



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD No. 4

330 West 42nd Street, 26th floor New York, NY 10036
tel: 212-736-4536 fax: 212-947-9512
www.ManhattanCB4.org

J. LEE COMPTON
Chair

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

October 5, 2006

Arden Sokolow
Inclusionary Housing Program
Department of Housing Preservation and Development
100 Gold Street, Room 9V-3
New York, New York 10038

Re: Clinton Cure for Harassment Lower Income Housing Plan submitted by Danhar Enterprises, Inc. for 793 Ninth Avenue

Dear Mr. Sokolow:

Manhattan Community Board No. 4 is pleased to recommend approval of the Clinton Cure for Harassment Lower Income Housing Plan for 793 Ninth Avenue presented to the Board's Clinton/Hell's Kitchen Land Use Committee on September 13, 2006 by and Danhar Enterprises, Inc., as owner, and Clinton Housing Development Company, as Administering Agent.

The proposal is the result of a long-standing finding of tenant harassment by a previous owner. In 1999, the building at 793 Ninth Avenue, an 8 unit building between 52nd and 53rd Streets, was purchased by the applicant, Danhar Enterprises, Inc. In 2000 Danhar completed a renovation of the building. Following the renovation, the Department of Housing Preservation and Development determined that the outstanding tenant harassment finding had not been cured, as required by Zoning Resolution Section 96-110(a). This proposal addresses that requirement.

In penalty for the finding of harassment, the Plan will preserve in perpetuity approximately 1,443 square feet of floor area, comprising 2 floor-through one-bedroom units and representing 28% of the building's residential floor area, as lower income housing compliant with the inclusionary housing standards of Zoning Resolution Section 23-90, *et seq.* and affordable to households making up to 80% of the Area Median Income. The affordable units are located on the building's second floor.

The Board is concerned about the excessive noise emanating from Coppersmith's Bar on the ground floor of the building. It is located directly underneath the Cure Units and has been a constant source of noise complaints made to the Board. The noise emanates principally from the bar's seasonally open french doors on Ninth Avenue. However, the Cure Units, directly above have remained vacant since 2001, we cannot predict the effect of the noise on those future tenants.

Both the representatives of the owner, Danhar Enterprises, and of the Administering Agent, Clinton Housing Development Company, understood the Board's. The owner's representative indicated that

the bar's lease expires within the year and agreed to undertake all reasonable steps to minimize any noise impacts on the future cure tenants, including closing or elimination of the french doors. An addendum to the Lower Income Housing Plan or separate letter agreement must be executed simultaneously with the Plan to ensure the habitability and quiet enjoyment of the future Cure tenants.

The proposed Administering Agent, Clinton Housing Development Company, is a non-profit housing organization that develops and manages affordable residential units throughout the Clinton community and surrounding neighborhoods. The Administering Agent will responsible for initial marketing and lease-up of the two cure units, annual tenant income certification, and re-renting vacant cure units. CHDC has previously been determined by HPD to be qualified to act as an Administering Agent and it currently serves as an Administering Agent in several other buildings.¹

The Board's Clinton/Hell's Kitchen Land Use Committee voted unanimously to recommend approval of the Plan. We confirm that recommendation.

Sincerely,



J. Lee Compton
Chair
Community Board 4



Anna Hayes Levin
Co-Chair
Clinton/Hell's Kitchen Land Use



Simone Sindin
Co-Chair
Clinton/Hell's Kitchen Land Use

cc: D. DeCerbo, Council Speaker Quinn
A. Borelli, Manhattan BP
B. Colon, HPD
E. Zeldin, HPD

¹ Joe Restuccia, Executive Director of CHDC, is also a member of this Board and of its Clinton/Hell's Kitchen Land Use Committee. His interest has been disclosed, and he is not entitled to vote on any matter concerning this proposal that may come before the Board or the Committee, including approval of this letter