



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

JOHN WEIS
Chair

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

March 4, 2011

Amanda M. Burden
Chair
City Planning Commission
22 Reade Street
New York, New York 10007

**Re: ULURP Nos. N110177ZMM and N110176ZRM
All or portions of 18 blocks, bounded by West 43rd Street, West 55th
Street, Twelfth Avenue and a variable line between Tenth and
Eleventh Avenues**

Dear Chair Burden:

At the recommendation of its Clinton/Hell's Kitchen Land Use ("C/HKLU") Committee, Manhattan Community Board 4 (CB4), having held a duly noticed public hearing on ULURP application numbers N110177ZMM and N110176ZRM (the "Proposed Actions") adopted the following resolution by roll call vote at its meeting on March 2, 2011, 35 in favor, 0 opposed, 2 abstaining and 0 present but not eligible to vote.

The resolution recommends **approval** of ULURP N110177ZMM **with condition** and **approval** of ULURP N110176ZRM.

OVERVIEW

CB4 is delighted to act as a co-applicant with the Department of City Planning ("DCP") in the Proposed Actions to rezone the West Clinton/Eleventh Avenue corridor. CB4 heartily supports these applications, which represent the culmination of three years of collaboration and active dialogue among DCP, CB4, and community residents.

DCP and CB4 have worked closely since 2008 to craft this rezoning. Together, we have co-hosted four large public forums and conducted a number of smaller meetings. Each of the forums, including the recent January 27, 2011 C/HKLU meeting with 19 inches of snow, have been well attended by residents who largely support the proposed rezoning. We appreciate that DCP, in particular Edith Hsu-Chen and Erika Sellke, have thoughtfully engaged with the larger Clinton community. At each of the forums, Mss.

Hsu-Chen and Sellke have listened to each concern raised, and where feasible, proposed modifications to the proposal.

It is rare for a Community Board to join DCP as a co-applicant on a rezoning proposal and CB4 is thrilled to take that step. On the whole, we are extremely pleased with the results of this collaborative process, and in particular, that the Proposed Actions:

- Permit residential development on the east side of Eleventh Avenue, roughly between 45th and 52nd Streets, by creating a R8A zoning district with maximum building heights of 120 feet;
- Extend the existing R8 district and the Preservation Area of the Special Clinton District (SCD) boundaries west to meet the new R8A district;
- Rezone most of the block between 43rd and 44th Streets on the east side of Eleventh Avenue as a R9 district, with a commercial overlay on the Eleventh Avenue frontage with district text creating maximum building heights of 145 feet;
- Replace the M1-5, M2-3, and M3-2 districts west of Eleventh Avenue and at 636 Eleventh Avenue with an M2-4 district, thus excluding hotel use with district text creating maximum building heights of 135 feet;
- Create an Inclusionary Housing Designated Area in the new R8A and R9 districts to facilitate the development of affordable housing.
- Require street walls to be at the street line on narrow streets in the Preservation Area of the SCD; and,
- Amend ZR Section 14-44 to prohibit enclosed sidewalks cafes in the SCD.

As with any collaborative process, there are items which CB4 had hoped to see in the rezoning but which are not included at this time. The most important omission is the failure to extend the Anti-Harassment, Alteration and Demolition Restrictions to the western-most boundary of the SCD to Twelfth Avenue into the new Western Subarea C2 of the Other Area. These issues have been the most consistently expressed concerns voiced by community members attending the forums, and were the subject of passionate testimony by more than forty (40) residents at the January committee meeting. CB4 remains optimistic that a resolution can be reached to extend the Anti-Harassment and Demolition Restrictions in the context of the Proposed Actions.

In addition, given the community's need for larger, family-sized units in our community [see comment under *Affordable Housing* in "Other Issues to Address" below], the failure to extend ZR Section 96-105 *Dwelling Unit Distribution* requirement to create 20% of the units as family-sized two bedroom units will unfortunately result in a disproportionate number of studio and one bedroom units.

Other omitted concerns raised by community members include not permitting residential development on the west side of Eleventh Avenue west to Twelfth Avenue. Lastly, the rezoning west of Eleventh Avenue will continue to allow the proliferation of nightclub and large venue use and forfeit an opportunity to develop the blocks leading to the Hudson River as active, welcoming block fronts that act as a friendly access to the waterfront.

THE PROPOSED ACTIONS

The Proposed Actions contemplate zoning map and text amendments that will affect all or portions of 18 blocks in and around the Eleventh Avenue corridor in the SCD. The rezoning area, in the western part of the Clinton neighborhood, is generally bounded by West 55th Street to the north, West 43rd Street to the south, a variable line between Tenth and Eleventh Avenues to the east, and Twelfth Avenue to the west. The Proposed Actions present a zoning map amendment that roughly extends the residential designation to the east side of Eleventh Avenue, overlays a C2-5 district along the east side of Eleventh Avenue and rezones the west side of Eleventh Avenue to Twelfth Avenue as M2-4 to permit manufacturing compatible uses.

CB4 has carefully reviewed the Proposed Actions; our comments and recommendations follow. The Proposed zoning actions include:

1) ULURP No. N110177ZMM – Zoning Text Amendment to:

- Establish the Inclusionary Housing program within the R8A and R9 districts of the proposed rezoning area of the SCD;
- Extend the Preservation Area of the SCD to generally within 100 feet east of Eleventh Avenue between West 45th Street and West 50th Streets;
- Extend the Other Area of the SCD to a depth of 175 feet on the east side of Eleventh Avenue between West 50th and West 52nd Street;
- Establish two new subareas within the Other Area of the SCD: the Northern Subarea (C1) to include all blocks in the Other Area north of West 55th Street and the Western Subarea (C2) to include all blocks in the Other Area south of West 55th Street;
- Place R9A contextual building envelope restrictions on developments within the proposal R9 district at a maximum height of 145 feet;
- Establish a maximum height of 135 feet and street wall requirements for developments in the proposed M2-4 district;
- Require street walls to be at the street line on narrow streets in the Preservation Area of the SCD;
- Permit the legal adult uses to remain in the Other Area of the SCD; and
- Amend ZR Section 14-44 to prohibit enclosed sidewalks cafes in the SCD.

CB4 recommends approval of the proposed zoning text amendment with the condition outlined below.

2) ULURP No. N110176ZRM

Zoning Map Amendment to rezone approximately 18 blocks along the Eleventh Avenue corridor to permit residential uses on the east side of Eleventh Avenue and to effect a change in zoning to M2-4 on the west side of Eleventh Avenue. The zoning map amendment includes an extension of the Preservation Area of the SCD to 100 feet east of Eleventh Avenue between West 45th Street to West 50th Street.

CB4 recommends approval of the proposed zoning map amendment.

HISTORY

The rezoning of West Clinton/Eleventh Avenue corridor represents not only the culmination of three years of engagement with DCP, but the end of a longer internal CB4 planning process that began shortly after the rezoning of the Hudson Yards District in 2005. While most areas of CD4 had recently undergone extensive rezoning, the Eleventh Avenue corridor remained primarily zoned for manufacturing. Although few, if any, new manufacturing uses were introduced, other uses, such as small hotels, incompatible to the historic residential community, were taking advantage of the outdated zoning. Sites located in the Excluded Areas of the SCD, including the Clinton Urban Renewal Area (CURA) and Studio City/P.S.51 site were being rezoned for residential projects; however, residential projects were not permitted elsewhere in the corridor.

Concerned that the area was being steadily developed without a comprehensive plan, the C/HKLU committee developed its proposed framework for the rezoning of the Eleventh Avenue corridor through a series of public discussions. The framework proposed limited building heights, extended the Preservation Area of the SCD, including tenant Anti-Harassment protections and Demolition Restrictions, embraced family-size units and permitted residential development at heights compatible with our low rise residential community.

Many of the elements of CB4's proposed framework are incorporated in the Proposed Actions. We are pleased to partner in the ULURP actions that proactively plan for the development of our community, protect the larger residential community through height restrictions, anti-harassment provisions and demolition restrictions and include Inclusionary Housing bonuses to incentivize low income housing. However, there are a number of concerns that were raised, loudly and repeatedly, at each public meeting that must be addressed in our response.

THE COMMUNITY'S CONCERNS

The January 27, 2011 public hearing was well attended by residents living in the proposed rezoning area. Most residents were largely supportive of the overall proposal and welcomed the introduction of residential uses at heights that matched our low rise neighborhood context. However, almost all of the forty (40) residents who attended spoke passionately about the need to further extend the Anti-Harassment, Alteration and Demolition Restrictions (ZR Sections 96-108 through 96-110) of the Preservation Area of the SCD to the western boundary of the Other Area and the need to create family-sized affordable units (Section 96-105) that are two bedrooms or larger. Many also mourned what they perceive to be the lost opportunity to rezone the west side of Eleventh Avenue and the blocks west for residential use, thereby creating a user friendly access to the waterfront.

Anti-Harassment Provision and Demolition Restriction

The Proposed Actions extend the Preservation Area from a variable line between Tenth and Eleventh Avenues to within 100 feet east of the Eleventh Avenue. However, in the Western Subarea C2 of the Other Area south of West 55th Street alone, there are 15 residential buildings located just west of that proposed extension. (A list and photo documentation of the residential buildings located west of the proposed extension of the Preservation Area is attached as Appendix A.)

Residents living in the immediate area recounted stories of harassment by their landlords, harassment that continues to this day. These residents were vocal about the failure to extend the Anti-Harassment and Demolition Restriction protections to the western-most boundary of the SCD and voiced their strong disapproval. They are concerned that the proposed rezoning will increase the incentive for their landlords to harass them and demolish their homes, and we agree that this is a likely outcome.

The Demolition Restrictions and Anti-Harassment Provisions of the SCD have been in effect since 1973. They have been a proven and effective tool for community preservation and tenant protection for over 38 years. Those provisions were extended with an extension of the Preservation Area in 1990 to the mid-blocks from West 45th to West 50th Streets between Tenth and Eleventh Avenues.

As part of the agreements between the New York City Council and the Mayor, similar Demolition Restrictions and Anti-Harassment Provisions were extended to subareas of the Hudson Yards Special District to protect 1291 apartments in 86 buildings. Those same restrictions and provisions were also extended to protect 250 apartments in 22 buildings in West Chelsea Special District.

Anytime public action, such as the West Clinton/Eleventh Avenue Rezoning, creates opportunities for development, public action must always be taken to balance community preservation and tenant protection. Demolition restrictions would cover 316 apartments

in 15 buildings. **Without the requested modification, Western Subarea C2 of the Other Area of the SCD would stand out as the only area in Manhattan Community District 4, that has been rezoned for residential use with increased bulk without extending the Demolition Restrictions and Anti-Harassment Provisions.**

CB4 requests that *Section 96-108 Demolition of Buildings*, *Section 96-109 Alteration of Buildings* and *Section 96-110 Harassment and Cure* be extended to Western Subarea C2 of the Other Area to preserve the 316 apartments in the 15 buildings and protect the individuals and families who live in them. We are deeply disappointed that these provisions were not included in this application on which we are a co-applicant and will work for their inclusion when the application reaches the City Council.

Other Issues to Address

Affordable Housing

CB4 is pleased that the R8A and R9 districts will be Inclusionary Housing Designated Areas under the Proposed Actions. CB4 celebrates its economic diversity and welcomes development of affordable housing for people of all income levels. It is important to CB4 that the upcoming housing development mirrors the socioeconomic diversity that is the hallmark of the Clinton neighborhood. Not only must the affordable housing be built within the SCD, but if built within a market-rate building, the affordable apartments should be distributed evenly across all floors of the building and not segregated from the market-rate units.

Units in to be located in SCD

CB4 had requested that all Inclusionary Housing be required be built within the SCD as required for Perimeter Area B. While it is clear that is the intent of the amended text, it needs clarification. Specifically, in referring to the Inclusionary Housing Program both in:

- 96-31, Special Regulations in R8 Districts, Section (b), paragraph (1) reads that the Inclusionary Housing Program Regulations “as modified within the Special District”
- 96-32 Special Regulations in R9 Districts Section (a), that the Inclusionary Housing Program Regulations “as modified within the Special District”

The Board believes that the text should have used the defined term #Special Clinton District# to clearly point to the modifications of 23-90 embodied in the SCD.

20% Two Bedroom Requirement

However, market-rate housing in CD4 has been overwhelmingly developed as smaller sized units. We therefore have a disproportionate number of studios and one bedroom

units created in our district. Because existing affordable housing programs, including HFA's 421-a program, require that affordable units mirror market-rate units in apartment size, the weight toward smaller units extends to the affordable units as well. This is unfortunate, as CD4 is desperate for affordable family-sized units. ***CB4 therefore requests that Section 96-105 Dwelling unit regulations that requires that 20% of the units developed be two bedroom or larger, be applied to the Western Subarea C2 of the Other Area.***

Residential Use on the West Side of Eleventh Avenue

CB4 is disappointed that the Proposed Actions do not permit residential development on the west side of Eleventh Avenue and areas west. While CB4 prefers and supports the proposed M2-4 designation over the existing M1-5 zoning, we firmly believe that residential use represents the future of this area and would further enhance our community by providing a user friendly access to the waterfront. The existing industrial uses west of Eleventh create block long frontages on the side streets with no active street life, generating concerns about safety. Integrating active residential uses along the western-most blocks would create a more welcoming gateway to the waterfront.

Furthermore, residents gave voice to their concerns that the building heights to the west of Eleventh Avenue exceed those on the eastern side, thereby creating a "wall effect" and effectively blocking off the waterfront.

Large Venue Club and Bar Use

It has been the experience of CB4 in West Chelsea that large bar and club use (200 plus capacity) is prevalent in manufacturing districts. CB4 is concerned that the area west of Eleventh Avenue has started to become the next location for a proliferation of large venue/nightclub use. The Board's West Chelsea experience teaches us that with such uses in this area, club goers will pass through the historic residential Clinton neighborhood in order to access public transportation to the east, and the attendant noise and loitering will have serious negative repercussions on neighborhood character. We understand that clubs cannot be restricted from one area without ensuring that a viable alternate location is made available, so while CB4 enjoys its venues that are well-operated now, we seek to discourage oversaturation of such uses near residential neighborhoods, and are actively investigating solutions that would permit large venue and nightclub use adjacent to public transportation.

Community Facilities in the M2-4 Zone

The Board was unaware that Community Facilities, such as not-for-profits arts organizations and theatres would be prohibited in an M2-4 zone. The Board requests follow up corrective action (FUCA) to amend the SCD text to allow such uses.

Historic Resources

CB4 requests review by the Landmarks Commission and the landmark designation of certain historic resources identified in the West Clinton Environmental Assessment Statement (EAS). The physical fabric of the Clinton/Hell's Kitchen community represents a unique opportunity to preserve elements of the neighborhoods residential and industrial history. The buildings presented in the EAS embody the neighborhoods transformation from a low-rise, working class immigrant area of tenements to the growth of industry along Eleventh Avenue in the late 19th and early 20th centuries. Photographs of the proposed buildings are attached as Appendix B. We therefore urge the individual landmark designation of the following historic resources cited in the EAS.

Historic Resources identified the prior PS 51/Gotham EIS:

Industrial

- ***E&J Burke Company Warehouse, 616-620 West 46th Street – (S/NR eligible)***
Built in 1912-1913 for the E & J Burke company, an importer and seller of beer and whiskey, the warehouse was designed by Thomas J. Duff. The building's four bay-wide façade has street level loading docks, two end bays that project slightly forward from the two center bays, and regular fenestration and retains the historic two-over-two double-hung sash and copper window frames. Two copper finials extend above the roof. A stone panel inscribed with the words "E & J. Burke" spans the top of the center bays.
- ***Acker, Merrall & Condit Company Warehouse, 536 West 46th Street - S/NR eligible***
Built circa 1907 for the former wholesale grocery business, the five-story Romanesque Revival warehouse, presently occupied by the Salvation Army Thrift Store, is faced in patterned orange and brown brick with terra cotta stringcourses. The ground floor has three tall arched garage entrances. The building's most distinctive components are its three expansive triple-height arched window bays extending from the second through the fourth floors.
- ***Houbigant Company Building, 539 West 45th Street –S/NR-eligible***
This 11-story warehouse was built for a perfume and cosmetics manufacturer, the Houbigant Company, by Lockwood Greene & Company in 1924. The tan brick faced building has a granite and limestone base, copper spandrel panels below the tripartite window bays, and setbacks above the seventh and ninth floors. The word "Houbigant" is inscribed in the limestone panel above the second floor.

Residential

- ***626 Eleventh Avenue, the Landmark Tavern***
The Board requests the reconsideration of 626 Eleventh Avenue, the site of the Landmark Tavern, as eligible for designation. The 1868 three-story, red brick building with three window bays across and an Italianate cornice is among the last

buildings of its kind along Eleventh Avenue. The building, which has been continually occupied as a bar, retains original interior fittings. The Landmark Tavern significantly contributes to the story of Hell's Kitchen's immigrant and industrial past.

Educational

- ***P.S. 51, 520 West 45th Street – S/NR eligible***
This 1905 Renaissance-style school designed by C.B.J. Snyder marks the proliferation of school construction following the consolidation of New York City. Its five-story, red-brick façade with stone base features a tripartite design, with a base, shaft, and capital. The conversion of the C.B.J. Snyder building into residential use and construction of a new, five-story school building immediately to the south reinstates the original use of the new school site, as it is the location of the original P.S. 51 school built in 1855.

Historic Resources identified in the West Clinton EAS include:

Industrial

- ***Kohler & Campbell Piano Factory, 601-613 West 50th Street***
This six-story brick building completed circa 1909 was originally the office and factory of the Kohler & Campbell piano manufacturer. It was designed by Ross and McNeil and is articulated with recessed window bays on the upper floors and recessed arched opening on the ground floor that correspond to the bays above. A stone belt court and frieze of projecting brick headers runs between the first and second floors. A projecting cornice runs above the fifth floor.

Institutional

- ***Former Department of Street Cleaning Stable B, 618 West 52nd Street***
The three-story brick Stable B building dates to before 1896. After its creation the Department of Street Cleaning established stables throughout Manhattan and the Bronx. By 1934, the building was being used as a private garage and an illegal distillery producing 2,000 gallons of alcohol a day before it was raided by the federal government. It is a Romanesque Revival design with arched, corbelled window lintels, heavy piers, recessed decorative panels, recessed window bays, and arched windows.

Residential

- ***Tenement at 605 West 47th Street***
This five-story brick tenement was constructed circa 1895. The upper floors feature arched windows with arched stone lintels, a corbelled stone cornice above the third floor, and an ornate, bracketed metal cornice at the roofline. The company sign above the ground floor dates to the 1930s.

Religious

- ***Saints Kiril and Methodi Bulgarian Eastern Orthodox Diocesan Cathedral, 552 West 50th Street***

From 1915 until 1974 this three-story brick church was occupied by the Croatian Catholic Church of Saints Cyril and Methodius. The church supported the Croatian independence movement and opposition to the post-1945 communist government of Yugoslavia. Gothic-style details on the church façade include a large, central pointed arch stained glass window flanked by two smaller pointed arch stained glass windows, a pointed arch entrance with stained glass below the arch, eared lintels, niches, and pinnacles. A squat, square tower and spire tops the building.

- ***Centro Maria, 539 West 54th Street – S/NR Eligible***

This four-story neo-Gothic building was designed by John V. Van Pelt for the Roman Catholic parish church of St. Ambrose in 1911. Neo-gothic design elements include three pointed-arch entrances with limestone enframements and thin half columns, quatrefoil and trefoil motifs, three niches with statuary, and a limestone parapet with a blind arcade.

- ***Former Rectory of the Church of St. Ambrose, 513 West 45th Street***

This 3 1/2-story building is the former rectory of the original (non-extant) Roman Catholic parish church of St. Ambrose, which was constructed in 1898. After the church and rectory relocated, this building became a convent. By 1951, it was used for offices and it now houses a television studio. The building has a modest Romanesque appearance with a rusticated base, arched windows with arched lintels, recessed plans, a bracketed stone cornice between the first and second floors, and a bracketed metal cornice at the roofline.

The following buildings are controlled by a local not-for-profit group and CB4 requests that this not-for-profit voluntarily pursue landmark status on these buildings:

- ***Factory, 556 West 52nd Street***

This five-story brick building was built circa 1889 and originally housed the Travers Brothers' twine, cord, and hammock factory.

- ***Tenement, 562 West 52nd Street***

This intact five-story tenement dates to before 1896.

- ***Tenements, 730-736 Eleventh Avenue***

These four four-story Italianate tenements were built sometime before 1896.

- ***Tenement, 724 Eleventh Avenue***

This five-story brownstone tenement dates to 1887, as identified on the ornate, bracketed metal cornice at the roofline.

All of the buildings noted above are subject to demolition and alteration. There are currently no controls in place to protect these important historic resources. Both the resources already identified in the PS51 Draft Environmental Impact Statement (DEIS) and those newly identified in the West Clinton EAS need to be protected in a manner similar to those identified during the West Chelsea Rezoning. CB4 is committed to the preservation of these historic resources which tell an important story about the history of Hell's Kitchen, its residents, and its transition from an immigrant neighborhood to an industrial neighborhood.

Additional concerns raised at the public forum have been incorporated into recommendations in CB4's response to the Environmental Assessment Statement

NOW, THEREFORE, BE IT RESOLVED that Manhattan Community Board 4

- Recommends **approval** of ULURP N110176ZRM; and
- Recommends **approval** of ULURP N110177ZMM with the following **condition**:
 - That the Anti-Harassment and Cure (Section 96-110), Alteration of Building (Section 96-109) and the Demolition Restrictions (Section 96-108) of the SCD be extended to the Western Subarea (C2) of the Other Area.

In addition, CB4 strongly urges that DCP and the Commission work to address the other concerns raised by the community, either in this or in future actions. These concerns include:

- Extend the 20% two bedroom requirement, Section 96-105 of the SCD, to the Western Subarea (C2) of the Other Area.
- Require that the affordable units developed under the Inclusionary Housing program be built on-site and be distributed evenly throughout all floors of the building;
- Permit residential uses on the western side of Eleventh Avenue;
- Prohibit large venue and nightclub operations on Eleventh Avenue and areas west; and,
- Preserve the Historic Resources as noted above.

Sincerely,



John Weis, Chair
Manhattan Community Board 4



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



Sarah Desmond, Co-Chair
Clinton/Hell's Kitchen Land Use Committee

cc: NYC Council Speaker Christine Quinn
NYS Senator Thomas K. Duane
NYS Assemblyman Richard Gottfried
Congressman Jerrold Nadler
Manhattan Borough President Scott Stringer
Erika Sellke, Edith Hsu-Chen, DCP
City Council Land Use – Danielle DeCerbo
Manhattan Borough President's Office – Brian Cook, Deborah Morris
Westside Neighborhood Association
Civic and Block Associations

Appendix A (part 1)

**11th Avenue Rezoning
Residential Buildings in Subarea C2**

Buildings West of 11th Avenue			
Block	Lot	Address	Unit Count
1095	27	605 West 47th Street	10
1099	20	621 West 51st Street	8
1099	51	628 West 52nd Street	6
Buildings on 11th Avenue			
Block	Lot	Address	Unit Count
1074	1	610 11th Avenue	2
1074	1	612 11th Avenue	4
1074	1	614 11th Avenue	3
1079	63	714 11th Avenue	7
1099	30	723 11th Avenue	11
1099	31	725 11th Avenue	12
1099	36	735 11th Avenue	7
Buildings Between 10th and 11th Avenues			
Block	Lot	Address	Unit Count
1077	57	544 West 49th Street	20
1080	1	565 West 51st Street	12
1080	105	564 West 52nd Street	32
1081	1	555 West 52nd Street	96
1081	61	554 West 53rd Street	86
		Total Dwelling Units	316
		Total Buildings	15