



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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JEAN-DANIEL NOLAND
Chair

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

March 6, 2009

Amanda M. Burden, AICP
Department of City Planning
22 Reade Street
New York, New York 10007

Re: West Clinton/Eleventh Avenue Rezoning

Dear Ms. Burden:

Community Board 4 agrees to proceed with the Department of City Planning as co-applicants in the rezoning of West Clinton/Eleventh Avenue between 43rd and 55th Streets, consistent with the Rezoning Proposal presented to our community on January 28, 2009 by Edith Hsu-Chen and Erika Sellke of DCP's Manhattan Office.

This agreement to proceed represents an important milestone in the planning process that was outlined in your letter to City Council Speaker Christine Quinn dated July 10, 2007. We are grateful to DCP for its commitment to this process, and for the effort the agency, including in particular Mss. Hsu-Chen and Sellke, has invested in understanding and addressing our respective interests in order to reach a consensus on which we can agree to move forward.

The Rezoning Proposal is not perfect; it does not include all of the elements we requested in our letter dated July 28, 2008. But, after extensive consultations and negotiations with DCP, including three large public forums and many smaller meetings, it is time to stop negotiating, celebrate what we have accomplished together, and move forward. We are satisfied that the core features of the proposal go a very long way towards addressing this community's central concerns, and will lay the groundwork for future development consistent with the principles identified in our July letter. The core features of the Rezoning Proposal include:

- Allowing residential development on the east side of Eleventh Avenue, between 45th and 52nd Streets but excluding the building at 636 Eleventh Avenue, by creating an R8A zoning district with a maximum height of 120 feet;
- Extending the existing R8 district and Preservation Area boundaries west to meet the new R8A district;
- Rezoning most of the block between 43rd and 44th Streets on the east Side of Eleventh Avenue as an R9 district with a commercial overlay only on the Eleventh Avenue frontage and a maximum height of 145 feet; and

- Replacing the M1-5, M2-3 and M3-2 districts west of Eleventh Avenue and at 636 Eleventh Avenue with an M2-4 district (to exclude hotels), with a maximum height of 135 feet; and
- Inclusionary Housing Bonuses in the new R8A and R9 districts to facilitate development of affordable housing. In a separate ULURP action, the inclusionary housing bonus program is being upgraded. The Rezoning Proposal is expected to be coordinated with the upgraded inclusionary housing program to allow development of permanently affordable housing for moderate- and middle-income families in the rezoned area.

The Rezoning Proposal does not include three elements to which our community remains committed and DCP remains opposed. We note them here for the record; we recognize that they will not be included in the rezoning application, but remain hopeful that they can be addressed in the future.

- Tenant protections and housing preservations. Existing affordable housing should be preserved and existing tenants should be protected through extension of the Preservation Area's provisions against tenant harassment and demolition of residential building. We have a fundamental philosophical difference of opinion with DCP on this issue, which we will seek to address separately through a political process independent of DCP.
- Allowing residential development west of Eleventh Avenue. We respectfully disagree with DCP that new manufacturing or commercial development will occur in this area. The experience of property owners in the area is that transition to residential or community facility use, perhaps on an industrial base, is inevitable. We agree.
- Restricting large (capacity 200+) nightlife venues in the remaining manufacturing districts west of Eleventh Avenue. This area's proximity to a large (and growing) residential population makes this a problematic location for clubs. However, we understand that clubs cannot be restricted from one area without ensuring that a viable alternate location is made available. Community Board 5 faces similar conflicts between residential and nightlife uses. We have begun a conversation with representatives of CB5 about zoning solutions that could encourage nightlife uses in appropriate areas, in both community districts, that are closer to mass transit and removed from residential populations. We plan to continue that conversation and to involve representatives of the nightlife industry. Through those discussions we hope that a consensus solution can be developed and implemented.

There are several technical or ancillary elements identified in our July letter that have yet to be addressed by DCP. We ask you to give careful consideration to including these in the rezoning application.

- Street walls at the street line should be required in the Preservation Area. The need for a street wall requirement is illustrated by the photos we supplied in December 2008, and in Clinton Housing Development Company's memorandum dated February 18, 2009.

- Enclosed sidewalks cafes should not be allowed in the Special Clinton District. (See our letter to you dated November 13, 2007.
- The small area between 51st and 52nd Streets and between the existing Preservation Area boundary and a line 100 feet east of Eleventh Avenue should also be mapped as R8A.

Finally, in November 2008 the City and the New York City Housing Authority agreed with the City Council in connection with the recent ULURP applications for the Harborview project that “the developer [of the Harborview site] will not be permitted to sell inclusionary bonus development rights from the Harborview development to any sites within the Hudson Yards, West Chelsea or future 11th Avenue rezoning areas”. This agreement should be taken into account in preparing the text of the inclusionary housing provisions in the West Clinton/Eleventh Avenue rezoning.

We remain concerned about the other issues identified in our July letter, including infrastructure, public parks, transit to encourage transportation-centered development, environmental sustainability, quality of life, historic resources and neighborhood retail. These issues must be addressed as part of the environmental study for the rezoning.

We look forward to working with DCP, as co-applicants, to implement the rezoning. We expect that this unusual relationship will afford us the opportunity to review and comment on the application and the documents that must be prepared for the environmental study before their release for public comment. The remaining work will require significant effort, in a spirit of true partnership. With a continuation of the goodwill and determination on both sides that has characterized our work so far, we are confident that the end result will make us all proud.

Sincerely,



Jean-Daniel Noland, Chair
Manhattan Community Board 4



Anna Hayes Levin, Chair
Clinton/Hell's Kitchen Land Use Committee

[signed 3/5/09]

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

Cc: DCP – Edith Hsu-Chen, Erika Sellke
City Council Land Use Division – Danielle Decerbo
MBPO – Anthony Borelli, Mike Kent
NYC Council Speaker Christine Quinn
NYC Council Member Gale Brewer
NYS Senator Thomas Duane
NYS Assemblyman Richard Gottfried
Congressman Jerrold Nadler