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CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

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June 2, 2021

Marisa Lago, Chair  
City Planning Commission  
120 Broadway, 31<sup>st</sup> Floor  
New York, NY 10271

**Re: 400 West 57<sup>th</sup> Street, The Windermere**

Dear Chair Lago,

On April 14, 2021, Windermere Properties LLC (“Owner”) came before Manhattan Community Board 4’s (MCB4) Clinton/Hell’s Kitchen Land Use Committee to seek a recommendation of approval for its application for a ZR 74 711 special permit to modify a series of regulations (zoning waivers) to allow the conversion and enlargement of the Windermere, a landmarked building in the Clinton Special District, for commercial use.

Through the special permit, the building would be converted to either transient hotel or office use. Both options envision ground floor retail and restaurant use on the top floor, with an outdoor component.

Under the 2012 Clinton Cure for Harassment (Cure) agreement, 20 affordable apartments will be provided in the converted building, with a separate entrance on West 57<sup>th</sup> Street. The affordable rents are not to exceed 80 percent of AMI. The Owner anticipates the affordable units would be administered as senior affordable housing by the Metropolitan Council on Jewish Poverty.

The proposed zoning waivers are:

- A. To allow commercial use above the second story.
- B. To allow use a group 6 restaurant above the second story.
- C. To allow less than the required amount of open space.
- D. To allow exceedance of the maximum streetwall height of 85 feet and an encroachment upon the sky exposure plane.
- E To allow windows that do not comply with the minimum distance between legally required windows and walls on lot lines.
- F. To allow portions of a building as permitted obstructions within an inner court.

At its regularly scheduled full Board meeting on May 5, 2021, Manhattan Community Board 4, by 36 in favor, 0 opposed, 0 abstaining, and 0 present but not eligible, voted to recommend approval of a ZR 74-711 special permit **on condition the following issues are resolved:**

- 1. Age Limits on the Affordable Units** — The Cure agreement is broadened to include a range of ages, not just senior citizens.
- 2. Community Preference for Affordable Units** —The Cure housing lottery includes community preference.
- 3. ADA Accessibility** — The Owner works with the Landmarks Preservation Commission (LPC) to create an accessible ADA-compliant entryway on 57<sup>th</sup> Street that is easily accessible to the interior elevator.
- 4. Fencing on the Roof** —Fencing is installed on the roof for the security of the building to the west.
- 5. Triple-Glazed Windows** —Triple glazed windows are provided to ameliorate sound carrying through to the residential windows that face on the central court of the building.
- 6. Rooftop Restaurant** —There will be no open roof top restaurant or bar use.
- 7. History of the Building** — An effort is made to commemorate the building’s history, particularly the occupancy by women artists, in the current design.

## **THE WINDERMERE**

The Windermere has 100 feet of frontage along West 57<sup>th</sup> Street, 125.42 feet of frontage along Ninth Avenue, and a lot area of 12,542 square feet. Most of the property, comprising approximately 10,000 square feet, is located within a C1-8 zoning district and Subarea C1 of the Special Clinton District. The southernmost portion of the property is located in an R8/C1-5 district and Preservation Area A of the Special Clinton District.

Built in the early 1880s, it is the second-oldest surviving apartment house in New York City. A pioneer in providing respectable housing for unmarried women, in 1895 it was converted into a residence for artists and writers, most of them women. It proved also to be a precursor of the Greenwich Village art scene.

### **Landmark Designation**

MCB4 was at the forefront in pushing for landmark designation and LPC designated the building a landmark in 2005. In its designation report, the Commission took note of the building’s significance as “the oldest-known large apartment complex remaining in an area that was one of Manhattan’s first apartment-house districts” and found that the building’s “exuberant display of textured, corbelled, and polychromatic brickwork” made it “a visually compelling, imposing, eclectic, and unified” complex.

The special permit, should it be approved, is subject to findings that LPC has approved a restoration program and a continuing maintenance program for the landmark, that the bulk modifications relate harmoniously to the landmark, and that the modifications have a minimal adverse effect on the surrounding area. The owner confirmed that its application addresses those findings.

### **Harassment And Cure**

In the 1970s, several floors of the Windermere were converted from large apartments to single room occupancy (SRO) units and smaller apartments, and the building was still well run. By the 1980s,

however, it was in serious disrepair and the subject of violent tenant harassment: apartment doors were cement-blocked with the tenants' belongings inside; managers issued death threats; the owners moved prostitutes and drug dealers into the building to menace the legitimate tenants.

Eventually, the owners and managers of the Windermere were indicted by former District Attorney Robert M. Morgenthau, convicted of felonies for this harassment, and jailed. The Windermere's history of violent tenant harassment led to the Clinton Cure For Harassment.

## **OWNER'S RESPONSE**

In a signed letter dated April 26, 2021, (attached) the Owner advised MCB4 of commitments it expects to make with respect to issues raised by the Board. We appreciate the Owner's willingness to address our concerns and look forward to further resolving outstanding issues. Here is a summary of the owner's proposed commitments.

**Age Limits on the Affordable Units** — The Owner will explore with The Metropolitan Council on Jewish Poverty, the administering agent for the project, whether it would be possible to include a broader age range of tenants within any of its existing programs.

**Community Preference for Affordable Units** — The Owner points out that under the Cure Agreement entered into with the Department of Housing Preservation and Development (HPD), the affordable units must be marketed in accordance with HPD's tenant selection procedures. The Owner would be happy to provide a preference to Community Board 4 residents, provided that that is consistent with HPD's procedures.

**ADA Accessibility** — While the Owner notes that there are several challenges to providing ADA accessibility directly into the residential portion of the building, it is studying the issue and will report back to the Board before ULURP is concluded on any potential solutions.

**Fencing on the Roof** — The Owner notes that even though the roofline of the Windermere building is approximately seven feet higher than the roofline of 408 West 57<sup>th</sup> Street, it nevertheless will explore whether fencing or some other form of obstruction may be provided for security, consistent with LPC's jurisdiction over the property.

**Triple-Glazed Windows** — The Owner agrees to install triple glazed windows in all residential windows that face on the central court.

**Rooftop Restaurant** — The Owner will attempt to ameliorate any disturbance arising from the open restaurant use, and has agreed to abide by Community Board 4's Rear Yard/Rooftop Policy for Liquor Licenses. The Owner anticipates that any operator of the restaurant would come before the Board's Business License & Permits Committee in connection with the liquor license application for the premises and would discuss noise and other operational issues at that time.

**History of the Building** — The Owner agrees to explore ways to include that history, particularly occupancy by women artists, in the building's lobby.

## **CONCLUSION**

The Windermere has been in front of MCB4 several times over the years, including this past

December when the board unanimously approved the scope of the building's storefront restoration work. (See attached MCB4 letters.) The history of the Windermere is coming full circle. It began as a groundbreaking New York City apartment building, suffered through years of violent tenant harassment, abandonment, and neglect, and is now being restored to take its place among one of the City's most historic buildings.

The Board congratulates the Owner for its plans to restore the building and its willingness to continue to work with the Board and the community to resolve some of the community's concerns as the application proceeds through ULURP.

We should note that one of the tenants who suffered through the abusive harassment in the building's darkest days, attended the Clinton/Hell's Kitchen Land Use Committee meeting on April 14<sup>th</sup>. She was illegally forced out of the Windermere in the spring of 1983 and watching the building ever since, wondering what would happen. She spoke approvingly of the restoration: "The building looks beautiful now."

She also said she was hoping she could go back in and "get that pair of glasses I left behind."

Her concern and her appreciation are a testament to the tenacity — and the resolve — of this Board, and the Hell's Kitchen community, to see the Windermere restored to its rightful place as one of this community's most beautiful historic buildings. And her humor is a reminder that though the past will not be forgotten, with good will, we can work together for a brighter future.

Sincerely,



Lowell D. Kern  
Chair  
Manhattan Community Board 4



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

Enclosure

cc: Hon. Corey Johnson, NYC Council Speaker  
Hon. Gale Brewer, Manhattan Borough President  
Sarah Carroll, Chair, NYC Landmarks Preservation Commission  
Windermere LLC



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**APRIL 26, 2021**

Jean-Daniel Noland  
Chair, Clinton/Hell's Kitchen Land Use Committee  
Manhattan Community Board 4  
330 West 42<sup>nd</sup> Street, #2601  
New York, NY 10036

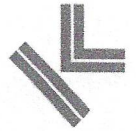
Re: The Windermere, 400 West 57<sup>th</sup> Street  
CPC No. 210202ZSM

Dear Mr. Noland:

We thank you for the opportunity to present our application concerning the Windermere to the Clinton/Hell's Kitchen Land Use Committee on April 14.

In follow up to that meeting, our client Windermere LLC would like to advise you of the following commitments it is making with respect to issues of concern to the Committee.

- Age Limits on the Affordable Units. The Committee raised a concern with the proposal that the affordable units be directed at those aged 55 and older. The Metropolitan Council on Jewish Poverty has been identified as the administering agent for the project, and our client will explore with Met Council whether it would be possible to include a broader age range of tenants within any of Met Council's existing programs.
- Community Preference for Affordable Units. The Committee asked whether the affordable units would be available to residents of Community Board 4 on a preferential basis. Under the Cure Agreement entered into with the Department of Housing Preservation and Development ("HPD"), the affordable units must be marketed in accordance with HPD's tenant selection procedures as the same may be amended from time to time. Our client would be happy to provide a preference to Community Board 4 residents, provided that that is consistent with HPD's procedures.
- ADA Accessibility. The Committee raised the concern that there would not be a direct accessible entrance to the residential area of the building. There are several challenges to providing ADA accessibility directly into the residential portion of the building, including the constrained floor plate, limited landing/lobby area on the ground floor, and Landmarks Preservation Commission ("LPC") jurisdiction over alterations. However, our client and its consultants are



studying the issue, and we will report back to your Committee before ULURP is concluded on any potential solutions that they identify.

- Fencing on the Roof. The Committee asked whether fencing could be provided to separate the roof of the Windermere building from the roof of the adjacent 408 West 57<sup>th</sup> Street. We note that the roofline of the Windermere building is approximately 7 feet higher than the roofline of 408 West 57<sup>th</sup> Street. However, we will explore whether fencing or some other form of obstruction may be provided, consistent with LPC's jurisdiction over the property.
- Triple-Glazed Windows. The Committee asked whether triple glazed windows could be provided to ameliorate sound carrying through to the residential windows that face on the central court of the building. Our client has agreed to install triple glazed windows in all residential windows that face on that central court.
- Rooftop Restaurant. The Committee objected to our client's proposed open, rooftop use of the restaurant on the 9<sup>th</sup> floor of the building. Enclosed is a 9<sup>th</sup> Floor & Roof Terrace Plan showing the building's outdoor roof terrace, portions of which would be used as accessory residential area and portions of which would be used as the accessory outdoor area for the restaurant. The exact layout and delineation of those uses has not yet been determined. Our client will attempt to ameliorate any disturbance arising from the open restaurant use, and has agreed to abide by Community Board 4's Rear Yard/Rooftop Policy for Liquor Licenses. Finally, we anticipate that our client and/or the operator of the restaurant will be appearing in the future at the Business & License Committee in connection with the liquor license application for the premises, and will further discuss noise and other operational issues at that time.
- History of the Building. The Committee asked that some effort be made to incorporate reminders about the building's history, particularly the occupancy by women artists, into the current design. Our client has agreed to explore ways to include that history in the building's lobbies.

We look forward to discussing these issues with you further as the application proceeds through ULURP.

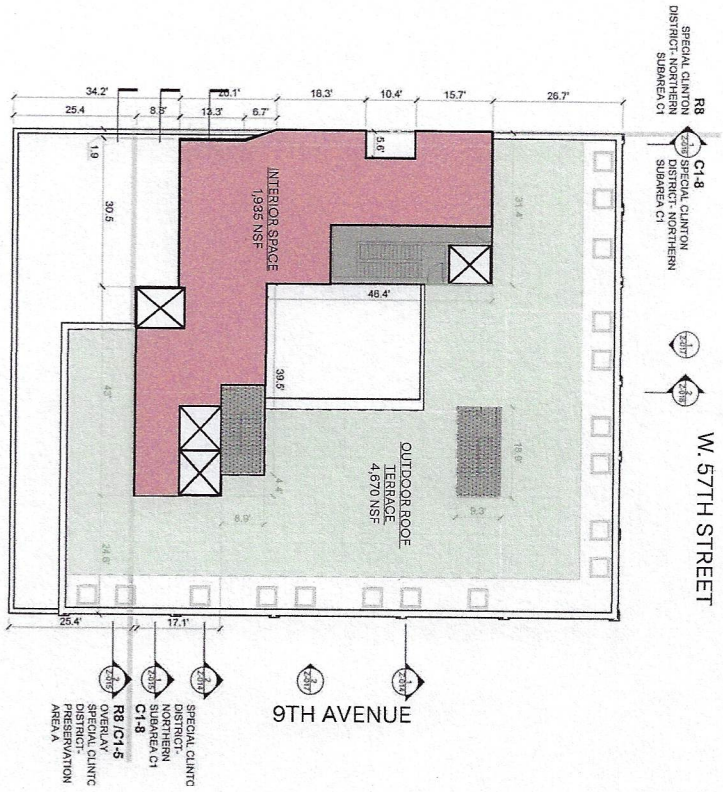
Very truly yours,

  
James P. Power

JPP:le

Enc.

# 9th Floor & Roof Terrace



9th Floor Plan

Morris Adm Architects

The Windermere

04/28/21

**Legend**  
 ■ INDOOR SPACE  
 ■ OUTDOOR ROOF TERRACE  
 ⊠ VERTICAL CIRCULATION / EGRESS  
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