



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

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**DELORES RUBIN**  
Chair

**Jesse R. Bodine**  
District Manager

June 8, 2016

Hon. Carl Weisbrod  
Chair  
City Planning Commission  
120 Broadway, 31<sup>st</sup> Floor  
New York, NY 10271

**Re: Delays on Site 7 Development**

Dear Chair Weisbrod,

On June 1, 2016, MCB4, by a vote of 39 for, 0 against, and 1 present but not eligible to vote, voted **to recommend approval** of requests by the Clinton Housing Development Company (CHDC) for a series of actions to mitigate unanticipated delays on CHDC's Site 7 project (Site 7). •

**Background**

On January 6, 2014, Manhattan Community Board 4 (MCB4) overwhelmingly recommended approval by the Department of Housing Preservation and Development (HPD) of the City of New York ("City"), joined in part by 525 West 52nd Street Property Owner LLC (Taconic Investments Partners, LLC and Ritterman Capital, Inc., partnering with the Clinton Housing Development Company (CHDC) ••, for a series of actions related to properties located in Manhattan Community District 4 on Block 1080 and Block 1081, which are bounded by West 53rd Street to the north, Tenth Avenue to the east, West 51st Street to the south, and Eleventh Avenue to the west. (See attached January 6, 2014 letter to Department of City Planning: Re Clinton Urban Renewal Area (CURA) Site 7).

The application sought a series of actions needed to effectuate the development of three buildings located at 525 West 52nd Street, 540 West 53rd Street, and 556-560 West 52nd Street.

On May 11, 2016, the Clinton Housing Development Company presented to MCB4's Clinton/Hell's Kitchen Land Use and Zoning Committee an update on the construction of the buildings. According to CHDC, because of a delay by a tenant to relocate and delays from encountering more, and more solid, rock than anticipated, it will not be able to provide the 52,812sf of inclusionary housing generated floor area to Taconic prior to Taconic's Temporary

Certificate of Occupancy (TCO) date of August 31, 2018. In order to deliver floor area to Taconic as quickly as possible, CHDC sought support from MCB4 for the following actions:

1. Modification of the existing Large Scale General Development Plan;
2. Disposition through the Urban Development Action Area Program (UDAP) by HPD of additional adjacent floor area from City-owned site at 545 West 52nd Street; and,
3. Partial Temporary Certificate of Occupancy (TCO) and partial Certificates of Completion from HPD's Inclusionary Housing Department for five floors of the building.

### **Clinton Urban Renewal Area**

Most of the Block 1081 project area and the Block 1080 project area were mapped within the former Clinton Urban Renewal Area (CURA) in August 1969. The CURA was generally bounded by West 50th Street to the south, West 56th Street to the north, Tenth Avenue to the east, and Eleventh Avenue to the west. The properties affected by this application's actions are among the last undeveloped parcels in the former CURA.

In 1969, the City's mandate was nothing less than the "redevelopment of the CURA in a comprehensive manner, removing blight and restoring the residential character of the CURA with appropriate support facilities." The goals were clear: provide for a range of income bands in housing that exhibited good design in terms of privacy, light, air, and open space while providing community facilities, parks, retail uses, and parking.

### **Consequences of Delay**

The land at 540-548 West 53rd Street and development rights from 545 West 52nd Street were acquired by CHDC from the city on April 30, 2015 for CHDC's Site 7 project — a development that will create 103 units of permanently affordable low, moderate and middle income housing and provide a permanent relocation site for two long standing neighborhood businesses. (The project, according to CHDC, will also generate additional funds through the sale of Inclusionary Housing floor area which will further fund CHDC's development of affordable housing in Community District 4.) As part of the financing of the project, CHDC sold 34,024sf of adjacent floor area (from 545 West 52nd, 540 West 53rd, and 554 West 53rd) and 52,812sf of (yet to be generated) Inclusionary Housing floor area to Taconic on April 30, 2015.

At the date of acquisition there was one existing site tenant, Dave's Collision, which had been temporarily relocated to the site from 505 West 51st Street on July 11, 2008. Dave's Collision's relocation back to their original site at 505 West 51st Street was tentatively scheduled for May 30, 2015 with the completion of a purpose-built garage at 505 West 51st Street. If Dave's Collision relocated on May 30, 2015, the project was expected to obtain a Temporary Certificate of Occupancy by June 30, 2017.

Due to a hold-out by Dave's Collision, the relocation did not occur until November 3, 2015, a delay of five months. Once construction proceeded, it was discovered that the site contained much more rock than anticipated by the engineer-prepared geotechnical report. Delays due to the

quantity and hardness of rock led to an additional time delay of three months, for total delays to date of eight months. As a result of the delays, CHDC will not be able to provide the 52,812sf of inclusionary housing generated floor area to Taconic prior to Taconic's TCO date of August 31, 2018. Taconic cannot occupy 52,812sf of floor area in its building or close on its permanent financing until the CHDC TCO is achieved and approved by HPD.

**Mitigation**

To mitigate the damage to Taconic, CHDC proposes three solutions to deliver floor area to Taconic as quickly as possible.

1. Modification of Large Scale Plan to reflect the more modest renovation of 545 West 52nd Street as an arts Center, Hell's Kitchen Studios
2. The original ULURP dated May 11, 1994 included the Women's Interart Center's (WIC) plan to create an arts center at 545 West 52nd Street, which included a horizontal expansion of floors 2-10, totaling 21,452 square feet. The City later terminated its contract with WIC due to nonperformance, resulting in a series of lawsuits. The final appeal on that litigation was decided in favor of the City on April 5, 2016. •••The current plans for 545 West 52nd Street as Clinton/Hell's Kitchen Studios includes a full renovation with a modest addition of a code compliant fire stair and lobby totaling 2,440 square feet, leaving 19,012 square feet for transfer to the Site 7 Project as adjacent floor area.
3. Obtaining a partial TCO in five floors of the building and partial Certificates of Completion from Inclusionary Housing.

The redevelopment of the CURA has been a focus of community and MCB4 efforts in the neighborhood for four decades. There have been numerous attempts to assemble a proposal to develop the sites in this application in a manner consonant with the community's aspirations and the CURA goals. Manhattan Community Board 4 was very pleased that a plan to develop these particular sites was first proposed, approves the current proposed actions, and expects the project will be completed.

Sincerely,



Delores Rubin  
Chair



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

- Joe Restuccia, a member of MCB4 who serves on the Clinton/Hell's Kitchen Land Use Committee is Executive Director of Clinton Housing Development Company. Mr. Restuccia did not present the requests to the Clinton/Hell's Kitchen Land Use Committee and recused himself from voting both at the committee meeting and the CB4 Board Meeting.
- Clinton Housing Development Company (CHDC) was partnering with Taconic/Ritterman on this development. Ritterman is no longer involved in the project.
- Although WIC's lawsuit against the City concerning the termination of the contract of sale for the property entered into by EDC is over, WIC has a claim against the City and CHDC for money damages that is pending before the Supreme Court judge. It does not impact future development of the property. Additionally CHDC has a judgment in Landlord Tenant Court of possession against WIC to remove it from 549 West 52nd street, with the warrant of eviction stayed through August 31.



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**CHRISTINE BERTHET**  
Chair

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

January 31, 2014

Ken Knuckles  
Vice Chair  
NYC Department of City Planning  
22 Reade Street  
New York, NY 10007

**Re: Clinton Urban Renewal Area (CURA) Site 7  
ULURP #s: 140181ZMM, N 140182 ZRM, 140183 ZSM  
N 140184 ZCM, 140185 HAM**

Dear Vice Chair Knuckles,

Manhattan Community Board 4 (MCB4) is pleased to provide its recommendation on an application by the Department of Housing Preservation and Development ("HPD") of the City of New York ("City"), joined in part by 525 West 52nd Street Property Owner LLC (Taconic Investments Partners, LLC and Ritterman Capital, Inc.), for a series of actions ("Project") related to properties located in Manhattan Community District 4 on Block 1080 and Block 1081, which are bounded by West 53rd Street to the north, Tenth Avenue to the east, West 51st Street to the south, and Eleventh Avenue to the west. Clinton Housing Development Company ("CHDC") is partnering with Taconic/Ritterman on this development.

The application seeks a series of actions needed to effectuate the development of three buildings located at 525 West 52nd Street, 540 West 53rd Street, and 556-560 West 52nd Street. These actions are:

1. Zoning map amendments to Section Map 8c;
2. Amendments to the text of the Zoning Resolution;
3. Urban Development Action Area Project ("UDAAP") designation, project approval, and disposition;
4. Large Scale General Development ("LSGD") Special Permit; and,
5. Certification to allow more than one curb cut on a zoning lot.

A public presentation on the proposed development and the required zoning actions was presented to the Clinton/Hell's Kitchen Land Use and Zoning Committee on December 11, 2013. A second public presentation on this application was presented to Manhattan Community Board 4 at its Full Board Meeting on January 6, 2014. Manhattan Community Board 4 recommended approval of the application by a vote of 35 for, 1 against, and 1 present but not eligible to vote. \*

## **HISTORY**

Most of the Block 1081 project area and the Block 1080 project area were mapped within the former Clinton Urban Renewal Area ("CURA") in August 1969. The CURA was generally bounded by West 50th Street to the south, West 56th Street to the north, Tenth Avenue to the east, and Eleventh Avenue to the west. The properties affected by this application's actions are among the last undeveloped parcels in the former CURA.

In 1969 the City's mandate was nothing less than the "redevelopment of the CURA in a comprehensive manner, removing blight and restoring the residential character of the CURA with appropriate support facilities." [1] The goals were clear: provide for a range of income bands in housing that exhibited good design in terms of privacy, light, air, and open space while providing community facilities, parks, retail uses, and parking.

These goals have been the focus of community and MCB4 efforts in the neighborhood for four decades. There have been numerous attempts to assemble a proposal to develop the sites in this application in a manner consonant with the community's aspirations and the CURA goals. Manhattan Community Board 4 is very pleased that a plan to develop these particular sites has been proposed and presented to the community. The Board has learned that the present application took almost two years to work out. The complexity of the application demonstrates why.

## **DESCRIPTION OF PROPOSED DEVELOPMENTS**

If approved, this application will facilitate construction of two new buildings, the rehabilitation of a third, and the creation of three new community gardens. The community gardens will be operated via a key that can be purchased at MCB4. This key will allow you access to these new parks as well as several existing parks in the neighborhood. The gardens at 548 West 53<sup>rd</sup> Street and 560 West 52<sup>nd</sup> Street will be disposed of to CHDC while the garden at 543 West 52<sup>nd</sup> Street will remain in City-ownership. (In the Application the new buildings are designated as "Building C" and "Building D" and the rehabilitated building as "Building F." In this letter, however, we shall refer to Building C as the Clinton Housing Development Company Development Site ("CHDC Building"), since; Building D as the Taconic/Ritterman Development Site ("Taconic/Ritterman Building"); and Building F as the Captain Post Development Site ("Captain Post Building").

### **CHDC Building**

Clinton Housing Development Company, partnering with Taconic/Ritterman, plans to develop on West 53rd Street a 12-story brick and masonry structure containing a total of 118,216 zoning square feet. The street frontage of the CHDC building will be 146 feet in width at the ground floor and stand 143 feet high.

The new building will provide approximately 103 dwelling units, all of which will be permanently affordable to low-, moderate- and middle-income households. It will provide approximately 23 low-income units, 54 moderate-income units, and 26 middle-income units. The apartments will range in size from studios to 3-bedroom units.

In addition, the CHDC Building will provide approximately 14,000 gross square feet of commercial space for vested CURA tenants Cybert Tire (“Cybert”) and LeNoble Lumber (“LeNoble”) on the ground floor and additional 12,000 gross square feet below. (There is an additional 13,500 gross square feet in the Taconic/Ritterman building to meet the requirements of the HPD MOU with LeNoble.)

Cybert, an automobile repair business, has occupied 726 Eleventh Avenue since 1916. It has been in City-ownership since the site was condemned by the City as part of the CURA in 1969. In 2006 Cybert agreed to relocate to 540 West 53rd Street in order to facilitate development of its current location into the new Irish Arts Center.

LeNoble, a lumber sales center, has been a tenant on these blocks since 1965 and has occupied multiple locations in the CURA (540 West 53rd Street, 500-508 West 53rd Street, 509 West 52nd Street, and 542-544 West 53rd Street) over the years.

In order to facilitate development of those sites in accordance with the CURA plan, LeNoble consolidated its operations in 2005 and temporarily moved off site with the expectation to return to the CURA. In accordance with an MOU with the City, any future development of CURA Site 7 will provide commercial space for LeNoble to return. LeNoble is presently operating its lumber store in Long Island City and is not planning to relocate its lumber operation in the immediate future. However, LeNoble will provide other local retail or service use on the site. The goal is to secure an affordable supermarket tenant to meet neighborhood needs. Should that not prove possible, CHDC and LeNoble have committed to consult with CB4 prior to selecting a non-supermarket tenant. Such use will be consistent with the proposed zoning text amendment.

### **Taconic/Ritterman Building**

Taconic/Ritterman plans to develop a building which will have 14 stories (or 174 feet 2 inches (including rooftop and mechanical spaces) on West 52nd Street and have maximum heights of 22 stories (or 263 feet including penthouse and mechanical space) on its West 53rd Street frontage. It will provide approximately 405 rental housing units, of which 20 percent (approximately 81 units) will be permanently affordable to low-income households. The balance will be market rate. Financing for the project is anticipated to be obtained through the New York State HFA 80-20 tax-exempt program.

The building will provide approximately 20,914 zoning square feet of ground floor commercial floor area to LeNoble. Additional commercial space associated with LeNoble will be located below grade in the cellar. Including below grade area, there will be in total approximately 57,000 square feet of new commercial space located on the ground and cellar floors of the CHDC and Taconic/Ritterman buildings.

Below grade, in addition to the space associated with LeNoble, the Taconic/Ritterman building plans to provide an accessory parking garage with approximately 50 spaces accessed by a curb cut on West 53rd Street. This capacity is less than the number of spaces that could be developed as a matter of right pursuant to ZR Section 1312; spaces equal to 20 percent of the proposed 690 dwelling units, or up to 138 spaces, would be permitted. Also located in the cellar will be bicycle

parking for 203 bicycles in approximately 2,000 square feet of area.

### **Captain Post**

The application will facilitate the development and rehabilitation of the historic Captain Post Building at 556-560 West 52nd Street, a vacant five-story former commercial loft building with original brick façades. The adjacent 25 foot by 100 foot side yard is currently used for outdoor storage. The building was constructed in 1883 for the Travers Brothers Company, a twine, cordage and hammock-making company. In 1948, the building was sold for use as a canning facility to the Captain Post Horse Radish & Pickle Company.

CHDC will undertake a renovation of the building, including restoration of the historic cast iron storefront and replacement of the wood windows on the building's north facade. The renovation will also include a partial sixth-floor addition set back from both the northern and southern building facades. The building height will increase from 85 feet to 91 feet (100 feet to the bulkhead). The approximately 2,500-square foot storage yard, located immediately to the west of the building, will be converted to a keyed community garden.

All 22 Captain Post units are affordable. The building will provide approximately 22 units of low- and moderate-income housing for households earning between 80 and 100 percent of AMI in approximately 14 two-bedroom units and 8 studios. Construction will be funded by HPD's Multifamily Preservation Loan Program (MPLP) program, development rights equity, and Historic Preservation Tax Credits. [2]

### **PROPOSED ACTIONS**

In this letter, the actions specific to each of the two blocks are discussed separately in order to clearly distinguish between what each set of actions is proposed to effectuate. The text amendments and the UDAAP affect both blocks.

#### **Block 1081**

These actions will facilitate the development of two new buildings with approximately 508 dwelling units (of which approximately 184 will be affordable to low-, middle-, and moderate-income households), relocation of existing non-residential uses in approximately 57,000 gross square feet of commercial floor area, and approximately 4,741 square feet in two new landscaped accessible community gardens. The project area ("Block 1081 Project Area") encompasses the total area affected by the proposed Block 1081 rezoning ("Block 1081 Rezoning Area") and a proposed Large Scale General Development.

#### **Action 1: Zoning Map amendments (Section Map 8c)**

- Change an M1-5 (SCD) District to an R9/C2-5 (SCD) District; and,
- Change an R8A District to an R9/C2-5 (SCD) District.

Within an M1-5 district, neither residential uses nor many retail uses (for example, food stores with over 10,000 square feet in floor area) are permitted. In an R8A district, only residential and community facilities are permitted (Use Groups 1-4). The proposed rezoning on Block 1081 from M1-5 (SCD) and R8A (SCD) to R9/C2-5 (SCD) would allow the development of



residential and community facility uses in the CHDC and Taconic/Ritterman buildings (Use Groups 1-2 and 3-4), thereby furthering the trend toward residential use in West Clinton. The bulk permitted under the proposed R8A (SCD) and R9/C2-5 (SCD) districts would be consistent with other existing midblock buildings in the area and with that allowable in the C6-3 district (an R9-equivalent district) along Tenth Avenue to the east.

In conjunction with the proposed text amendments described below, the mapping of a C2-5 overlay district on the proposed R9 (SCD) district would allow for the relocation of title-vested tenants and either their historic uses or local retail or service uses in accordance with the MOUs. It will also allow the continued operation of commercial uses that are currently located within 545 West 52nd Street.

*Manhattan CB4 recommends approval of the Zoning Map amendments. The relocation of Cybert Tire and LeNoble lumber has been a consistent requirement throughout MCB4's reviews of proposed developments of this area. The Board strongly approves the inclusion of these businesses in the proposed building sites. At the Clinton/Hell's Kitchen Land Use Committee meeting on December 11, 2013, LeNoble stated that it was seeking an affordable supermarket to occupy the space. LeNoble and CHDC agree to consult with the community and the Board in selecting another tenant or tenants if a supermarket tenant cannot be secured.*

#### **Action 2: Zoning Resolution ("ZR") Text Amendment**

•Amend ZR Section 96-00 Appendix A Map to extend the Inclusionary Housing ("IH") Program on portions of Block 1081 by means of amending the boundary of "Other Area-Western Subarea C2 ("Subarea C2") in the Special Clinton District ("SCD") Map:

**Amendment 1** — Amend ZR Section 96-32 to modify the IH income bands within certain R9 district within in the SCD.

This proposed text amendment will, in conjunction with the zoning map changes described above, allow for the provision in the CHDC building of approximately 103 housing units that are affordable to a wide range of incomes: approximately 23 units of low- (80 percent of AMI), 54 units of moderate- (100 and 125 percent of AMI), and 26 units of middle- (165 percent of AMI) income housing.

*Provisions for these income bands exist in the Special Hudson Yards District and MCB4 strongly urges they be applied to this project. It is clear to this Board that the mandate to maintain the Clinton Special District as an economically diverse community can only be achieved with housing affordable to a wide range of incomes.*

**Amendment 2** — Amend ZR Section 96-32 to add language that permits the continuation of existing and previously approved uses within a Large Scale General Development plan in the CL.

ZR Section 96-32, Special Regulations in R9 Districts would be amended so as to allow uses that have historically existed in the Project Area to continue and expand as conforming uses, reflecting the Clinton/Hell's Kitchen historic character. Specifically, Cybert Tire is an auto repair

use (Use Group 16); LeNoble Lumber is a lumber store (Use Group 8, but with limitation to size). These businesses are subject to MOUs with HPD that allow them to locate and operate in the Block 1081 Project Area.

The proposed text amendment would define as permitted uses the following: automotive service establishments (Use Group 16) and lumber stores of any size (Use Group 8, without limitation to size) within an LSGD in Western Subarea C2. This would allow Cybert and LeNoble to relocate their businesses in accordance with their HPD MOUs.

In addition, the proposed text will grandfather longstanding uses within an existing 10-story City-owned building on a City-owned site located on Block 1081. The building, at 545 West 52nd Street, is currently occupied by several arts-related community facility and commercial uses: not-for-profit theater, rehearsal space, and accessory office; scenery construction; performing and visual artists' studios; film production offices; and commercial and not-for-profit art galleries that provide exhibitions, film, and music programs and artists' studios. Other uses in the building include non-profit theater and performing and visual artists' studios, which would be conforming uses under the proposed zoning. [3]

The application proposes text to explicitly allow certain uses that have historically existed within the Project Area or surrounding neighborhood to continue to operate and expand, in accordance with overall goals of the CURA. This action would also allow the continued operation of title-vested industrial urban renewal businesses and cultural and cultural-support uses within the LSGD.

*MCB4 recommends approval of these zoning text amendments. Preserving the viability of long-term businesses in this area has been a consistent goal of the Board. And allowing uses which have historically existed in the community will help maintain the neighborhood's mixed-use character and preserve and expand cultural uses.*

**Amendment 3** — Amend the boundary of the Inclusionary Housing ("IH") -designated area on Map 2 in ZR Appendix F in order to extend the IH to portions of Block 1081.

**Amendment 4** — Amend Map 2 in ZR Appendix F, which currently does not include Block 1081 within the IH-designated area, in order to extend IH to portions of the Project Area.

The proposed text amendment would extend the Inclusionary Housing-designated area on Block 1081 to encompass the proposed LSGD. This will help to effectuate the creation on Block 1081 of approximately 184 units of housing that will be affordable to a range of incomes, not just low income, but middle and moderate as well.

*MCB4 strongly recommends approval of these zoning text amendments. The Board has long been an advocate for housing that is permanently affordable and available to a range of low, moderate, and middle incomes. This is vital if we are to preserve an economically diverse population in Hell's Kitchen. In this Project, 39% of the units will be permanently affordable.*

**Action 3: Urban Development Action Area Project ("UDAAP") Area Designation, Project**

### **Approval, and Disposition**

- Dispose of property at 530-548 West 53rd Street ("1081 Land") in order to effectuate a new development
- Dispose of unused development floor area at 530-548 West 53rd Street and 543-551 West 52nd Street ("1081 Air Rights") in order to effectuate a new development.

The proposed projects require approval of certain actions by the City Planning Commission, which are subject to the Uniform Land Use Review Procedure ("ULURP") pursuant to Section 197-c of the City Charter, specifically, designation as an Urban Development Action Area Project. The applicants submit that the development area consists of "underutilized vacant land that tends to impair or arrest the sound development of the surrounding community, with or without tangible physical blight' and that "the project activities would protect and promote health and safety and would promote sound growth and development." Therefore, the Disposition Area is eligible to be an Urban Development Action Area and the proposed project is therefore eligible to be an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law.

*MCB4 recommends approval of this disposition of City-owned property.*

### **Action 4: Large Scale General Development Special Permit (bulk waivers) pursuant to ZR Section 74-743**

- A special permit to allow transfer of floor area within a LSGD pursuant to ZR Section 74-743 (a) (1);
- A special permit for bulk modifications in a LSGD pursuant to ZR Section 74-743 (a) (2) to allow for the location of buildings without regard for the applicable height and setback regulations set forth ZR Sections 35-24 and 23-663.

According to the applicant, these waivers would allow the Taconic/Ritterman building to provide a stepped profile, transitioning from the lower building heights of the CHDC building and the older existing buildings on the LSGD to the west and the Archstone Clinton North development to the east. They will also permit the LSGD to provide increased light and air to the open spaces at the interior of the block.

As well, the applicant says, the rear yard setback waiver requested for the Taconic/Ritterman building will provide for more functional building floorplates and apartment layouts. By means of this waiver, bulk can be shifted from the front of the building to the rear, providing a more varied and interesting façade and enhancing the streetscape experience.

The waiver on the northern portion of the Taconic/Ritterman building will be for a depth of 7 feet 1 inch; that on the southern portion of the Building will be 3 feet 1 inch and 7 feet 1 inch in depth. The rear yard equivalent in the building will range from 65 feet 10 inches to 69 feet 10 inches in width, exceeding the minimum required depth and thus ensuring that adequate light and air will still be provided to residents and surrounding buildings.

CHDC says that the rear yard setback waiver requested for its building will provide for more functional building floorplates and apartment layouts. The building will nonetheless enjoy

adequate light and air, CHDC points out, due to the contiguity of the building's open area with that of adjacent buildings within the zoning lot. A rear yard of more than 30 feet will be provided, ensuring that adequate light and air will still be provided to residents and surrounding buildings.

*MCB4 supports the applicants request for height and setback waivers and agrees with the applicants that "these waivers of maximum base height and setback will permit the construction of two buildings that would concentrate LSGD development on the eastern portion of the LSGD, pulled away from the historic lower-rise structures to the west. They will allow for a street wall that reflects the historic Clinton/Hell's Kitchen characteristic massing of bulky manufacturing, utility, warehouse, and loft structures on the midblocks of side streets, with lower rise structures along the avenues."*

*Nevertheless, the Board has concerns about the height of the proposed buildings on a narrow street and strongly urges Taconic/Ritterman and CHDC to work with Mercedes House and Archstone Clinton, two developments on West 53rd Street, to mitigate the effect of a high street wall by improving the sidewalk experience on both West 52nd Street and West 53rd Street with expanded street tree beds and appealing plantings throughout the year. The applicants have also agreed to provide pedestrian perimeter lighting as a vital component to making the street inviting.*

*MCB4 recommends approval of a special permit for these height and setback waivers.*

**Action 5: Certification pursuant to ZR 26-15 to allow more than one curb cut on a zoning lot on West 53rd Street**

- A certification to allow three curb cuts rather than one curb cut along the northern (West 53rd Street) SCGD frontage.

The West 53rd Street frontage is 525 feet in length and currently has 11 curb cuts comprising over 190 linear feet. The proposed waiver will provide for three curb cuts, to serve the permitted accessory parking garage in the Taconic/Ritterman building, the required LeNoble loading berth, and to serve the Cybert auto repair facility in the CDHC building. The total linear footage of the proposed curb cuts would be approximately 69 feet, a reduction in curb frontage of almost two-thirds.

*MCB4 recommends approval of a certification to allow three curb cuts on West 53rd Street to provide for Cybert and LeNoble's business operation requirements.*

Block 1080

The proposed Project Area comprises the zoning lot containing the Block 1080 Rezoning Area and the Development Site located at 556-560 West 52nd Street ("Captain Post"). These actions will facilitate the development of the Captain Post building with approximately 22 dwelling units (of which will be affordable to low- and moderate-income households) and an approximately 2,437-square foot community garden.

In addition, the applicant notes, the proposed actions will advance the completion of the redevelopment of Block 1080, bounded by West 52nd Street to the north, Tenth Avenue to the east, West 51st Street to the south, and Eleventh Avenue to the west. This block was designated in the CURA and has been the subject of targeted and coordinated actions based upon long-term comprehensive planning between the City and local community. The proposed actions, in keeping with the past efforts, will continue to meet the goals of CURA by restoring existing residential character through preservation and new construction with associated community uses.

**Action 1: Zoning Map amendments (Section Map 8c)**

- Change an R8 (SCD) District to an R8A (SCD) District

Extending the R8A zoning district will allow buildings with an FAR of 5.4, which may be increased to 7.2 pursuant to the IH. The R8A district would require a streetwall of between 60 and 85 feet and a maximum building height of 120 feet. The rezoning, in conjunction with the proposed text amendment described below to extend the boundaries of Western Subarea C2 and the IH-designated areas map to the Rezoning Area will make the zoning district, Western Subarea C2 and IH-designated area boundaries conterminous, and will make the IH applicable on the entirety of the Project area.

The proposed rezoning of the western section of the midblock to R8A (SCD) will require building forms that are more in context with the developments on the west side of West 52nd Street. It will require streetwall buildings, which exist along Eleventh and Tenth Avenue frontages. This will help to ensure that future development of the remainder of the City-owned Lot 103 (Duncan PAL site) be reflective of the surrounding neighborhood context along the avenue frontages.

**Action 2: Zoning Resolution ("ZR") Text Amendments**

- Amend ZR Section 96-00 Appendix A map to extend the Inclusionary Housing ("IH") Program to portions of Block 1080 by means of amending the boundary of "Other Area — Western Subarea C2" (Subarea C2) in the SCD Map;
- Amend ZR Sections 96-31 to modify the IH income bands within certain R8 districts within the SCD;
- Amend the boundary of the IH-designated area on Map in ZR Appendix F in order to extend the IH portions of Block 1080.

*MCB4 recommends approval of Actions 1 and 2 in order to make the Inclusionary Housing program applicable to the entire Project area. The Board reiterates its strong support for housing that is permanently affordable and available to a range of low, moderate, and middle incomes to serve an economically diverse population in Hell's Kitchen.*

**Action 3: UDAAP Area Designation, Project Approval, and Disposition**

- Dispose of the property at 556-560 West 52nd Street ("1080 Disposition Area") in order to effectuate the new development.

*MCB4 recommends approval of the disposition of this City-owned site.*

## SUMMARY

Manhattan Community Board 4 is extremely pleased that the applicants have formulated a plan that, if enacted, will finally develop in a manner consistent with the goals of the community and this Board the penultimate portion of CURA Site 7. The Board commends the applicants for the approximately 206 *permanently* affordable units and the addition of three community gardens to the neighborhood. And this Board is strongly supportive of provisions for mixed income bands in the Clinton District and urges their adoption.

The Board is also pleased that Taconic/Ritterman and CHDC have agreed to address the following concerns:

1. All affordable housing developed on the Project site will be affordable in perpetuity through a restrictive declaration to those households with incomes that fall within the respective income ranges set forth in the application;
2. All units in the Taconic/Ritterman building will be randomly distributed throughout all floors of the building;
3. All finishes and fixtures in the Taconic/Ritterman building will be the same for all units;
4. All amenities in the Taconic/Ritterman building will be open to all market-rate and affordable tenants. For fee-based amenities, there will be a reduced fee for the affordable tenants;
5. The applicants will co-operate with a MCB4 Construction Task Force to deal with construction effects (noise, street closings, sanitation pickup, rat baiting, etc.) on the adjacent community;
6. The sidewalk of West 53rd Street will be enhanced with expanded street tree beds, planted with flair;
7. The applicants will contact Archstone Clinton and Mercedes House in an effort to coordinate street improvements and West 52 and West 53rd Street should be illuminated with pedestrian perimeter lighting; and
8. CHDC and LeNoble will consult with the Board and the community should its negotiations for an affordable supermarket on 53rd Street fall through.

Thank you,



Christine Berthet  
Chair



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

\* Joe Restuccia, a member of MCB4 who serves on the Clinton/Hell's Kitchen Land Use Committee is Executive Director of Clinton Housing Development Company. Mr. Restuccia recused himself from voting.

[1] Second Amended Urban Renewal Plan

[2] The rezoning and disposition of the Captain Post site are included in the Site 7 ULURP. Captain Post and 464 West 25th Street are part of a single financing package. The two buildings are incorporated into a single loan under HPD's Multifamily Preservation Loan Program. 464 West 25<sup>th</sup> Street will provide for 4 additional permanently affordable units.

[3] This building was the subject of 1994 land use approvals allowing for the disposition of the City-owned site to facilitate the expansion of the existing 10-story building with a new 9-story addition in place of the existing, adjacent 1-story garage and an adjacent 25 foot x100 foot vacant lot (940648 HUM, C940649 ZSM, and C 940650 HDM). This disposition is currently subject to litigation. Consistent with the 1994 approvals, this application preserves the proposed building envelope and the 73,772 zoning square feet necessary to achieve that expansion, which is reflected in the zoning calculations on Z-030 (attached). The building is currently mapped within the M1-5 district of the Excluded Area. The adjacent Garden is currently mapped within the R8A (SCD) district within the Excluded Area. It is currently a vacant parcel used as construction staging for the Park Clinton project. This application will preserve the status quo of the 1994 land use approvals while facilitating the production of 184 units of permanently affordable housing on the surrounding properties.

CC: Brad Hoylman, NY State Senator  
Richard Gottfried, NY State Assemblymember  
Jerrold Nadler, Congressmember  
Gale Brewer, Manhattan Borough President  
Corey Johnson, NYC Councilmember  
Thehbia Walters, HPD  
Taconic/Ritterman  
Clinton Housing Development Company