



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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

CHRISTINE BERTHET
Chair

NELLY GONZALEZ
Acting District Manager

October 10, 2014

Carl Weisbrod
Director
Department of City Planning
22 Reade Street, 2nd Floor
New York, NY 10007

Re: Special Clinton District – Mid-Block Rezoning Proposal

Dear Director Weisbrod:

At the recommendation of its Clinton/Hell's Kitchen Land Use and Zoning Committee, Manhattan Community Board 4 recommends approval of the proposed text amendment to the Special Clinton District (SCD), which would prohibit certain uses in the mid-block portion of the Preservation District, and submits it to the Department of City Planning for review and consideration.

The amendment is necessary to preserve the residential character of the SCD, as mandated in the zoning that was approved to create the district in 1974, from being radically altered by the expansion and proliferation of incompatible establishments into primarily residential streets.

The proposed text amendment language is underlined below:

§96-106

Special regulations for existing storefronts

Any vacant ground floor store in an underlying #Residence District# may change to a conforming #use# or to a #use# listed in Use Group 6, excluding banks; cigar stores; and eating or drinking establishments: including 1) those which provide outdoor table service or have music for which there is no cover charge and no specified showtime, 2) those with musical entertainment but not dancing, with a capacity of 200 persons or less, and those with entertainment but not dancing, with a capacity of 200 persons or less, regardless of the two-year discontinuance provisions of Section 52-61.

Dramatic Increase In Nightlife Venues

In recent years nightlife has increased dramatically in the SCD. (Over 50% of the storefront uses on Ninth and Tenth Avenues in the SCD Preservation Area are liquor license establishments.) The SCD was zoned to be a residential community, with a commercial overlay on the avenues

and allowing some small sections within the midblocks to remain commercial since they offered services to the residential area – cleaners, laundromats, delis, etc.

Currently, the real estate market has reached a saturation point on the avenues with bars and clubs and as a result nightlife applicants are seeking to now open them, when feasible, on the midblocks of primarily residential streets. As a result, the Board held hearings and heard concerns from community groups and in response developed an amendment to §96-106, as referenced above. During these hearings we also heard from the community about too many banks and the quality of life issues related to cigar stores.

We believe that such an amendment is appropriate given the reason the SCD was created and that the language in the SCD zoning, excerpted below (emphasis added), allows and encourages such planning.

96-00 GENERAL PURPOSES

The "Special Clinton District" (hereinafter also referred to as the "Special District"), established in this Resolution, is designed to promote and protect public health, safety, general welfare and amenity. Because of the unique geographical location of the Clinton community, situated between the waterfront on the west and a growing central business district on the east, it is necessary to provide specific programs and regulations which will assure realization of community and city-wide goals.

These goals include, among others, the following:

- (a) to preserve and strengthen the residential character of the community;**
- (b) to permit rehabilitation and new construction within the area in character with the existing scale of the community and at rental levels which will not substantially alter the mixture of income groups presently residing in the area;
- (c) to preserve the small-scale character and variety of existing stores and activities and to control new commercial uses in conformity with the existing character of the area;**
- (d) to recognize the unique character of the eastern edge of the District as an integral part of the Theater Subdistrict within the Special Midtown District as well as the Special Clinton District;
- (e) to provide an appropriate transition from the mixed-use character along Eighth Avenue to the lower-scale residential character of the Clinton community on the narrow streets;**
- (f) to relate the unique character of the 42nd Street Perimeter Area to the adjacent #Special Hudson Yards District#;
- (g) to provide amenities, such as street trees, to improve the physical environment;
- (h) to restrict demolition of buildings that are suitable for rehabilitation and continued residential use; and
- (i) to promote the most desirable use of land in the area and thus to conserve the value of land and buildings, and thereby protect the City's tax revenues, consistent with the foregoing purposes.

We look forward to your consideration of this proposed text change.

Sincerely,



Christine Berthet
Chair



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

cc: NYS Senator Brad Hoylman
NYS Assemblymember Richard Gottfried
NYS Assemblymember, Linda Rosenthal
NYC Council Member, Corey Johnson
NYC Council Member, Helen Rosenthal
Manhattan Borough President Office, Michael Sandler
NYC Department of City Planning, Karolina Hall