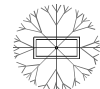
7	# OF STORIES
3B	# OF STORIES W / BASEMENT
1S	# OF STORIES W / STORE
60'	BUILDING HEIGHT

HT +558'-0"
(HT +546'-0")

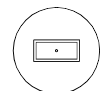
44
458'



- MAXIMUM BUILDING ENVELOPE HEIGHT
- ILLUSTRATIVE BUILDING HEIGHT
- # STORIES
- BUILDING HEIGHT
- COMMERCIAL ACCESS POINT
- RESIDENTIAL ACCESS POINT
- EXISTING BUILDING FOOTPRINT
- PROPOSED BUILDING FOOTPRINT



EXISTING STREET TREE



PROPOSED STREET TREE



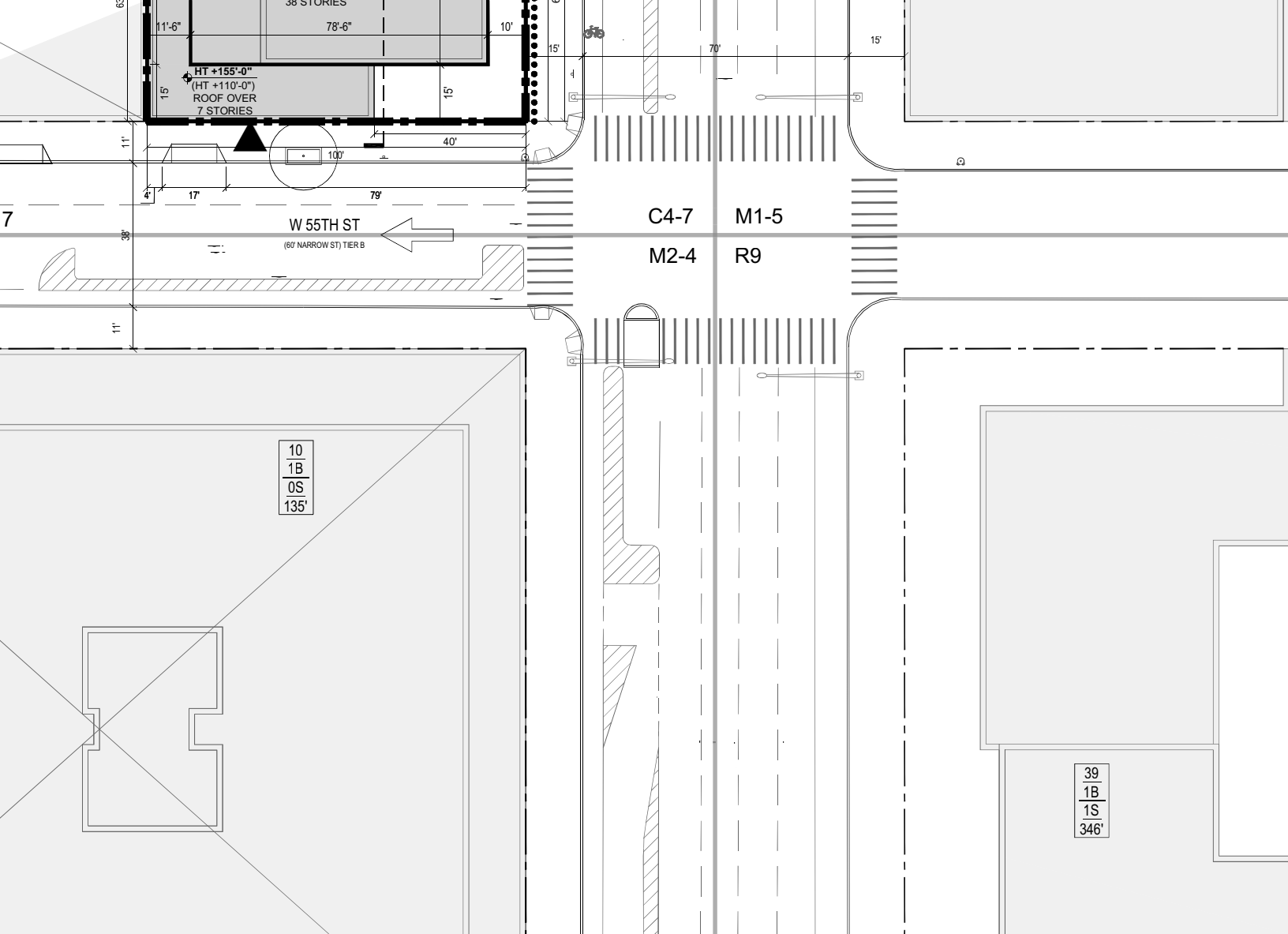
STREET LAMP



PEDESTRIAN RAMP

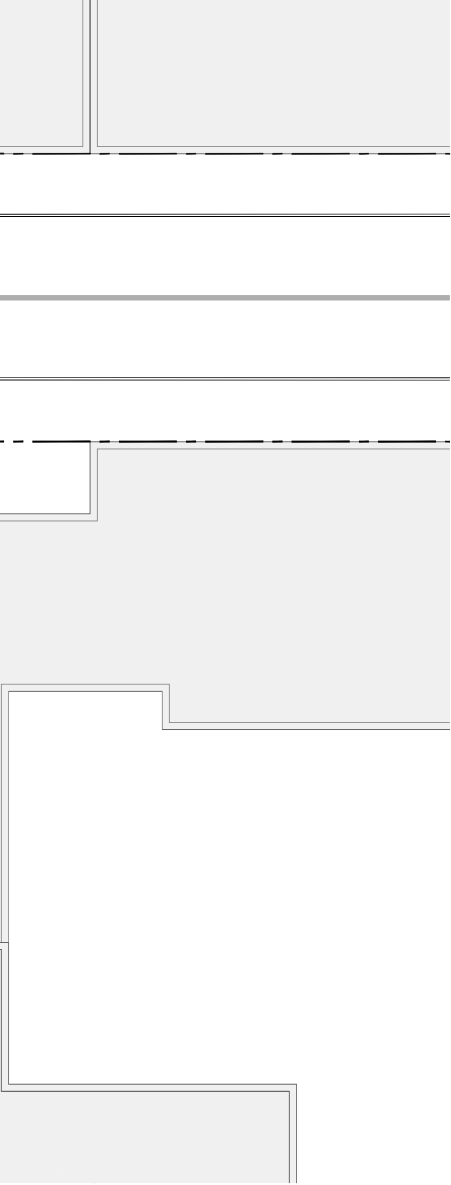


FIRE HYDRANT



- STREET TREE
- STREET SIGN
- CURB CUT
- STREET WALL LOCATION WAIVER
ZR 35-631
- STREET TREE
- P
- RAMP
- NT

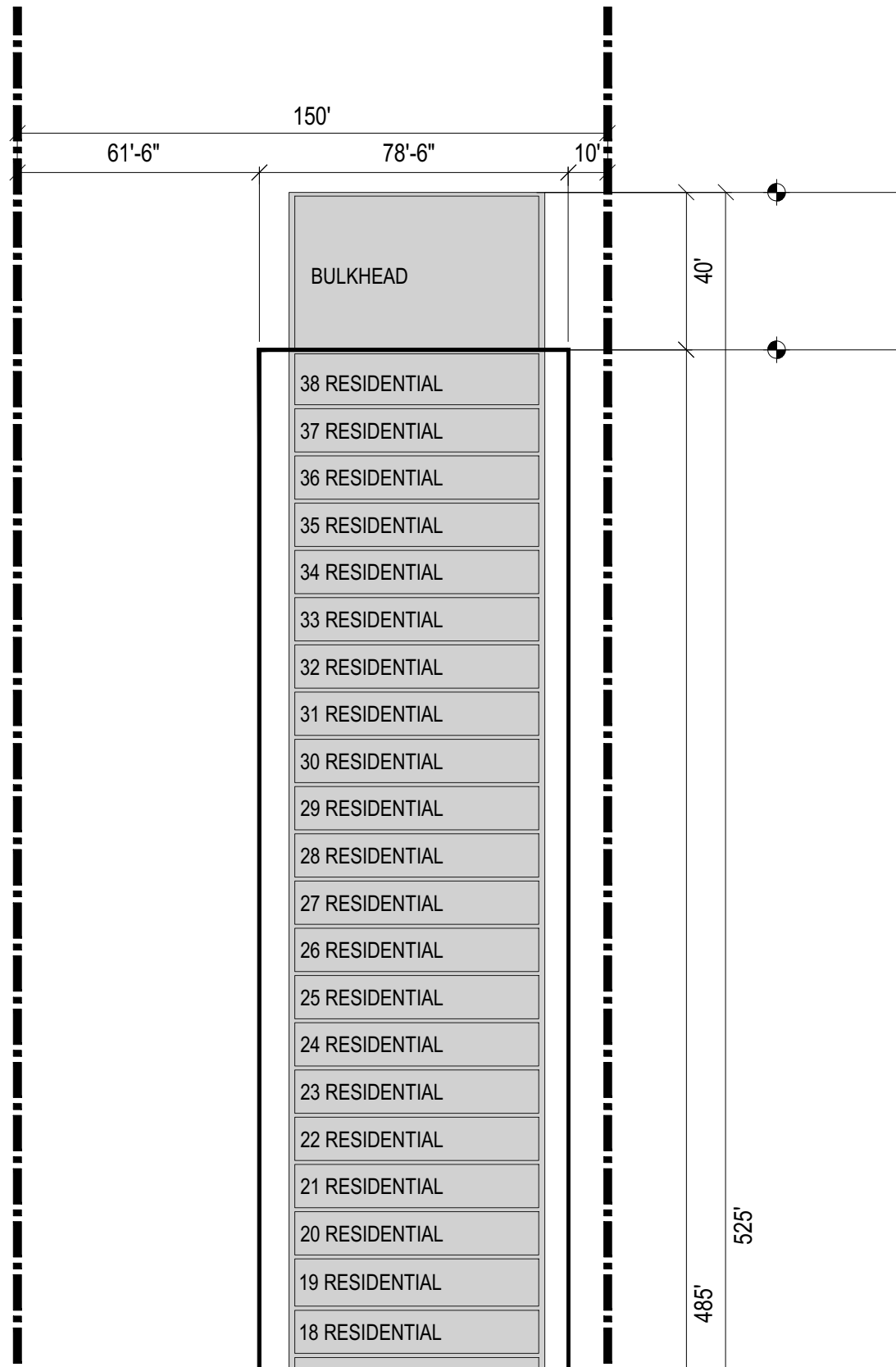
- NOTES
1. ALL E
 2. ARCH
REGA
 3. BUILD
 4. BUILD
 5. INTER
 6. PERM
FORT
 7. CURB
 8. FOR
TRAN
MATE



- NOTES**
1. ALL BUILDING HEIGHTS ARE MEASURED FROM BASE PLANE.
 2. ARCHITECT'S STAMP AND SEAL CORRESPONDS TO INFORMATION REGARDING THE DEVELOPMENT SITE, ZONING LOT AND RELATED CURB CUTS. INFORMATION REGARDING THE SURROUNDING PROPERTY IS SHOWN FOR ILLUSTRATIVE PURPOSES ONLY.
 3. BUILDING SHOWN WITHIN THE PROPOSED MAXIMUM DEVELOPMENT ENVELOPE IS SHOWN FOR ILLUSTRATIVE PURPOSES ONLY AND IS SUBJECT TO CHANGE.
 4. BUILDING ENTRANCES ARE SHOWN FOR ILLUSTRATIVE PURPOSES ONLY.
 5. INTERIOR PARTITIONS AND USE DESIGNATIONS ARE ILLUSTRATIVE ONLY AND SUBJECT TO CHANGE.
 6. PERMITTED OBSTRUCTIONS MAY BE PROVIDED ABOVE THE MAXIMUM BUILDING ENVELOPE IN ACCORDANCE WITH LOCATION AND SIZE RESTRICTIONS AS SET FORTH IN THE ZONING RESOLUTION.
 7. CURB CUT WIDTHS AND LOCATIONS SUBJECT TO DEPARTMENT OF BUILDINGS AND DEPARTMENT OF TRANSPORTATION REVIEW AND APPROVAL.
 8. FOR ANY PORTION OF THE GROUND FLOOR LEVEL STREET WALL THAT DOES NOT ALIGN WITH THE LOT LINE BOUNDARY AND THAT CONTAINS NO TRANSPARENT ELEMENTS SHALL BE TREATED WITH A DECORATIVE ELEMENT OR MATERIAL IN THE FORM OF (A) VARIED SURFACE TEXTURE AND/OR MATERIALS, (B) MURALS OR OTHER VISUAL ARTWORK, AND/OR (C) LIVING PLANT MATERIALS, TO A MINIMUM HEIGHT OF 15 FEET.

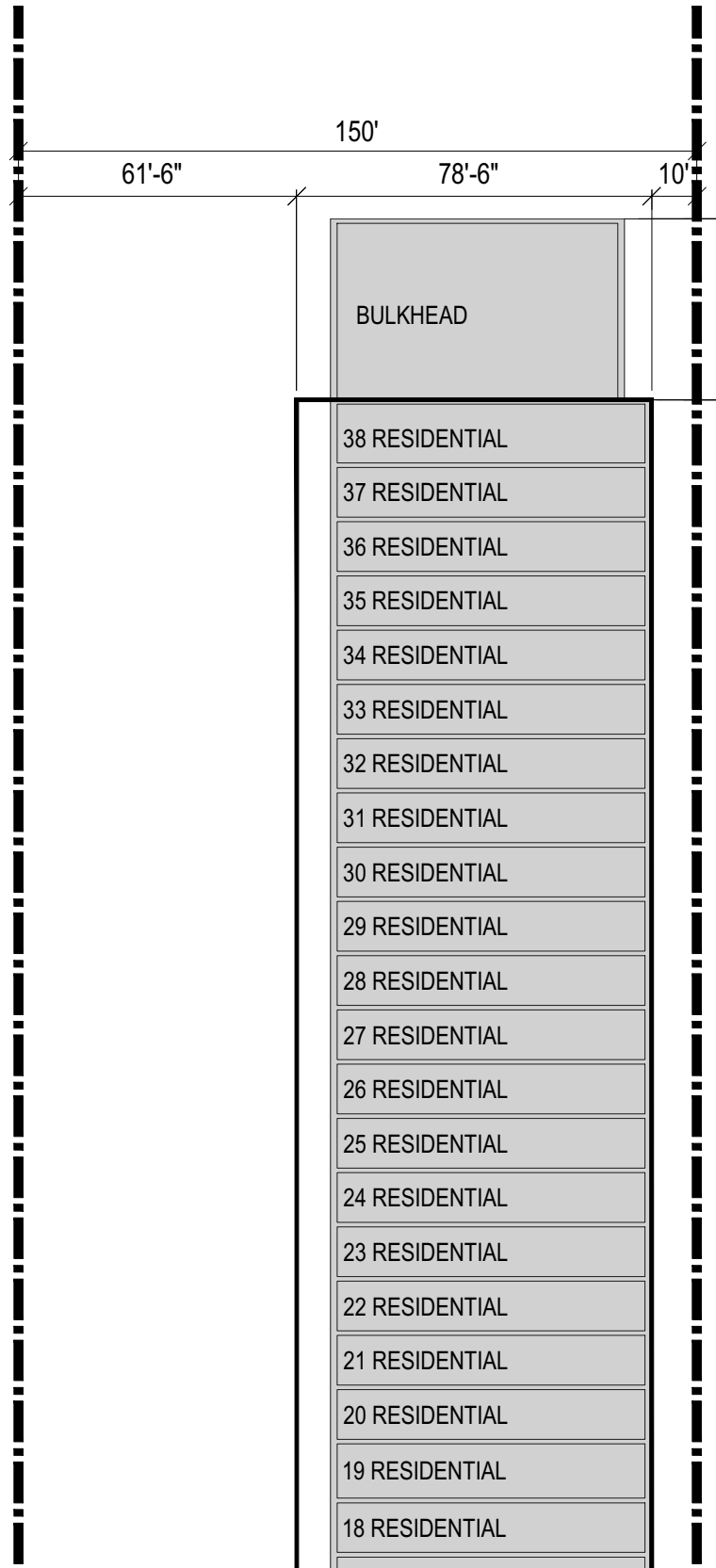


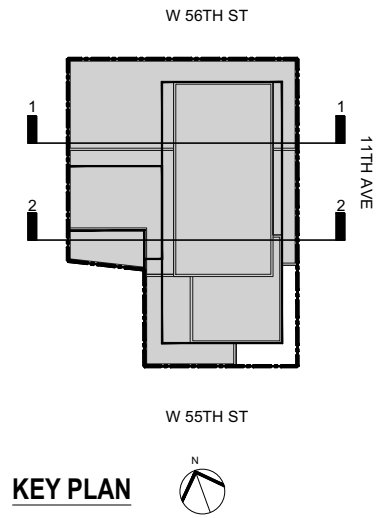
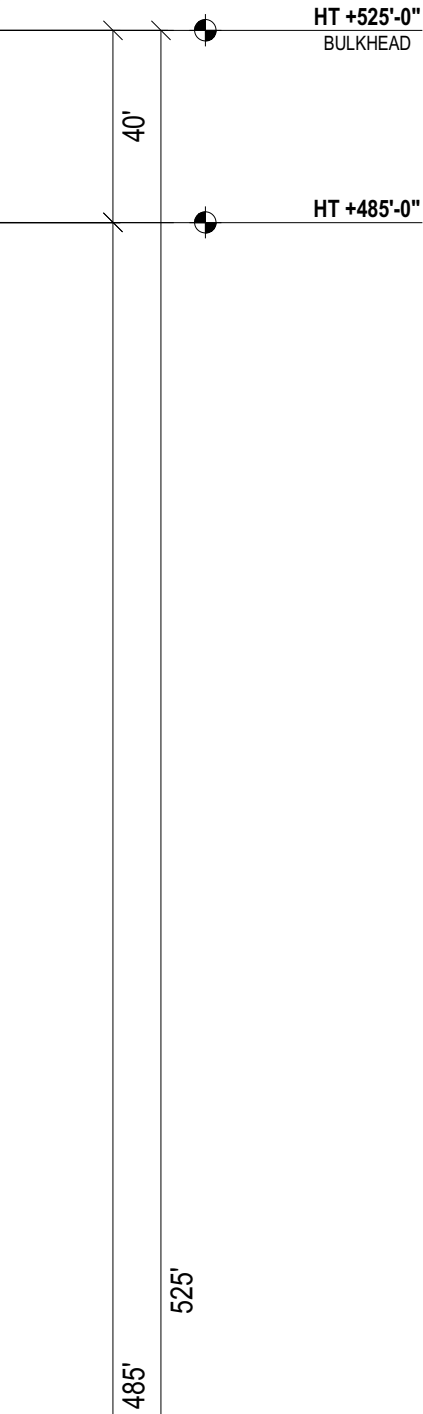
		NOT FOR CONSTRUCTION
02	12/10/2025	SUBMISSION 2
01	07/17/2025	SUBMISSION 1
#	DATE	SUBMISSION
Project: Dewitt Clinton Park North 801 11th Avenue NEW YORK, NY 10019		
Applicant: 801 11TH AVE., LLC		
Architect: HILL WEST ARCHITECTS 11 BROADWAY 17TH FLOOR NEW YORK, NY 10004 T. 212 213 8007		
DOB STAMPS & SIGNATURES:		
DWG TITLE: WAIVER PLAN		
SEAL & SIGNATURE: 		DATE: 12/10/2025 PROJECT #: Z3P11 SCALE: AS NOTED Z-05 DWG NO.



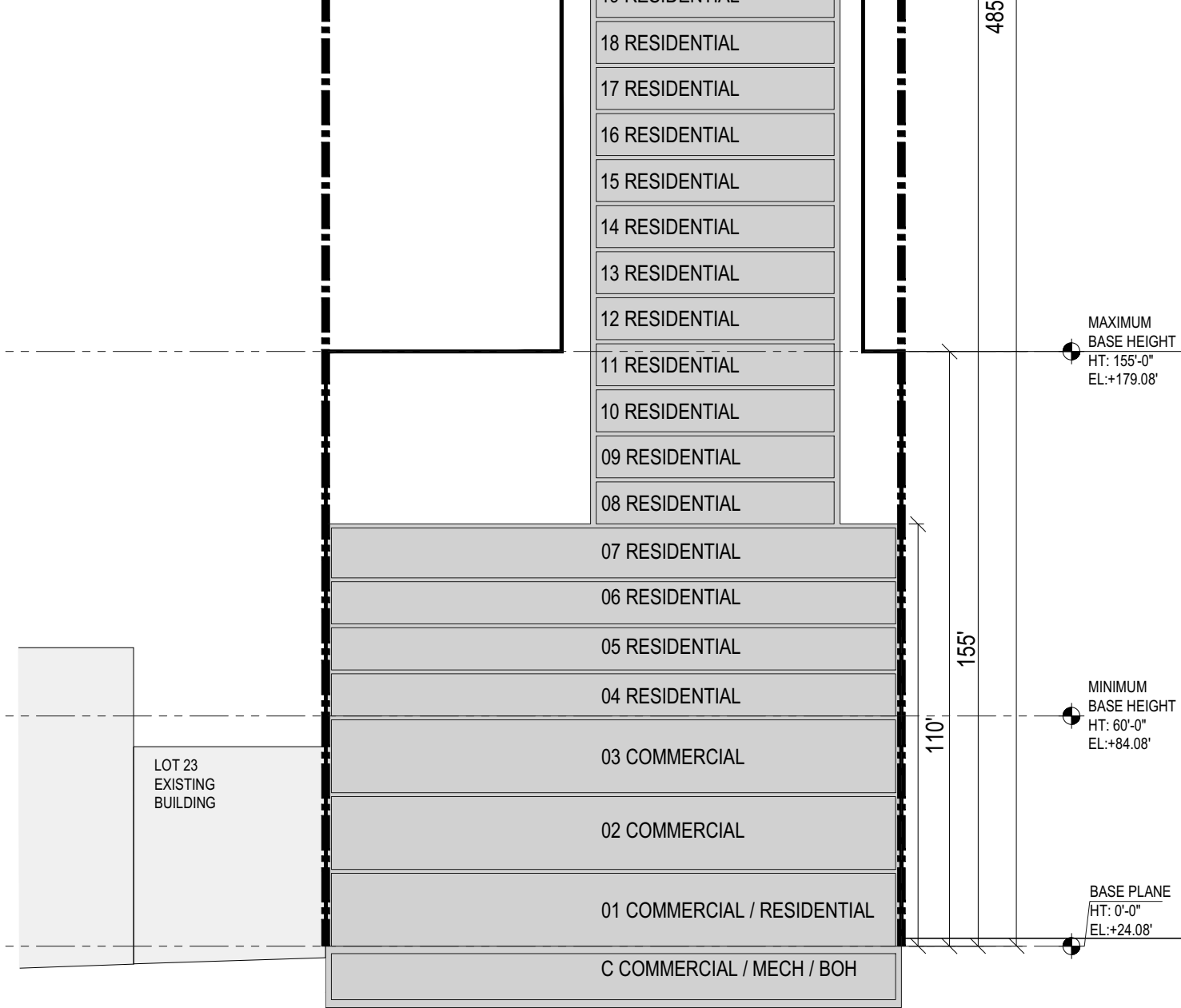
HT +525'-0"
BULKHEAD

HT +485'-0"





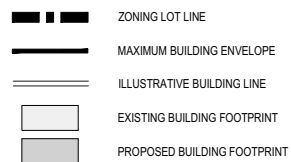
NOTES:



1 SECTION
SCALE: 1/16" = 1'-0"



LEGEND:

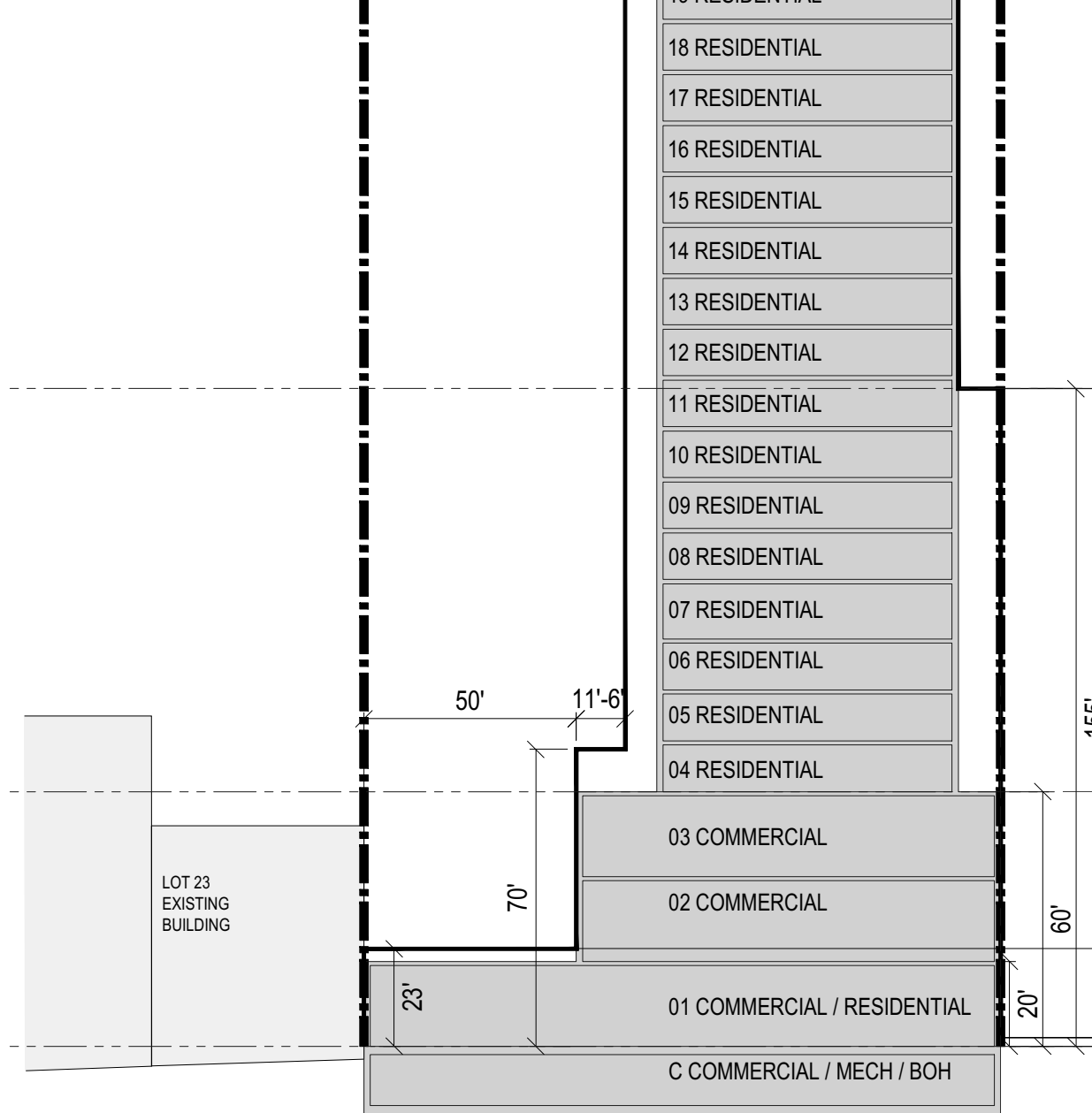


STREET WALL LOCATION WAIVER
ZR 35-631

MAXIMUM
FLOOR HEIGHT HT +155'-0"
155'-0"
+179.08'

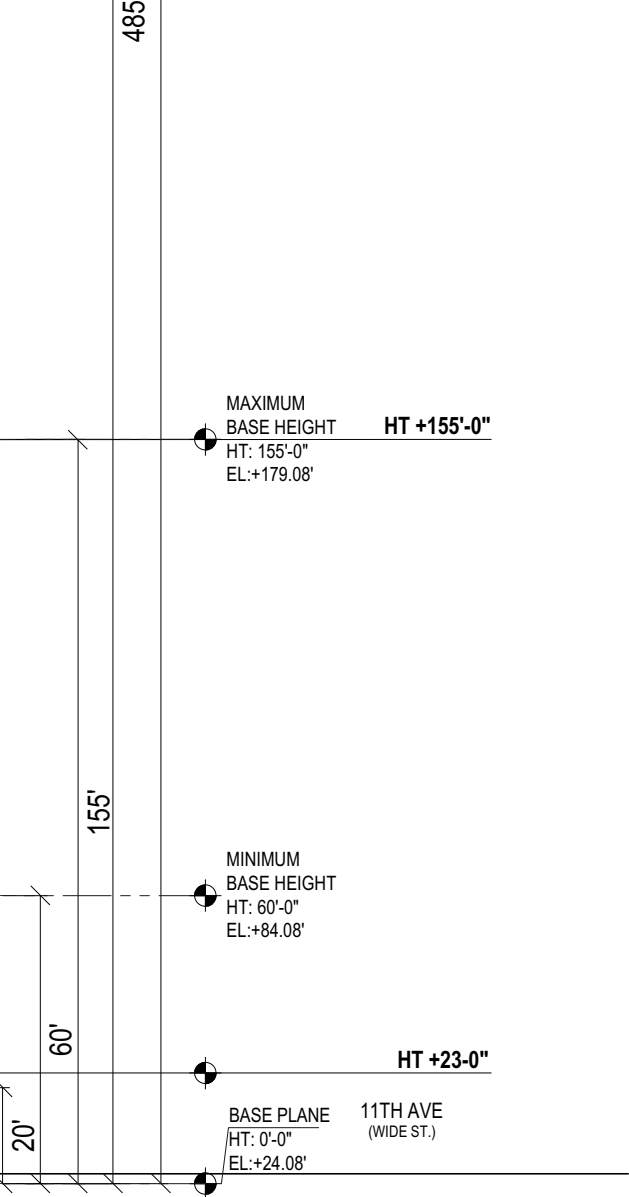
MAXIMUM
FLOOR HEIGHT
60'-0"
+84.08'

SE PLANE 11TH AVE
0'-0" (WIDE ST.)
+24.08'



2 SECTION
SCALE: 1/16" = 1'-0"

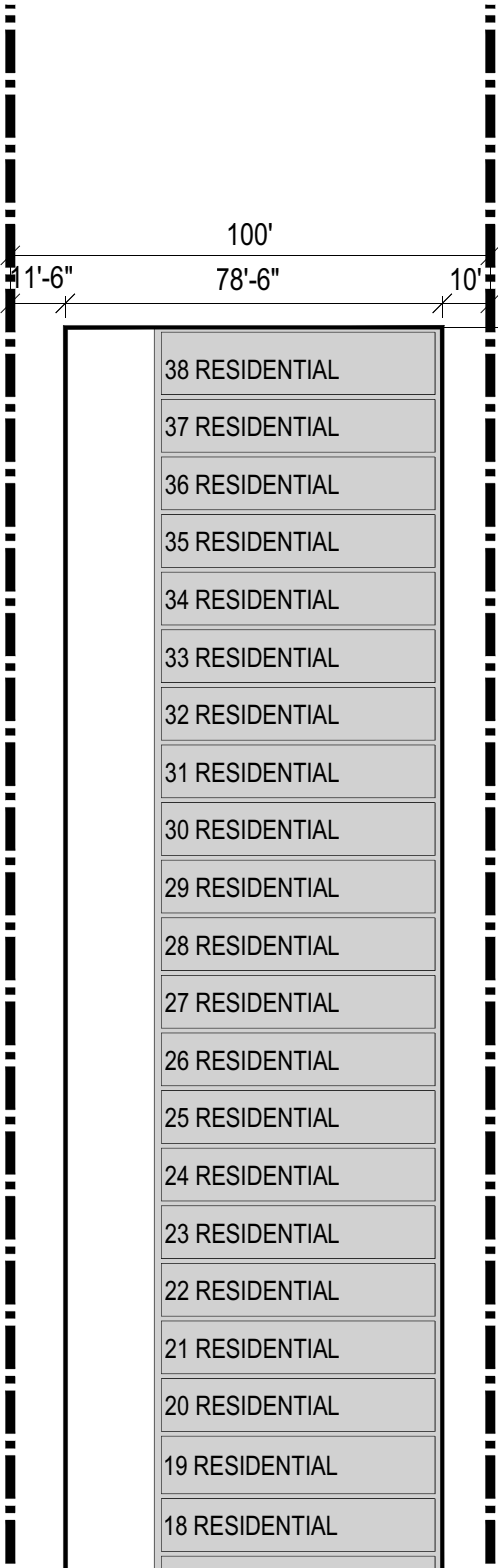
- NOTES:
1. ALL E
 2. ARCH
REGA
 3. BUILD
 4. BUILD
 5. INTER
 6. PERM
FORT
 7. CURE
 8. FOR /
TRAN
MATE

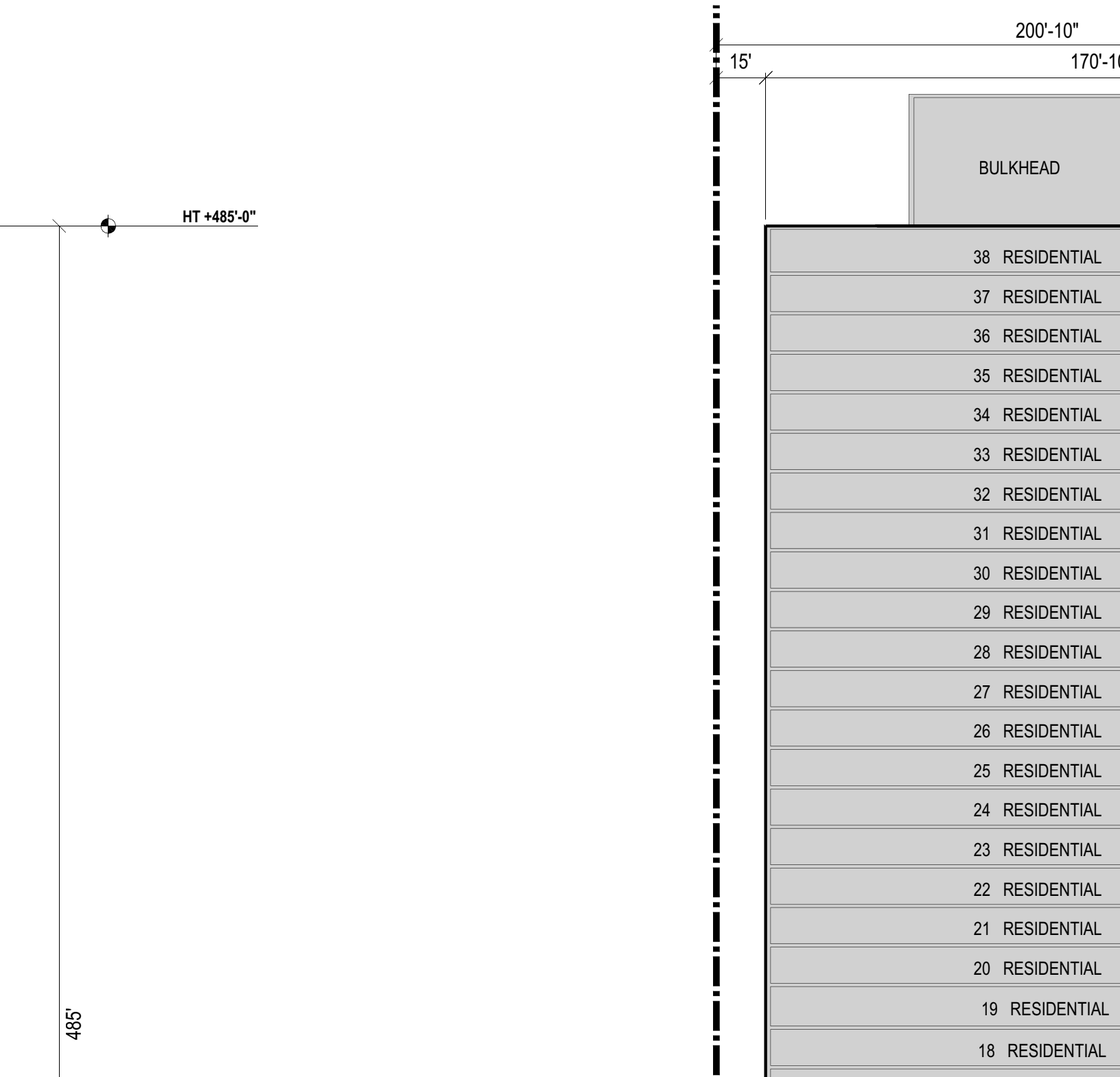


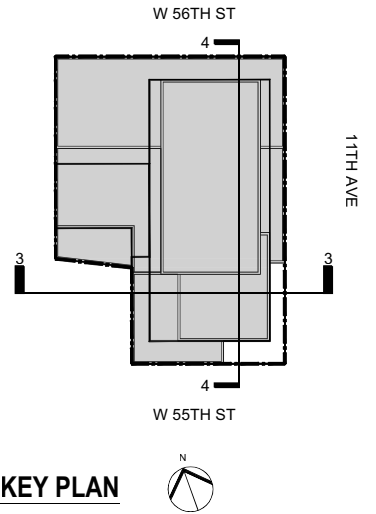
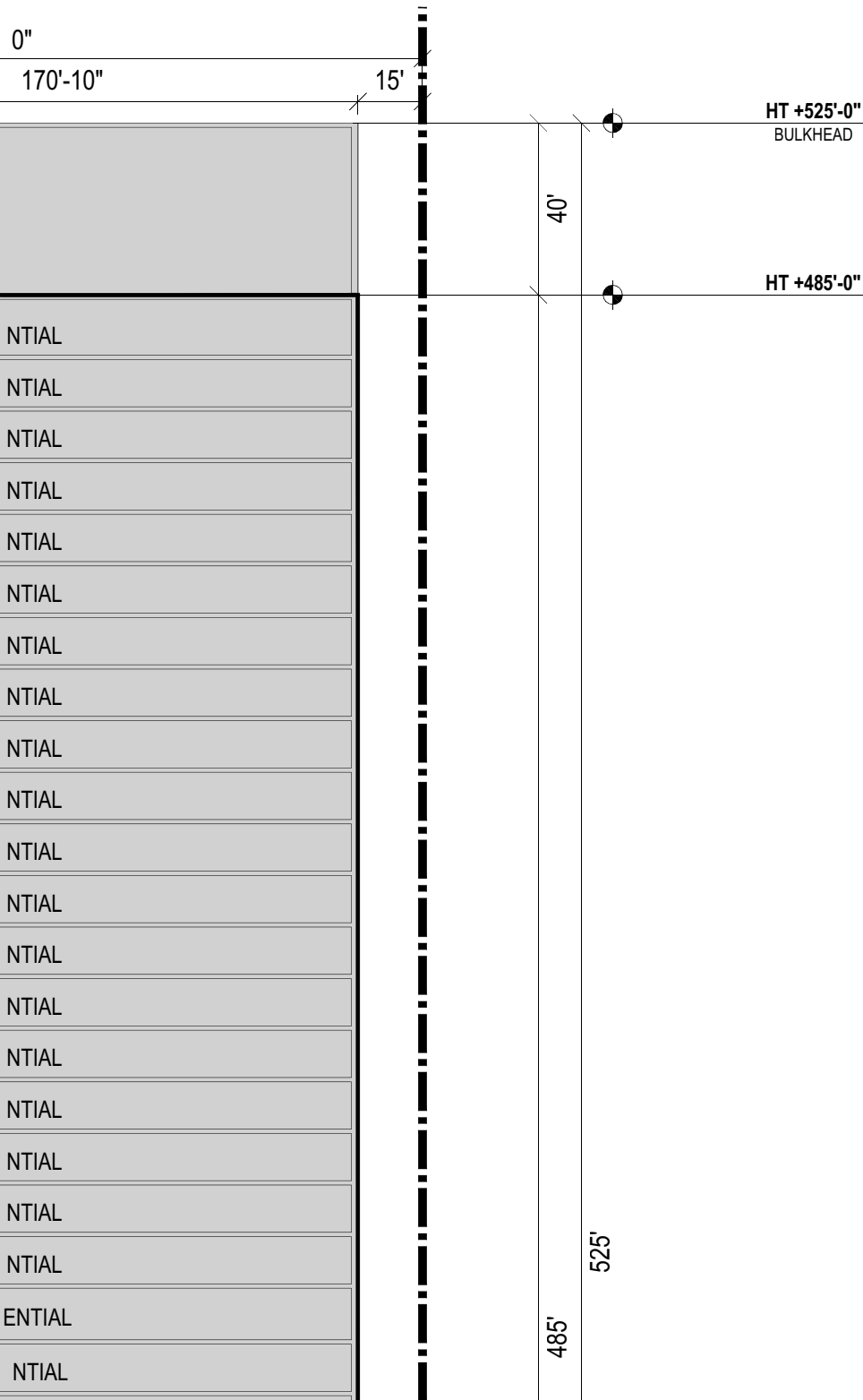
- NOTES:
1. ALL BUILDING HEIGHTS ARE MEASURED FROM BASE PLANE.
 2. ARCHITECT'S STAMP AND SEAL CORRESPONDS TO INFORMATION REGARDING THE DEVELOPMENT SITE, ZONING LOT AND RELATED CURB CUTS. INFORMATION REGARDING THE SURROUNDING PROPERTY IS SHOWN FOR ILLUSTRATIVE PURPOSES ONLY.
 3. BUILDING SHOWN WITHIN THE PROPOSED MAXIMUM DEVELOPMENT ENVELOPE IS SHOWN FOR ILLUSTRATIVE PURPOSES ONLY AND IS SUBJECT TO CHANGE.
 4. BUILDING ENTRANCES ARE SHOWN FOR ILLUSTRATIVE PURPOSES ONLY.
 5. INTERIOR PARTITIONS AND USE DESIGNATIONS ARE ILLUSTRATIVE ONLY AND SUBJECT TO CHANGE.
 6. PERMITTED OBSTRUCTIONS MAY BE PROVIDED ABOVE THE MAXIMUM BUILDING ENVELOPE IN ACCORDANCE WITH LOCATION AND SIZE RESTRICTIONS AS SET FORTH IN THE ZONING RESOLUTION.
 7. CURB CUT WIDTHS AND LOCATIONS SUBJECT TO DEPARTMENT OF BUILDINGS AND DEPARTMENT OF TRANSPORTATION REVIEW AND APPROVAL.
 8. FOR ANY PORTION OF THE GROUND FLOOR LEVEL STREET WALL THAT DOES NOT ALIGN WITH THE LOT LINE BOUNDARY AND THAT CONTAINS NO TRANSPARENT ELEMENTS SHALL BE TREATED WITH A DECORATIVE ELEMENT OR MATERIAL IN THE FORM OF (A) VARIED SURFACE TEXTURE AND/OR MATERIALS, (B) MURALS OR OTHER VISUAL ARTWORK, AND/OR (C) LIVING PLANT MATERIALS, TO A MINIMUM HEIGHT OF 15 FEET.



		NOT FOR CONSTRUCTION
02	12/10/2025	SUBMISSION 2
01	07/17/2025	SUBMISSION 1
#	DATE	SUBMISSION
Project: Dewitt Clinton Park North 801 11th Avenue NEW YORK, NY 10019		
Applicant: 801 11TH AVE., LLC		
Architect: HILL WEST ARCHITECTS 11 BROADWAY 17TH FLOOR NEW YORK, NY 10004 T. 212 213 8007		
DOB STAMPS & SIGNATURES:		
DWG TITLE: SECTIONS		
SEAL & SIGNATURE: 		DATE: 12/10/2025 PROJECT #: Z3P11 SCALE: AS NOTED Z-06 DWG NO.

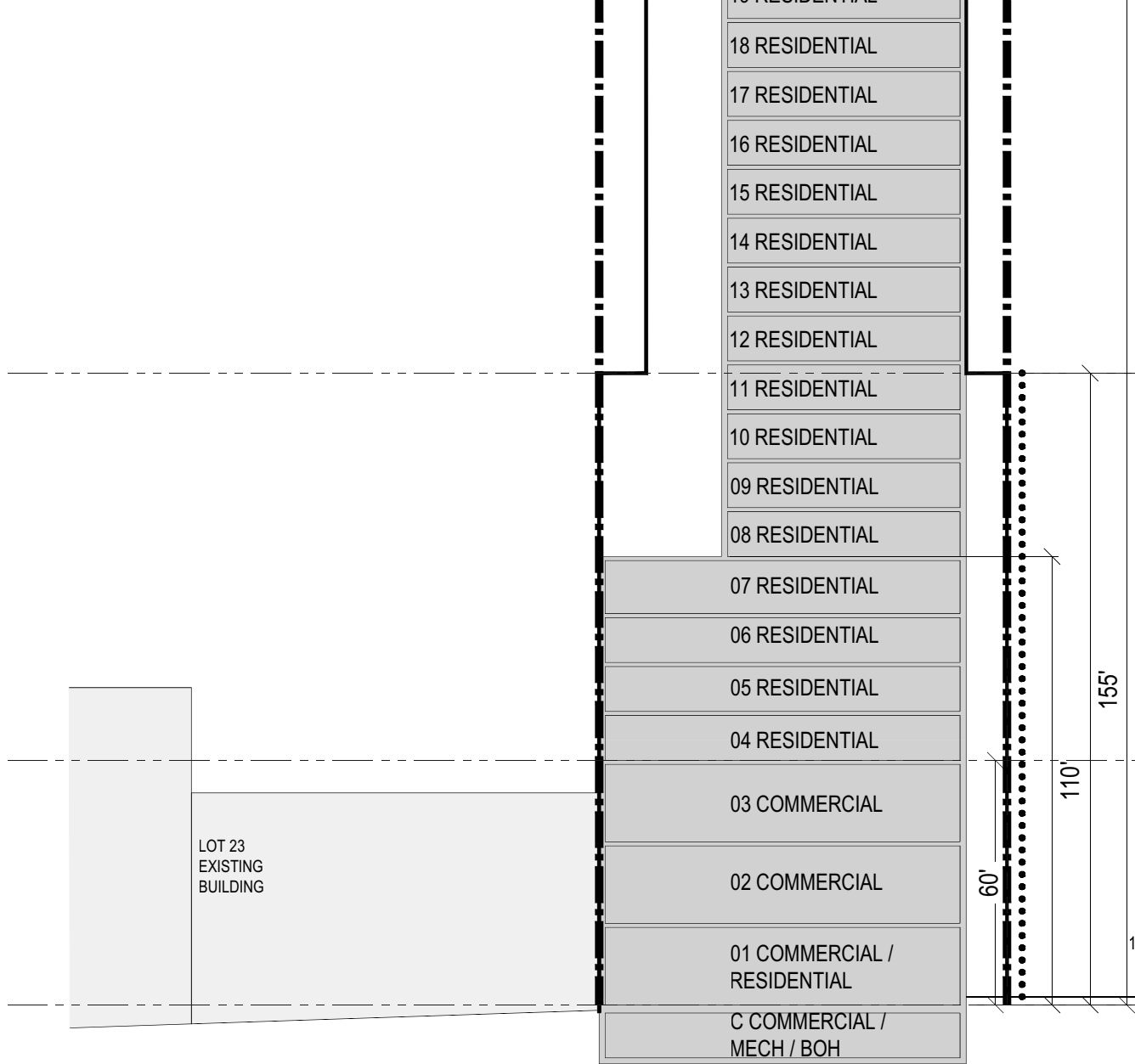






NOTES:

NOT FOR CONSTRUCTION



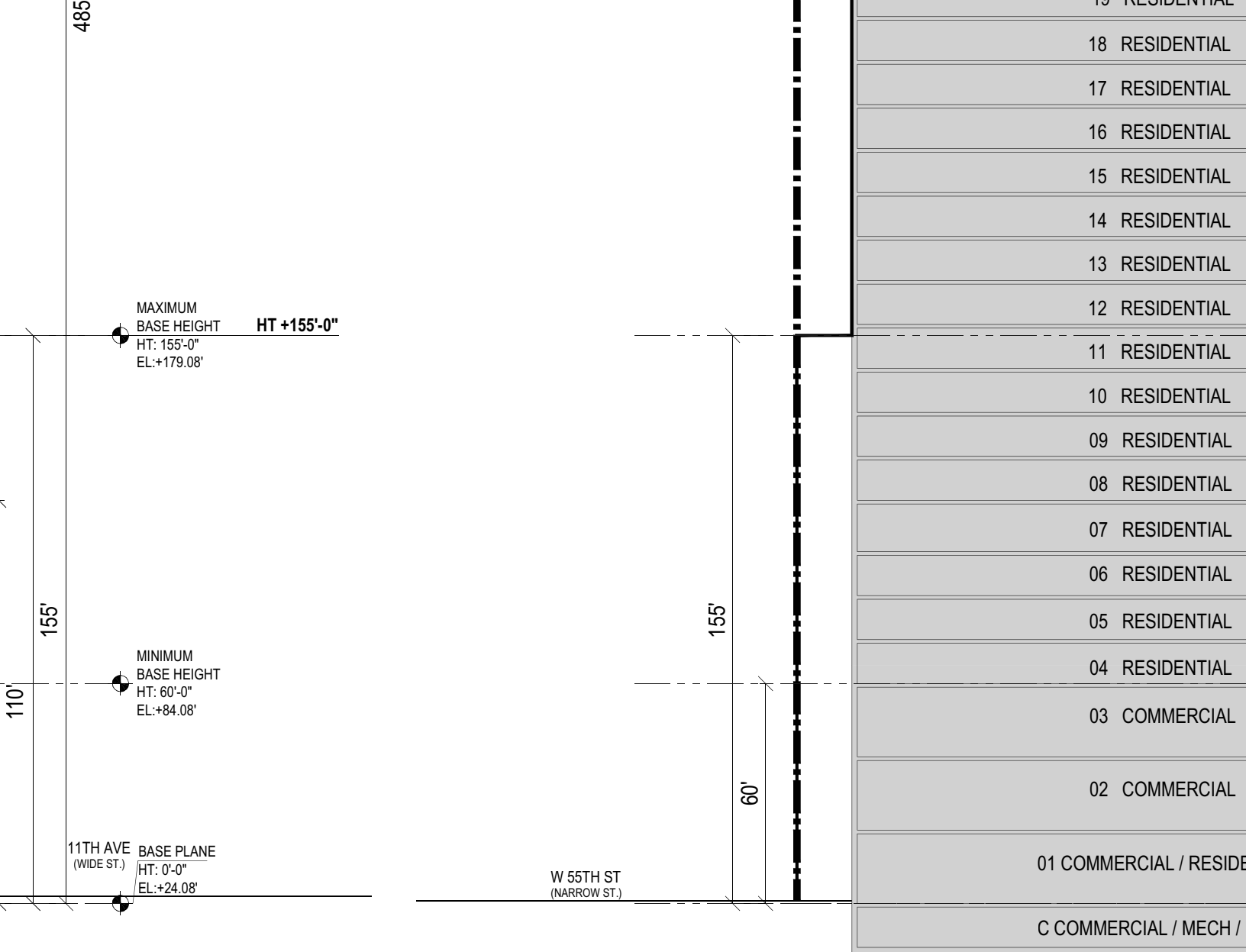
3 SECTION
SCALE: 1/16" = 1'-0"



LEGEND:

- ZONING LOT LINE
- MAXIMUM BUILDING ENVELOPE
- ILLUSTRATIVE BUILDING LINE
- EXISTING BUILDING FOOTPRINT
- PROPOSED BUILDING FOOTPRINT

- STREET WALL LOCATION WAIVER
ZR 35-631



4 SECTION
SCALE: 1/16" = 1'-0"

NOTES:
1. ALL E
2. ARCH
REGA
3. BUILD
4. BUILD
5. INTER
6. PERM
FORT
7. CURE
8. FOR /
TRAN
MATE



Exhibit “E”

**TRANSFER INSTRUMENT AND NOTICE OF RESTRICTIONS
PURSUANT TO SECTION 89-21(D) OF THE ZONING RESOLUTION
OF THE CITY OF NEW YORK**

THIS INSTRUMENT OF TRANSFER AND NOTICE OF RESTRICTIONS (this “Transfer Instrument”) is made as of the ____ day of ____, 202_ by Hudson River Park Trust, a New York State public benefit corporation, organized pursuant to the Hudson River Park Act, Chapter 592 of the Laws of 1998 of the State of New York (as amended, the “Act”) having an address at 353 West Street, 2nd Floor, New York, New York 10014 (“Transferor”), and 801 11th Ave., LLC, a New York limited liability company, with an address at c/o Chapman Consulting LLC, 770 Lexington Avenue, 11th Floor, New York, NY 10065 (“Transferee”).

WITNESSETH:

WHEREAS, Transferor is the lessee, pursuant to Section 7.3(b) of the Act, of certain real property, in the City of New York, designated as [(i) Block 662, Lots 11, 16, and 19 (“Chelsea Piers”); (ii) Block 1107, Lots 5 and 14 (“Piers 81/83”); and (iii) Block 1109, Lot 25 (“Pier 98”)] on the Tax Map of the Borough of Manhattan, County of New York, City of New York, and more particularly described in Exhibit A attached hereto and made a part hereof (said real property being hereinafter called the “Granting Lots”), and has the right, pursuant to subsection 1(j) of Section 7 of the Act, to transfer unused excess “floor area” (as such term is defined in the Zoning Resolution, defined below) appurtenant to the Granting Lots;

WHEREAS, Transferee is the owner of certain real property designated as Block 1103, Lot 36, as shown on the Tax Map of the Borough of Manhattan, County of New York, City of New York, and more particularly described in Exhibit B attached hereto and made a part hereof (said property being hereinafter called the “Receiving Lot”);

WHEREAS, the Granting Lots are “granting sites,” as defined in Section 89-02 of the Zoning Resolution of the City of New York (hereinafter, “Zoning Resolution”);

WHEREAS, the Receiving Lot is a “receiving site,” as defined in Section 89-02 of the Zoning Resolution;

WHEREAS, pursuant to the provisions of Section 89-21 of the Zoning Resolution, the City Planning Commission of New York City (hereinafter, “CPC”) approved on the __ day of ____, 20__ (Calendar No. C ____ ZSM) the transfer of up to 64,392 square feet of unused excess floor area and the development rights appurtenant thereto (the “Subject Floor Area Development Rights”) from the Granting Lots to the Receiving Lot (the “Special Permit Approval”), and the City Council of the City of New York approved such action taken by CPC or declined to take any action in connection therewith within the time period permitted for same; and

WHEREAS, Transferor and Transferee desire to transfer the Subject Floor Area Development Rights to the Receiving Lot.

NOW THEREFORE, in consideration of _____ Dollars (\$ _____), lawful money of the United States, and other valuable consideration paid by Transferee:

1. Transferor does hereby grant, distribute and transfer the Subject Floor Area Development Rights from the Granting Lots to the Receiving Lot, solely for the use and benefit in perpetuity of the Receiving Lot.
2. Transferor, in compliance with Section 13 of the Lien Law of the State of New York, if and to the extent Section 13 of the Lien Law of the State of New York applies, covenants that Transferor will receive the consideration for this conveyance, and will hold the right to receive such consideration, as a trust fund for the purpose of paying the cost of the improvements required to be made by Transferor and will apply the same first to the payment of the cost of such improvements before using any part of the same for any other purposes.
3. Transferor shall use the Purchase Price to pay for construction and maintenance activities within the Manhattan Community Board 4 portion of Hudson River Park, prior to being used for any other permitted uses, as required by the Hudson River Park Act.
4. Notice is hereby given that this transfer (a) irrevocably restricts the floor area on the Granting Lots available for “development” (as defined in the Zoning Resolution) by reducing such floor area by up to 64,392 square feet, and (b) benefits the Receiving Lot by irrevocably increasing the floor area available for development on the Receiving Lot by up to 64,392 square feet.
5. Transferor covenants that at no time shall any building, buildings or improvements be situated on the Granting Lots which would have a floor area in excess of that permitted on the Granting Lots, as reduced by this transfer.
6. This Transfer Instrument shall be recorded by Transferor against both the Granting Lots and the Receiving Lot in the Office of the Register of City of New York, New York County and a copy provided to the CPC in accordance with the provisions of Section 89-21(d) of the Zoning Resolution.
7. This Transfer Instrument may be executed in counterparts, all of which, when taken together, shall constitute one and the same instrument.

IN WITNESS WHEREOF, Transferor and Transferee have hereunto set their hand as of
the ____ day of ____, 202__.

TRANSFEROR:

HUDSON RIVER PARK TRUST

By: _____
Name:
Title:

TRANSFeree:

801 11TH AVE., LLC,
a New York limited liability company

By: _____
Name:
Title:

State of New York)
) ss.:
County of New York)

On the ____ day of _____ in the year 202_ before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that s/he executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

(Notary Public)

State of New York)
) ss.:
County of New York)

On the ____ day of _____ in the year 202_ before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that s/he executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

(Notary Public)

Exhibit A to Transfer Instrument
Legal Description of Granting Lots

CHELSEA PIERS

ALL that certain plot, piece or parcel of land and land under the waters of the Hudson River, situate, lying and being in the City, County, and State of New York and designated as Lots 11, 16, and 19 in Block 662 on the Tax Map of the City of New York for the Borough of Manhattan.

PIERS 81/83

ALL that certain plot, piece or parcel of land and land under the waters of the Hudson River, situate, lying and being in the City, County, and State of New York and designated as Lots 5 and 14 in Block 1107 on the Tax Map of the City of New York for the Borough of Manhattan.

PIER 98

ALL that certain plot, piece or parcel of land and land under the waters of the Hudson River, situate, lying and being in the City, County, and State of New York and designated as Lot 25 in Block 1109 on the Tax Map of the City of New York for the Borough of Manhattan.

Exhibit B to Transfer Instrument
Legal Description of Receiving Lot

ALL those certain plot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being in the Borough of Manhattan, County of New York, City and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the northerly side of West 55th Street and the westerly side of 11th Avenue;

RUNNING THENCE northerly along the westerly side of 11th Avenue, 200 feet 10 inches to the corner formed by the intersection of the westerly side of 11th Avenue with the southerly side of East 56th Street;

THENCE westerly along the southerly side of West 56th Street, 150 feet;

THENCE southerly parallel with 11th Avenue, 132 feet 1/2 of an inch;

THENCE easterly on a line forming an interior angle of 96 degrees 36 minutes 20 seconds with the last mentioned course, 50 feet 4 inches;

THENCE southerly parallel with 11th Avenue, 63 feet to the northerly side of West 55th Street;

THENCE easterly along the northerly side of West 55th Street, 100 feet to corner, the point or place of BEGINNING.



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Dewitt Clinton Park North (801 Eleventh Avenue)			
Applicant:	801 11th Avenue LLC	Applicant's Primary Contact:	Wesley OBrien
Application #	260060ZSM	Borough:	
CEQR Number:	25DCP049M	Validated Community Districts:	M04

Docket Description:

IN THE MATTER OF an application submitted by 801 11 Ave., LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 89-21* of the Zoning Resolution: 1. to allow the distribution of 64,392 square feet of floor area from granting sites (B-G1*, Block 1109, p/o Lot 25 and a portion of Marginal Street, Wharf or Place; B-G2*, Block 1107, p/o Lots 5 and 14; B-G3* Block 662, p/o Lots 11, 16, 19, and a portion of Marginal Street, Wharf, or Place) to a receiving site (B-R3*, Block 1103, Lot 36); and 2. to modify the street wall location requirements of Section 35-631(a) (Street wall location); in connection with a proposed mixed use development on property located at 801 11th Avenue (Block 1103, Lot 36), in a C4-7** District, within the Special Hudson River Park District (HRP)** and the Special Clinton District (CL), Borough of Manhattan, Community District 4. *Note: a Zoning Text amendment is proposed to modify several sections of Article VIII, Chapter 9 (Special Hudson River Park District) under a concurrent related application (N 260014 ZRM). **Note: the development site is proposed to be rezoned by changing an M2-4 District to a C4-7 District, and by establishing a Special Hudson River Park District (HRP), under a concurrent related application for a Zoning Map change (C 260013 ZMM). Plans for this proposal are on file with the City Planning Commission and may be seen on the Zoning Application Portal at <https://zap.planning.nyc.gov/projects/2024M0244>, or at 120 Broadway, 31st Floor, New York, NY, 10271-0001.

Please use the above application number on all correspondence concerning this application

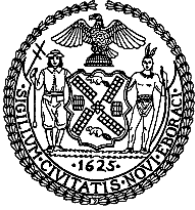
RECOMMENDATION: Conditional Unfavorable			
# In Favor: 33	# Against: 1	# Abstaining: 1	Total members appointed to the board: 50
Date of Vote: 2/4/2026 6:00 PM		Vote Location:	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 2/4/2026 6:00 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	Hotel Trades Council 305 W.44th St bet. 8th and 9th Aves

CONSIDERATION: See attached resolution

Recommendation submitted by	MN CB4	Date: 2/23/2026 12:00 AM
-----------------------------	--------	--------------------------



CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD FOUR

tel: 212-736-4536
www.nyc.gov/mcb4

LESLIE BOGHOSIAN MURPHY
Chair

JESSE R. BODINE
District Manager

February 23, 2026

Edith Hsu-Chen
Executive Director
NYC Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

RE: ULURP Application DeWitt Clinton Park North (801 Eleventh Avenue & 629 West 54th Street)

Dear Executive Director Hsu-Chen,

At its February 4, 2026 Full Board meeting, Manhattan Community Board 4 (MCB4) voted, by a vote of 33 in support, 1 in opposition, 1 abstentions, and 1 Present-Not-Eligible, to **deny the proposed zoning map amendments, zoning text amendments, and zoning special permits (collectively, the Proposed Actions) to facilitate the development of two buildings at 629 West 54th Street and 801 Eleventh Avenue unless modifications are made in accordance with the conditions detailed below.**

INTRODUCTION

The development team for the applicant, 760 Twelfth, LLC and 801 Eleventh Ave., LLC (the Applicant), presented their proposal at the Clinton/Hell's Kitchen Land Use Committee meeting on January 14, 2026. The public hearing for this ULURP action was held on February 4, 2026, during MCB4's Full Board meeting.

This proposed plan is a major rezoning of two sites between Eleventh and Twelfth Avenues in the West 50's, in the Other Area of Special Clinton District which was rezoned in 2009 at MCB4's request as part of the Western Railyards Points of Agreement. Since 2015, MCB4 has requested further rezoning of these sites in its Affordable Housing Plan¹ to permit both the Transfer of Development Rights from Hudson River Park Trust and permit residential development at Floor Area Ratio (FAR) of 12, with a component of permanently affordable housing. In 2025, MCB4 made further recommendations to increase the proposed FAR to Very High Density zoning with residential density greater than 12 FAR. The current proposed rezoning by the Applicant now proposes a 14.4 FAR, nearly tripling the current mapped 5 FAR. MCB4 supports this Very High Density at this location.

MCB4 thanks the Applicant for engaging in discussions to address and resolve the conditions below.

¹ [MCB4 Affordable Housing Plan, Revised June & July 2025](#)

Even with this tripling of existing density, MCB4 welcomes this proposal to the Hell's Kitchen community to fulfill a part of MCB4 Affordable Housing Plan. However, the project is not fully developed and there are serious issues not resolved or committed to in the Proposed Actions. Therefore, MCB4 denies the proposed rezoning unless modifications are made in accordance with the following conditions:

Building Height and Bulk

- Reduce the proposed Twelfth Avenue building height to be no greater than 450 feet, 30 feet lower than the Eleventh Avenue building proposed at 485 feet. Achieve this height reduction by redistributing the massing to the base of the building. MCB4 supports building height stepping down toward the Hudson River to mitigate shadows and preserve light in the district.
- MCB4 supports of a Very High Density FAR of 14.4, and requests this height reduction through bulk redistribution (not a FAR reduction).

Streetwall Requirements

- Maintain current Streetwall Requirements (ZR 96-332)² for the Eleventh Avenue Building of 50 to 95 feet, along Eleventh Avenue with no setbacks, recesses or entry plaza to reinforce and contribute to the existing streetwall streetscape.

Twelfth Avenue Building – Masonry Façade Treatment

- Modify the façade of the Twelfth Avenue building to contain a greater percentage of masonry, brick or precast elements, to connect with built context of Hell's Kitchen not Riverside South to the north of the project. The development team will produce an update façade rendering, indicating percentage of such masonry, brick or precast elements

Increase Affordability, Family Size Apartments and Affordable Apartment Distribution

- Increase the percentage of affordable apartments from 25% of residential square footage to 30% of the entire square footage both residential and commercial. As part of any such increase, include moderate and middle income permanently affordable apartments in the development
- Include apartment distribution of at least 20% 2 bedroom and/or 3-bedroom apartments. These proposed developments must promote family sized apartments and stability in the Hell's Kitchen community. This request is modeled on the SCD's Preservation Area zoning requirements (ZR Section 96-104) for 20% 2-bedroom apartments.
- Increase the affordable apartment distribution from 65% of the floors to 80% of the floors

Parity and Inclusivity – Market-Rate and Affordable Apartments

- Agree to identical apartment finishes and equipment in the affordable and market rate apartments.
- Agree to affordable and inclusive amenity spaces for affordable and market rate apartments.

DeWitt Clinton Park Improvements

- Agree to a negotiated contribution to current capital projects DeWitt Clinton Park as planned by the NYC Department of Parks

² Streetwall requirements for the Special Clinton District, [ZR 96-332](#).

Good-Paying Jobs

- Agree to recognize 32BJ SEIU for building maintenance jobs.

Construction Task Force

- Establish a Construction Task Force to manage communication with the public and impacted neighbors during entire project construction period.

PROJECT DESCRIPTION

Project Area

The project area (“Project Area”) and its surroundings are located within the Special Clinton District, created to preserve and strengthen the residential character of the Hell’s Kitchen community, adjacent to Times Square and the Midtown Central Business District, maintain a broad mix of incomes, and ensure that the community is not adversely affected by new development.³ Development Site 1 is located in Western Sub-Area C2 of the Special Clinton District and Development Site 2 is located in Northern Subarea C1.⁴

The Project Area is currently in M2-3 (CL) and M2-4 (CL) underlying zoning districts with no residential uses permitted as-of-right. The Applicants have proposed a mixed-use residential and commercial development by mapping a commercial C4-7 district, which has an R10 residential district equivalent, with a maximum FAR of 12. This proposed district would permit the development of new market rate and affordable housing in the northwestern part of Hell’s Kitchen in a dense, mixed-use character in close proximity to DeWitt Clinton and Hudson River Parks.

Proposed Zoning Actions

- Extend the mapping of the Special Hudson River Park (HRP) District to Site 1 and 2 to enable the transfer of development rights from HRP. This action will overlay the Special HRP and Special Clinton Districts to the development sites.
- Special permit to effectuate the transfer of development rights from the Special HRP District to Sites 1 and 2⁵
- Special permit to modify the minimum base height, maximum base height, and minimum setback for the West 54th Street and Twelfth Avenue site.
- Special permit to modify the street wall location on the West 55th Street and Eleventh Avenue site.⁶
- Zoning text amendment to allow auto showroom and repair uses in a C4-7 district.
- Mapping Mandatory Inclusionary Housing (MIH) on both sites to ensure permanent affordability as an MIH area.⁷

³ [Special Clinton District General Purposes, ZR 96-00 \(a\)-\(b\).](#)

⁴ [Special Clinton District, Other Areas \(Area C\), ZR 96-30.](#)

⁵ [Special Hudson River Park District, Transfer of Floor Area from Hudson River Park, ZR 89-21.](#)

⁶ [Special Clinton District, Other Areas, Height and setback, ZR 96-332.](#)

⁷ [Mandatory Inclusionary Housing, NYC ZR 27-131, as mapped in Appendix F.](#)

- *Proposed Buildings*

The Applicants propose to construct two buildings: a 42-story, mixed-use residential and commercial building on Development Site 1; and a 38-story, mixed-use residential and commercial building on Development Site 2.

Site 1 – West 54th Street and Twelfth Avenue

Development Site 1 is on the western portion of Block 1102 with approximately 201 feet of frontage along Twelfth Avenue and 175 feet of frontage along West 54th and West 55th Streets, with a total lot area of 35,145 square feet (SF). The site currently has a six-story car dealership building built in 1930 with a gross floor area (GSF) of approximately 152,375 GSF.

The proposed building on Development Site 1 has 617 Dwelling Units (DUs), with 154 permanently affordable units under MIH, and 84,349 GSF for commercial auto dealership space. The proposed building would be a roof height of 550 feet with a maximum height of up to 590 feet, with a 40-foot mechanical bulkhead.

The maximum proposed base height on West 54th Street is 155 feet, with a 10-foot setback before reaching the maximum building height. On West 55th Street, the maximum base height is proposed at 167 feet with a 15-foot setback. The maximum base height along Twelfth Avenue is proposed at 58 feet. The commercial use is proposed in the first through third floors, with the residential use in the fourth through 42nd floors.

Site 2 – West 55th Street and Eleventh Avenue

Development Site 2 is on the eastern portion of Block 110 with approximately 201 feet of frontage along Eleventh Avenue, 100 feet of frontage along West 55th Street, and 150 feet of frontage along West 56th Street, with a total lot area of approximately 26,830 SF. The site currently has one two-story building and one three-story building built in 1920, operating as a single commercial car dealership, with a 57,805 GSF. The northern building was enlarged in 2011.

The proposed building on Development Site 2 has 477 DUs, with 119 permanently affordable units under MIH, and 64,392 GSF for commercial auto dealership space. The proposed building has a roof height of 485 feet with a maximum height of up to 525 feet, with a 40-foot mechanical bulkhead.

The proposed maximum base height is 110 feet on Eleventh Avenue and West 55th and 56th Streets. Eleventh Avenue has a proposed 10-foot setback before reaching the maximum building height. West 55th Street and West 56th Street has a proposed 15-foot setback. The commercial use is proposed in the first through third floors, with the residential use in the fourth through 38th floors.

MCB4 RECOMMENDATIONS

MCB4 supports the following:

- Extending the mapping of the Special HRP District to allow the transfer of development rights.
- The special permit to effectuate the transfer of development rights from the HRPT with the proviso of the Hudson River Park Trust's agreement of a minimum of \$200 per square foot for

- the purchase of the additional HRP Trust development rights, subject to updated appraisal when the transaction is effectuated, for the maximum financial benefit of the Hudson River Park Trust.
- Mapping of the C4-7 district with the maximum bulk of 14.4 FAR.
- MIH mapping under ZR 27-131 for Site 1 and 2 to produce permanently affordable housing.⁸
- Special permit to modify the minimum base height, maximum base height, and minimum setback for the West 54th Street and Twelfth Avenue site.
- Zoning text amendment for auto showroom and repair uses. As proposed by MCB4 in the 2009 West Clinton Rezoning, MCB4 requested to continue auto showroom and repair uses to protect the Eleventh Avenue Auto Row uses. MCB4 is particularly concerned with preserving UAW union jobs at many of these auto showroom and repair locations.
- Agreement to eliminate the Special Permit to allow for a modification of the Eleventh Avenue street wall. On February 17, 2026, the Applicant committed to eliminating the street wall waiver and location the ground floor of the building at the Eleventh Avenue street line. MCB4 appreciates the Applicant's response to maintain the current street wall requirements compliant with ZR section 96-332 along Eleventh Avenue.
- Agreement to recognize 32BJ SEIU union for building maintenance jobs.
- MCB4 recognizes that the agreement with Hudson River Park guarantees a minimum of \$200/SF for the purchase of the additional development rights, and that the final number will be determined after an independent market appraisal. MCB4 recommends this number is finalized prior to commencement of construction of the project, and that the price truly reflects a current market analysis.

Unresolved Development Matters & Commitments

On December 15, 2024, the Applicant filed an Environmental Assessment Statement for the DeWitt Clinton Park North Project. Subsequently, MCB4 first met with the Applicant on December 16, 2024. The Applicant issued their Draft Scope of Work in January 2025. On February 10, 2025, MCB4 commented on the Draft Scope of Work for the proposed projects in a letter to the NYC Department of City Planning (DCP).⁹ In this letter, MCB4 prepared comments on the technical areas to be analyzed in the DEIS. MCB4 did not hear back from the Applicant until September 3, 2025, when the Applicant presented a project briefing to CHKLU leadership. At that briefing, MCB4 was disappointed to learn that many outstanding matters raised in December 2024 were not addressed by the Applicant.

1. Building Height on West 54th Street and Twelfth Avenue¹⁰

The height of proposed Twelfth Avenue tower is out of context with the surrounding blocks. MCB4 has historically requested that new developments lower in height going west towards the Hudson River consistent with decades of planning actions of MCB4 and DCP in Manhattan Community District 4.

⁸ [Mandatory Inclusionary Housing, NYC ZR 27-131, as mapped in Appendix F.](#)

⁹ [February 2025 MCB4 Letter to DCP re DSOW at 629 West 54th Street and 801 Eleventh Avenue](#)

¹⁰ A requested height reduction with no reduction in the proposed 14.4 FAR.

The height of the roof line at the Twelfth Avenue tower is 510 feet, while the Eleventh Avenue tower is 485 feet. MCB4 recommends that the Twelfth Avenue tower has a maximum height of 450 feet, 35 feet lower the Eleventh Avenue building.

2. Masonry Façade Treatment on the West 54th Street and Twelfth Avenue Building

The proposed glass tower does not reference the surrounding context of masonry loft and residential buildings. MCB4 recommends that the Applicant incorporate masonry, brick, or precast elements into the facades to better relate the project to the existing built environment.

3. Eleventh Avenue Street Wall

The proposed recessed entrance condition at the northwest corner of West 55th Street and Eleventh Avenue is inconsistent with the established street wall and built context on the Eleventh Avenue corridor. MCB4 further notes that recessed entry conditions in this area have historically raised quality-of-life and public safety concerns.

MCB4 recommends that the Applicant revise the entrance design to align with the lot-line street wall on Eleventh Avenue and West 55th Street. **MCB4 recommends a denial of the Special Permit which would allow for a modification of the street wall along Eleventh Avenue.**

MCB4 requests that the Applicant maintain current street wall Requirements (ZR 96-332)¹¹ for the Eleventh Avenue Building of 50 to 95 feet, along Eleventh Avenue with no setbacks, recesses or entry plaza to reinforce and contribute to the existing street wall streetscape.

4. Percentage of Affordable Apartments

The Applicant decided to use MIH Option 1, which designates 25% of the residential floor area as affordable for an Area Median Income (AMI) of 60% (with 10% of the affordable units designated at 40% AMI). In its Affordable Housing Plan, MCB4 has a history of promoting and supporting MIH mapping on these sites and sees further opportunities to create more affordable units than currently proposed.

MCB4 also recognizes that the development sites have commercial and residential components and supports the integration of the auto dealership components of the development sites as part of the Proposed Actions.

MCB4 recommends that the Applicant use MIH Option 2, which designates 30% of residential floor area as affordable at an average of 80% AMI. Further, **MCB4 further recommends that the Applicant provide 30% of the overall square footage, both residential and commercial, as affordable units.** This action has the potential of increasing the total number of affordable units from 273 to 393 units.

MCB4 sustains its requests that the Applicant provide 30% of the overall square footage as affordable units and that a broader range of AMI's are taken into consideration to address the serious shortage of moderate- to middle-income housing our District. MCB4 requests the Applicant work with MCB4 and our elected City and State officials to arrive at a creative financial solution to increase the affordable apartments to 30% of the overall project square footage and include moderate- and middle-income apartments in the development.

¹¹ Streetwall requirements for the Special Clinton District, [ZR 96-332](#).

5. Family Size Apartments

MCB4 requests the developer include at least 20% of 2-and 3-bedroom apartments in the project to promote community stability and attract larger households. This request is modeled on ZR 96-104¹² to prevent towers of studios and one-bedrooms creating a transient dormitory effect.

6. Distribution of Affordable Apartments

MCB4 requests that the affordable apartment distribution exceed MIH requirements of 65% of the floors, to 80% of the floors in both towers. In the past, MCB4 has achieved this percentage distribution in many developments in Hell's Kitchen and Chelsea.

7. Building Amenity Spaces

MCB4 requests that all amenity spaces be inclusive and accessible to all building tenants regardless of market rate or affordable housing status.

For Inclusionary Housing developments in MCD4, it is standard for tenant amenity spaces, such as lounges, workspaces, function rooms, roof, set back outdoor decks, or other unattended spaces to be inclusive for both affordable and market-rate apartments with no fee. For amenity spaces that require staffing, such as a gym, club, or pool, they may require an additional fee for financial feasibility. In those cases, MCB4 expects affordable apartments must have a discounted amenity fee to ensure the spaces are accessible.

8. DeWitt Clinton Park Capital Improvements

MCB4 requests that the Applicant make a negotiated contribution towards funding needed capital improvements to DeWitt Clinton Park.

DeWitt Clinton Park is one of the largest and most utilized parks in the District. However, the capital improvements to the park have long been neglected. There will be an influx of additional use the developments by the new residents resultant from the Proposed Actions. Capital improvements to the park must be addressed by all interested parties. There are capital needs identified by the New York City Department of Parks that exceed \$12 million.

OPEN ITEMS TO BE RESOLVED WITH THE APPLICANT DURING THE ULURP PROCESS

The ULURP was certified on December 15, 2025. Because the ULURP was certified immediately before the holiday season, MCB4's discussion with the Applicant was truncated. On January 14, 2026, the Applicant first presented their proposal to the CHKLU Committee. At that meeting, CHKLU proposed to approve the proposal with a series of conditions.

However, on February 4, 2026, at the MCB4 Full Board meeting, the Board members raised concerns regarding the substantive conditions raised by MCB4 had not yet been fully addressed by the Applicant. Given that fact, MCB4 then voted to deny the ULURP action, unless the MCB4 conditions substantially met. The membership further requested the CHKLU leadership to meet with the Applicant before Board's ULURP response deadline, February 23, 2026. On February 17, 2026, the Applicant met with CHKLU leadership to further resolve the open items.

¹² [Special Clinton District, Dwelling unit regulations, ZR 96-104](#)

MCB4 and the applicant made serious progress in agreement on several open items. The applicant also agreed to provide an updated letter of commitment (Enclosed). However, many development items remain unresolved, as shown in the table below.

Open Items to be Resolved with the Applicant (2/23/26)

Proposed Action	Initial Applicant Proposal (12/15/2025)	MCB4 Response (2/4/2026)	Applicant Draft Commitment Letter (1/26/26)	Applicant Response to MCB4 (2/17/2026)
Building Height on West 54 th Street and Twelfth Avenue ¹³	The proposed building on West 54 th Street and Twelfth Avenue would be 550 feet tall.	MCB4 recommends reducing the building height to be no greater than 450 feet to roof line, 30 feet lower than the proposed Eleventh Avenue building at 485 feet.	The Applicant proposed to reduce the building height to 510 feet from 550 feet, a reduction of 40 feet.	The Applicant did not commit to reducing the building height any further. MCB4 restates its request for a building of no more than 450 feet to roof line.
Masonry Façade Treatment on the West 54 th Street and Twelfth Avenue Building	No Applicant position indicated.	The proposed glass tower does not reference the surrounding context of masonry loft and residential buildings in the Eleventh Avenue Corridor, relating more to the Riverside South development than Hell's Kitchen. MCB4 recommends that the Applicant incorporate masonry, brick, or precast elements into the facades to relate the project to the existing built environment.	The Applicant committed to the tower portion of the building not having an all-glass façade, and will contain vertical and/or horizontal elements characterized by masonry or similar materials (e.g. brick, stone, precast concrete, etc.)	The Applicant shared updated renderings of the façade with vertical and horizontal elements characterized by masonry or similar contextual materials (e.g., brick, stone, precast concrete). MCB4 recommends that approximately 40-50% of the façade be masonry, brick, or precast elements. The Applicant was not willing to commit to a percentage of masonry but stated they would further discuss this matter with the Manhattan Borough President and the Councilmember.

¹³ A requested height reduction with no reduction in the proposed 14.4 FAR.

Proposed Action	Initial Applicant Proposal (12/15/2025)	MCB4 Response (2/4/2026)	Applicant Draft Commitment Letter (1/26/26)	Applicant Response to MCB4 (2/17/2026)
Eleventh Avenue Street Wall	Street wall waiver at the ground floor level.	MCB4 requests that the Applicant maintain current Streetwall Requirements (ZR 96-332) ¹⁴ for the Eleventh Avenue Building of 50 to 95 feet, along Eleventh Avenue with no setbacks, recesses or entry plaza to reinforce and contribute to the existing streetwall streetscape.	The Applicant committed to no longer utilize the street wall waiver at the ground floor level and will locate the ground floor of the building at the Eleventh Avenue street line.	No further changes.
Percentage of Affordable Apartments	25% of the residential floor area will be affordable for an average of 60% AMI, with 10% of the affordable units designated at 40% AMI.	30% of the overall floor area, both residential and commercial, as affordable units. This action has the potential of increasing the total number of affordable units from 273 to 393.	The Applicant stated that its financial viability is predicated on the New York State real estate tax exemption for affordable housing. That exemption, Section 485-x of New York State Real Property Tax Law, also mandates union labor costs, and is aligned with income eligibility requirements for MIH Option 1. The applicant further stated that that increased commitments to affordability would further undermine overall project feasibility.	The Applicant committed to discuss the total square footage of affordability with the Borough President and the Councilmember.

¹⁴ Streetwall requirements for the Special Clinton District, [ZR 96-332](#).

Proposed Action	Initial Applicant Proposal (12/15/2025)	MCB4 Response (2/4/2026)	Applicant Draft Commitment Letter (1/26/26)	Applicant Response to MCB4 (2/17/2026)
Family Size Apartments	No Applicant position indicated.	Include apartment distribution of at least 20% 2-bedroom and/or 3-bedroom apartments, modeled on the SCD Preservation Area zoning requirements (ZR96-104).	The Applicant committed to include at least 15% of the residential zoning floor area as family sized units of 2-bedrooms or more.	The Applicant committed to further discuss increasing the percentage of family-sized units with the Borough President and the Councilmember.
Distribution of Affordable Apartments	No Applicant position indicated.	MCB4 requested that the Applicant commit to distribute affordable units on 80% of residential floors.	As set forth in ZR 27-16(b), affordable housing units must be distributed on not less than 65% of residential stories. The Applicant committed to provide affordable housing units on a minimum of 70% of stories in both proposed towers.	The Applicant restated its commitment to the distribution of affordable housing on a minimum of 70% of residential floors.
Building Amenity Spaces	No Applicant position indicated.	MCB4 requested that the Applicant agree to affordable and inclusive amenity spaces for affordable and market rate apartment.	The Applicant committed to provide residents of the affordable housing units equal access to all building amenities.	However, MCB4 requests that the Applicant reconsiders its response, as inclusive and affordable amenity spaces are standard in MIH developments in the District. The Applicant committed to discuss amenity spaces and associated fees with the Borough President and the Councilmember.

Proposed Action	Initial Applicant Proposal (12/15/2025)	MCB4 Response (2/4/2026)	Applicant Draft Commitment Letter (1/26/26)	Applicant Response to MCB4 (2/17/2026)
DeWitt Clinton Park Capital Improvements	No Applicant position indicated.	MCB4 recommends that the Applicant make contributions to capital improvements to DeWitt Clinton Park.	The Applicant stated it will provide at least \$29 million to public open spaces in HRP. The Applicant further stated that the requested contribution is not legally required, as the EIS did not find any significant adverse impacts on DeWitt Clinton Park.	The Applicant committed to discuss amenity spaces and associated fees with the Borough President and the Councilmember.

CONCLUSION

MCB4 appreciates that the Applicant has both addressed some of the open items in Board’s conditions for approval of this proposed zoning change. MCB4 further appreciates the Applicants new willingness to resolve open matters with Manhattan Borough President and the Councilmember during the continuing ULURP process for this proposed development.

MCB4 intended to note its appreciation of the Applicant’s commitments made to date in the attached letters. However, the applicant, after further detailed discussion with Board leadership on February 19, 2026, has sent a letter revising its clear commitments to “will consider further”. Their response backtracks on progress already made. Notwithstanding, all outstanding commitments detailed above are surmountable. MCB4 will work diligently with both the Manhattan Borough President and the Councilmember to bring these matters to resolution.

MCB4 is the only Community Board in New York City with an extensive written and documented Affordable Housing Plan.¹⁵ MCB4 has embraced both existing preservation and new housing construction in that plan. This proposal embodies multiple elements of MCB4 Affordable Housing Plan. However, given the number of unresolved items in the proposed plan, **MCB4 has decided to deny the proposed rezoning, unless the conditions as noted are resolved.**

¹⁵ [MCB4 2025 Affordable Housing Plan](#)

We look forward to continue working in partnership with the Applicant and our elected officials to ensure a thoughtful and integrated residential and commercial development to bring both market-rate and affordable housing to our community.

Sincerely,



Leslie Boghosian Murphy
Chair
Manhattan Community
Board 4



Paul Devlin
Co-Chair
Clinton/Hell's Kitchen
Land Use Committee



Rachel Lee
Co-Chair
Clinton/Hell's Kitchen
Land Use Committee

Enclosure

cc: Hon. Zohran Mamdani, Mayor
Hon. Brad Hoylman-Sigal, Manhattan Borough President
Hon. Gale Brewer, City Council
Applicant Team

760 12th LLC
c/o Friedland Properties
500 Park Avenue, 11th Floor
New York, NY 10022

801 11th Ave., LLC
c/o Chapman Consulting LLC
770 Lexington Avenue, 18th Floor
New York, NY 10065

February 23, 2026

Jesse Bodine
District Manager
Manhattan Community Board 4
424 W. 33rd Street, Suite 580
New York, NY 10001

Re: Dewitt Clinton Park North
629 West 54th Street – ULURP Numbers: N260062ZRM, C260060ZMM, C260061ZSM
801 Eleventh Avenue – ULURP Numbers: N260014ZRM, C260013ZMM, C260015ZSM

Dear Mr. Bodine,

Thank you for the Manhattan Community Board 4 Land Use Committee's time and consideration of these zoning actions for both 629 West 54th Street and 801 Eleventh Avenue, each requesting a zoning map amendment, zoning text amendment, and special permit to facilitate two new mixed-use developments in the Special Clinton District. We appreciate the Committee's engagement and the detailed feedback provided through the process.

As requested, this letter responds to the comments that were received from the Committee and summarizes areas where we have made progress, as well as topics where additional work and discussion remain:

801 Eleventh Avenue

- Street Wall: The applicant will continue to consider changes to the proposed design of the street wall and consistency with application regulations for a C4-7 zoning district.

629 West 54th Street

- Maximum Building Height: While reducing height brings results in significant tradeoffs, the applicant continues to explore the implications of bringing the massing line with the Eleventh Avenue building by reducing the height of the tower
- Façade Materiality: As shown in the attached rendering, the applicant proposes to redesign the tower portion of the building to not have an all-glass facade, and instead to contain vertical and/or horizontal elements characterized by masonry or similar materials (e.g., brick, stone, precast concrete, etc.).
- Floating Base: The applicant is exploring alternatives that would remove the design element that gives the appearance of a "floating base."

Both Projects

- Family Apartments: We have been continuing to evaluate unit mix and are exploring increasing the share of family-sized units (2+ bedrooms), while recognizing the Committee's interest in this topic and the need for continued discussion.
- Affordable Housing: We have studied the Committee's request to utilize Mandatory Inclusionary Housing (MIH) Option 2 and to exceed the amount of affordable housing required by the MIH program. As we have discussed, complying with Section 485-x of the New York State Real Property Tax Law currently imposes costs that would make the projects financially unviable. Increased commitments would further undermine the feasibility of these projects, making it unlikely that we will be able to deliver the much needed housing and contributions to Hudson River Park that are proposed by these projects. Due to those factors, the projects must continue to have the ability to utilize MIH Option 1 (i.e., 25% of floor area rented at an average of 60% of AMI), consistent with the program requirements.

For the affordable housing units that are provided, we have made progress on the following items, which remain the subject of continued coordination through the ULURP process and project development:

- o Distribution of Affordable Units: Section 27-16(b) of the Zoning Resolution requires affordable housing units to be distributed on not less than 65% of residential stories. We are evaluating whether it is possible to increase the distribution of affordable units throughout the buildings.
- o Finishes and Appliances: We are proceeding on the basis that market-rate and affordable units would utilize identical finishes and identical (or comparable) appliances.
- Construction Task Force: We are open to establishing a regular forum for communication regarding construction activities, including periodic meetings (no more frequently than once every three months during active construction) to discuss schedule and milestones, street closures, and hours and types of work.
- 32BJ SEIU: Both projects have committed to recognizing 32BJ SEIU for building maintenance jobs and have executed neutrality agreements with 32BJ.
- Street Trees: We have been evaluating street tree planting around the projects in accordance with the Zoning Resolution, to the extent feasible. Where existing Con Edison vaults may constrain planting locations, we are continuing to consider appropriate alternatives in coordination with relevant agencies.
- On-Site Trash Collection: The projects are being designed for on-site trash collection and storage, with removal from an internal loading dock, and no curbside set-outs.

The applicants recognize the need to continue discussions regarding the maximum height of the 629 West 54th Street building, discounts on amenity spaces, the percentage of family-sized units and a potential contribution to Dewitt Clinton Park. We look forward to further discussing these aspects of the project with the Council Member, in light of the totality of the project requirements and the need to maintain viable projects.

The Committee's input has been valuable and has informed continued refinements to the proposals. We remain committed to engaging constructively with Community Board 4 as the ULURP process continues, with the goal of delivering needed housing, including affordable housing, to Hell's Kitchen while providing significant funding for Hudson River Park.

Sincerely,


William Friedland

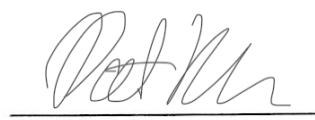

Patrick Milner

Exhibit A

629 West 54th Street Renderings

629 W. 54th St.





CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD No. 4

tel: 212-736-4536
<https://cbmanhattan.cityofnewyork.us/cb4/>

LESLIE BOGHOSIAN MURPHY
Chair

JESSE BODINE
District Manager

February 23, 2026

Dan Gardonick
Chair
NYC Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

**RE: Draft Environmental Impact Statement
DeWitt Clinton Park North (801 Eleventh Avenue & 629 West 54th Street)**

Dear Chair Garodnick,

At its February 4, 2026 Full Board meeting, Community Board 4 (MCB4) voted by a vote of 35 in support, 0 in opposition, 0 abstentions, and 0 Present-Not-Eligible, to **deny, unless the following conditions are met**, the proposed application from the development team for zoning map amendments, zoning text amendments, and zoning special permits (collectively, the Proposed Actions) to facilitate the development of two buildings at 629 West 54th Street and 801 Eleventh Avenue.

The development team for the applicants, 760 12th, LLC and 801 11th Ave., LLC (the Applicants), presented their proposal at the Clinton/Hell's Kitchen Land Use Committee meeting on January 14, 2026. The public hearing for this ULURP action was held at the February 4, 2026 MCB4 Full Board meeting.

This proposed plan is a welcome addition to our community as part of the overall MCB4 Affordable Housing Plan, yet there remain issues that concern MCB4 in the implementation of the Proposed Actions. Specifically, MCB4 requests that the Proposed Actions occur only if:

- the massing of the buildings reduces overall height;
- the percentage of affordable units increases from 25% of residential square footage to 30% of the overall square footage of the entire development;
- the Eleventh Avenue street-wall remain uninterrupted;

- the unit mix of affordable apartments includes a wider range of AMI's and includes more family-sized units¹;
- there is a significant contribution to the capital needs of DeWitt Clinton Park²; and
- there is a Construction Task Force to keep communication lines open with impacted neighbors³.

MCB4 has continued concerns about the cumulative impacts of multiple developments within Manhattan Community District 4 (MCD4). The Draft Environmental Impact Statement (DEIS) has multiple shortcomings as to the impact of this development on our neighbors. Specific issues from each chapter of the DEIS are detailed below.

PROJECT DESCRIPTION

Project Area

The project area ("Project Area") and its surroundings are located within the Special Clinton District, created to preserve and strengthen the residential character of a community bordering midtown, maintain a broad mix of incomes, and ensure that the community is not adversely affected by new development. Development Site 1 is located in the C2 Sub-district of the Special Clinton District and Development Site 2 is located in the C1 Sub-district.

The Project Area is currently in M2-3 (CL) and M2-4 (CL) zoning districts and no residential uses are permitted as-of-right. The Applicants wish to pursue a mixed-use residential and commercial development by mapping a commercial C4-7 district, which has an R10 residential district equivalent. The Applicants hold that a replacement of the existing manufacturing districts with a high-density commercial district permitting residential uses would allow for the development of new housing (including affordable housing) in an area of Hell's Kitchen with a dense, mixed-use character at a location in close proximity to public open space including DeWitt Clinton Park and the Hudson River Park.

Proposed Actions

The Proposed Actions include zoning map amendments to map the Special Hudson River Park (HRP) district on the Rezoning area and the portion of the granting sites not already mapped within the Special Hudson River Park District; and zoning text amendments to identify granting and receiving sites within the Special HRP District.

The Proposed Actions include zoning special permits under ZR Section 89-21 to transfer floor area from the designated granting sites to the development sites. Plus, on the W 54th Street site a Special Permit for a modification of minimum base height, maximum base height, and minimum setback; and, on the 11th Avenue site a Special Permit for the modification of street wall location.

¹ In the draft Commitment Letter, dated January 26, 2026, the Applicant has committed to ensuring that at least 15% of the residential zoning floor area will be comprised of family sized units (2+ bedrooms), and MCB4 requests that additional units be family-sized units.

² In the draft Commitment Letter, dated January 26, 2026, the Applicant declined this request, citing the projects' existing commitment of at least \$29 million to Hudson River Park, and MCB4 maintains this request.

³ In the draft Commitment Letter, dated January 26, 2026, the Applicant has committed to participating in a community construction task force with periodic meetings held no more frequently than once every three months, to provide information on the construction schedule, upcoming milestones, street closures, and hours and types of work.

As well, the Proposed Actions include a use-related zoning text amendment to allow auto showroom uses with repair and the preparation of motor vehicles for the delivery as permitted uses in the Project Area . The text amendment is necessary, according to the Applicants, to continue allowing auto showroom uses within the Project Area to include, as under the existing zoning, repair and preparation of motor vehicles for delivery.

The Proposed Actions also include mapping a Mandatory Inclusionary Housing (MIH) area coterminous with the proposed C4-7 (CL) (HRP) district. The proposed MIH area would ensure permanent affordability is included in the Proposed Actions.

Project Areas

The Applicants intend to construct two buildings: a 42-story, mixed-use residential and commercial building on Development Site 1; and a 38-story, mixed-use residential and commercial building on Development Site 2.

Site 1 – West 54th Street

Development Site 1 occupies the western portion of Block 1102 and has approximately 201 feet of frontage along Twelfth Avenue and 175 feet of frontage along West 54th and West 55th Streets. Site 1 has a total lot area of 35,145.25 square feet (sf). It is improved with a six-story, 82- foot-tall commercial car dealership building with a total built area of approximately 152,375 gross floor area (gsf). The building was constructed in 1930.

The proposed building on Development Site 1 would contain a total of 617 Dwelling Units (DUs), of which 154 units would be designated as permanently affordable pursuant to MIH – Option 1, and 84,349 gsf of commercial auto dealership space. The proposed building on the Development Site 1 would rise to a roof height of 550 feet with a maximum height of up to 590 feet including a 40-foot mechanical bulkhead. The maximum base height would be 155 feet along West 54th Street and 167 feet along West 55th Street, after which a 10-foot setback from West 54th Street and a 15-foot setback from West 55th Street would be provided before reaching the maximum building height. The maximum base height along Twelfth Avenue would be 58 feet. The commercial use would occupy the first through third floors, and the residential use would occupy the fourth through 42nd floors.

Site 2 – Eleventh Avenue

Development Site 2 occupies the eastern portion of Block 110 and has approximately 201 feet of frontage along Eleventh Avenue, 100 feet of frontage along West 55th Street, and 150 feet of frontage along West 56th Street. Site 2 has a total lot area of approximately 26,830 sf, and is occupied by two buildings that have been operated as a single commercial car dealership, including a two-story, roughly 50-foot-tall building and a three-story, roughly 35-foot-tall building, with a total built area of approximately 57,805 gsf. The buildings were constructed in 1920, and the northern building was enlarged in 2011. Development Site 2 is mapped in a M2-3 district within the C1 Sub-district of the Special Clinton District (CL).

The proposed building on Development Site 2 would contain a total of approximately 477 DUs, of which 119 units would be designated as permanently affordable pursuant to MIH Option 1, and 64,392 gsf of commercial auto dealership space. The proposed building on Development Site 2 would rise to a roof height of 485 feet with a maximum height of up to 525 feet including a 40-foot mechanical bulkhead. The maximum base height would be 110 feet, after which a 10-foot setback from Eleventh Avenue and 15-foot setbacks from West 55th Street and West 56th Street would be provided before reaching the

maximum building height. The commercial use would occupy the first through third floors and the residential use would occupy the fourth through 38th floors.

MCB4 COMMENTS TO DEIS

The overall DEIS remains unfulfilled with regards to MCB4's requests for further EIS study in our February 10, 2025 letter⁴ (MCB4 Requests) regarding the draft scope of work (DSOW). The greatest concern is the outdated methodology by relying solely on the CEQR standards and neglecting the cumulative impact of multiple developments within MCD4. The oft repeated phrase "No Significant Impact" throughout the DEIS is a result of avoidance of a true study of the impacts developments are having within MCD4.

MCB4 has called upon the Department of City Planning to fund and conduct a study on the cumulative impact of ULURP approvals since January 2021 on public infrastructure demands, particularly on public safety (e.g., police, fire, and EMT), schools, health care, recreational, and transportation services. This would include a forward perspective study taking into consideration specifically the rezonings in Midtown South (MSMX) and City of Yes, and a review of the future impact of NYCHA (Elliot-Chelsea/Fulton) redevelopment and ESD sites (Site K and Intrepid) that are now in the early stages of development. The study should quantify infrastructure strain, identify service gaps, and forecast future needs to guide equitable capital planning and investment. The study should include the cumulative impact of the possible approval of this ULURP, as an individual ULURP may not trigger certain detailed analysis. MCB4 and the overall community remain concerned about not being proactive and prepared for the influx of new residents, workers and visitors in the coming decades. MCB4 has a proven track record of supporting growth, and we remain committed to doing so by ensuring adequate preparation for and delivery of essential services.

The following details MCB4's requests from the February 10, 2025 letter for further EIS study, the Applicant's response as presented in the DEIS, and follow-up comments and requests from MCB4.

A. LAND USE, ZONING, AND PUBLIC POLICY

MCB4 DSOW Request:⁵

Please study an Alternative Proposal of development on these lots without added bonuses, meaning one that was not a receiving site of development rights from Hudson River Park, nor with the additional residential FAR. We need to understand the incremental difference of impacts between what could be built with a simple zoning change to a commercial zone versus what they plan to build as a receiving site with a 14 FAR.

▪ DEIS Response:

In the Land Use, Zoning, and Public Policy section, this is studied as a "No-Action Condition," in which no zoning changes take place, noted on page 2-20 to 2-21. This alternative condition is an assessment of the expected environmental conditions in 2029 in the absence of the Proposed Actions and is different from MCB4's request for a scenario where a zoning change to a commercial zone takes place.

⁴ [February 10, 2025 MCB4 Letter to Applicant re DeWitt Clinton Park North Draft Scope of Work](#)

⁵ Please note that all subsequent MCB4 DSOW Requests cite requests detailed in the [February 10, 2025 MCB4 Letter to Applicant re DeWitt Clinton Park North Draft Scope of Work](#) for analysis.

- MCB4 Comments:

However, Chapter 20 – Alternatives of the DEIS, considers a “No Special Permit Alternative,” in which the Applicant would seek a rezoning, but would not seek a transfer of development rights from Hudson River Park. **MCB4 requests an Alternative Proposal be studied in the EIS without the added bonuses as a result of the transfer of development rights from Hudson River Park.**

MCB4 DSOW Request:

Please study a plan to address potential flooding in the area due to higher temperatures and rising seas. This should include awareness of current and future flooding potential, especially given the proximity to the Hudson River. This should also include working with the different City and State agencies considering long-term solutions to flood resiliency, including large-scale projects providing coastal protection

- DEIS Response:

The only analysis of the flood risk and resiliency in the DEIS is the following:

“Neither Development Site is waterfront adjacent or located within 2050s 1% Annual Chance Floodplain. Development Site 1 is partially within a moderate risk flood zone with a 0.2% annual chance or greater of being met in any year; development on the Development Site 1 would be built to Appendix G Building Code standard as described throughout the WRP Policy response sections. The Proposed Actions would be consistent with WRP policies by supporting commercial and residential redevelopments in appropriate Coastal Zone areas, protecting ecological systems and water quality within the New York City coastal area, minimizing negative impacts on public health from hazardous materials, increasing climate resilience, and enhancing the public waterfront access(WRP# 23-225).” (pg. 2-6)

- MCB4 Comments:

A study of a plan to address potential flooding due to higher temperatures and rising seas is largely missing. **MCB4 requests that a more detailed study be done in the EIS to address potential flooding in the area beyond the limited technical definitions and limitations of the current CEQR standards, but more expansive to include the 2050 1% chance possibilities.**

B. SOCIOECONOMIC CONDITIONS

MCB4 DSOW Requests:

- *We recommend that the DEIS include an explanation of how the other types of displacement were deemed not to meet the CEQR thresholds before focusing primarily on the indirect residential displacement analysis.*
- *It would be helpful if the DEIS included a brief description of what the Maximum Residential Scenario entails, including the scale and type of development anticipated and a detailed explanation of the criteria used to determine whether and how the Proposed Actions would introduce or accelerate a trend of change in socioeconomic conditions in the area.*
- *Please specify the exact data sources used (e.g., links or citations of databases or reports) in the DEIS to ensure transparency and credibility of the analysis involving “recent available U.S. Census data and current real estate market data.”*

- *Please specify the timeframe over which the increasing rent trends will be assessed for accuracy and context and consider including a discussion of potential confounding factors that could influence rent trends, such as broader economic conditions or policy changes.*
- *The draft mentions that a detailed analysis will be conducted if the preliminary assessment reveals potential for the Proposed Actions to introduce a trend of change in socioeconomic conditions. It would be beneficial for the community to know the criteria or thresholds that would trigger this detailed analysis in the DEIS. Please include in the DEIS a brief description of what such analysis would entail, including any additional data sources or methodologies for community awareness and understanding.*

▪ **DEIS Response:**

The DEIS relies on prior EAS conclusions rather than clearly presenting the screening analysis within the DEIS; does not fully explain why business displacement and industry impacts are excluded; does not clearly state the rent trend analysis timeframe; and does not take into account socioeconomic effects related to the cruise terminal.

▪ **MCB4 Comments:**

MCB4 requests that:

- the FEIS provide a step-by-step explanation of each displacement screening determination;
- the FEIS clearly define study areas and analytical assumptions (including how the Maximum Residential Scenario is applied);
- the FEIS fully disclose all data sources and timeframes used for rent, demographic, and trend analyses; and
- the FEIS present transparent thresholds and calculations that trigger a detailed displacement analysis.

C. COMMUNITY FACILITIES AND SERVICES

MCB4 DSOW Request:

All New York City Public Schools must adhere to the Class Size Law (requiring the reduction of all class sized by 2028). Please study what effect this will have on the need for more space and teachers in elementary and middle schools.

▪ **DEIS Response:**

DEIS Findings on the Project's impact on schools: Conclusion - No significant adverse impacts were determined

The DEIS provides a detailed assessment of the potential indirect effects on public elementary and intermediate (middle) schools in Community School District 2, Subdistrict 3, and concludes that the Proposed Actions would not result in significant adverse impacts to these schools.

Based on the Maximum Residential Scenario (1,242 dwelling units), the project is projected to introduce: 39 elementary school students and 13 intermediate school students.

The DEIS analyzes the "With-Action" condition (future with the project) against the "No-Action" condition (future without the project) for the year 2029.

Elementary Schools

- Capacity: In the With-Action condition, elementary schools in the subdistrict are expected to operate within capacity at a utilization rate of 89.0%.
- Impact: Because the utilization rate remains below 100%, no significant adverse impact is anticipated.

Intermediate (Middle) Schools

- Capacity: Intermediate schools are expected to operate above capacity in the future, regardless of the project.
 - No-Action Condition: Projected utilization of 135.9%.
 - With-Action Condition: Projected utilization of 137.2%, with a deficit of 369 seats.
- Impact: Although the schools will be overutilized, the project does not create a "significant adverse impact" according to CEQR guidelines because it generates fewer than 100 intermediate-school-aged students (specifically, it generates only 13).

▪ MCB4 Comments:

Despite the technical “Action” and “No Action” implications showing “no significant adverse impacts,” there is clearly an Intermediate Schools deficiency. This is likely a correlation between the effects of cumulative developments occurring across the district without an analysis of cumulative impacts.

MCB4 requests that the EIS recognizes the Adverse Impact of pending developments on the Intermediate Schools and offers mitigation.

D. OPEN SPACE

MCB4 Requests:

- *An analysis of the impact of 2,000 new residents on DeWitt Clinton Park and the additional costs associated to preserve and enhance the park with this additional use.*
- *An analysis of the measures which will be in place to ensure the safety of park goers during construction.*
- *A plan for improving the sites with community greening, including the feasibility of planting trees.*

▪ DEIS Response:

The DEIS finds that there is no Significant Adverse Impact, that the Proposed Actions would not result in any significant adverse impacts with respect to open space resources, and that the developer will provide trees as required by the Zoning Resolution of New York City (“ZR”) Section 26- 41. There are numerous additional open spaces within a half mile of the development sites that are not included in the quantitative analysis, including Hell’s Kitchen Park, Gutenberg Playground, Damrosch Park, and Lincoln Center Plaza. These spaces would reduce the burden on open spaces in the study area. because there are sufficient parks and open space in the vicinity of the developments.

▪ MCB4 Comments:

Gutenberg Playground, Damrosch Park, Lincoln Center Plaza, are neither green nor spaces for active recreation. In fact, the reconstruction of Damrosch Park is slated to begin this year. It will

not reopen for years. Hell's Kitchen Park, a small local park, is already heavily used and a half mile walk from the 54th Street proposed development. Lorraine Hansberry Plaza is currently an empty lot. It is unclear when it will be developed as open space and available to the public.

DeWitt Clinton Park, directly across the street from the proposed 54th Street development, has a playground for children, a paved basketball court, a handball court, a playing field, a dog run, benches, trees and flower beds and public restrooms. It has paths for walking and, when baseball and soccer sports teams are playing, provides opportunities for nearby residents to gather and watch the games. Because of its proximity to the Project Area, it will serve as the go-to park for many of the 2,000-plus residents including children, teens, adults, and their animal companions.

A well-maintained nearby park would be an extraordinary amenity for the 2,000-plus new residents at DeWitt Clinton North, as well as a selling point for the Proposed Actions.

MCB4 requests that the EIS recognize the Adverse Impact on DeWitt Clinton Park and offer mitigation. MCB4 supports the developer working in consultation with Councilmember Brewer, the Parks Department, and MCB4 to work out a commitment by the developer to contribute to Parks Department funds to improve, beautify, and maintain DeWitt Clinton Park.

E. SHADOWS

MCB4 DSOW Request:

Please study potential shadow impacts on all surrounding areas, including DeWitt Clinton Park and Hudson River Park, for all daylight hours and during all seasons

- DEIS Response:

The Applicant completed detailed shadows analyses for DeWitt Clinton Park, Hudson River Greenway, Pier 96 and Hudson River Park, Pier 97 at Hudson River Park, Gertrude Ederle Playground, Samuel N. Bennerson Playground, Balsley Park, and the Hudson River. These sites were identified as being within the area of the longest shadow for the Proposed Actions.

Table 6-3 Detailed Analysis Summary of Incremental Shadow Entry/Exit Times

Resource	Analysis Day			
	December 21 8:51AM - 2:53PM	March 21/Sept 21 7:36AM - 4:29PM	May 6/Aug 6 6:27AM - 5:18PM	June 21 5:57AM - 6:01PM
Open Space Resources				
O1 – DeWitt Clinton Park	No incremental shading	No incremental shading	No incremental shading ¹	7:30AM-8:45AM (1 hour 15 minutes)
O2 – Hudson River Greenway	9:20AM-12:18AM (2 hours 58 minutes)	7:36AM-12:10PM (4 hours 34 minutes)	6:27AM-11:55AM (5 hours 28 minutes)	5:57AM-10:37AM (4 hours 40 minutes)
O3 – Pier 96 at Hudson River Park	8:51AM-11:22AM (2 hours 31 minutes)	8:00AM-11:15AM (3 hours 15 minutes)	7:28AM-10:44AM (3 hours 16 minutes)	No incremental shading
O4 – Pier 97 at Hudson River Park	8:51AM-11:30AM (2 hours 39 minutes)	No incremental shading	No incremental shading	No incremental shading
O5 – Gertrude Ederle Playground	No incremental shading	No incremental shading	No incremental shading	No incremental shading
O8 – Samuel N. Bennerson Playground	No incremental shading	No incremental shading	No incremental shading	No incremental shading
O10 – Balsley Park	No incremental shading	No incremental shading	No incremental shading	No incremental shading
Natural Resources				
N1 – Hudson River	8:51AM-12:18PM (3 hours 27 minutes)	7:36AM-10:22AM (2 hours 46 minutes)	6:27AM-8:27AM (2 hours)	5:57AM-8:21AM (2 hours 24 minutes)

Notes:

Per the 2021 CEQR Technical Manual, the selected time zone for the analysis is Eastern Standard Time and daylight-saving time was not used.

¹ There would be no incremental shadows on this resource due to intervening buildings

Page 6-14 onwards details shadow impact and analysis for DeWitt Clinton Park, Hudson River Park, and the Hudson River.

The conclusion is that there is “No Significant Adverse Impact” on the areas studied.

▪ MCB4 Comments:

However, MCB4 notes that the technical definitions of “no impact” do not take into consideration the negative effect on people using the bike lanes and walkways being cast in shadows for up to five and a half hours during the days.

MCB4 requests the EIS recognize the adverse impact of losing five hours of sunlight on the pedestrian and bike paths of Hudson River Park and offers mitigation.

F. URBAN DESIGN AND VISUAL RESOURCES

MCB4 DSOW Request:

Please study the feasibility of designing and planting a robust street tree canopy and vertical greenery to provide both important environmental benefits and a pleasing aesthetic.

- **DEIS Response:**

The DEIS does not address our request for a study of the feasibility of designing and planting a robust street tree canopy and vertical greenery. While it notes the existence of street trees along the development sites as part of its existing conditions description, the DEIS lacks analysis of whether the proposed building footprints, setback configurations, or base heights would accommodate enhanced tree planting, nor does it evaluate vertical greenery options such as green walls or planted façades.

- **MCB4 Comments:**

MCB4 requests that the Applicant consider both the environmental benefits and the aesthetic integration of a robust greening strategy into the final building designs.

With respect to 625 W 54th Street, MCB4 finds that the proposed development at 625 West 54th Street, located adjacent to DeWitt Clinton Park and Hudson River Park along Twelfth Avenue, may result in significant adverse impacts related to urban design, neighborhood character, and visual resources. Based on the massing diagrams and preliminary renderings submitted by the applicant, the proposed bulk, height, and material expression are not consistent with the existing scale and character of the surrounding built environment.

Further, MCB4 notes that the proposed 45-story glass tower element, set back approximately 70 feet from the Twelfth Avenue lot line and rising from a three-story podium base, is inconsistent with the established street walls in the district and the built form along Twelfth Avenue and introduces a tower typology that is not reflective of the prevailing development patterns in the area. MCB4 finds that this configuration may result in adverse urban design impacts, including an erosion of characteristic street wall heights and a pronounced visual presence along the waterfront corridor.

MCB4 finds that the proposed predominantly glass material palette of the tower portion does not adequately reference the surrounding context, which is characterized largely by masonry commercial loft buildings and former warehouse structures. The Applicant has committed that the tower will not have an all-glass façade and will contain vertical and/or horizontal elements characterized by masonry or similar contextual materials (e.g., brick, stone, precast concrete).

With respect to 801 Eleventh Avenue, MCB4 finds that the proposed recessed entrance condition at the northwest corner of West 55th Street and Eleventh Avenue is inconsistent with the established street wall and built context along both frontages and may result in adverse impacts related to urban design and pedestrian experience. MCB4 notes that recessed entry conditions in this area have historically raised quality-of-life and public safety concerns. The Applicant has committed to eliminating the street wall waiver and locating the ground floor of the building at the Eleventh Avenue street line.

Therefore, MCB4 requests that, in accordance with the Applicant's commitments:

- the Applicants further evaluate a redistribution of floor area across the site, including a reduction in overall tower height and a reconfiguration of massing that more closely aligns with lot-line street wall conditions, particularly along Twelfth Avenue, in order to mitigate potential adverse impacts on urban design and neighborhood character;
- the Applicants incorporate masonry and other contextual materials into the tower elevations to better relate the project to the existing built environment, thereby mitigating potential adverse visual resource impacts; and

- with respect to 801 Eleventh Avenue, the applicant revise the entrance design to align with the lot-line street wall on Eleventh Avenue and West 55th Street in order to better integrate the building with existing conditions, reinforce street wall continuity, and mitigate potential adverse impacts on neighborhood character.

G. HAZARDOUS MATERIALS

MCB4 Request:

Please study the potential impact of hazardous materials on the surrounding community, please study the potential impact on ground water, please study potential soil contaminants, and please study the impact of hazardous materials during construction.

▪ DEIS Response:

In the Final Scope of Work in Preparation of a Draft Environmental Impact Statement, it was stated that

“A hazardous materials assessment determines whether the Proposed Actions may increase the exposure of people or the environment to hazardous materials, and, if so, whether this increased exposure would result in potential significant public health or environmental impacts. The potential for significant impacts related to hazardous materials can occur when: (a) elevated levels of hazardous materials exist on a site and the project would increase pathways to human or environmental exposures; (b) a project would introduce new activities or processes using hazardous materials and the risk of human or environmental exposure is increased; or (c) the project would introduce a population to potential human or environmental exposure from off-site sources. The presence or likely presence of any hazardous substance or petroleum products on a site under conditions that indicate an existing release, past release, or a material threat of release of any hazardous substances or petroleum products into structures on the property or into the ground, ground water, or surface water of the property is known as a Recognized Environmental Condition (REC), which must be disclosed under CEQR.”

In the DEIS, it was reported that “The Proposed Actions would not result in significant adverse impacts with respect to hazardous materials with the placement of an E-designation (E-869) on Development Sites 1 and 2.”

▪ MCB4 Comments:

It is concerning that, as was noted, the Phase 1 Environmental Site Assessments identified a Recognized Environmental Condition (REC) and several Business Environmental Risks (BERs) at the development sites. The DEIS asserted that potential impacts would be reduced or eliminated through subsurface investigation and, if applicable, remediation. These issues remain a concern. As does the fact that the DEIS admits “Implementation of the DEP-approved Phase II ESI Work Plan for Development Site 1 has not occurred as of yet since the existing tenant at the site has denied access for further site investigations due to concerns that testing would disrupt and negatively impact business operations.

The fact that this study has not been completed leaves this issue at best an open one, and at worst one that could cause harm to the surrounding area.

A designation on a zoning map is a step in the right direction, but it would be more reassuring with known test and analysis results as opposed to relying on an internal notation to *possibly* conduct a study, and then if necessary, to remediate.

With 133 years of potential impact of auto shops, repairs, and industrial discharges, MCB4 remains concerned about the impact of hazardous materials. With DeWitt Clinton Park, where families and children visit and play every day, just a few feet across the street from one of the Project Areas, MCB4 remains very concerned about the impact of hazardous materials both now and into the future.

MCB4 requests that all environmental studies are completed and that all mitigation measures are in place prior to approvals of any building permits.

H. WATER AND SEWER INFRASTRUCTURE

MCB4 DSOW Request:

Please study the impact on wastewater and storm water on the City's sewage infrastructure both during construction and on completion of the projects.

- DEIS Response:

The DEIS provides an analysis of the project's impact on water and sewer infrastructure upon completion. It notes that the incremental increase in combined sewage flow would represent only approximately 0.04 percent of the North River Water Resource Recovery Facility's permitted capacity of 170 million gallons per day (MGD), and that the facility would retain approximately 55 MGD of available capacity under With-Action conditions. The analysis uses the Maximum Commercial Scenario as the conservative basis, as it generates greater water demand and sewage than the Maximum Residential Scenario. The DEIS states that the Proposed Actions would incorporate best management practices that would be required in accordance with the NYC Department of Environmental Protection (DEP)'s Unified Stormwater Rule (USWR) guidelines, which include requirements for bringing the development sites into compliance with the allowable stormwater release rate. However, the determination of specific best management practice methods are subject to further refinement of the building and site design and DEP consultation, and the chapter does not address infrastructure impacts during the construction phase.

- MCB4 Comments:

MCB4 requests that the Applicant provide a construction-phase stormwater and wastewater impact assessment and mitigation strategy addressing the potential for dewatering discharge, sediment-laden runoff, and other construction-related impacts on the City's combined sewer infrastructure. Additionally, MCB4 requests that the final EIS include specific commitments regarding the green infrastructure and best management practice measures to be implemented at each development site upon completion.

I. TRANSPORTATION

MCB4 DSOW Requests:

- *Please undertake a congestion impact study focused on traffic, noise, and environmental implications during both peak and off-peak hours during construction.*

- *Please study the impact of construction on traffic patterns and any re-routing of traffic in the community and any impact on the West Side Highway.*
- *Please undertake a collaborative plan with the MTA to address potential delays and overcrowding on local bus routes, especially studying plans for a potential increase of the frequency of the M12.*
- *Please study the possibility of sidewalk widenings to compensate for where the existing sidewalk may be narrow.*
- *Please study opportunities to make crossing over to Hudson River Park safer for the new residents as well as for all residents in the area.*
- *Please study a pedestrian safety plan.*
- *Please study a plan for consulting and communicating with the community if and when construction necessitates blocking streets or sidewalks.*
- *Please explore the feasibility of incorporating ample, secure bicycle parking and work with the DOT on measures to harden the bike lanes on 54th and 55th Streets and on 11th Avenue.*
- *Please study if and how the concurrent construction of the Port Authority Redevelopment will interact with the impact on transportation/traffic of this project, and develop mitigation plans accordingly.*

▪ **DEIS Response:**

The DEIS correctly identifies that M57 and M12 service must be increased to compensate for additional ridership.

The DEIS does not include a meaningful analysis of bicycle traffic, despite the rapid growth of cycling in Manhattan, existing bicycle lanes along W 54th Street, W 55th Street, and Eleventh Avenue, and the State's ongoing study of additional West Side Highway corridor improvements.

The DEIS identifies a significant adverse traffic impact at Twelfth Avenue and W 55th Street during the Saturday peak hour and contemplates mitigation through signal timing changes.

▪ **MCB4 Comments:**

MCB4 agrees with the DEIS findings on the need for increased M57 and M12 service and that these enhancements must be in place by the time the new buildings are occupied. We emphasize the need to improve rider comfort and safety along Eleventh Avenue, including upgraded waiting areas and shelters from W 54th Street through W 57th Street.

Given the distance to nearby subway stations, MCB4 expects increased bicycle use by residents, visitors, and delivery workers. The Proposed Actions should thus make significant on-site and curbside bicycle accommodations. MCB4 supports widening and upgrading the W 55th Street bike lane into a two-way configuration to help calm traffic and improve pedestrian safety at crossings.

MCB4 remains concerned about pedestrian safety around the West Side Highway, particularly at the W 55th Street crossing, where traffic movements create dangerous conditions. Safety improvements at this gateway to the highway will benefit new residents as well as the broader Hell's Kitchen community and will improve access to Hudson River Park.

MCB4 is concerned that the Proposed Actions regarding traffic may be infeasible or ineffective if it requires reducing green time for the West Side Highway, which is under the purview of the New York State Department of Transportation (DOT), and notes that this area is becoming a

major residential district at a major highway entrance, increasing conflicts among vehicles, pedestrians, and cyclists.

MCB4 agrees that W 57th Street and Eleventh Avenue is a dangerous intersection and should be addressed with pedestrian and bus-rider safety improvements.

MCB4 supports streetscape measures that enhance the pedestrian experience, including closely spaced elongated tree pits, and expects that building operations will not compromise sidewalk access (including that garbage staging will occur within a loading dock and not on the sidewalk). Sidewalk widening does not appear necessary for this Project.

Therefore, MCB4 requests that:

- M57 and M12 service be increased, with service enhancements implemented no later than building occupancy, and that bus waiting areas on Eleventh Avenue and bus shelters be installed at all stops from W 54th Street through W 57th Street to ensure and improve the quality of the commute;
- the EIS include an analysis of bicycle traffic and that the Project provide a substantial allocation of parking dedicated to secure bicycle parking, supported by one or more in-roadway bicycle corrals and a large in-roadway bike-share station adjacent to the site entrances;
- the W 55th Street bike lane be widened and upgraded into a permanent two-way bike lane to calm traffic and improve pedestrian crossing safety;
- the Applicant coordinate with NYC and State DOT to improve pedestrian safety at and around the West Side Highway, including at the West 55th Street crossing, through measures such as shorter crossing distances, exclusive turning signal phases, and increased pedestrian walk time;
- traffic mitigation for the Saturday peak-hour impact at Twelfth Avenue and West 55th Street be revisited with realistic assumptions regarding State DOT signal constraints, and that alternatives, including diverting some highway-bound traffic to West 57th Street, be evaluated if signal timing reductions on highway approaches are infeasible;
- safety improvements be implemented at West 57th Street and Eleventh Avenue, including bus waiting areas, protected turning signal timing (including red-arrow protections where appropriate), and bulb-outs;
- elongated tree pits be installed at close intervals to improve the pedestrian experience, and that Con Edison access be provided from within the building where feasible; if not, utility grates should be located between tree pits in the furnishing zone;
- all refuse and garbage staging occur within a building loading dock and never on the sidewalk; and
- the Applicant present a construction-period traffic and pedestrian management approach that minimizes disruption to traffic operations and maintains safe, continuous pedestrian access along sidewalks and crossings.

J. AIR QUALITY

MCB4 DSOW Requests:

- *Please study air quality impacts from project-generated vehicle trips, as well as heat and hot water systems.*
- *Please study impacts on air quality from on-site construction emissions and off-site mobile source emissions that result from construction equipment, delivery trucks, fugitive dust, and worker vehicles*

- *Please study an asbestos and other hazardous materials remediation plan, including an emergency exposure plan for all residences within the 1/2-mile radius. This should go beyond merely developing measures to “minimize potential exposure.”*
- *Please study the traffic delays resultant from the project, especially during construction. Those delays will translate into engine idling with further negative impacts on air quality. Please analyze those impacts and provide quantitative results. Similarly, concrete delivery trucks will also queue and idle, further affecting air quality. Please analyze those impacts and quantify the results. Idling for hours will affect air quality. Where will the cement trucks be queued up?*
- *Please study the use of low carbon and carbon negative building materials for all elements of the proposed project. Please also study incorporating CO₂capturing building materials.*
- *Please study the air quality impact of construction on De Witt Clinton Park and Hudson River Park and the families and children using these parks.*

▪ **DEIS Response:**

The Air Quality section does not address emissions related to traffic idling, congestion, or stop-and-go conditions near the project site. As a result, it is unclear whether localized vehicle-related air quality impacts have been fully evaluated.

While the Transportation study estimates the number of trips generated by the project, it does not analyze traffic flow or idling conditions, and no additional information is provided to support the Air Quality analysis.

In addition, demolition and construction activities may release dust, asbestos, or other hazardous materials into the air. The DEIS does not clearly describe how construction-related air quality impacts would be monitored or managed, or what measures would be in place to protect nearby residents, workers, and pedestrians

▪ **MCB4 Comments:**

Therefore, MCB4 requests:

- a localized air quality analysis of project-generated vehicle trips, including congestion, stop-and-go conditions, and idling, with quantitative results;
- an analysis of emissions and air quality impacts from building heat and hot water systems, including the fuel/source assumptions and expected operational emissions profile;
- a construction-period air quality analysis covering on-site emissions and off-site mobile source emissions associated with construction activity, including construction equipment, delivery trucks, fugitive dust, and worker vehicles, with quantitative results and clearly stated assumptions;
- an analysis of traffic delays attributable to the project, especially during construction, and the resulting idling emissions, including concrete delivery truck routing, staging/queuing locations, expected idling duration, and quantified air quality impacts;
- a detailed asbestos and hazardous materials remediation plan, including an emergency exposure plan for residences within a one-half-mile radius, that goes beyond general statements about minimizing exposure;
- evaluation and adoption, where feasible, of low-carbon and carbon-negative building materials across the project, including CO₂-capturing materials where appropriate; and

- an assessment of construction-related air quality impacts on DeWitt Clinton Park and Hudson River Park, including potential exposures affecting families and children using these parks, with protective measures informed by the findings.

K. GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

MCB4 DSOW Requests:

- *Please study a plan to address potential flooding in the area due to higher temperatures and rising seas. This should include awareness of current and future flooding potential, especially given the proximity to the Hudson River. This should also include working with the different City and State agencies considering long-term solutions to flood resiliency, including large scale projects providing coastal protection*
- *Please provide confirmation that the Proposed Project will comply with Local Law 33 of 2018/Local Law 95 of 2019 requiring owners of certain buildings over 25,000 square feet to obtain the Building Energy Efficiency Rating labels and display them near building entrances.*
- *Please provide confirmation that the Proposed Project is meeting the requirements of Local Law 97 of the Climate Mobilization Act (CMA) which requires most buildings over 25,000 square feet to meet greenhouse gas emissions limits*

▪ DEIS Response:

The DEIS concludes that the project would comply with New York City climate policies, including local laws, but much of this compliance is based on future actions rather than firm commitments. The DEIS does not clearly explain which measures will be used, when they will be implemented, or how long-term compliance will be ensured.

While flood resilience measures are described, additional clarity is needed to better understand how the project will reduce greenhouse gas emissions and remain resilient to future climate conditions, especially given the site's location in a coastal, flood-prone area.

▪ MCB4 Comments:

Therefore, MCB4 requests:

- a comprehensive plan addressing current and future flooding risks associated with sea level rise and climate change impacts, with clear assumptions and coordination with relevant City and State agencies on long-term resiliency solutions, including large-scale coastal protection projects;
- confirmation that the Proposed Project will comply with Local Law 33 of 2018 / Local Law 95 of 2019 regarding Building Energy Efficiency Rating labels and required posting near building entrances, as applicable; and
- confirmation that the Proposed Project will comply with Local Law 97 of the Climate Mobilization Act, including applicable greenhouse gas emissions limits for buildings over 25,000 square feet.

L. NOISE

MCB4 DSOW Requests:

- *Please provide a noise analysis showing that the mechanical equipment will not result in any significant increases in noise levels, either by itself or cumulatively with other project noise sources.*
- *Please study the potential impact of construction high decibel levels.*

- *Please study the noise impact of construction on a wide area around the construction sites. Mitigation measures must extend to residential uses in that area.*
- *Extraordinary construction related traffic delays caused by construction will generate traffic backups. MCB4 has experienced that serious traffic backups create impatient motorists and significant car horn honking. This impact should be studied, quantified and mitigated with enforcement personnel and noise surveillance cameras.*
- *Please study the impact to tenants and commercial users of buildings, once completed, of noise from the West Side Highway.*
- *Please study the impact of noise on surrounding parks.*
- *Please study the mitigation on noise during construction.*

▪ **DEIS Response:**

The DEIS assumes mechanical equipment noise will be acceptable based primarily on compliance statements; does not discuss cumulative noise impacts; monitoring locations do not reflect park edges, playgrounds, or the most affected residences; construction noise mitigation language remains vague (e.g., “where feasible”); and does not take into account noise effects from the cruise terminal.

▪ **MCB4 Comments:**

Therefore, MCB4 requests that:

- the Applicants commit to enforceable measures for mechanical equipment placement, screening, and noise limits (not solely compliance-based conclusions);
- the Proposed Actions include monitoring that covers DeWitt Clinton Park and other sensitive outdoor spaces, including park edges and playground areas;
- the FEIS define construction noise mitigation measures with specificity, including monitoring and a response framework (with clear standards rather than “where feasible”); and
- the FEIS address cumulative noise impacts, including from the cruise terminal, to the extent relevant to the affected area.

M. PUBLIC HEALTH

MCB4 DSOW Requests:

- *Please provide an analysis of what impact thousands of new residents might have on the potential health care demands, including the use of emergency services, of the community. Please include in the analysis the impact on the district of the recent impending closure of the Beth Israel Hospital and Emergency Room.*
- *Please study the availability and accessibility of public transportation to medical, behavioral health, and dental facilities.*
- *Please study the impact on the ability to obtain timely doctor appointments and patient services, both for existing residents and the new ones.*
- *Please study the impact on the current EMS catchment area and its EMS station ability to provide emergency services.*
- *Please study the response time of EMS, FDNY, and NYPD to each of the sites and, as necessary, to the nearest appropriate hospital (such as for Trauma).*
- *Please study how the residents and workers of the Proposed Actions will have access to food in general, and healthy and affordable options in particular.*

▪ DEIS Response:

It was noted that the Project Area is located in a developed area that is served by existing police, fire, and healthcare services, and would not introduce a sizeable new neighborhood. The Applicant believes that the Proposed Actions do not have the potential to result in significant environmental impacts related to police, fire and healthcare services and no further analysis on these services is warranted.

▪ MCB4 Comments:

With a combined 1,094 new dwelling units between the two Project Areas, MCB4 remains concerned about the impact on Public Health and the areas we noted above, both for the existing residents, workers, and visitors as well as the new ones. This is especially so as no analysis or studies were done on the topics we requested above.

MCB4 requests a detailed analysis of the studies requested in February 2025 as to the impacts of close to 2,000 new residents on the demands on our health care systems.

N. CONSTRUCTION

MCB4 DSOW Requests:

- *Please study the use of bird-friendly glass and windows with a frit-dot pattern in all buildings. These materials will also make the buildings easier to heat and cool, reducing energy needs.*
- *Please Study: Please provide detailed plans for managing construction-related traffic, emphasizing minimizing disruption and ensuring resident safety as well as minimizing noise for Dewitt Clinton Park users.*
- *Please study a plan to control and contain and remove construction debris.*
- *Please study a rat abatement plan.*
- *Please develop a plan to work with the nearby community and MCB4 during the construction phase to keep the community, and the developers, informed of any potential problems so they can be quickly resolved.*
- *Please study the impact the construction schedule will have on the surrounding area in general, and on current and planned future construction in a 2-mile surrounding radius, up to the point of planned completion of this proposed project. For example, the impact on the construction on Pier 94.*
- *Please study a plan for consulting and communicating with local schools and social service programs on pedestrian safety during construction.*
- *Please study developing and implementing a complementary public safety and social services plan to manage scaffolding and construction site conditions.*
- *Please study the impact construction will have on nearby NYC Sanitation facility and salt storage units.*

▪ DEIS Response:

The DEIS treats analysis as sufficient without committing to mitigation; explicitly states a community communication plan is “not required”; lacks enforceable commitments on construction coordination, complaint response, and real-time monitoring; does not clearly address cumulative construction impacts in the surrounding area; and does not consider construction effects from the cruise terminal.

▪ MCB4 Comments:

Therefore, MCB4 requests that:

- the Proposed Actions require a Construction Community Protection Plan, including:
 - designated community liaison;
 - advance notice of disruptive work;
 - complaint response timelines;
 - regular coordination with MCB4; and
 - real-time monitoring during high-impact phases.
- the Proposed Actions include debris management and rodent abatement plans with defined responsibilities and enforcement mechanisms; and
- the FEIS analyze cumulative/overlapping construction impacts in the surrounding area, including cruise terminal-related construction effects where applicable.

O. ALTERNATIVES

MCB4 DSOW Request (for Land Use, Zoning, and Public Policy):

Please study an Alternative Proposal of development on these lots without added bonuses, meaning one that was not a receiving site of development rights from Hudson River Park, nor with the additional residential FAR. We need to understand the incremental difference of impacts between what could be built with a simple zoning change to a commercial zone versus what they plan to build as a receiving site with a 14 FAR.

▪ DEIS Response:

This chapter on alternative conditions in the DEIS considers a “No Special Permit Alternative,” in which the Applicant would seek a rezoning, but would not seek a transfer of development rights from Hudson River Park. This No Special Permit Alternative would result in 219 fewer units of housing, and 65 fewer permanently affordable units compared to the Proposed Actions. The DEIS also noted that anticipated significant adverse impacts of the Proposed Actions would still occur under the No Special Permit Alternative. The Applicant declined MCB4’s request to utilize MIH Option 2, citing that compliance with Section 485-x of New York State Real Property Tax Law would render the projects financially unviable, and the projects must therefore continue to utilize MIH Option 1 (25% of floor area at an average of 60% AMI).

The following table, extracted from the DEIS, also notes the differences in square footage and the number of market rate and affordable units with and without the Special Permit, in the maximum commercial and maximum residential scenarios.

Table 20-1

Future No-Action and With-Action Comparison

Maximum Commercial Scenario¹

		With-Action Condition	No Special Permit Alternative	Difference
Auto Dealership (GSF)		0	0	0
Commercial Retail (GSF)		87,036 ²	87,036 ²	0
Commercial Office (GSF)		112,714	112,714	0
Residential	GSF	939,934	754,215	-185,719
	DUs	1,094	875	-219
	<i>Affordable DUs</i>	<i>219 to 328</i>	<i>175 to 263</i>	<i>-44 to -65</i>
TOTAL GSF		1,179,321	993,603	-185,719
Population		1,838	1,470	-368
Workers		756	748	-8

Maximum Residential Scenario

Auto Dealership (GSF)		88,559 ²	88,559 ²	0
Commercial Retail (GSF)		0	0	0
Commercial Office (GSF)		0	0	0
Residential	GSF	1,066,176	881,942	-184,234
	DUs	1,242	1,025	-217
	<i>Affordable DUs</i>	<i>248 to 373</i>	<i>205 to 308</i>	<i>-43 to -65</i>
TOTAL GSF		1,194,373	1,010,139	-184,234
Population		2,087	1,722	-365
Workers		138	130	-8

Notes:

¹ The Proposed Projects are similar to the Maximum Commercial Scenario, except that in lieu of commercial retail and office uses, the Proposed Projects would have 199,750 GSF of auto dealership use.

² Includes commercial loading area.

■ MCB4 Comments:

MCB4 appreciates the response from the Applicant to study the alternative conditions through a No Special Permit Alternative in the DEIS. However, MCB4 specifically requested an alternative proposal that studied the difference of impacts between what could be built with a simple zoning change to a commercial zone, without added bonuses through additional development rights and additional residential FAR. The No Special Permit Alternative studies the condition of the zoning map amendment and zoning text amendment that would also allow the transfer of residential FAR.

Therefore, MCB4 requests that:

- The FEIS studies a “No Added Bonuses Alternative,” which studies an alternative development scenario in which the Applicant would only seek zoning map amendments from an M2-3 and M2-4 zoning district to C4-7 zoning district.

- The Applicant increases the percentage of affordable units from 25% of residential floor area to 30% of the overall floor area of the entire development.

CONCLUSION

MCB4 is the only Community Board in New York City with an affordable housing plan⁶ with projections for development that bring both market rate and affordable housing into our community. We recognize that the Proposed Actions provide an opportunity for new housing in MCD4. However, there remains a number of shortcomings in the proposal that must be addressed before any zoning text amendments and special permits can be approved. The issues we present are surmountable with commitments from the development team to bring forward a thoughtful and integrated scheme.

We look forward to working in partnership with the Applicant to ensure that a respectful and successful mixed-use development occurs at these sites that enriches the lives of current residents as well as our new neighbors.

Sincerely,



Leslie Boghosian Murphy
Chair
Manhattan Community
Board 4



Paul Devlin
Co-Chair
Clinton/Hell's Kitchen
Land Use Committee



Rachel Lee
Co-Chair
Clinton/Hell's Kitchen
Land Use Committee

Cc: Hon. Zohran Mamdani, Mayor
Hon. Brad Hoylman-Sigal, Manhattan Borough President
Hon. Julie Menin, NYC Council Speaker
Hon. Gale Brewer, NYC Council
Applicant Team

⁶ [MCB4 2025 Affordable Housing Plan](#)



BOROUGH PRESIDENT RECOMMENDATION

Project Name: Dewitt Clinton Park North (801 Eleventh Avenue)	
Applicant: 801 11th Avenue LLC	Applicant's Administrator: Wesley OBrien
Application # 260060ZSM	Borough: Manhattan
CEQR Number: 25DCP049M	Validated Community Districts: M04

Docket Description:

IN THE MATTER OF an application submitted by 801 11 Ave., LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 89-21* of the Zoning Resolution: 1. to allow the distribution of 64,392 square feet of floor area from granting sites (B-G1*, Block 1109, p/o Lot 25 and a portion of Marginal Street, Wharf or Place; B-G2*, Block 1107, p/o Lots 5 and 14; B-G3* Block 662, p/o Lots 11, 16, 19, and a portion of Marginal Street, Wharf, or Place) to a receiving site (B-R3*, Block 1103, Lot 36); and 2. to modify the street wall location requirements of Section 35-631(a) (Street wall location); in connection with a proposed mixed use development on property located at 801 11th Avenue (Block 1103, Lot 36), in a C4-7** District, within the Special Hudson River Park District (HRP)** and the Special Clinton District (CL), Borough of Manhattan, Community District 4. *Note: a Zoning Text amendment is proposed to modify several sections of Article VIII, Chapter 9 (Special Hudson River Park District) under a concurrent related application (N 260014 ZRM). **Note: the development site is proposed to be rezoned by changing an M2-4 District to a C4-7 District, and by establishing a Special Hudson River Park District (HRP), under a concurrent related application for a Zoning Map change (C 260013 ZMM). Plans for this proposal are on file with the City Planning Commission and may be seen on the Zoning Application Portal at <https://zap.planning.nyc.gov/projects/2024M0244>, or at 120 Broadway, 31st Floor, New York, NY, 10271-0001.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Favorable

Please attach any further explanation of the recommendation on additional sheets as necessary

CONSIDERATION: See attached

Recommendation submitted by	MN BP	Date: 3/25/2026 5:32 PM
-----------------------------	-------	-------------------------



OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN
THE CITY OF NEW YORK

1 Centre Street, 19th Floor, New York, NY 10007
(212) 669-8300

431 West 125th Street, New York, NY 10027
(212) 531-1609

www.manhattanbp.nyc.gov

Brad Hoylman-Sigal, Borough President

March 25, 2026

Recommendation on Dewitt Clinton Park North ULURP Applications:

Dewitt Clinton Park North (801 Eleventh Avenue) - ULURP Application Nos. C260015ZSM, C260013ZMM, N260014ZRM, 260201LDM, and 260202LDM by 801 11th Avenue LLC; and

Dewitt Clinton Park North (629 West 54th Street) - ULURP Application Nos. N260062ZRM, C260060ZMM, C260061ZSM, 260199LDM, and 260200LDM by 760 12th LLC

PROPOSED ACTIONS

801 11th Avenue LLC and 760 12th LLC (the "Applicants") are proposing multiple land use actions to facilitate a new 38-story mixed-use development and a new 44-story mixed-use development (the "Proposed Projects") located at 801 11th Avenue (Block 1103, Lot 36) and 629 West 54th Street (Block 1102, Lot 11), in Manhattan Community District 4 (the "11th Avenue Site" and the "12th Avenue Site" respectively, or the "Development Sites").

The Applicants propose the following actions:

1. Zoning map amendments to:
 - a. Rezone portions of M2-3 and M2-4 districts to C4-7 districts (the "Rezoning Areas");
 - b. Establish the Special Hudson River Park District ("SHRPD") on the Rezoning Areas as well as Piers 81/83, Pier 98, and a portion of Chelsea Piers (the "Granting Sites");
2. Zoning text amendment to:
 - a. Designate the Granting Sites¹, designate the Rezoning Areas as Receiving Sites, and create new identifiers;
 - b. Generally apply use and bulk regulations of M2-3 and M2-4 districts to the Development Sites;

¹ Chelsea Piers (Block 662, p/o Lots 11, 16, 19, and a part of Marginal Street, Wharf, or Place); Piers 81/83 (Block 1107, p/o Lots 5 and 14); and Pier 98 (Block 1109, p/o Lots 25 and p/o Marginal Street, Wharf, or Place)

Dewitt Clinton Park North (801 11th Avenue and 629 W 54th Street)

- c. Allow the use and bulk regulations of C4-7 districts and a maximum residential floor area ratio (FAR) of 14.4 for the Development Sites if they receive a special permit for the transfer of development rights;
 - d. Allow automobile and other motor vehicle dealers to include repair services or preparation of vehicles for delivery;
 - e. Apply requirements of the SHRPD in areas within both the SHRPD and Special Clinton District; and
 - f. Amend Appendix F to designate the Development Sites as Mandatory Inclusionary Housing (MIH) areas permitting Options 1 and 2;
3. Zoning special permits to:
- a. Transfer floor area from the Granting Sites to the Receiving Sites;
 - b. Waive street wall requirements for the 11th Avenue Site; and
 - c. Grant bulk waivers for the 12th Avenue Site for base height and setback requirements.

These actions would facilitate the development of two residential buildings containing approximately 1,160-1,240 residential units, approximately 270-370 of which would be affordable, and multi-story commercial use contemplated as automobile dealerships.

BACKGROUND

The Development Sites are located in the Special Clinton District, which was established in 1974 west of 8th Avenue from West 41st to 59th Streets to preserve the scale and character of the core residential area of Clinton and to redirect future development to the neighborhood's perimeter². The Development Sites were then included in the West Clinton Rezoning of 2011, which rezoned 18 blocks from West 43rd Street to West 55th Street west of 10th Avenue to allow for residential development and encourage compatible new manufacturing uses west of 11th Avenue³.

In 1998, the New York State legislature passed the Hudson River Park Act⁴ to establish the Hudson River Park Trust (the "Trust"). The Trust governs Hudson River Park, which spans 550 acres of Manhattan's waterfront on the west side from Chambers Street to 59th Street. In 2016, Hudson River Park Act was amended and the Special Hudson River Park District (SHRPD) was established in the New York City Zoning Resolution to facilitate the transfer of development rights (TDR) from granting to receiving sites and establish a special permit allowing for modification of bulk regulations on the receiving site⁵. Three previous projects have utilized the TDR mechanism in the SHRPD

² Special Clinton District zoning text and map amendment (CP-22758)

³ West Clinton Rezoning (C 110177 ZMM)

⁴ Hudson River Park Act (NY LEGIS 592 (1998))

⁵ 550 Washington Street / Special Hudson River Park District (N 160308 ZRM)

Dewitt Clinton Park North (801 11th Avenue and 629 W 54th Street)

– St. John’s Terminal development⁶, 601 West 29th Street⁷, and 606 West 30th Street⁸. Pier 40 and Chelsea Piers are the existing granting sites in the SHRPD that provided development rights for those projects.

The 11th Avenue Site currently contains two vacant two- and three-story buildings that were previously a commercial auto dealership. The 12th Avenue Site currently contains a six-story commercial auto dealership.

Proposed Developments

The proposed actions would facilitate two proposed developments: a 38-story, 485-foot-tall building containing approximately 322,000 zoning square feet (ZSF) of residential use and 64,400 ZSF of commercial use at the 11th Avenue Site; and a 44-story, 550-foot-tall building containing approximately 422,000 ZSF of residential use and 84,400 ZSF of commercial use at the 12th Avenue Site. Each Proposed Project would have a FAR of 14.4.

Both applications also propose alternate developments that would maximize residential floor area by reducing commercial floor area. The alternate developments would contain approximately 368,300 ZSF of residential use and 18,000 ZSF of commercial use, and approximately 483,500 ZSF of residential use and 22,600 ZSF of commercial use, respectively.

The Proposed Projects would generate over 1,000 units of housing, with various housing production scenarios outlined in Figure 1. MIH Option 1 requires that a quarter of the residential floor area be designated as affordable to households earning incomes with an average not exceeding 60% of the Area Median Income (AMI), while Option 2 requires 30% of residential floor area be designated as affordable to households earning incomes not exceeding an average of 80% AMI. The Applicants have yet to determine unit mix or which MIH Option would be utilized, so anticipated residential units are estimates subject to change.

⁶ 550 Washington Street / Special Hudson River Park District (N 160308 ZRM)

⁷ 601 West 29th Street -Douglaston (C 180129A ZSM)

⁸ 606 West 30th Street – Lalezarin (C 180152A ZSM)

Figure 1. Residential Unit Production Scenarios

		11th Avenue Site		12th Avenue Site		Combined Total	
		MIH Option 1 60% AMI	MIH Option 2 80% AMI	MIH Option 1 60% AMI	MIH Option 2 80% AMI	MIH Option 1 60% AMI	MIH Option 2 80% AMI
Proposed Development	Market-Rate Units	328	304	463	432	791	736
	Income-Restricted Units	119	143	154	185	273	328
	Total Residential Units	447		617		1,064	
Alternate Development	Market-Rate Units	406	379	526	491	932	870
	Income-Restricted Units	135	162	175	210	310	372
	Total Residential Units	541		701		1,242	

The three Granting Sites that would be established in the SHRPD are Pier 98, which has approximately 65,900 sf of development rights available, Piers 81 and 83, which have approximately 211,200 sf of development rights available, and Chelsea Piers, which has approximately 289,200 sf of development rights available. All three Granting Sites are located in Community District 4 ("CD 4"). The 11th Avenue Site would receive approximately 64,400 square feet in development rights, and the 12th Avenue Site would receive approximately 84,400 square feet in development rights.

The Developers will pay the Trust at least \$200 per square foot⁹ of development rights: approximately \$12.9 million for floor area transfer to the 11th Avenue Site; and \$16.9 million for floor area transfer to the 12th Avenue Site. The Trust has indicated that at least 80% of revenue from the purchase of development rights would be used to repair and redevelop Pier 76 in Hudson River Park, which is located approximately one mile south of the development sites, and up to 20% dedicated to future capital maintenance needs of the park within CD 4.

Both projects would include commercial space on the first through third floors that would maintain the current automobile dealership use, facilitated by the special permit.

⁹ Following fair market appraisal, price per square foot may exceed, but will be no less than, this required minimum amount.

Area Context

The Proposed Projects are located in the Hell's Kitchen neighborhood of Manhattan CD 4. The surrounding area is primarily zoned for light and medium industrial uses (M1-5, M2-3, M2-4), as well as high-density residential and commercial uses (C4-7, C6-2, C6-3X, R9, R8, and R8A). The Sites are also located in the Clinton Special District – the 11th Avenue Site is in Subarea C1 and the 12th Avenue Site is in Subarea C2.

Busses are the primary public transit service for both Sites, including the M12, M57, M31, and M50 buses. The subway stations in the area are located 3-4 blocks to the east, with the A, B, C, D, and 1 trains at 8th Avenue and the E, B, D, N, Q, R, and W trains at 7th Avenue.

The Sites are located in the Clinton Special District – the 11th Avenue Site is in Subarea C1 and the 12th Avenue Site is in Subarea C2. Commercial and industrial uses in the surrounding area include a Department of Sanitation Garage serving Districts 4 and 7, numerous commercial auto dealerships, commercial and medical offices, and the Terminal 5 music venue. DeWitt Clinton Park and Hudson River Park are the nearest public open spaces.

COMMUNITY BOARD RESOLUTION

On January 14, 2026, Manhattan Community Board 4 ("CB 4")'s Clinton Hell's Kitchen Land Use Committee (CHKLU) voted to recommend approval of the project with conditions.

On February 4, 2026, CB 4 held a public hearing, with no members of the public testifying. Subsequently, the Full Board of CB 4 voted 33-1-1 to recommend **disapproval of the project with conditions**. The resolution was finalized at the Executive Committee Meeting on February 23, 2026.¹⁰ CB 4's comments and conditions are summarized below:

Overall, CB 4 is supportive of housing and high density at this location, and has included these sites in their Affordable Housing Plan since 2015.¹¹ However, CB 4 requests that the Applicants modify the Proposed Projects by meeting the following **conditions**:

1. **Building Height and Bulk:** Reduce the height of the Twelfth Avenue building to 450 feet to have the buildings step down towards the river, 100 feet lower than the Applicant's initially-proposed height of 550 feet. The Applicants have

¹⁰ [Manhattan CB 4 Affordable Housing Plan, Revised June & July 2025](#)

¹¹ [Manhattan CB4 Letter to DCP RE: ULURP Application DeWitt Clinton Park North \(801 Eleventh Avenue & 629 West 54th Street\), February 23, 2026](#)

indicated willingness to reduce the height to 510 feet, and feasibility of doing so without reducing residential floor area;

2. **Streetwall Requirements:** Maintain existing streetwall requirements for the Eleventh Avenue building, with no setback, recess, or entry plaza, citing quality of life and public safety concerns. The Applicants have indicated willingness to consider this request.
3. **Twelfth Avenue Building Facade:** Modify the facade of the Twelfth Avenue building to include more masonry, brick, or precast elements. The Applicants have indicated willingness to redesign the tower portion of the building consistent with this request;
4. **Affordability, Family Size Apartments, and Distribution:**
 - a. Increase the percentage of affordable units to 30% of the square footage of the entire building, up from 25% of residential floor area, including moderate- and middle-income affordable units. The Applicants have indicated that this request is not feasible;
 - b. Provide at least 20% of units as two- or three-bedroom homes. The Applicants have indicated willingness to provide 15% two- or three-bedroom units; and
 - c. Distribute affordable units across 80% of floors. The Applicants have indicated willingness to distribute affordable units across 70% of the floors, 5% more than the distribution required by MIH;
5. **Parity and Inclusivity:** Provide identical finishes and equipment across market rate and affordable units, and provide affordable amenity space for tenants of affordable units. The Applicants have committed to identical finishes and identical (or comparable) appliances for market-rate and affordable units;
6. **DeWitt Clinton Park Improvements:** Agree to a negotiated contribution to current capital projects at DeWitt Clinton Park. The Applicant has indicated willingness to consider this request;
7. **Jobs:** Agree to building maintenance jobs through 32BJ SEIU. The Applicants have committed to meeting this request; and
8. **Construction Task Force:** Establish a construction task force to communicate with the public and neighbors during the construction period. The Applicants have indicated willingness to establish a construction task force with meetings as frequent as once every three months during active construction.

BOROUGH PRESIDENT'S COMMENTS

The proposed applications represent an important opportunity to address our housing crisis by adding over 1,000 apartments, including hundreds of permanently affordable apartments, to Manhattan's West Side, where despite having access to waterfront and neighborhood parks, wide streets, public transit, schools, jobs, and other neighborhood amenities, housing is not currently allowed. The two sites in these applications make sense for the high-density residential and commercial development proposed and have been included in the CB 4 Affordable Housing Plan¹² since 2015.

I appreciate the ongoing discussions between the Applicants, the Community Board, elected officials, and other stakeholders. The Applicants have expressed a willingness to make changes based on multiple community requests, including increasing the percentage of masonry, brick, or pre-cast elements in the 12th Avenue Building façade and confirming an agreement with 32BJ SEIU for building maintenance jobs, which I applaud. I also appreciate that the Applicants have consented to forming a construction task force that would meet every three months.

While the Applicants have shown a willingness to make modifications based on community requests, a number of Community Board conditions are unresolved due to financial considerations. Among the financial constraints cited by the Applicants are those associated with the 485-x tax incentive, as well as the likelihood that fair-market appraisal of Hudson River Park's development rights will result in a higher price-per-square foot than the minimum established. Nonetheless, I believe more can be done to ensure adequate public benefits are delivered by the Proposed Developments without compromising their financial feasibility.

I echo the Community Board's support for 14.4 FAR and assertion that height reduction should be achieved through bulk redistribution, not FAR reduction. In response to the Community Board's request that the maximum height of the 12th Avenue Building be reduced from 550 feet to a maximum height of 450 feet, the Applicants have indicated that a maximum height of 510 feet can be achieved without resulting in a floor area reduction. I recognize that this means shifting the bulk of the building toward the base, which may increase the perceived size of the building from the pedestrian point-of-view. Similarly, the desire for building heights to step-down toward the Hudson River may result in bulk being concentrated away from wide streets and open space, contrary to conventional planning best practice. Acknowledging these tradeoffs, I urge the applicant to formally commit to a maximum height at or below 510 feet, and to codify such commitment in an amended application prior to City Planning Commission (CPC) and/or City Council vote.

¹² [Manhattan CB 4 Affordable Housing Plan, Revised June & July 2025](#)

Dewitt Clinton Park North (801 11th Avenue and 629 W 54th Street)

As the area transitions from a mix of primarily industrial and commercial uses to a mix that includes more residential uses, it is important for the public realm to adapt to be more welcoming to new and existing residents. The goal should be to minimize conflicts between the existing and proposed auto-centric uses and the increase in pedestrian activity that will result from building over 1,000 new homes. Particular areas of focus include the intersections around 12th Avenue and Route 9A (also known as the West Side Highway), as identified in the EIS, and 55th Street between 11th and 12th Avenues, where the sidewalk is interrupted by numerous curb cuts. I ask the Applicants to make streetscape improvements including introducing additional lighting and street trees or other green infrastructure, improving the sidewalk surface, minimizing curb cuts, and ensuring that intersections and crosswalks are visible and safe.

The 12th Avenue Project Applicant should also engage with the New York State Department of Transportation (NYSDOT) regarding the ongoing comprehensive mobility and safety study of Route 9A, which has highlighted the need for longer crossing periods and expanded bike and pedestrian paths, especially near the Manhattan Cruise Terminal and the 12th Avenue Site. I urge the Applicant to participate in future public meetings and coordinate closely with NYSDOT to ensure that streetscape improvements associated with the 12th Avenue Project work in tandem with the study's findings.

Citing quality-of-life and public safety concerns, Community Board 4 has recommended denial of the request for a street wall waiver for the 11th Avenue Project, which would allow for an additional 10-foot setback along 11th Avenue for improved pedestrian circulation at the residential entrance. I am agnostic to this request, but note that 611 West 56th Street, a 99-unit building located one block to the north, has a setback similar to that proposed and has not been a source of concern, and that the introduction of over 1,000 new residential units will significantly increase pedestrian activity, which the proposed setback could help accommodate.

By establishing an MIH area with Options 1 and 2, these applications guarantee that future residential development will result in permanently affordable housing. Given our citywide affordability crisis, we need to prioritize the deepest levels of affordability possible. Our borough desperately needs homes for families at 60% AMI, which is currently \$87,480 for a family of three¹³, and MIH Option 1 would deliver between 273-310 of those units without the need for public subsidy. However, I recognize CB 4's support for Option 2, which would provide a higher percentage of income-restricted units for families with somewhat higher incomes. I recognize that both MIH Options 1 and 2 have their strengths, so I support maintaining both options for maximum flexibility.

¹³ [Area Median Income - HPD](#)

Dewitt Clinton Park North (801 11th Avenue and 629 W 54th Street)

The community board has urged the Applicants to exceed MIH requirements in several ways. I support their request for affordable units to be distributed on more than 65% of residential floors and have identical finishes and equipment to market-rate units, and ensuring that tenants of affordable units can access amenity spaces. These commitments are important for ensuring equity among building residents. I also support the Community Board's request for more family-sized units with two- to three- bedrooms.

Finally, I join the Community Board in stressing the importance of DeWitt Clinton Park to the Proposed Projects. While the purchase of development rights from the Trust will provide funding for improvements to Hudson River Park, the vast majority of those improvements will take place at Pier 76, which is located one mile south of the Proposed Projects, and they do not offset the need for improvements to DeWitt Clinton Park.

DeWitt Clinton Park is rightly the namesake for these applications because it will be a backyard for the new residents living across the street or down the block. While an impact on the park was not identified in the EIS and no mitigations are required, it should be noted that the park is heavily used today and in need of capital improvements to maintain state-of-good-repair, and that park usership should be expected to increase substantially with the addition of over 1,000 new residential units nearby. The New York City Department of Parks and Recreation (DPR) has identified approximately \$12 million in existing capital needs to improve the public restrooms and playground, and I urge the Applicants to support efforts by DPR to facilitate those necessary improvements for the benefit of the future residents of the Proposed Projects and the neighborhood at large.

These ULURP applications are an opportunity to make a significant dent in our borough's housing crisis while funding major improvements to Hudson River Park, all without requiring public subsidy. They represent a substantial increase in density and change in use for two large sites, and they require substantial public realm improvements to help support that change. I appreciate the Applicants' willingness to consider modifications and commitments that will ensure the best possible outcomes for current and future residents of the neighborhood. I look forward to welcoming new residents to Manhattan's West Side.

BOROUGH PRESIDENT'S RECOMMENDATION

Therefore, I recommend **approval** of ULURP Application Nos. C260015ZSM, C260013ZMM, N260014ZRM, 260201LDM, and 260202LDM and ULURP Application Nos. N260062ZRM, C260060ZMM, C260061ZSM, 260199LDM, and 260200LDM **with the following conditions:**

1. **Building Height and Bulk** - Establish a maximum height at or below 510 feet for the 12th Avenue Project. The height should be reduced to the maximum extent feasible without resulting in floor area reduction, requiring new bulk waivers, or substantially altering the perceived bulk or harming the pedestrian experience of the Proposed Project. The modified maximum height should be codified in an amended application prior to CPC and/or City Council vote;
2. **Public Realm Improvements** - Make streetscape improvements including introducing additional lighting and street trees or other green infrastructure, improving the sidewalk surface, minimizing curb cuts, and ensuring that intersections and crosswalks are visible and safe. Such improvements should be completed prior to issuance of a Temporary Certificate of Occupancy by the Department of Buildings;
3. **Maximize Affordability and Equity**
 - a. Provide at least 20% family-sized, two- to three- bedroom units;
 - b. Distribute affordable units on at least 80% of residential floors;
 - c. Provide identical finishes to market-rate units;
 - d. Ensure that tenants of affordable units can afford to access amenity spaces;
 - e. Explore creative financing opportunities to provide a higher proportion of affordable units than required by MIH;
4. **DeWitt Clinton Park Improvements** - Collaborate with DPR to advance capital improvements to the public restrooms and/or playground at DeWitt Clinton Park, which will serve as the backyard for future residents of the Proposed Projects.



Brad Hoylman-Sigal
Manhattan Borough President