



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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COREY JOHNSON
Chair

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District Manager

September 7, 2012

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

**Re: ULURP Applications Nos. 120396 ZMM, 120397 ZSM, 120398 ZSM, and
M010151 ZSM
625 West 57th Street (Manhattan Block 1105, Lots 1, 5, 14, 19, 29, 36, and 43)**

Dear Chair Burden:

Manhattan Community Board 4 (“CB4”) has met several times with Durst Development LLC (the “Applicant”) to discuss the Applicant’s Uniform Land Use Review Procedure (“ULURP”) applications to facilitate the development of a portion of the block bounded by West 57th and West 58th Streets, between Eleventh and Twelfth Avenues in Manhattan with the construction of a new, mixed residential, commercial, community facility, and parking uses (the “Project”). The Applicant is proposing up to 753 residential units — twenty percent (or up to 151) of which would be affordable units — approximately 714,000 square feet of residential space, 48,000 square feet of ground floor retail space, and 285 accessory parking spaces.

At the July 24, 2012, Clinton/Hell's Kitchen Land Use (“C/HKLU”) Committee meeting, the Applicant heard, once again, the Committee’s concerns and subsequent call for a number of changes to the Project, the most critical concern being the lack of permanently affordable housing units. While the Board would like to see this Project proceed, it cannot recommend approval for this application unless those concerns are substantially addressed. At this date, they have not been addressed to the Board’s satisfaction.

Therefore, CB4 recommends denial of the application, unless the affordable housing units are permanently affordable and the concerns enumerated below are addressed to the Board's satisfaction.

Proposed Actions

The block the Project is located on is currently zoned partially M1-5 and partially C4-7. The proposed actions include rezoning the midblock portion of the block that faces West 58th Street from an M1-5 manufacturing district to a C6-2 commercial district which would allow for residential development at the site. Additionally, the Applicant is

requesting special permits for bulk modifications available to large-scale general developments and modifications of previously approved restrictive declarations in order to facilitate the innovative building form proposed for the Project.

The proposed rezoning and special permits will greatly benefit the Applicant by unlocking hundreds-of-thousands of square feet for residential development. Such a great private benefit must be matched by a comparable public benefit and in the Board's view the public benefit is not commensurate with the private boon. An innovative design alone is not a significant enough community benefit.

No Permanent Affordable Housing

The Applicant proposes to construct up to 753 residential units, twenty percent of which, or up to 151 units, would be affordable under the New York State Housing Finance Agency's 80/20 program. The Applicant will seek a 421-a tax exemption to reduce the real estate taxes for the Project. The Applicant has stated that the 20% of the units that are affordable will only remain affordable for the life of the bond, 35 years plus 15 years of attrition.

CB4 is pleased the Applicant has agreed that the affordable apartments will be distributed proportionately throughout the building and that fixtures and amenities will be the same in all apartments, affordable and market-rate. The Board also hopes the Applicant will provide reduced rates to the tenants in the affordable apartments for building amenities that charge fees, such as an exercise center.

While these 151 affordable units are a welcome benefit to the community (and provide a tax-exempt financing benefit to the Applicant) unless the units are permanently affordable, the benefit to this community will not be a lasting one. It has been a long time since this Board has been presented with a project that was not permanently affordable — the rezonings of West Chelsea, Eleventh Avenue, and Hudson Yards among others have all provided for permanent affordable housing as an integral part of the zoning.

The position of this Board is clear: we want and need – permanently affordable housing. Without permanently affordable units, Community District 4 cannot maintain its mixed-income residential character. It should be noted that the Project is located within the northwest boundary of the Special Clinton District, whose goals as specified by City Planning Commission include:

“to preserve and strengthen the residential character of the community;” and,

“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.”

The residential and mixed income character of Clinton will neither be preserved nor strengthened without permanent affordability for a portion of its new housing stock.

Cars, 385. Humans, 0

The Project offers no open space for the community but would include 385 parking spaces, significantly fewer, the Board is happy to note, than the 638 parking spaces previously approved for the Project block. These spaces would include a new, above-grade, 285-space accessory parking garage in the mixed-use building and the 100 accessory parking spaces currently located beneath the Helena.

The proposed garage would be located in an area on the Project block that is near the 399-space public parking garage approved under the previous special permit (ULURP #C010149 ZSM). The proposed garage would be accessed via a 25-foot wide curb cut on West 58th Street (instead of West 57th Street) located approximately 350 feet east of Twelfth Avenue. The Applicant would surrender the prior parking garage approval upon approval of the special permit for the proposed garage.

While CB4 appreciates that the Applicant has reduced its proposed accessory parking spaces, we remain concerned that the number of proposed parking spaces far exceeds the Manhattan Core Parking requirements for residential and mixed use developments south of 60th Street, which allow parking spaces provided they do not exceed 20% of the apartments and one parking space per 4,000 square feet of retail/community facility space — and in any case not to exceed 200 spaces. We thus propose the developer reduce the number of parking spaces to 163 spaces (151 spaces for 20% of the residential apartments plus 12 spaces for 48,000 square feet of retail/community facility space).

Community Board 4 is pleased that the Applicant has agreed to restrict its parking to accessory parking for the tenants, retail businesses, and community facility and that this guarantee will be enforced by the Applicant for any third party garage operators that it may contract with.

Driveway versus Open Space

As part of the Project, the 23 foot curb cut currently providing access to the accessory parking garage located beneath the Helena, which is located approximately 220 feet west of Eleventh Avenue, would be removed. The existing accessory parking beneath the Helena would instead be accessed via a one-way (north), access drive connecting West 57th and 58th Streets. This access drive would be located approximately 250 feet west of Eleventh Avenue and would include 25 foot curb cuts at each end of the drive.

As the Project proposes to add over 750 new residential units to the neighborhood while providing no public open space, the Board suggests that the driveway become a public passageway rather than an exclusive private driveway. The roadway of the access drive should be reduced in width by half and this recouped space should be devoted to an inviting public space, enhanced by seating and plantings.

Community Facility

The Applicant proposes construction of a two-story community facility building in the

midblock portion of the Project site. The community facility would be located along West 58th Street, abutting the Helena to the south and the Edison Storage Building to the east. Entrance to the building would be off of West 58th Street along an angled, recessed façade east of the mid-block access drive. The building would include up to approximately 12,800 square feet and could include such uses as a museum annex, cultural facility, day care facility or medical offices.

The Board would welcome a museum annex, cultural facility, or a day care facility in the two floors of the proposed community facility. Currently, the Applicant is pursuing a day care facility but as of the date of this letter, no commitment for such use has been obtained. The Board requests the Applicant provide the Board with a written commitment of use when such is obtained.

Enlivening West 58th Street

Along the north side of the West 58th block is the Con Ed Power Station, a monumental building designed by Stanford White — an architect whose buildings have become *truly* iconic. The edifice, with its elaborately detailed Renaissance Revival facade, was built in 1904 and stands as a reminder that civic buildings in the City once aspired to greatness.

This Board has expressed its wish that the Project building recognize its adjacency to this remarkable New York building and ensure that West 58th Street not become an uninviting alleyway whose only purpose is to service the Project's mechanical and maintenance requirements. While the Applicant hopes to wrap retail space from Twelfth Avenue around the western end of West 58th Street, at the moment, the remainder of the south side of the West 58th Street is taken up with mechanical features, the parking driveway, and loading/unloading docks for the Project building. While the Applicant agrees that a more vibrant street would be desirable, helped perhaps by more retail space, as of this date, the Board has yet to be shown how this can be accomplished.

This Board is grateful for the Applicant's willingness to engage the community and listen to our concerns and would like to see this project succeed, both for the Applicant and for the community. In the Board's view, however, it can only succeed for the community if the word "permanently" precedes the term "affordable housing".

NOW, therefore, be it resolved that Manhattan Community Board No. 4 recommends denial of ULURP Applications No. 120396ZMM, 120397ZSM, 120398ZSM, M010151BZSM unless a restrictive declaration be filed that requires that 20% of the units developed be affordable in perpetuity.

Should the condition requiring permanent affordability be met, CB4 also recommends denial unless:

The Applicant surrender the prior public parking garage previously approved for 399 spaces (ULURP No. C010149ZSM) upon approval of the proposed garage Special Permit for accessory parking spaces;

The number of parking spaces is reduced to 163 spaces;

The driveway be reduced substantially in width, perhaps by half, with the other half devoted to an inviting public space, enhanced by seating and plantings;

The frontage along West 58th Street is enlivened and welcoming to pedestrians and that the square footage devoted to mechanicals and/or parking is significantly reduced; and

The Applicant works with CB4 to identify the proposed user for the community facility space.

Sincerely,



Corey Johnson, Chair
Manhattan Community Board 4



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

cc: DCP Calendar Office
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Durst Organization – Helena Durst, Eva Durst, Jordan Barowitz
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