CITY PLANNING COMMISSION

May 7, 2014 / Calendar No. 2 C 140181 ZMM

IN THE MATTER OF an application submitted by Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 8c:

1. changing from an R8 District to an R8A District property bounded by West 52nd Street, a line 225 feet easterly of 11th Avenue, a line midway between West 52nd Street and West 51st Street, a line 200 feet easterly of 11th Avenue, West 51st Street, and a line 100 feet easterly of 11th Avenue;

2. changing from an R8A District to an R9 District property bounded by a line midway between West 53rd Street and West 52nd Street, a line 250 feet easterly of 11th Avenue, West 52nd Street, and a line 225 feet easterly of 11th Avenue;

3. changing from an M1-5 District to an R9 District property bounded by West 53rd Street, a line 275 feet westerly of 10th Avenue, West 52nd Street, a line 375 feet easterly of 11th Avenue, a line midway between West 53rd Street and West 52nd Street, a line 225 feet easterly of 11th Avenue, West 52nd Street, and a line 125 feet easterly of 11th Avenue; and

4. establishing within the proposed R9 District a C2-5 District bounded by West 53rd Street, a line 275 feet westerly of 10th Avenue, West 52nd Street, a line 375 feet easterly of 11th Avenue, a line midway between West 53rd Street and West 52nd Street, a line 250 feet easterly of 11th Avenue, West 52nd Street, and a line 125 feet easterly of 11th Avenue;

Borough of Manhattan, Community District 4, as shown on a diagram (for illustrative purposes only) dated December 2, 2013.

The application for an amendment of the Zoning Map to change M1-5 (CL) and R8A (CL) districts to R9/C2-5 (CL), and R8 (CL) to R8A (CL) districts was filed by the Department of Housing, Preservation and Development (HPD) on November 25, 2013. A revised application was filed on May 1, 2014 to reflect the amount of total commercial floor area proposed. The application, along with related actions, would facilitate the development of two new buildings and rehabilitation of one building to provide approximately 530 residential units (of which 206 would be affordable to low-, moderate- and middle-income residents), 58,709 square feet of commercial floor area and approximately 7,500 SF of community gardens on portions of two blocks bounded by West 51st Street and West 53rd Street between Tenth and Eleventh avenues in

Manhattan Community District 4.

RELATED ACTIONS

In addition to the zoning map amendment (C 140181 ZMM), which is the subject of this report, implementation of the proposed project also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

N 140182 ZRM: Amendment to Zoning Resolution Section 96-00 Appendix A to include portions of the Project area in the Other Area - Western Subarea C2; Appendix F to include portions of the Project area in the Inclusionary Housing designated area; Section 96-31 to amend IH program to include low-, moderate and middle-income bands within R8A districts in the CL; Section 96-32 to amend IH program to include low-, moderate- and middle-income bands within R9 districts in the CL, and permit certain commercial and manufacturing uses in the project area

C 140183 ZSM: Special Permit pursuant to Section 74-74, Large-Scale General Development, to permit the transfer of floor area and height and setback waivers in a new Large-Scale General Development

N 140184 ZCM: Commission certification pursuant to Section 26-15 to allow more than one curb cut along a narrow street

C 140185 HAM: Urban Development Area Action Plan Designation and Disposition of property on portions of blocks bounded by West 51st and West 53rd streets; 10th and 11th avenues

BACKGROUND

The application for the proposed zoning map amendment, in conjunction with the related applications, would facilitate construction of two new mixed-use buildings, the rehabilitation of one building and three community gardens on portions of two blocks bounded by West 51st Street and West 53rd Street between Tenth and Eleventh avenues in Manhattan Community District 4.

The project area comprises portions of Block 1081 (bounded by West 52nd and West 53rd streets, Tenth and Eleventh Avenues) and Block 1080 (bounded by West 51st and West 52nd streets, Tenth and Eleventh Avenues) in the Clinton/Hell's Kitchen neighborhood in Manhattan. In 1969, the majority of the project area was mapped within the Clinton Urban Renewal Area (the "CURA"), which was generally bounded by West 56th Street to the north, Tenth Avenue to the east, West 50th Street to the south, and Eleventh Avenue to the west. The Clinton Urban Renewal Area Plan expired in 2009. The goals of the CURA included, "redevelopment of the CURA in a comprehensive manner, removing blight and restoring the residential character of the CURA with appropriate support facilities." Over the past several years, HPD has worked with the Clinton community to identify projects that achieve these goals, which has resulted in several land use applications by HPD and project sponsors to dispose of and develop underutilized properties. The project area includes among the last undeveloped parcels in the former CURA.

In 1994, the CPC approved the disposition of the property at 545 West 52nd Street on Block 1081 to facilitate its enlargement and to allow community facility use otherwise not permitted under the M1-5 district regulations (C 940648 HUM, C 940649 ZSM, and C 940650 HDM). In 2002, Block 1081 was rezoned (C 020463 ZMM) to a depth of 125' east of Eleventh Avenue from M1-5 to R8A with a C2-5 overlay to develop affordable housing. In 2005, in order to facilitate residential construction on the eastern portions of both Blocks 1081 and 1080 (formerly referred to as "Archstone Clinton"), a C6-3 district mapped along Tenth Avenue was extended into the midblock (C 050050 ZMM). In 2009, the CPC approved the 770 Eleventh Avenue (now known as "Mercedes House") set of actions (C 080008 ZMM et al), which facilitated development of the recently completed mixed use development directly north of the project area. The actions included a zoning map amendment from M1-5 to C6-3X, several zoning text amendments to the Special Clinton District (CL) and a General Large Scale Development special permit to waive height and setback requirements. In 2011, the Clinton Commons application (C 110125 ZMM) rezoned a parcel with 150 feet of frontage in the middle of Block 1081 on West 52nd Street from M1-5 to R8A to allow a 12-story residential building with affordable units. In 2011, the City Council approved the 18-block West Clinton Rezoning (C 110177 ZMM) sponsored by the Department of City Planning and Manhattan Community Board 4 to provide

new opportunities for affordable housing, manufacturing-compatible uses west of Eleventh Avenue and to ensure a contextual built form. This application rezoned Block 1080 to a depth of 100' east of Eleventh Avenue from M1-5 to R8A with a C2-5 overlay.

Land use patterns in the surrounding area reflect the neighborhood's history, which is rooted in manufacturing, was subsequently pegged for urban renewal and, most recently, is the subject of significant residential growth. Properties that are immediately adjacent to the project area are generally developed with residential uses. Archstone Clinton North abuts the Block 1081 project area to the east; it fronts both West 52nd and 53rd streets and rises to 25 stories roughly 200 feet west of 10th Avenue. Archstone Clinton South is a 24-story building on the south side of West 52nd Street and mirrors its sister building across the street. Along Tenth Avenue, Blocks 1081 and 1080 are lined with six-story tenement buildings with commercial ground floors. The newly completed Clinton Commons (or "Park Clinton") on West 52nd Street rises to 12 stories. Clinton Manor's two eight-story, subsidized residential buildings occupy a large through-lot in the middle of Block 1080. Beyond the project blocks, streets to the north are characterized by large residential and mixed use developments, including the 33-story Mercedes House across the street, the 396-unit Clinton Tower at 790 Eleventh Avenue and 14-story NYCHA Harborview Terrace at 530 West 55th Street. A notable non-residential building is the 457-foot tall AT&T Switching Tower on Tenth Avenue and West 53rd Street. Blocks east of Tenth Avenue are predominantly made up of attached walk-up tenements, brownstones and small apartment buildings among larger community facilities. To the south is a mixture of residential, commercial, and institutional buildings, including the almost full-block Park West High School building between West 50th and West 51st streets, and 38-story Hudsonview Terrace at 747 Tenth Avenue. West of Eleventh Avenue, the blocks include generally low-rise buildings with larger footprints, including a full-block Consolidated Edison facility, television studios, office buildings, an auto dealership, horse stables and surface parking lots.

There are a number of public and community-run open spaces in the surrounding area. The 550-acre Hudson River Park runs along the west side of Route 9A, one block west of the project area. DeWitt Clinton Park, across Eleventh Avenue from the project area, occupies two blocks

between West 52nd and West 54th streets. Smaller open spaces include the Gutenberg Playground on West 49th Street between Ninth and Tenth avenues, the Oasis Garden on West 52nd Street and Tenth Avenue, the Clinton Community Garden on West 48th Street between Ninth and Tenth avenues, and the Hell's Kitchen Park on Tenth Avenue between West 47th and West 48th streets.

The surrounding area is served by major north-south thoroughfares at Twelfth, Eleventh and Tenth avenues. Tenth Avenue is a wide northbound street, while Eleventh and Twelfth Avenues are wide two-way streets. Twelfth Avenue (Route 9A), one block to the west of the Project area, is the major traffic corridor along Manhattan's west side and provides access to waterfront piers. West 51st and West 53rd streets are narrow westbound streets; West 52nd Street is a narrow eastbound street. Transit serving the Project area includes the C and E subway lines at the 50 St subway station on Eighth Avenue. Buses include the cross-town M31 at West 54th Street and Eleventh Avenue, the M11 along Ninth and Tenth avenues, the M50 cross-town on West 49th and West 50th streets, and M57 along West 57th Street. A cross-town bike lane has recently been created on West 54th Street.

The surrounding area is mapped entirely within the CL, which is generally mapped between West 41st and West 59th Streets west of Eighth Avenue, and was adopted in 1974 to preserve and strengthen the residential character of a community bordering Midtown and maintain a broad mix of incomes. The CL is composed of Area A ("Preservation Area"), Area B ("Perimeter Area"), and Area C ("Other Areas"), further divided into Subareas C1 and C2, as well as "Excluded Areas." The portion of the Project area between West 52nd and West 53rd streets lies in the Excluded Area; the majority of the portion between West 51st and West 52nd streets lies in Other Area - Western Subarea C2. The Excluded Area is governed by the regulations of the underlying zoning district with few additional limitations or controls. Within Western Subarea C2, the underlying zoning regulations apply, except for special floor area, height, and setback regulations in R8, R8A, and R9 districts. Additionally, an Inclusionary Housing ("IH") bonus is available to residential developments mapped in R8A and R9 districts in Western Subarea C2.

R8, R8A and M1-5 zoning districts are widely mapped within the surrounding area. R8 districts typically permit 6.02 FAR for residential uses and 6.5 FAR for community facility uses. Above a street wall of 85 feet or nine stories, the building may rise within the sky exposure plane. R8A districts typically permit 6.0 FAR of residential and community facility uses, with required bases of between 60 and 85 feet and a maximum permitted building height of 120 feet. Within Western Subarea C2 and the Preservation Area of the CL, special regulations apply to R8 districts; the maximum permitted FAR is 4.2 for all uses, with a maximum building height of 7 stories or 66 feet on narrow streets. R8A districts in Western Subarea C2 are IH-designated areas with a base FAR of 5.4, bonusable to 7.2 with the provision of affordable housing. M1-5 districts permit limited retail, commercial, and light industrial uses with a maximum FAR of 5.0; building heights are determined by the sky exposure plane above a maximum street wall height of 85 feet.

Other zoning districts in the surrounding area include C6-2, C6-3, C6-3X, R9, and M2-4. The C6-2 district is mapped to the east of Tenth Avenue. In the Preservation Area of CL, the maximum FAR for residential or community facility buildings, or portions thereof, in C6-2 districts is 4.2. A base of 50 to 66 feet and overall height of 85 feet is permitted on wide streets, and height is capped at 66 feet on narrow streets. The C6-3 district, which is an R9 equivalent district, abuts the project area to the east and extends east of Tenth Avenue. C6-3 permits 6.0 FAR for commercial, .99-7.52 FAR for residential and 10.0 FAR for community facility, and requires a street wall of 60 to 85 feet, above which the building is constructed within the sky exposure plane. M2-4, mapped west of Eleventh Avenue in Western Subarea C2, allows 5.0 FAR, a street wall of between 50 and 95 feet and a maximum height of 135 feet. C2-5 overlay districts are mapped extensively within the surrounding area, particularly along Tenth and Eleventh Avenues, and permit 2.0 FAR of commercial use.

Block 1081

The Block 1081 project area encompasses the Block 1081 rezoning area and the proposed Large-Scale General Development ("LSGD"), a portion of which lies outside of the rezoning area. The boundary of the project area is coincident with the proposed LSGD, which is bounded by West 52nd Street to the south, Eleventh Avenue to the west, West 53rd Street to the north, and a line

approximately 275 feet west of Tenth Avenue, but excludes Park Clinton at 533-541 West 52nd Street (Block 1081, Lot 103.) It includes Lots 1, 60 and 1001-1008 (former Lot 16.) The LSGD measures 92,885 SF in area.

The Block 1081 project area and proposed LSGD include three existing buildings that are planned to be retained, as well as the sites of two buildings that will be developed as a result of the proposed actions. The Flats/Old School (554 West 53rd Street) is a 55,636-SF complex at the corner of Eleventh Avenue and West 53rd Street, with seven stories and 86 units of permanently affordable housing and retail on the ground floor (C 020463 ZMM and C 020464 HAM). It was an HPD-sponsored rehabilitation project. Units are available to low- and moderate-income households, and a portion is reserved for supportive housing for formerly homeless individuals. The Flats portion of the development is a 1915 model tenement listed on the State and National Registers of Historic Places. To the east of the building on West 53rd Street is an approximately 2,400-square foot communal garden (Adam's Garden) accessible to building residents and the community by keyed entry. The Clinton Parkview (555 West 52nd Street) on Eleventh Avenue and West 52nd Street is an 84,462-SF building sponsored by HPD (C 020463 ZMM and C 020465 HAM) and provides 96 units of mixed income housing over 11 stories with retail space on the ground floor. There is a private rear garden for building residents.

545 West 52nd Street, the third existing building in the proposed LSGD, is a ten-story City-owned building currently occupied by several arts-related community facility and commercial uses: a not-for-profit theater with an accessory office, rehearsal space, scenery construction, performing and visual artists' studios, film production offices, and an art gallery. Abutting the east side of the ten-story building on the City-owned site is a single story garage and an unimproved, 25-foot wide lot currently used for construction staging. The building, garage and vacant lot were the subject of 1994 land use approvals allowing for the disposition of the City-owned site to facilitate the expansion of the existing ten-story building with a new nine-story extension in place of the existing garage for community facility uses related to theatre and performing arts (C 940648 HUM, C 940649 ZSM, and C 940650 HDM). To date, the site has not been disposed of by the City and the building has not been expanded. In the event the site is

ultimately disposed of in connection with the 1994 land use application permitting disposition of the site, this current LSGD Application preserves the building envelope and 73,772 zoning square feet necessary to achieve the expansion set forth in the 1994 approvals.

There are no changes proposed to the existing buildings. The remainder of the Block 1081 project area will be constructed with the proposed developments, described below.

In addition to the three existing buildings described above, the midblock portion of Block 1081 (the development site) is proposed to be developed with two new mixed-use buildings to comprise the new LSGD. The area to be developed fronts on both West 52nd and West 53rd streets, and is bounded by a line approximately 125 feet (north of the block centerline) and 350 feet (south of the block centerline) east of Eleventh Avenue to a line 275 feet west of Tenth Avenue. The development site comprises Block 1081, p/o Lot 1 and former Lot 16. The portion of Lot 1 is in City ownership and the portion comprised of Lot 16 is privately owned.

The development site is currently occupied by a seven-story commercial condominium structure that is largely vacant except for livery car parking on the ground floor and offices on the third floor, a vacant, four-story tenement building converted to commercial use, a one-story garage, and surface car parking that is used, in part, for construction staging. There are 11 existing curb cuts, which total over 190 linear feet, along the West 53rd Street boundary of the Development Site and six curb cuts on West 52nd Street. The development site includes the entire portion of the Block 1081 Project Areas currently designated with an M1-5 zoning district and a 25-foot wide portion of the R8A district on West 52nd Street in the Excluded Area of the CL.

Block 1080

The Block 1080 project area encompasses the zoning lot that includes the Block 1080 rezoning area and the proposed development site. The boundary of the project area is coincident with Block 1080, Lots 103 and 105 at the western end of the block. The project area is bounded by West 51st Street to the south, Eleventh Avenue to the west, West 52nd Street to the north, and a line 225 feet (north of the block centerline) and 200 feet (south of the block centerline) east of

Eleventh Avenue.

The Block 1080 project area includes several existing buildings, including four- and five-story tenements and brownstones that were rehabilitated for affordable housing with ground floor commercial at the northern and southern ends of the block fronting Eleventh Avenue. There is a community garden at the corner of West 51st Street and Eleventh Avenue. Cybert Tire currently occupies the City-owned 726 Eleventh Avenue, a two-story former stable. The Irish Arts Center occupies a three-story tenement on West 51st Street. The Police Athletic League ("PAL") Duncan Center is housed on two lower floors of a complex comprised of three narrow, four story tenements on West 52nd Street, as well as a one-story warehouse on West 51st Street. The latter two properties are also City-owned.

The Block 1080 project area is within the Western Subarea C2 of CL to a depth of 200 feet from Eleventh Avenue; remaining 25-foot portion north of the block centerline is in the Excluded Area. The block is mapped R8A with a C2-5 overlay to a depth of 100 feet from Eleventh Avenue, and R8 to the eastern boundary of the Project area. As has been discussed, Western Subarea C2 includes modified provisions for R8 and R8A districts; the portion of the project area in the Excluded Area is subject to conventional R8 regulations.

The Captain Post building at 556-560 West 52nd Street and adjacent 25-foot wide yard are within the Block 1080 Project area zoning lot. This development site, which has 50 feet of frontage on West 52nd Street, is currently occupied by a vacant five-story former commercial loft building with an original brick façade. The yard is used for outdoor storage. The development site is in an R8 zoning district in the Western Subarea C2 of the CL.

PROPOSED PROJECT

Block 1081

The actions associated with Block 1081 will facilitate the construction of two new, mixed-use buildings to be located at 540 West 53rd Street and 525 West 52nd Street, and the creation of

two community gardens.

540 West 53rd Street will be located in the midblock portion of Block 1081, p/o Lot 1 on a 17,171-SF parcel with 146 feet of frontage on West 53rd Street. The brick and masonry structure is proposed to be 12 stories, 143 feet tall and occupy 118,216 square feet of floor area. It will include approximately 103 permanently affordable dwelling units: 23 low-income, 54 moderate-income, and 26 middle-income units. The apartments will range in size from studios to three bedrooms, and some will have access to private roof decks and terraces. The ground floor will be occupied by two long-term, vested CURA tenants over 11,357 square feet. Cybert Tire, an automobile repair, has occupied 726 Eleventh Avenue since 1916, and will relocate to the new building in accordance with an MOU with the City. It will occupy the western portion of the ground floor commercial space, as well as space below grade. Cybert Tire will temporarily occupy the single story garage on West 52nd Street before construction of 540 West 53rd Street is completed. LeNoble Lumber, a lumber sales center, is also subject to an MOU with the City and will occupy the eastern portion of the ground floor. In addition to the commercial space, the ground floor will include a lobby and community room. The building is proposed to include 63 bicycle spaces and no vehicle parking.

Adam's Garden, to the west of the 540 West 53rd Street site, is proposed to be extended to include the 2,231 SF-lot immediately abutting the new 12-story building. The garden will serve as a landscaped community resource as well as gated entry to 540 West 53rd Street. Building residents will have keyed access, and a key will be available to the community at Community Board 4 offices.

525 West 52nd Street, the second of the two new buildings, is proposed to occupy an L-shaped through-block site on p/o Lot 1 and all of former Lot 16, with 229 feet of frontage on West 53rd Street and 150 feet on West 52nd Street, totaling 38,058. The building is proposed to step up to a maximum 22 stories, or 230 feet, on West 53rd Street and 14 stories, or 144 feet, on West 52nd Street, with a total of 347,988 square feet of floor area. It will provide approximately 405 rental housing units, of which 20 percent (approximately 81 units) will be affordable to low-income

households. LeNoble Lumber will occupy the 20,914-square foot of ground floor commercial space that will extend through the block. LeNoble may use this space for lumber sales or local retail, such as a supermarket. There will be additional space for the commercial occupant in the cellar.

525 West 52nd Street is designed to shift bulk toward the center of the block, away from Eleventh Avenue, DeWitt Clinton Park and the Hudson River waterfront. Maintaining lower heights on the avenues and increasing elevation in the midblock is consistent with recent development in the CL, including the 25-story Archstone Clinton buildings immediately to the east of the Project area, the 33-story Mercedes House across West 53rd Street and recently approved 457-foot tall residential development at 625 West 57th Street. Additionally, there is greater bulk proposed on West 53rd Street, responding to the lower rise character of West 52nd Street. Along West 52nd Street, a simple brick and punched window façade is proposed. On West 53rd Street, the façade is articulated with a series of bays and the building massing steps up to create a series of balconies facing the Hudson River. In addition to the private terraces, there will be a landscaped courtyard above the ground floor for use by its residents and landscaped roof. An open breezeway in the courtyard will link the north and south portions of the building. Primary residential access is on West 52nd Street, with a secondary entrance on West 53rd Street, linked by a through-block lobby. 525 West 52nd Street will also include 50 accessory parking spaces and 203 bicycle spaces.

The second community garden proposed to be created will occupy an unimproved, approximately 2,510 square foot City-owned lot at 545 West 52nd Street, immediately west of Clinton Manor. The community garden will be programmed as a children's garden with gardening activities, space for public art and children's art education. As is the case for Adam's Garden and its new extension, access will be available by key from the Community Board 4 office. This garden will be net-leased by the City to Clinton Housing Development Company and managed by a gardening association.

The segment of West 53rd Street adjacent to the proposed LSGD has 11 existing curb cuts. Eight

are proposed to be removed and three will be expanded to serve the Cybert Tire auto repair, LeNoble Lumber loading berths (both adjacent to 540 West 53rd Street) and the parking garage accessory to 525 West 52nd Street. Three of the existing six curb cuts on the West 52nd Street frontage of the LSGD will be eliminated.

In total, the LSGD is proposed to include 680,074 SF of floor area and be constructed to an aggregate FAR of 7.32.

Block 1080

The Captain Post building is planned to be renovated to include approximately 22 units of low- and moderate-income housing for households earning between 80 and 100 percent of AMI in approximately 14 two-bedroom units and eight studios. The renovation will also include a partial sixth-floor addition set back from both the northern and southern building frontages. The building height will increase from 85 feet to 91 feet (100 feet to the bulkhead). It will also contain approximately 4,120 square feet of community facility space in the ground floor and cellar with an entrance from the street. The approximately 2,500-square foot storage yard, located immediately to the west of the Captain Post building, will be converted to a keyed community garden. Residential access to Captain Post will be through this communal garden.

Many of the parcels within the Block 1080 Project area have been rehabilitated in keeping with the goals of the CURA. Several sites have been identified for redevelopment, such as Captain Post, which is the subject of this application, as well as the expansion of the Irish Arts Center to include its current building on West 51st Street and 726 Eleventh Avenue, now occupied by Cybert Tire; Irish Arts' expansion will be the subject of a separate application. The Duncan PAL site, with buildings fronting West 51st and West 52nd streets over 10,000 SF, is currently underutilized and in poor condition. While there is no selected sponsor or site-specific plan identified for the Duncan PAL site, it is a potential site for redevelopment in the future and HPD is proposing an appropriate zoning designation.

REQUESTED ACTIONS

Block 1081

Zoning Map Amendment

The applicant seeks a zoning map amendment to rezone the entirety of the M1-5 district and a 25-foot wide segment of an R8A district on West 52nd Street to R9 with a C2-5 overlay. M1-5 generally permits commercial, manufacturing and certain community facility uses up to 5.0 FAR, a maximum base height of 85 feet and building within the sky exposure plane. R8A permits up to 6.02 FAR for residential uses, and limits heights to 120 feet, above a 60- to 85-foot base. The applicants seek to introduce mixed-use development, comprised largely of residential units. In conjunction with a proposed text amendment that would extend Western Subarea C2 regulations for R9 zoning districts to the Block 1081 rezoning area, the rezoning to R9 would permit a base floor area of 6.0 FAR, which may be increased to 8.0 FAR with the provision of affordable housing pursuant to IH (rather than 0.99 to 7.52 FAR allowed in conventional R9 districts.) In the Western Subarea C2, conventional R9 district regulations are also modified to require base heights of between 60 and 95 feet, above which a setback of 15 feet on a narrow street is required, with a maximum building height of 135 feet. Typically, R9 mandates height factor or tower envelopes above a base height of 60 to 85 feet. The C2-5 overlay district would allow for the relocation of title-vested CURA tenants.

Text Amendment to Section 96-00 Appendix A, Section 96-32 and Appendix F

The applicant seeks a zoning text amendment to Section 96-00, Special Clinton District, Appendix A to include the Block 1081 Rezoning Area in Other Area – Western Subarea C2. R9 zoning districts in Western Subarea C2 are IH-designated areas. Expansion of the subarea will allow for the provision of affordable housing units.

The applicant proposes a zoning text amendment to Appendix F to designate the project area an Inclusionary Housing designated area, which would permit the applicant to receive bonus floor area for providing affordable housing.

In addition, the applicant proposes a zoning text amendment to 96-32, Special Regulations in R9 Districts, to modify the IH program available to the Project area to allow for the provision of housing for low- (80% of AMI), moderate- (125% of AMI) and middle- (165% of AMI) income households. An additional amendment to this section would allow commercial and manufacturing uses within the LSGD not otherwise permitted in R9 or C2-5 zoning districts. The uses to be permitted include: production studios, commercial art galleries, lumber stores with no limitation on floor area, theaters, automotive service and scenery construction. This provision would allow for the location of vested CURA tenants Cybert Tire and LeNoble Lumber, as well as the future expansion of existing arts-related uses in 545 West 52nd Street.

Special Permit for Large-Scale General Development

Pursuant to Section 74-743 of the Zoning Resolution, the applicants request a special permit to bulk modification within the proposed Large-Scale General Development, which will include three existing buildings, two new buildings and open space over 92,885 square feet. In the Western Subarea C2, R9 districts require base heights between 60 and 95 feet, 15-foot setback on a narrow street and a maximum building height of 135 feet. The applicants propose to distribute available floor area from existing buildings in the western portion of the LSGD to the eastern area in the midblock, and seek the following height and setback waivers:

Waivers for 540 West 53rd Street

- Waiver of Section 35-24 (c): A maximum base height of 95 feet is permitted. The building is proposed to rise to 124 feet and 7 inches and 143 feet, with either no setback or only a 5-foot setback in some areas. A waiver is required for between 29 feet 7 inches and 48 feet above the base height.
- Waiver of Section 35-24, Table A: Above the base, a maximum building height (excluding mechanical penthouse space) of 135 feet is permitted. The majority of Building C will rises to a height of 124 feet 7 inches, which is below the maximum building height regulations, except for a decorative tower at the northwestern corner of the building, which will rise to a height of 143 feet. It will rise 8 feet above the maximum permitted building height, for which a waiver is requested.

- Waiver of Section 24-552 (b): Quality Housing requires that buildings that exceed the maximum base height provide a 10-foot rear yard setback above a height of 95 feet, which is measured 30 feet from the rear yard line. A rear yard of variable depths (30, 32 and 35 feet) will be provided above the first floor. The building is proposed to rise to its full height without a rear yard setback at 95 feet. A waiver is required for between 5 and 10 feet, depending on location, above 95 feet.

Waivers for 525 West 52nd Street

- Waiver of Section 35-24 (c): A maximum base height of 95 feet is permitted. The proposed base height of the southern street wall of the proposed Building D would range between 113 feet 4 inches and 144 feet 2 inches, above which a setback of 15 feet would be provided. This base would exceed the maximum permitted base height by between 18 feet 4 inches and 49 feet 2 inches. The proposed base height of the northern street wall of the proposed Building D would range between 122 and 164 feet 8 inches, above which a setback of 15 feet would be provided. This base would exceed the maximum permitted base height by between 27 feet and 69 feet 8 inches. A 15-foot deep setback would be provided at 120 feet, above the proposed base.
- Waiver of Section 35-24, Table A: Above the base, a maximum permitted building height of 135 feet is permitted. The West 53rd Street envelope will rise to a maximum of 263 feet and the West 52nd Street envelope will rise to a maximum height of 174 feet 2 inches (each including 30-foot mechanical obstruction). Elevator or stair bulkheads, roof water tanks, and accessory mechanical equipment are permitted obstructions provided that they are screened and contained with a volume the lot coverage of which does not exceed 20 percent of building's lot coverage. The proposed mechanical bulkheads will exceed 20 percent of building's lot coverage, and are therefore "building" for purposes of height and setback considerations. A waiver is requested for the portions of buildings that will exceed the maximum permitted height by 128 feet and 39 feet 2 inches, respectively.
- Waiver of Section 24-552 (b): Quality Housing requires that buildings that exceed the maximum base height provide a 10-foot rear yard setback above a height of 95 feet, which is measured 30 feet from the rear yard line. The proposed rear yard equivalent is

between 65 feet 10 inches and 69 feet 10 inches in depth, exceeding the required rear yard equivalent. The northern and southern volumes rise without a rear yard setback from the building's base. The rear walls of the northern and southern portions of the building are located between 2 feet 11 inches and 6 feet 11 inches rather than 10 feet from the rear yard line. A waiver is therefore requested to waive the requirement to provide a setback of between 3 feet 1 inch and 7 feet 1 inch above the maximum base height of 95 feet to the highest portions of the buildings.

UDAAP Designation and Disposition

The applicant seeks Urban Development Action Area Project Designation and Disposition of portions of Block 1081, Lot 1, as well as air rights over 545 West 52nd Street for the development of two new mixed-use buildings and approximately 184 affordable residential units.

Commission Certification for curb cuts

The applicant seeks a Commission certification pursuant to Section 26-15 to allow more than one curb cut on a zoning lot on West 53rd Street, as follows: (i) 21 feet in width (including splays) to serve the permitted accessory parking garage at 525 West 52nd Street; (ii) 24 feet in width (including splays) to serve the required LeNoble loading berths; and (iii) 24 feet in width (including splays) to serve the Cybert Tire auto repair facility. The total linear footage of the proposed curb cuts would be approximately 69 feet, a reduction from the existing 190 feet of curb cuts.

Block 1080

Zoning Map Amendment

The applicant seeks a zoning map amendment to extend the R8A zoning district to a depth of 225 feet (north of the block centerline) and 200 feet (south of the block centerline) to replace the existing R8 district designation . Within Western Subarea C2 and the Preservation Area of the CL, special regulations apply to R8 districts; the maximum permitted FAR is 4.2 for all uses,

with a maximum building height of 7 stories or 66 feet on narrow streets. R8A districts in Western Subarea C2 are IH-designated areas with a base FAR of 5.4, bonusable to 7.2 with the provision of affordable housing.

Text Amendment to Section 96-00 Appendix A, Section 96-31 and Appendix F

The applicant seeks a zoning text amendment to Section 96-00, Special Clinton District, Appendix A to include the Block 1081 Rezoning Area in Other Area – Western Subarea C2. R9 zoning districts in Western Subarea C2 are IH-designated areas. Expansion of the subarea will allow for the provision of affordable housing units.

The applicant proposes a zoning text amendment to Appendix F to designate the project area an Inclusionary Housing designated area, which would permit the applicant to receive bonus floor area for providing affordable housing.

In addition, the applicant proposes a zoning text amendment to 96-32, Special Regulations in R8A Districts, to modify the IH program available to the project area to allow for the provision of housing for low- (80% of AMI), moderate- (125% of AMI) and middle- (165% of AMI) income households.

UDAAP Designation and Disposition

The applicant seeks Urban Development Action Area Project Designation and Disposition of portions of Block 1080, Lot 103 for the development of 22 affordable residential units in the Captain Post building.

ENVIRONMENTAL REVIEW

The subject application (C 140181 ZMM), in conjunction with the applications for the related actions (N 140182 ZRM, C 140183 ZSM, N 140184 ZCM and C 140185 HAM), was reviewed pursuant the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations (NYCRR),

Section 617.00 et seq. and the New York City Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 13HPD106M. The lead agency is the New York City Department of Housing Preservation and Development.

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on November 26, 2013. A Revised Negative Declaration was issued on April 29, 2014 following a revision of the total amount of commercial floor area proposed by the applicant.

UNIFORM LAND USE REVIEW

This application (C 140181 ZMM), in conjunction with the related ULURP applications (C 140183 ZSM and C 140185 HAM), was certified as complete by the Department of City Planning on December 2, 2013, and was duly referred to Manhattan Community Board 4 and the Manhattan Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b); along with the related non-ULURP actions (N 140182 ZRM and N 140184 ZCM), which were referred for information and review on December 2, 2013, in accordance with the procedures for non-ULURP matters.

Community Board Review

Community Board 4 held a public hearing on this application (C 140181 ZMM) and on the applications for the related actions on January 6, 2014, and on that date, by a vote of 35 in favor, 1 opposed and 1 present but not eligible, adopted a resolution recommending approval of the application. The Board requested that the private applicant additionally address the following concerns:

1. All affordable housing developed on the Project site will be affordable in perpetuity through a restrictive declaration to those households with incomes that fall within the respective income ranges set forth in the application;
2. All units in the 525 West 52nd Street building will be randomly distributed throughout all floors of the building;
3. All finishes and fixtures in the 525 West 52nd Street building will be the same for all units;

4. All amenities in the 525 West 52nd Street building will be open to all market-rate and affordable tenants. For fee-based amenities, there will be a reduced fee for the affordable tenants;
5. The applicants will co-operate with a MCB4 Construction Task Force to deal with construction effects (noise, street closings, sanitation pickup, rat baiting, etc.) on the adjacent community;
6. The sidewalk of West 53rd Street will be enhanced with expanded street tree beds, planted with flair;
7. The applicants will contact Archstone Clinton and Mercedes House in an effort to coordinate street improvements and West 52 and West 53rd Street should be illuminated with pedestrian perimeter lighting; and
8. CHDC and LeNoble will consult with the Board and the community should its negotiations for an affordable supermarket on 53rd Street fall through.

Borough President Recommendation

This application (C 140181 ZMM), in conjunction with the related actions, was considered by the President of the Borough of Manhattan. On March 12, 2014, the Borough President issued a recommendation approving the application with the condition that the applicants:

1. explore a more thorough distribution of affordable units in Building D, in keeping with CB4's recommendation;
2. apply for a text amendment to remove the lumber store use with no limitation on size if LeNoble Lumber does occupy its space on West 53rd Street; and
3. continue to work with CB4 and the Borough President's office to find an appropriate small business to occupy the LeNoble Lumber space should an affordable supermarket tenant not be found.

Further, the Borough President asked that the City Planning Commission carefully evaluate future projects in the surrounding area such that the concentration of bulk and height in the midblock does not become a standard element of all projects in the Clinton neighborhood.

City Planning Commission Public Hearing

On March 5, 2014 (Calendar No. 1), the City Planning Commission scheduled March 19, 2014, for a public hearing on this application (C 140181 ZMM). The hearing was duly held on March 19, 2014 (Calendar No. 16) in conjunction with the public hearing on the applications for related actions. There were 23 speakers in favor of the application and no speakers in opposition.

Counsel to the Women's Interart Center, Inc. spoke in favor of the application with the condition that the subject actions not negatively affect the Center's proposed expansion of 543-551 West 52nd Street contemplated as part of the 1994 land use approvals. The executive director of the Ensemble Studio Theater at 549 West 52nd also expressed support, highlighting the provision of affordable housing and the value of affordable accommodation for artists.

The Director of Manhattan Planning at the Department of Housing Preservation and Development spoke in support of the application, citing the project's history, background and consistency with the goals of the former urban renewal plan. The speaker also described the phasing of development and accounting of affordable units. A project manager at Clinton Housing Development Company testified in support and described the goals of the project and the components of the proposed Large-Scale General Development.

A representative of Taconic Investment Partners spoke in favor, described his organization's work and restated the number of affordable units that the project will provide. The Secretary of the Board of Directors of the Clinton Housing Company expressed support of the application, underscoring the value of permanently affordable middle- and moderate-income units, as well as family-sized units, that the application allows.

The architect of 540 West 53rd Street spoke in favor and described the building design and programming, including the size of residential units. The architect of 525 West 52nd Street testified in support and described the building design and programming. A project manager of Clinton Housing Development Company provided favorable testimony and described the rehabilitation plans for the Captain Post building on West 52nd Street.

The Vice President of LeNoble Lumber Company, in speaking in favor of the application, described the history of the business in Clinton and the MOU signed with HPD that allows the company to return to Site 7. The speaker introduced the rationale for seeking, in consultation with the community, a supermarket tenant for the space should LeNoble opt not to operate a lumber business at the location. The speaker responded to questions concerning the status of

negotiations with potential tenants and considerations in selecting an appropriate retailer. The President of Cybert Tire testified in support of the project and expressed enthusiasm for being able to relocate to 540 West 43rd Street.

A land use consultant and land use counsel to the applicant testified in support of the application and described the proposed actions. The Director of Community Cultivation at Clinton Housing Development Company spoke in favor of the project and described the design and operational logistics of the three proposed community gardens. The applicant's environmental consultant signed up to speak in favor and was available to answer questions. Another representative of Taconic Investment Partners also appeared in favor and was available to answer questions.

The Executive Director of Clinton Housing Development Company summarized the goals of the application and how the proposal meets these goals. The Executive Director of the Irish Arts Center, located at 553 West 51st Street, testified in support, explained his organization's expansion plans and described how the affordable units made possible by the application contribute to the dynamism of the neighborhood.

The Chair of Community Board 4 spoke in support of the proposal, underscoring the importance of affordable housing and units that are affordable to a range of income groups. The Chair of Community Board 4's Clinton/Hell's Kitchen Land Use Committee also spoke in favor of the application requesting that all affordable units be affordable in perpetuity, and that affordable units at 525 West 52nd Street be distributed across all floors. The District Manager of Community Board 4 testified in favor of the project and described continued community involvement in the selection of a supermarket tenant in the LeNoble lumber retail space and design of the proposed community gardens.

A representative of the Manhattan Borough President provided favorable testimony, but cited concerns regarding the appropriateness of a text amendment to allow a lumber store without limitation on size should LeNoble Lumber not occupy its retail space, asked that the location of height and bulk in the midblock not serve as a precedent for development in Clinton, and

requested that affordable units in the 525 West 52nd Street be distributed across all floors. A representative speaking on behalf of the State Senator for the 27th District, State Senator for the 31st District and Assembly Member for the 67th District provided favorable testimony but requested that all affordable units be evenly distributed throughout the new buildings, and that affordable units be fitted with the same fixtures and finishes as market rate units.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the zoning map amendment (C 140181 ZMM), in conjunction with the related applications for a zoning text amendment (N 140182 ZRM), special permit (C 140183 ZSM), Commission certification (N 140184 ZCM) and Urban Development Area Action Plan Designation and Disposition (C 140185 HAM), is appropriate.

This application would facilitate the construction two new mixed-use buildings, the rehabilitation of one building and creation of three new community gardens. The activation of these vacant and underutilized sites would allow for the provision of up to 530 residential units, up to 206 of which would be affordable to low-, moderate- and middle-income households, which will aptly serve the needs of Manhattan Community District 4 and the City of New York.

Zoning Map Amendment

The Commission believes that the proposed zoning map amendment to change the existing M1-5 and R8A districts to an R9 district with a C2-5 overlay on western portions of the block bounded by West 52nd and West 53rd streets, and Tenth and Eleventh avenues (Block 1081) in the Special Clinton District is appropriate. M1-5 generally permits 5.0 FAR of commercial or manufacturing uses while R9 in the Western Subarea C2 of the special district permits 6.0 FAR of residential floor area, which can be increased to 8.0 FAR through the Inclusionary Housing program. The Commission believes that the zoning map change is consistent with several recent rezonings adjacent to the project area, reinforces the shift of blocks between Tenth and Eleventh

avenues away from manufacturing uses and, significantly, helps to realize the goals of the former CURA to remove blight and restore residential character.

The Commission additionally believes that the zoning map amendment to change the existing R8 district to an R8A district on the western portion of the block bounded by West 51st and West 52nd streets, and Tenth and Eleventh avenues (Block 1080) in the Special Clinton District is appropriate. Although R8 generally allows 6.02 FAR for residential uses, only 4.0 FAR of residential floor area is allowed in the Western Subarea C2 of the Special Clinton District. An R8A district in Western Subarea C2 permits 5.4 FAR of residential uses that can be increased to 7.2 FAR through the Inclusionary Housing program. The Commission believes that the low-rise, traditional tenement buildings along the western end of Block 1080 and the extension of the R8A zoning designation eastwardly will encourage contextual development and the provision of affordable units on remaining City-owned development sites in the future.

The purpose of the map amendments is to allow residential uses on the development sites and promote the inclusion of affordable housing, which would not be permitted in the current M1-5 or R8 districts. The proposed commercial overlay further safeguards existing or vested commercial uses. The Commission believes that the development sites, many City-owned, have remained disused, vacant and in poor physical condition for a significant number of years. The proposed zoning map action will appropriately activate growth and rehabilitation of development sites in a manner consistent with recent adjacent rezoning areas, many of which have also been sponsored by HPD to meet the objectives of the former CURA. The Commission also believes that the rezonings allow for uses, densities and building envelopes more consistent with this section of Clinton and its strengthening residential character. The eastern portions of blocks 1081 and 1080 were mapped with a C6-3 district in 2005; C6-3 is an R9 equivalent district. In 2009, the block to the north of the project areas was designated C6-3X, which permits up to 9.0 FAR of residential floor area with the Inclusionary Housing program.

Large-Scale General Development Special Permit

The Commission believes that the proposed modifications to bulk regulations pursuant to Section

74-743 (Large-Scale General Development) are appropriate. The Commission notes that the applicants propose to unify an approximately two-acre site comprised of three existing mixed-use buildings and one community garden to provide additional open space and two new mixed use buildings over a portion of the site that is currently underutilized. The Commission notes that this special permit will allow the distribution of floor area without regard for zoning district boundaries and allow waivers of height and setback requirements. 540 West 53rd Street is proposed to rise to a maximum 143 feet with only a five-foot setback in some areas, therefore requiring a setback waiver above 95 feet and an 8-foot building height waiver above 135 feet. Additional rear yard waivers are sought. 525 West 52nd Street is proposed to 266 feet on West 53rd Street (with bulkheads) and 174 feet on West 52nd Street (with bulkheads), which requires both setback and building height waivers. Additional rear yard waivers are also sought for this building. Overall, the Commission believes that these actions result in a better site plan and in a better relationship between the proposed new developments, open areas, and existing buildings in the Large-Scale General Development ("LSGD"), and between the project area and surrounding streets and open areas.

The Commission believes that the proposed massing of the two new buildings responds to the distinct features of the Block 1081 project area block, recent development, nearby open spaces and proximity to the Hudson River. The Commission acknowledges that higher densities and heights are typically located on avenues and wide streets with lower-rise buildings sited toward the mid-blocks; however, the Commission believes that the unique conditions of the LSGD and project area block support the proposal to concentrate height and density at the eastern end of the project area on West 53rd Street. The Commission notes that the LSGD is proposed to include three existing buildings of between eight and 11 stories at its western end, one of which is listed on the State and National Registers of Historic Places. The Commission believes that the distribution of bulk towards the eastern end of the project area promotes an integral site plan that respects the historic quality of existing structures and corresponds to the scale of the adjacent segment of Eleventh Avenue. The proposed LSGD also includes one current community garden on West 53rd Street, which is planned to be doubled in size, and a second community garden to be installed on West 52nd Street. The Commission believes that the integration of these open

spaces, in conjunction with the courtyard at 525 West 52nd Street, significantly contributes to the access of light and air to residential units in the midblock.

The Commission believes that the bulk distribution, which would be permitted pursuant to the proposed LSGD site plan, corresponds to the massing of buildings and blocks immediately adjacent to the project area. The concentration of height and density in the midblock rather than the avenue is specific to this immediate section of Clinton and not typical of bulk location patterns in Manhattan. The recently-constructed Archstone Clinton North and South buildings between West 51st and 53rd streets rise to 25 stories beginning 200 feet west of Tenth Avenue, with low-rise tenement buildings lining the avenue. The Mercedes House development immediately north of the project area rises from seven stories on Eleventh Avenue to 33 stories in the midblock. The Commission acknowledges that the proposed LSGD similarly shifts floor area away from Eleventh Avenue towards the midblock to approach the height of the adjacent Archstone North building, maintain the low-rise character of Eleventh Avenue and preserve light and views to the DeWitt Clinton Park and Hudson River.

The Commission further recognizes the applicants' commitment expressed to Community Board 4 to enhance the West 53rd Street streetscape by expanding tree pits, maintaining well-planted tree beds, working with neighboring properties to enliven the pedestrian experience and installing perimeter lighting on both West 53rd and West 52nd street frontages.

The Commission notes testimony from the Women's Interart Center, Inc. requesting confirmation that the subject actions not negatively affect the Center's proposed expansion of 543-551 West 52nd Street contemplated as part of the 1994 land use approvals. The Commission notes that the proposed actions preserve the proposed building envelope and floor area necessary to facilitate the proposed extension of the existing building at 545 West 52nd Street, as contemplated by the land use actions (C 940649 ZSM and C940650 HDM), which were previously approved by the City Planning Commission.

Text Amendments

The Commission believes that the application for the text amendment is appropriate.

The Commission is aware that the text amendment to include portions of the project area in Appendix F, Inclusionary Housing designated areas and Western Subarea C2 of the Special Clinton District will permit the provision of affordable housing in exchange for bonus floor area. The Commission further notes that proposed amendments to Sections 96-31 and 96-32 will extend the Inclusionary Housing Program to include moderate- and middle-income bands in addition to low-income bands. This provision, applicable in the project area, would allow for up to 126 low-income, 54 moderate-income and 26 middle-income units as part of the subject application. The Commission applauds the significant quantity of affordable housing made possible by the proposal and, equally, commends the provision of residential units to a wide range of incomes and households whose needs are too often unmet.

The Commission recognizes the request by Community Board 4 and several elected officials to require that the affordable housing units in 525 West 52nd Street be equitably located on all residential floors. The Zoning Resolution currently requires that affordable housing units be distributed on at least 65% of residential floors. This provision, established in 2009, reflects consideration of financial factors and other regulatory requirements for affordable housing. The Commission understands that a modification to these provisions would necessitate a thorough reconsideration of Inclusionary Housing policy, not limited to the subject application. The Commission recognizes the importance of the objective to fully integrate affordable units among market-rate residential units and encourages further consideration of the provision in conjunction with other objectives of the Inclusionary Housing program.

The Commission understands the intention of the applicant to safeguard existing and vested tenants in the project area by seeking a text amendment to Section 96-32 to allow certain commercial and manufacturing uses that are otherwise not permitted in an R9 zoning district with a C2-5 overlay. The Commission believes that the uses proposed in the text amendment, including photo and movie studios, commercial art galleries, theaters, scenery construction and automobile servicing, are appropriate and reflective of the former Clinton Urban Renewal Area's

dynamic history and evolution. The Commission takes note of the concern by the Manhattan Borough President that a lumber store, unless it is occupied by LeNoble Lumber, may not be an appropriate use on a heavily residential block. Lumber stores, limited to 5,000 square feet in floor area, are permitted in the C2-5 commercial overlay as-of-right. The text amendment seeks to remove the floor area limitation to allow LeNoble Lumber to occupy the approximately 25,000-square foot space memorialized in a 2005 MOU with HPD and accommodated in this application. The Commission recognizes the applicant's efforts to adhere to its commitment to LeNoble Lumber to provide pledged commercial space in the project area, and that the modification of the text amendment to limit the size of a lumber store would compromise this obligation.

The Commission notes testimony by the Vice President of LeNoble Lumber at the public hearing held March 19, 2014. LeNoble Lumber is considering making its commercial space in the project area available to a supermarket tenant rather than occupying the space with a lumber business. The Commission is pleased that LeNoble Lumber and the project sponsor have committed to consult Community Board 4 and the community in the selection of a retail tenant.

Commission Certification for Curb Cuts

The Commission believes that the proposed curb cuts along West 53rd Street are appropriate. A zoning lot is limited to a single curb cut on a narrow street. The applicant proposes three curb cuts on West 53rd Street: two curb cuts of 24 feet each (including splays) to serve the commercial establishments Cybert Tire and LeNoble Lumber, and a 21-foot wide curb cut (including splays) to service the as-of-right accessory garage in the 525 West 52nd Street building. The west 53rd Street frontage currently includes 11 curb cuts; these are being reduced in number to three. The Commission believes that the proposed curb cuts will not result in a conflict between vehicular and pedestrian circulation; the curb cuts are sited away from building and garden entrances, standard audio and visual alerts will be installed, and the volume of vehicles accessing the loading and parking is not expected to disrupt pedestrian flow. The Commission additionally believes that the curb cuts result in a good overall plan as they serve commercial and residential uses that are integral to the proposed project.

Urban Development Area Action Plan Designation and Disposition

The Commission believes that approval of the UDAAP application and the related disposition of City-owned property is appropriate. The Commission notes that the project area consists of underused property that tends to impair or arrest the sound development of the municipality, with or without tangible physical blight, and that incentives are needed in order to induce the correction of these conditions. The Commission believes that the proposed project activities would protect and promote health and safety and would promote sound growth and development. The Commission further believes that the proposed project is therefore eligible to be an Urban Development Action Area and the proposed project is therefore eligible to be an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law. The Commission notes that approval of the UDAAP designation for the proposed sites and the related disposition of City-owned property would facilitate the development and improvement of vacant and underutilized city-owned land. In addition, the Commission believes that the project will address a community need for affordable housing and other neighborhood amenities.

RESOLUTION

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 8c:

5. changing from an R8 District to an R8A District property bounded by West 52nd Street, a line 225 feet easterly of 11th Avenue, a line midway between West 52nd Street and West 51st Street, a line 200 feet easterly of 11th Avenue, West 51st Street, and a line 100 feet easterly of 11th Avenue;

6. changing from an R8A District to an R9 District property bounded by a line midway between West 53rd Street and West 52nd Street, a line 250 feet easterly of 11th Avenue, West 52nd Street, and a line 225 feet easterly of 11th Avenue;

7. changing from an M1-5 District to an R9 District property bounded by West 53rd Street, a line 275 feet westerly of 10th Avenue, West 52nd Street, a line 375 feet easterly of 11th Avenue, a line midway between West 53rd Street and West 52nd Street, a line 225 feet easterly of 11th Avenue, West 52nd Street, and a line 125 feet easterly of 11th Avenue; and

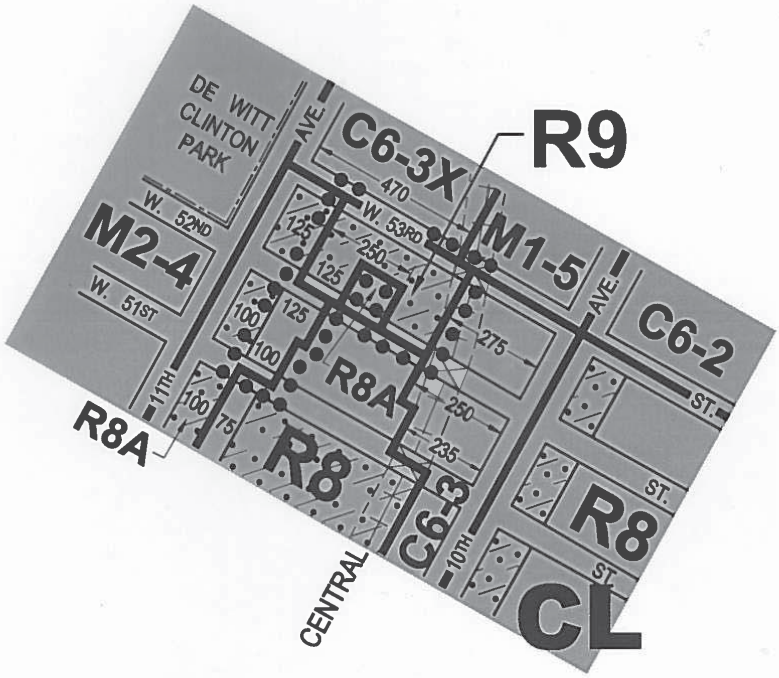
8. establishing within the proposed R9 District a C2-5 District bounded by West 53rd Street, a line 275 feet westerly of 10th Avenue, West 52nd Street, a line 375 feet easterly of 11th Avenue, a line midway between West 53rd Street and West 52nd Street, a line 250 feet easterly of 11th Avenue, West 52nd Street, and a line 125 feet easterly of 11th Avenue;

Borough of Manhattan, Community District 4, as shown on a diagram (for illustrative purposes only) dated December 2, 2013.

The above resolution (C 140181 ZMM), duly adopted by the City Planning Commission on May 7, 2014 (Calendar No. 2), is filed with the Office of the Speaker, City Council and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

CARL WEISBROD, Chairman
KENNETH J. KNUCKLES, *ESQ.*, Vice Chairman
ANGELA M. BATTAGLIA, RAYANN BESSER, MICHELLE R. DE LA UZ,
MARIA DEL TORO, JOSEPH DOUEK, ANNA HAYES LEVIN,
ORLANDO MARIN, Commissioners

IRWIN G. CANTOR, *P.E.*, ALFRED C. CERULLO, *III*, Commissioners, Recused



CITY PLANNING COMMISSION

CITY OF NEW YORK

DIAGRAM SHOWING PROPOSED

ZONING CHANGE

ON SECTIONAL MAP

8c

BOROUGH OF

MANHATTAN

New York, Certification Date
DECEMBER 02, 2013

J. Miraglia, Director
Technical Review Division

SCALE IN FEET

400 0 400

NOTE:

Indicates Zoning District Boundary.

The area enclosed by the dotted line is proposed to be rezoned by changing an R8 District to an R8A District, by changing R8A and M1-5 Districts to an R9 District and by establishing a C2-5 District within the proposed R9 District.

Indicates a C2-5 District.

CL Indicates a Special Clinton District.

THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.

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

CHRISTINE BERTHET
Chair

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

January 31, 2014

Ken Knuckles
Vice Chair
NYC Department of City Planning
22 Reade Street
New York, NY 10007

Re: Clinton Urban Renewal Area (CURA) Site 7
ULURP #s: 140181ZMM, N 140182 ZRM, 140183 ZSM
N 140184 ZCM, 140185 HAM

Dear Vice Chair Knuckles,

Manhattan Community Board 4 (MCB4) is pleased to provide its recommendation on an application by the Department of Housing Preservation and Development ("HPD") of the City of New York ("City"), joined in part by 525 West 52nd Street Property Owner LLC (Taconic Investments Partners, LLC and Ritterman Capital, Inc.), for a series of actions ("Project") related to properties located in Manhattan Community District 4 on Block 1080 and Block 1081, which are bounded by West 53rd Street to the north, Tenth Avenue to the east, West 51st Street to the south, and Eleventh Avenue to the west. Clinton Housing Development Company ("CHDC") is partnering with Taconic/Ritterman on this development.

The application seeks a series of actions needed to effectuate the development of three buildings located at 525 West 52nd Street, 540 West 53rd Street, and 556-560 West 52nd Street. These actions are:

1. Zoning map amendments to Section Map 8c;
2. Amendments to the text of the Zoning Resolution;
3. Urban Development Action Area Project ("UDAAP") designation, project approval, and disposition;
4. Large Scale General Development ("LSGD") Special Permit; and,
5. Certification to allow more than one curb cut on a zoning lot.

A public presentation on the proposed development and the required zoning actions was presented to the Clinton/Hell's Kitchen Land Use and Zoning Committee on December 11, 2013. A second public presentation on this application was presented to Manhattan Community Board 4 at its Full Board Meeting on January 6, 2014. Manhattan Community Board 4 recommended approval of the application by a vote of 35 for, 1 against, and 1 present but not eligible to vote. *

HISTORY

Most of the Block 1081 project area and the Block 1080 project area were mapped within the former Clinton Urban Renewal Area ("CURA") in August 1969. The CURA was generally bounded by West 50th Street to the south, West 56th Street to the north, Tenth Avenue to the east, and Eleventh Avenue to the west. The properties affected by this application's actions are among the last undeveloped parcels in the former CURA.

In 1969 the City's mandate was nothing less than the "redevelopment of the CURA in a comprehensive manner, removing blight and restoring the residential character of the CURA with appropriate support facilities." [1] The goals were clear: provide for a range of income bands in housing that exhibited good design in terms of privacy, light, air, and open space while providing community facilities, parks, retail uses, and parking.

These goals have been the focus of community and MCB4 efforts in the neighborhood for four decades. There have been numerous attempts to assemble a proposal to develop the sites in this application in a manner consonant with the community's aspirations and the CURA goals. Manhattan Community Board 4 is very pleased that a plan to develop these particular sites has been proposed and presented to the community. The Board has learned that the present application took almost two years to work out. The complexity of the application demonstrates why.

DESCRIPTION OF PROPOSED DEVELOPMENTS

If approved, this application will facilitate construction of two new buildings, the rehabilitation of a third, and the creation of three new community gardens. The community gardens will be operated via a key that can be purchased at MCB4. This key will allow you access to these new parks as well as several existing parks in the neighborhood. The gardens at 548 West 53rd Street and 560 West 52nd Street will be disposed of to CHDC while the garden at 543 West 52nd Street will remain in City-ownership. (In the Application the new buildings are designated as "Building C" and "Building D" and the rehabilitated building as "Building F." In this letter, however, we shall refer to Building C as the Clinton Housing Development Company Development Site ("CHDC Building"), since; Building D as the Taconic/Ritterman Development Site ("Taconic/Ritterman Building"); and Building F as the Captain Post Development Site ("Captain Post Building").

CHDC Building

Clinton Housing Development Company, partnering with Taconic/Ritterman, plans to develop on West 53rd Street a 12-story brick and masonry structure containing a total of 118,216 zoning square feet. The street frontage of the CHDC building will be 146 feet in width at the ground floor and stand 143 feet high.

The new building will provide approximately 103 dwelling units, all of which will be permanently affordable to low-, moderate- and middle-income households. It will provide approximately 23 low-income units, 54 moderate-income units, and 26 middle-income units. The apartments will range in size from studios to 3-bedroom units.

In addition, the CHDC Building will provide approximately 14,000 gross square feet of commercial space for vested CURA tenants Cybert Tire ("Cybert") and LeNoble Lumber ("LeNoble") on the ground floor and additional 12,000 gross square feet below. (There is an additional 13,500 gross square feet in the Taconic/Ritterman building to meet the requirements of the HPD MOU with LeNoble.)

Cybert, an automobile repair business, has occupied 726 Eleventh Avenue since 1916. It has been in City-ownership since the site was condemned by the City as part of the CURA in 1969. In 2006 Cybert agreed to relocate to 540 West 53rd Street in order to facilitate development of its current location into the new Irish Arts Center.

LeNoble, a lumber sales center, has been a tenant on these blocks since 1965 and has occupied multiple locations in the CURA (540 West 53rd Street, 500-508 West 53rd Street, 509 West 52nd Street, and 542-544 West 53rd Street) over the years.

In order to facilitate development of those sites in accordance with the CURA plan, LeNoble consolidated its operations in 2005 and temporarily moved off site with the expectation to return to the CURA. In accordance with an MOU with the City, any future development of CURA Site 7 will provide commercial space for LeNoble to return. LeNoble is presently operating its lumber store in Long Island City and is not planning to relocate its lumber operation in the immediate future. However, LeNoble will provide other local retail or service use on the site. The goal is to secure an affordable supermarket tenant to meet neighborhood needs. Should that not prove possible, CHDC and LeNoble have committed to consult with CB4 prior to selecting a non-supermarket tenant. Such use will be consistent with the proposed zoning text amendment.

Taconic/Ritterman Building

Taconic/Ritterman plans to develop a building which will have 14 stories (or 174 feet 2 inches (including rooftop and mechanical spaces) on West 52nd Street and have maximum heights of 22 stories (or 263 feet including penthouse and mechanical space) on its West 53rd Street frontage. It will provide approximately 405 rental housing units, of which 20 percent (approximately 81 units) will be permanently affordable to low-income households. The balance will be market rate. Financing for the project is anticipated to be obtained through the New York State HFA 80-20 tax-exempt program.

The building will provide approximately 20,914 zoning square feet of ground floor commercial floor area to LeNoble. Additional commercial space associated with LeNoble will be located below grade in the cellar. Including below grade area, there will be in total approximately 57,000 square feet of new commercial space located on the ground and cellar floors of the CHDC and Taconic/Ritterman buildings.

Below grade, in addition to the space associated with LeNoble, the Taconic/Ritterman building plans to provide an accessory parking garage with approximately 50 spaces accessed by a curb cut on West 53rd Street. This capacity is less than the number of spaces that could be developed as a matter of right pursuant to ZR Section 1312; spaces equal to 20 percent of the proposed 690 dwelling units, or up to 138 spaces, would be permitted. Also located in the cellar will be bicycle

parking for 203 bicycles in approximately 2,000 square feet of area.

Captain Post
The application will facilitate the development and rehabilitation of the historic Captain Post Building at 556-560 West 52nd Street, a vacant five-story former commercial loft building with original brick façades. The adjacent 25 foot by 100 foot side yard is currently used for outdoor storage. The building was constructed in 1883 for the Travers Brothers Company, a twine, cordage and hammock-making company. In 1948, the building was sold for use as a canning facility to the Captain Post Horse Radish & Pickle Company.

CHDC will undertake a renovation of the building, including restoration of the historic cast iron storefront and replacement of the wood windows on the building's north facade. The renovation will also include a partial sixth-floor addition set back from both the northern and southern building facades. The building height will increase from 85 feet to 91 feet (100 feet to the bulkhead). The approximately 2,500-square foot storage yard, located immediately to the west of the building, will be converted to a keyed community garden.

All 22 Captain Post units are affordable. The building will provide approximately 22 units of low- and moderate-income housing for households earning between 80 and 100 percent of AMI in approximately 14 two-bedroom units and 8 studios. Construction will be funded by HPD's Multifamily Preservation Loan Program (MPLP) program, development rights equity, and Historic Preservation Tax Credits. [2]

PROPOSED ACTIONS

In this letter, the actions specific to each of the two blocks are discussed separately in order to clearly distinguish between what each set of actions is proposed to effectuate. The text amendments and the UDAAP affect both blocks.

Block 1081
These actions will facilitate the development of two new buildings with approximately 508 dwelling units (of which approximately 184 will be affordable to low-, middle-, and moderate-income households), relocation of existing non-residential uses in approximately 57,000 gross square feet of commercial floor area, and approximately 4,741 square feet in two new landscaped accessible community gardens. The project area ("Block 1081 Project Area") encompasses the total area affected by the proposed Block 1081 rezoning ("Block 1081 Rezoning Area") and a proposed Large Scale General Development.

Action 1: Zoning Map amendments (Section Map 8c)
• Change an M1-5 (SCD) District to an R9/C2-5 (SCD) District; and,
• Change an R8A District to an R9/C2-5 (SCD) District.

Within an M1-5 district, neither residential uses nor many retail uses (for example, food stores with over 10,000 square feet in floor area) are permitted. In an R8A district, only residential and community facilities are permitted (Use Groups 1-4). The proposed rezoning on Block 1081 from M1-5 (SCD) and R8A (SCD) to R9/C2-5 (SCD) would allow the development of

residential and community facility uses in the CHDC and Taconic/Ritterman buildings (Use Groups 1-2 and 3-4), thereby furthering the trend toward residential use in West Clinton. The bulk permitted under the proposed R8A (SCD) and R9/C2-5 (SCD) districts would be consistent with other existing midblock buildings in the area and with that allowable in the C6-3 district (an R9-equivalent district) along Tenth Avenue to the east.

In conjunction with the proposed text amendments described below, the mapping of a C2-5 overlay district on the proposed R9 (SCD) district would allow for the relocation of title-vested tenants and either their historic uses or local retail or service uses in accordance with the MOUs. It will also allow the continued operation of commercial uses that are currently located within 545 West 52nd Street.

Manhattan CB4 recommends approval of the Zoning Map amendments. The relocation of Cybert Tire and LeNoble lumber has been a consistent requirement throughout MCB4's reviews of proposed developments of this area. The Board strongly approves the inclusion of these businesses in the proposed building sites. At the Clinton/Hell's Kitchen Land Use Committee meeting on December 11, 2013, LeNoble stated that it was seeking an affordable supermarket to occupy the space. LeNoble and CHDC agree to consult with the community and the Board in selecting another tenant or tenants if a supermarket tenant cannot be secured.

Action 2: Zoning Resolution ("ZR") Text Amendment
•Amend ZR Section 96-00 Appendix A Map to extend the Inclusionary Housing ("IH") Program on portions of Block 1081 by means of amending the boundary of "Other Area-Western Subarea C2 ("Subarea C2") in the Special Clinton District ("SCD") Map:

Amendment 1 — Amend ZR Section 96-32 to modify the IH income bands within certain R9 district within in the SCD.

This proposed text amendment will, in conjunction with the zoning map changes described above, allow for the provision in the CHDC building of approximately103 housing units that are affordable to a wide range of incomes: approximately 23 units of low- (80 percent of AMI), 54 units of moderate- (100 and 125 percent of AMI), and 26 units of middle- (165 percent of AMI) income housing.

Provisions for these income bands exist in the Special Hudson Yards District and MCB4 strongly urges they be applied to this project. It is clear to this Board that the mandate to maintain the Clinton Special District as an economically diverse community can only be achieved with housing affordable to a wide range of incomes.

Amendment 2 — Amend ZR Section 96-32 to add language that permits the continuation of existing and previously approved uses within a Large Scale General Development plan in the CL.

ZR Section 96-32, Special Regulations in R9 Districts would be amended so as to allow uses that have historically existed in the Project Area to continue and expand as conforming uses, reflecting the Clinton/Hell’s Kitchen historic character. Specifically, Cybert Tire is an auto repair

use (Use Group 16); LeNoble Lumber is a lumber store (Use Group 8, but with limitation to size). These businesses are subject to MOUs with HPD that allow them to locate and operate in the Block 1081 Project Area.

The proposed text amendment would define as permitted uses the following: automotive service establishments (Use Group 16) and lumber stores of any size (Use Group 8, without limitation to size) within an LSGD in Western Subarea C2. This would allow Cybert and LeNoble to relocate their businesses in accordance with their HPD MOUs.

In addition, the proposed text will grandfather longstanding uses within an existing 10-story City-owned building on a City-owned site located on Block 1081. The building, at 545 West 52nd Street, is currently occupied by several arts-related community facility and commercial uses: not-for-profit theater, rehearsal space, and accessory office; scenery construction; performing and visual artists' studios; film production offices; and commercial and not-for-profit art galleries that provide exhibitions, film, and music programs and artists' studios. Other uses in the building include non-profit theater and performing and visual artists' studios, which would be conforming uses under the proposed zoning. [3]

The application proposes text to explicitly allow certain uses that have historically existed within the Project Area or surrounding neighborhood to continue to operate and expand, in accordance with overall goals of the CURA. This action would also allow the continued operation of title-vested industrial urban renewal businesses and cultural and cultural-support uses within the LSGD.

MCB4 recommends approval of these zoning text amendments. Preserving the viability of long-term businesses in this area has been a consistent goal of the Board. And allowing uses which have historically existed in the community will help maintain the neighborhood's mixed-use character and preserve and expand cultural uses.

Amendment 3 — Amend the boundary of the Inclusionary Housing ("IH") -designated area on Map 2 in ZR Appendix F in order to extend the IH to portions of Block 1081.

Amendment 4 — Amend Map 2 in ZR Appendix F, which currently does not include Block 1081 within the IH-designated area, in order to extend IH to portions of the Project Area.

The proposed text amendment would extend the Inclusionary Housing-designated area on Block 1081 to encompass the proposed LSGD. This will help to effectuate the creation on Block 1081 of approximately 184 units of housing that will be affordable to a range of incomes, not just low income, but middle and moderate as well.

MCB4 strongly recommends approval of these zoning text amendments. The Board has long been an advocate for housing that is permanently affordable and available to a range of low, moderate, and middle incomes. This is vital if we are to preserve an economically diverse population in Hell's Kitchen. In this Project, <u>39% of the units will be permanently affordable.</u>

Action 3: Urban Development Action Area Project ("UDAAP") Area Designation, Project

Approval, and Disposition
• Dispose of property at 530-548 West 53rd Street ("1081 Land") in order to effectuate a new development
• Dispose of unused development floor area at 530-548 West 53rd Street and 543-551 West 52nd Street ("1081 Air Rights") in order to effectuate a new development.

The proposed projects require approval of certain actions by the City Planning Commission, which are subject to the Uniform Land Use Review Procedure ("ULURP") pursuant to Section 197-c of the City Charter, specifically, designation as an Urban Development Action Area Project. The applicants submit that the development area consists of "underutilized vacant land that tends to impair or arrest the sound development of the surrounding community, with or without tangible physical blight' and that "the project activities would protect and promote health and safety and would promote sound growth and development." Therefore, the Disposition Area is eligible to be an Urban Development Action Area and the proposed project is therefore eligible to be an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law.

MCB4 recommends approval of this disposition of City-owned property.

Action 4: Large Scale General Development Special Permit (bulk waivers) pursuant to ZR Section 74-743
• A special permit to allow transfer of floor area within a LSGD pursuant to ZR Section 74-743 (a) (1);
• A special permit for bulk modifications in a LSGD pursuant to ZR Section 74-743 (a) (2) to allow for the location of buildings without regard for the applicable height and setback regulations set forth ZR Sections 35-24 and 23-663.

According to the applicant, these waivers would allow the Taconic/Ritterman building to provide a stepped profile, transitioning from the lower building heights of the CHDC building and the older existing buildings on the LSGD to the west and the Archstone Clinton North development to the east. They will also permit the LSGD to provide increased light and air to the open spaces at the interior of the block.

As well, the applicant says, the rear yard setback waiver requested for the Taconic/Ritterman building will provide for more functional building floorplates and apartment layouts. By means of this waiver, bulk can be shifted from the front of the building to the rear, providing a more varied and interesting façade and enhancing the streetscape experience.

The waiver on the northern portion of the Taconic/Ritterman building will be for a depth of 7 feet 1 inch; that on the southern portion of the Building will be 3 feet 1 inch and 7 feet 1 inch in depth. The rear yard equivalent in the building will range from 65 feet 10 inches to 69 feet 10 inches in width, exceeding the minimum required depth and thus ensuring that adequate light and air will still be provided to residents and surrounding buildings.

CHDC says that the rear yard setback waiver requested for its building will provide for more functional building floorplates and apartment layouts. The building will nonetheless enjoy

adequate light and air, CHDC points out, due to the contiguity of the building's open area with that of adjacent buildings within the zoning lot. A rear yard of more than 30 feet will be provided, ensuring that adequate light and air will still be provided to residents and surrounding buildings.

MCB4 supports the applicants request for height and setback waivers and agrees with the applicants that "these waivers of maximum base height and setback will permit the construction of two buildings that would concentrate LSGD development on the eastern portion of the LSGD, pulled away from the historic lower-rise structures to the west. They will allow for a street wall that reflects the historic Clinton/Hell's Kitchen characteristic massing of bulky manufacturing, utility, warehouse, and loft structures on the midblocks of side streets, with lower rise structures along the avenues."

Nevertheless, the Board has concerns about the height of the proposed buildings on a narrow street and strongly urges Taconic/Ritterman and CHDC to work with Mercedes House and Archstone Clinton, two developments on West 53rd Street, to mitigate the effect of a high street wall by improving the sidewalk experience on both West 52nd Street and West 53rd Street with expanded street tree beds and appealing plantings throughout the year. The applicants have also agreed to provide pedestrian perimeter lighting as a vital component to making the street inviting.

MCB4 recommends approval of a special permit for these height and setback waivers.

Action 5: Certification pursuant to ZR 26-15 to allow more than one curb cut on a zoning lot on West 53rd Street

• A certification to allow three curb cuts rather than one curb cut along the northern (West 53rd Street) SCGD frontage.

The West 53rd Street frontage is 525 feet in length and currently has 11 curb cuts comprising over 190 linear feet. The proposed waiver will provide for three curb cuts, to serve the permitted accessory parking garage in the Taconic/Ritterman building, the required LeNoble loading berth, and to serve the Cybert auto repair facility in the CDHC building. The total linear footage of the proposed curb cuts would be approximately 69 feet, a reduction in curb frontage of almost two-thirds.

MCB4 recommends approval of a certification to allow three curb cuts on West 53rd Street to provide for Cybert and LeNoble's business operation requirements.

<u>Block 1080</u>

The proposed Project Area comprises the zoning lot containing the Block 1080 Rezoning Area and the Development Site located at 556-560 West 52nd Street ("Captain Post"). These actions will facilitate the development of the Captain Post building with approximately 22 dwelling units (of of which will be affordable to low- and moderate-income households) and an approximately 2,437-square foot community garden.

In addition, the applicant notes, the proposed actions will advance the completion of the redevelopment of Block 1080, bounded by West 52nd Street to the north, Tenth Avenue to the east, West 51st Street to the south, and Eleventh Avenue to the west. This block was designated in the CURA and has been the subject of targeted and coordinated actions based upon long-term comprehensive planning between the City and local community. The proposed actions, in keeping with the past efforts, will continue to meet the goals of CURA by restoring existing residential character through preservation and new construction with associated community uses.

Action 1: Zoning Map amendments (Section Map 8c)
• Change an R8 (SCD) District to an R8A (SCD) District

Extending the R8A zoning district will allow buildings with an FAR of 5.4, which may be increased to 7.2 pursuant to the IH. The R8A district would require a streetwall of between 60 and 85 feet and a maximum building height of 120 feet. The rezoning, in conjunction with the proposed text amendment described below to extend the boundaries of Western Subarea C2 and the IH-designated areas map to the Rezoning Area will make the zoning district, Western Subarea C2 and IH-designated area boundaries conterminous, and will make the IH applicable on the entirety of the Project area.

The proposed rezoning of the western section of the midblock to R8A (SCD) will require building forms that are more in context with the developments on the west side of West 52nd Street. It will require streetwall buildings, which exist along Eleventh and Tenth Avenue frontages. This will help to ensure that future development of the remainder of the City-owned Lot 103 (Duncan PAL site) be reflective of the surrounding neighborhood context along the avenue frontages.

Action 2: Zoning Resolution ("ZR") Text Amendments
• Amend ZR Section 96-00 Appendix A map to extend the Inclusionary Housing ("IH") Program to portions of Block 1080 by means of amending the boundary of "Other Area — Western Subarea C2" (Subarea C2) in the SCD Map;
•Amend ZR Sections 96-31 to modify the IH income bands within certain R8 districts within the SCD;
• Amend the boundary of the IH-designated area on Map in ZR Appendix F in order to extend the IH portions of Block 1080.

MCB4 recommends approval of Actions 1 and 2 in order to make the Inclusionary Housing program applicable to the entire Project area. The Board reiterates its strong support for housing that is permanently affordable and available to a range of low, moderate, and middle incomes to serve an economically diverse population in Hell's Kitchen.

Action 3: UDAAP Area Designation, Project Approval, and Disposition
• Dispose of the property at 556-560 West 52nd Street ("1080 Disposition Area") in order to effectuate the new development.

MCB4 recommends approval of the disposition of this City-owned site.

SUMMARY

Manhattan Community Board 4 is extremely pleased that the applicants have formulated a plan that, if enacted, will finally develop in a manner consistent with the goals of the community and this Board the penultimate portion of CURA Site 7. The Board commends the applicants for the approximately 206 *permanently* affordable units and the addition of three community gardens to the neighborhood. And this Board is strongly supportive of provisions for mixed income bands in the Clinton District and urges their adoption.

The Board is also pleased that Taconic/Ritterman and CHDC have agreed to address the following concerns:

1. All affordable housing developed on the Project site will be affordable in perpetuity through a restrictive declaration to those households with incomes that fall within the respective income ranges set forth in the application;

2. All units in the Taconic/Ritterman building will be randomly distributed throughout all floors of the building;

3. All finishes and fixtures in the Taconic/Ritterman building will be the same for all units;

4. All amenities in the Taconic/Ritterman building will be open to all market-rate and affordable tenants. For fee-based amenities, there will be a reduced fee for the affordable tenants;

5. The applicants will co-operate with a MCB4 Construction Task Force to deal with construction effects (noise, street closings, sanitation pickup, rat baiting, etc.) on the adjacent community;

6. The sidewalk of West 53rd Street will be enhanced with expanded street tree beds, planted with flair;

7. The applicants will contact Archstone Clinton and Mercedes House in an effort to co-ordinate street improvements and West 52 and West 53rd Street should be illuminated with pedestrian perimeter lighting; and

8. CHDC and LeNoble will consult with the Board and the community should its negotiations for an affordable supermarket on 53rd Street fall through.

Thank you,

Christine Berthet
Chair

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

* Joe Restuccia, a member of MCB4 who serves on the Clinton/Hell's Kitchen Land Use Committee is Executive Director of Clinton Housing Development Company. Mr. Restuccia recused himself from voting.

[1] Second Amended Urban Renewal Plan

[2] The rezoning and disposition of the Captain Post site are included in the Site 7 ULURP. Captain Post and 464 West 25th Street are part of a single financing package. The two buildings are incorporated into a single loan under HPD's Multifamily Preservation Loan Program. 464 West 25th Street will provide for 4 additional permanently affordable units.

[3] This building was the subject of 1994 land use approvals allowing for the disposition of the City-owned site to facilitate the expansion of the existing 10-story building with a new 9-story addition in place of the existing, adjacent 1-story garage and an adjacent 25 foot x100 foot vacant lot (940648 HUM, C940649 ZSM, and C 940650 HDM). This disposition is currently subject to litigation. Consistent with the 1994 approvals, this application preserves the proposed building envelope and the 73,772 zoning square feet necessary to achieve that expansion, which is reflected in the zoning calculations on Z-030 (attached). The building is currently mapped within the M1-5 district of the Excluded Area. The adjacent Garden is currently mapped within the R8A (SCD) district within the Excluded Area. It is currently a vacant parcel used as construction staging for the Park Clinton project. This application will preserve the status quo of the 1994 land use approvals while facilitating the production of 184 units of permanently affordable housing on the surrounding properties.

CC: Brad Hoylman, NY State Senator
Richard Gottfried, NY State Assemblymember
Jerrold Nadler, Congressmember
Gale Brewer, Manhattan Borough President
Corey Johnson, NYC Councilmember
Thehbia Walters, HPD
Taconic/Ritterman
Clinton Housing Development Company

THE CITY OF NEW YORK
OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN

GALE A. BREWER
BOROUGH PRESIDENT

March 12, 2014

Recommendation on
ULURP Application Nos. C 140181 ZMM, N 140182 ZRM, C 140183 ZSM, N 140184 ZCM, and C 140185 HAM – Site 7
By the New York City Department of Housing Preservation and Development

PROPOSED ACTIONS

The New York City Department of Housing Preservation and Development ("HPD") and a development team of the Clinton Housing Development Company ("CHDC") and a joint venture between Taconic Investment Partners and Ritterman Capital ("Taconic/Ritterman") seek a series of actions on properties located in the Clinton neighborhood of Manhattan Community District 4. The project sites sit on two blocks between Tenth and Eleventh Avenues. The southern of the two blocks, Block 1080, sits between West 51st and West 52nd Street, with the second, Block 1081, directly to the north, between West 52nd and West 53rd Streets. The project site on Block 1081 includes a large scale general development (LSGD) plan.

Block 1080

Zoning Map Amendment

The applicant seeks a zoning map amendment extending an existing R8A district to a point 225 feet east of Eleventh Avenue on the northern half of the block and 200 feet east of Eleventh Avenue on the southern half of the block.

Zoning Text Amendment

The applicant seeks three zoning text amendments pertinent to Block 1080. First, they seek an amendment to Section 96-00 of the New York City Zoning Resolution ("ZR") to include the site in the "Other Area – Western Subarea C2" of the Special Clinton District, which will apply the Inclusionary Housing ("IH") Program to the site. Second, the applicant seeks an amendment to ZR § 96-31 (Special Regulations in R8 Districts) to modify the IH income bands in the project area using an existing IH formula from ZR § 23-953. Finally, the applicant seeks an amendment to Map 2 in ZR Appendix F to designate the rezoning area an IH eligible area.

Disposition

Finally, HPD seeks designation of City-owned property at 556-560 West 52nd Street as an Urban Development Action Area ("UDAA") and approval for the project as an Urban Development Action Area Project ("UDAAP"). In addition, HPD seeks approval for the disposition of said property to Clinton Housing.

City-owned properties that are no longer in use or are in deteriorated or deteriorating condition are eligible to be designated as UDAA and UDAAP, pursuant to the Urban Development Area Act (Article 16 of the State General Municipal Law). UDAA and UDAAP provide incentives for private entities to correct substandard, unsanitary and/or blighted conditions. According to New York State General Municipal Law § 694(4), to receive a UDAA and/or UDAAP designation the City Planning Commission and the City Council must find that:

> (a) the present status of the area tends to impair or arrest the sound growth and development of the municipality;
> (b) the financial aid in the form of tax incentives, if any, to be provided by the municipality pursuant to [the tax incentives provisions of the Urban Development Action Area Act] … is necessary to enable the project to be undertaken; and
> (c) the area designation is consistent with the policy and purposes [of the Urban Development Action Area Act].

Section 197-c of the New York City Charter mandates that the disposition of all City-owned real property (other than the lease of office space) be subject to the Uniform Land Use Review Procedure ("ULURP"). While no specific findings must be met to make a property eligible for disposition under Section 197-c, Section 1802(6)(j) of the Charter limits HPD to the disposition of residential real property.

<u>Block 1081</u>

Zoning Map Amendments

On the northern block within the LSGD the applicant seeks zoning map amendments to change existing M1-5 and R8A districts to an R9 district with a C2-5 overlay.

Zoning Text Amendments

The applicant first seeks to extend the boundary of the Western Subarea C2 of the Special Clinton District to include the project area. Additionally, it seeks amendments to ZR § 96-32 (Special Regulations in R9 Districts) to permit developments within R9 districts in Western Subarea C2 to provide permanently affordable apartments at income levels defined by the new text. As with Block 1080, the proposed new text is modeled on the existing ZR § 23-935. Additionally, ZR § 96-32 would be altered to allow uses that historically existed in the project area to remain, though they are not allowed as of right in R9 districts. The proposed amendment would allow automotive service establishments (Use Group 16) and lumber stores of any size (Use Group 8). Finally, the applicant seeks an amendment to Appendix F of the ZR to include the project area on Block 1081 as an IH eligible area.

Disposition

HPD seeks UDAA designation and UDAAP approval of property at 530-548 West 53rd Street (Block 1081, Lot 1). HPD then seeks disposition of said property to Clinton Housing and disposition of unused development rights from that property to Taconic/Ritterman, to be used on Block 1081, Lots 1001 and 1008.[1]

Large Scale General Development Special Permit

The proposed new buildings on Block 1081, as well as three existing buildings, will comprise a proposed Large Scale General Development (LSGD). The LSGD will span the new R9 zoning district and existing R8A districts to the west. The applicant seeks a special permit pursuant to ZR § 74-743(a)(1) to allow the distribution of 11,028 square feet of zoning floor area from the R8A district to the R9 district. Additionally, the applicant seeks a special permit pursuant to ZR §74-743(a)(2) to allow for the location of buildings without regard to the height and setback requirements of ZR §§ 35-24 and 23-633. The City Planning Commission ("CPC") may grant these waivers provided the proposed modifications satisfy the findings set forth in ZR § 74-743(b), including that:

- the modifications will result in a better site plan and a better relationship between the proposed development and its surrounding buildings and open space than would be possible, and thus will benefit the occupants of the project, the neighborhood, and the City as a whole;
- the modifications will not increase the bulk of buildings in any one block or obstruct access of light and air to the detriment of occupants of the buildings in the block or nearby blocks or to the people using the public streets;
- where a zoning lot of the LSGD does not occupy a frontage on a mapped street, appropriate access to a mapped street is provided; and
- the streets providing access to the LSGD will be adequate in handling the proposed project's resulting traffic.

The CPC may also prescribe additional conditions and safeguards to improve the quality of the proposed project and minimize adverse effects on the surrounding area.

Certification to Allow More than One Curb Cut

Finally, the applicant seeks a certification pursuant to ZR § 26-15 to allow two additional curb cuts for a total of three curb cuts along the northern LSGD frontage at West 53rd Street. The total linear footage of the proposed curb cuts would be approximately 69 feet, a reduction from the existing 11 curb cuts comprising 190 linear feet. This certification requires the CPC find that additional curb cuts will not result in conflict between pedestrian and vehicular circulation and will result in a good overall site plan.

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[1] Block 1081, Lots 1001 and 1008 were formerly known as Lot 16.

PROJECT DESCRIPTION

HPD, CHDC, and Taconic/Ritterman seek a number of actions to facilitate two new buildings with approximately 508 dwelling units, 184 of which will be affordable, and approximately 57,000 square feet of commercial space. In addition, the actions will facilitate the rehabilitation of an existing building with 22 apartments, all of which will be affordable. Finally, the proposed actions will support the development of three new community gardens, which will contain a total of 7,178 square feet of open space.

Project Area

The proposed project will sit on two zoning blocks in the Clinton neighborhood of Manhattan Community District 4. The southern of the two blocks, Block 1080, is bounded by Tenth and Eleventh Avenues and 51st and 52nd Streets. Block 1080 contains a mix of retail, residential, community facility and cultural uses and is generally between five and ten stories in scale, with the exception of the 25 story Archstone Clinton South, which sits about 200 feet west of Tenth Avenue. Block 1081, directly to the north, contains a wide mix of building types and uses, to be discussed in greater detail below.

History

Most of the project area was part of the former Clinton Urban Renewal Area ("CURA"), which was designated on October 23, 1969 to encourage the development of an area of the Clinton neighborhood, which experienced significant blight at the time. The CURA was generally bounded by West 56th Street to the north, Tenth Avenue to the east, West 50th Street to the south, and Eleventh Avenue to the west. The CURA expired on October 23, 2009 and is no longer in effect.

As part of the CURA, Clinton Housing entered in to a net least with HPD to manage properties that were taken by the City, either through *in rem* foreclosure or by the condemnation of the CURA. This net lease was amended several times to either add or remove properties. Pursuant to the net lease, Clinton Housing was responsible for engaging with current tenants and developing plans for redevelopment of the properties for residential, commercial, cultural, or not-for-profit uses. Since 1993, 27 buildings on the net lease have been disposed of for renovation or redevelopment. Currently, Clinton Housing net leases 15 properties located between West 25th and West 53rd Streets, including several properties in the former CURA.

Prior Land Use Actions on the Project Area

Much of blocks 1080 and 1081 have been redeveloped in the past 20 years by Clinton Housing and other development groups. In 1987, the CPC approved a site selection by the Human Resources Administration of 545 West 52nd Street (Building E of the LSGD) for use as a transitional shelter for homeless families (C 870534 PSM), but the building was never built and in 1994 the building was disposed to facilitate its enlargement (C 940648 HUM et al). In addition to this disposition, there have been a number of rezonings in the project area and its immediate surroundings over the past decade. These rezonings, generally, have responded to the

longstanding community goal, and CURA goal, of converting manufacturing and commercial areas to a mixed-use neighborhood with residential, retail and institutional uses.

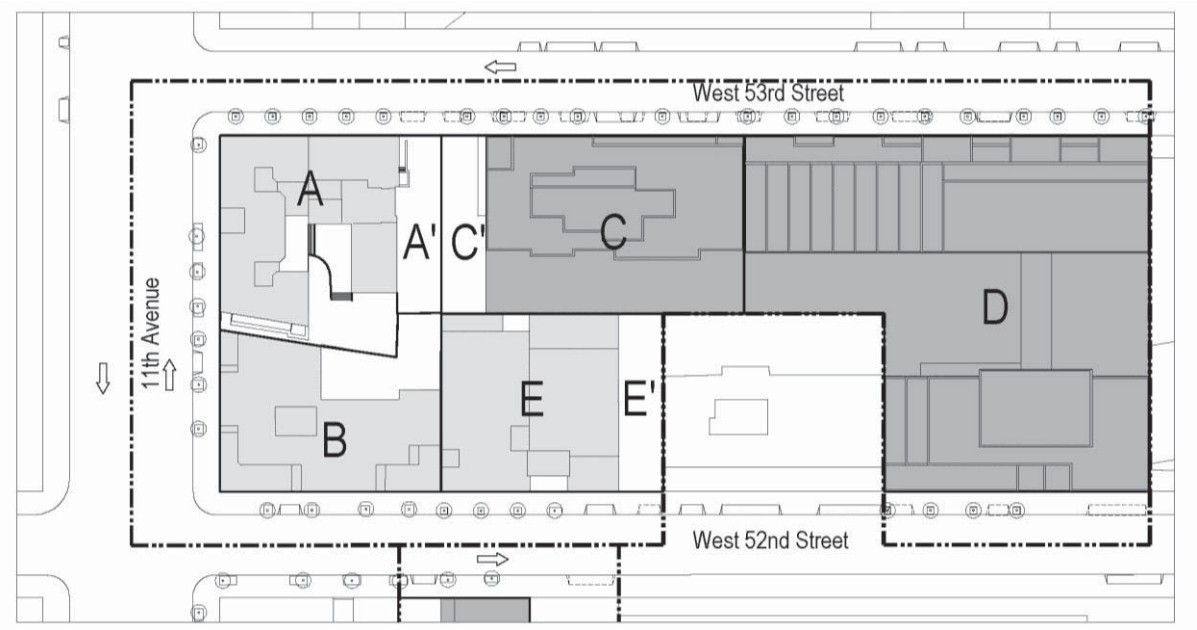
In 2002, the western portion of the LSGD was rezoned from M1-5 to R8A with a commercial overlay to facilitate two affordable housing buildings (Buildings A and B of the LSGD) with 86 and 96 units (C 020463 ZMM et al). This rezoning was accompanied by a disposition of the two buildings to CHDC and the Clinton Association for a Renewed Environment (C.A.R.E.). The eastern portions of both the 1080 and 1081 blocks were rezoned in 2005 to facilitate the Archstone Clinton mixed-use development (C 050050 ZMM). This rezoning extended an existing C6-3 district along Tenth Avenue into the interior of the block. In addition to the rezoning, the Archstone Clinton project included a text amendment, special permits and a UDAAP designation. In 2009, CPC adopted the 770 Eleventh Avenue Mixed-Use Development Rezoning (C 080008 ZMM), which facilitated the recently completed Mercedes House development, which is located directly north of the project area. Finally, the 2011 Clinton Commons application (C 110125 ZMM) rezoned a portion of the M1-5 district mapped on Block 1081 to an R8A district. The rezoning affected a 150-foot long midblock area along West 52nd Street to facilitate the Clinton Commons (now known as the "Park Clinton") development site and a 2,510 square foot open area which is located within the LSGD. The Park Clinton development will not be affected by the actions proposed by this application.

Existing Uses in the Project Area

The LSGD on Block 1081, as shown below, contains both existing buildings and the two proposed developments. As described above, Buildings A, B, and E were developed pursuant to previous CPC actions and contain affordable housing and community facility uses. Site C and C[1] on the site plan below currently contain: a four-story building, a one-story garage and an open lot used by Dave's Collision Repairs II;[2] a one-story, 1,250 square foot storage building used by Clinton Housing; and an approximately 2,510 square foot lot that was occupied by a three-story building that was demolished in 2011 and is now also being used for construction staging. Site D currently contains an approximately 10,040 square foot vacant lot and a nine-story loft building. The vacant lot is currently being used as a construction staging area for the 96-unit Park Clinton affordable housing cooperative development being built on the adjoining lot at 533-541 W. 52nd Street. The loft building was previously a printing company plant and headquarters but is now primarily vacant, although there are some existing commercial uses, including offices and a for-hire vehicle base.

[2] Dave's Collision Repairs II occupies these properties on Block 1081 on a temporary basis and will relocate to permanent home at 505 W. 51st Street once renovations of that building are completed.

LSGD Site Plan



A – Flats/Old School; B – Clinton Parkview; C – 540 West 53rd Street (Development Site); C1 – Garden; D – 525 West 52nd Street (Development Site); E – 545 West 52nd Street

The proposed development site on Block 1080 is occupied by the "Captain Post" building, a 5-story vacant commercial loft building at 556-560 West 52nd Street that is owned by the City. The building was originally used as the Travers Brothers twine and cord factory and then as a canning facility for the Captain Post Horseradish and Pickle Company. The building is adjoined by a 25 foot by 100 foot side yard.

<u>Area Context</u>

The surrounding area is characterized by a mix of building types including older tenements, multifamily apartment buildings, loft and manufacturing buildings, and low rise commercial uses. Recent residential developments in the area have given it a unique distribution of bulk, where Tenth Avenue and Eleventh Avenues are dominated by five to ten story residential buildings with retail at the base, while the midblock areas between them contain high-rise residential and infrastructure buildings. The Mercedes House, for example, steps up from a seven-story frontage along Tenth Avenue to 32 stories in the midblock portion. Archstone Clinton North, which abuts the Block 1081 project area, similarly rises to 25 stories approximately 200 feet west of Tenth Avenue.

In general, the area contains primarily residential uses east of Tenth Avenue; a mix of residential and industrial use between Tenth and Eleventh Avenues; and predominantly industrial uses and open space west of Eleventh Avenue. The blocks between Tenth and Eleventh Avenues have historically included primarily industrial and commercial uses, but have, in recent years, become more of a residential and mixed use area. Ground floor retail lines Tenth and Eleventh Avenues. Eleventh Avenue between West 39th Street and West 59th Street has a concentration of automobile dealerships, known colloquially as "Automobile Row."

Block 1080 contains a number of existing affordable housing developments, as well as retail and cultural uses. The sites to the east of the project area were designated in the former CURA and were redeveloped and renovated to facilitate a mix of housing types. The midblock immediately east of the project area contains Clinton Manor, which consists of two 8-story residential buildings with 241 affordable units fronting on West 51st and 52nd Streets and was built in 1981. Further east is the Archstone Clinton South residential tower, which contains 310 apartments, 20 percent of which are affordable, a day-care facility, and commercial uses on the ground floor. The Tenth Avenue frontage is characterized by a mix of new construction and renovated tenement buildings, many of which are managed by CHDC as affordable apartments, non-profit office space, and artist studios.

The majority of the western portion of Block 1081 will be included in the LSGD. Existing buildings in the LSGD will be buildings A, B and E. Building A, known as the Flats/Old School is an HPD-sponsored rehabilitation project with neighborhood retail occupying the ground floor and housing above. Formerly two buildings, it was integrated into a single 7-story elevator building by CHDC. It contains 86 units of permanently affordable housing in studios, apartments, and SRO suites. Building B, the Clinton Parkview, is also an HPD sponsored project, which contains 96 apartments at a range of incomes and retail space on the ground floor. Building E is an existing 10-story, City-owned building occupied by several arts-related community facility and commercial uses. Outside of the LSGD on Block 1081 is the Archstone Clinton North mixed use development to the east, and the Park Clinton, a 96-unit co-op building currently under construction on the north side of West 52nd Street between Buildings D and E of the LSGD.

The largest park in the area is the Hudson River Park, which extends along the waterfront side of Twelfth Avenue. The park includes a waterfront esplanade and open space on piers, including Pier 96 at West 56th Street. Directly to the west of the proposed development is DeWitt Clinton Park, a six-acre park dominated by a baseball field that is heavily used. There are also basketball courts and playgrounds, though little space for passive recreation. In addition to these parks there are a number of community gardens and public plazas in the area. Despite these amenities, overall, the area is lacking in open space. In the surrounding area there is a total of .84 acres of open space per 1,000 residents, which is well below the PlaNYC goal of 2.5 acres per 1,000 residents.

The area is served by the C and E subway lines, but the nearest station is located at West 50th/51st Street and Eighth Avenue, approximately one-quarter mile away. There are, however, a number of bus lines in the area that provide direct access to the project sites. Additionally, two CitiBike stations were established this year near the LSGD: on West 53rd Street, west of Tenth Avenue and on West 52nd Street, west of Eleventh Avenue at De Witt Clinton Park.

Surrounding Area Zoning

The proposed project sits in the Other Area, and within an excluded area, of the Special Clinton District. Established in 1974, the district was created to preserve and strengthen the residential

character of the community, maintain a broad mix of income, and ensure that the community is not adversely affected by new development. The district established a "Preservation Area," from West 43rd to West 56th Streets between Eighth and Tenth Avenues, with an R7 zoning and a six-story height limit on new buildings. To the east and south of the Preservation Area is a perimeter area designed to provide appropriate transitions between the lower-scale side streets and the Special Hudson Yards District to the south and the Special Midtown District to the east. The Other Area, to the west and north of the Preservation Area, was established to maintain a mix of residential, industrial, and waterfront uses. Portions of Block 1081 sit within an area that was excluded from the Special Clinton District and are therefore subject to requirements of the underlying zoning districts. The remainder of Blocks 1080 and 1081 are within the Western Subarea C2 of the Special Clinton District, which contains special floor area, height and setback requirements in R8, R8A, and R9 districts. Inclusionary Housing is available to residential developments in this subarea.

The surrounding area is mainly composed of C6-3, M2-4, R8, and R8A districts. R8 districts are mapped over the blocks north, east, and south of the project area. R8 districts permit residential and community facility uses up to a floor area ratio ("FAR") of 6.02 and 6.4, respectively. Buildings are allowed to rise 85 feet or nine stories, after which they must set back according to a sky exposure plane. There is no height limit in R8 districts. Within Western Subarea C2, R8 districts come with modified bulk and density regulations, which allow a maximum FAR of 4.2 for all uses and a maximum building height of 85 feet. An R8A district adjoins the projects site to the west and southeast on the 1081 block, and is also mapped south along the eastern side of Eleventh Avenue. R8A districts within the Western Subarea C2 are Inclusionary Housing designated areas with a base FAR of 5.4 that can be raised to 7.2 with the provision of affordable housing.

To the west of the project site, south of DeWitt Clinton Park, the area is zoned M2-4. The M2-4 districts allow medium intensity industrial and limited commercial uses. In Western Subarea C2 of the CL, M2-4 permits 5.0 FAR, a street wall of between 50 and 95 feet and a maximum height of 135 feet. To the east of the project site is a C6-3 district that stretched from West 50th to West 53rd Street along the west side of Tenth Avenue. C6-2 is a mixed-use district that allows a maximum FAR of 6.0 for commercial, 7.52 for residential, and 10.0 for community facility. Building heights are determined by the sky exposure plane above a maximum street wall height of 85 feet.

Proposed Project

On Block 1081, the applicant proposes to build two new mixed-use buildings and two community gardens. Building C will be developed by CHDC and will contain 103 apartments, all of which will be permanently affordable. The proposed zoning text will enable these apartments to be available to individuals and families earning 80, 100, 130, and 165 percent of the area median income ("AMI"), and units at all of these levels will range from studios to three bedrooms. The building will be 135 feet in height and will feature red brick and a façade designed to mimic the older loft buildings in the area.

In addition to the residential area, Building C will include 10,272 square feet of commercial space for two tenants that have been reserved space in this development site pursuant to a Memorandum of Understanding ("MOU") with the City. The two businesses, LeNoble Lumber and Cybert Tire, will occupy the first floor and cellar of the new building. Cybert Tire is an automobile repair business that has occupied 726 Eleventh Avenue since 1916. That site was condemned by the City as part of the CURA in 1969. Cybert Tire has agreed to move to Building C in order to facilitate the construction of the new Irish Arts Center at its current location. LeNoble Lumber has occupied multiple locations in the CURA for several years. In order to facilitate development of those sites in accordance with the CURA plan, LeNoble consolidated its operations in 2005 and temporarily moved off site with the expectation to return to the CURA in accordance with its MOU with the City. However, since LeNoble is presently operating its lumber store in Long Island City, it is not planning to relocate in the immediate future. It is working with CHDC to find a suitable tenant to lease its space, and is together they are interested in finding a grocery store to occupy the first floor and a health facility to occupy the cellar. No tenant has been found at this time.

To the west of Building C, CHDC will construct a 2,231 square foot expansion to the existing community garden on the site. The community garden will be operated by CHDC, which manages a network of gardens in the neighborhood. Keys to the garden are available for two dollars to anyone who lives or works in the area, and the key allows entry to any of the gardens in the network. The entrance to the residential component of the building will be through this garden, as will a community room that can be reserved by individuals and community groups for events and meetings.

Building D will be constructed and managed by Taconic/Ritterman on an L-shaped lot with a wide frontage on West 53rd Street and a narrow frontage on West 52nd Street. It will contain 405 apartments, 81 of which will be permanently affordable to individuals and families earning 40 and 50 percent of AMI. Along West 53rd Street the building will be a stepped structure, with its lowest height to the east at the same height as Building C. It will rise to the west to a total height of 263 feet where it adjoins the 26-story Archstone Clinton Building. The ground floor of Building D will contain a primary residential entrance on West 52nd Street and a secondary entrance on West 53rd Street. On the second floor, a landscaped terrace will connect the north and south portions of the building. In addition to the residential floor area, Building D will contain a commercial space along West 53rd Street that will be occupied by LeNoble Lumber's commercial tenant. The building's cellar will contain a parking facility for up to 50 cars and 203 bicycles.

On Block 1080, the applicant proposes to undertake a renovation of the Captain Post building. Rehabilitation will include restoration of the historic cast iron storefront and replacement of the wood windows on the building's north facade. The applicant proposes a partial sixth-floor addition set back from both the northern and southern building facades, which will be undertaken pursuant to the requirements of the Historic Preservation Tax credits that the project is receiving. The building will provide 22 units for households earning between 80 and 100 percent of AMI in two-bedroom and studio apartments. The 2,500 square foot side yard will be converted to a keyed community garden. Access to the building will be through a fenced entrance path adjacent to the garden.

Proposed Actions

In order to facilitate the proposed project, the applicant seeks five zoning actions. The actions will rezone the project area to allow for residential development with the inclusion of affordable housing, establish a large scale general development on a portion of Block 1081, allow LeNoble Lumber and Cybert Tire to operate on the site, set Inclusionary Housing income levels, and allow additional curb cuts on Block 1081.

Zoning Map Amendments

On Block 1080, the applicants seek to extend the existing R8A district along Eleventh Avenue to a point 225 feet east of the avenue on the northern half of the block and 200 feet east of the avenue on the southern half. Extending the R8A district will allow buildings with a FAR of 5.4, which may be increased to 7.2 through the provision of affordable housing. The R8A district would require a streetwall height of up to 85 feet and a maximum building height of 120 feet. In addition to the Captain Post building, the rezoning area includes City-owned sites currently occupied by the Duncan Police Athletic League Center, the Irish Arts Center, and Cybert Tire. These sites are potential future development sites, and this rezoning will allow those sites to be developed according to the regulations of the Special Clinton District.

On Block 1081, the applicant seeks to change an M1-5 district that sits, generally, on the future location of Buildings C and D and an R8A district mapped over portions of Building E to an R9 district with a C2-5 overlay. Pursuant to ZR § 96-32(b), within the Inclusionary Housing area of Western Subarea C2, the maximum base floor area of an R9 district is 6.0. The can be increased to 8.0 FAR through the provision of affordable housing. R9 districts in Western Subarea C2 are subject to the height and setback regulations such that on a narrow street, such as West 52nd and 53rd Streets, a streetwall between 60 and 95 feet is required, and the maximum building height is 135 feet. The C2-5 overlay would allow for the relocation of LeNoble Lumber and Cybert Tire and either their historic uses or local retail or service uses in accordance with the MOUs. It will also allow the continued operation of commercial uses currently located within Building E.

Zoning Text Amendments

The proposed text amendments would expand the boundary of the “Other Area – Western Subarea C2” to include the rezoning area, include the project area in the map of Inclusionary Housing areas in Appendix F of the ZR, and modify Inclusionary Housing income bands in the project area. The modified income bands will set an alternative bonus structure to the typical inclusionary housing bonus. The modified text will grant a larger development bonus for the provision of housing for moderate income households, encouraging the addition of apartments for households earning 100 and 125 percent of the area median income.

The text amendments will also allow uses that are not typically permitted as of right in R9 districts. Specifically, the proposed text will allow lumber stores with no limitation on size (Use Group 8), photographic or motion picture studios (Use Group 10), commercial art galleries (Use Group 12), theaters (Use Group 13), automobile service establishments (Use Group 16), and scenery construction (Use Group 17). These additional permitted commercial uses will allow

LeNoble Lumber and Cybert Tire to operate in Buildings C and D and will allow the variety of commercial arts establishments operating in Building E to continue as well as expand their operations in the future.

Disposition

In order to grant City-owned property to the development team, the project requires a designation of the project area as an Urban Development Action Area and an approval of the project by the CPC. The site of Building C and the Captain Post building will be disposed of to an entity managed by CHDC, and unused floor area from Buildings A and B will be disposed to Taconic/Ritterman to be used on Building D.

Large Scale General Development Special Permits

In order to facilitate the distribution of bulk across the project area, the applicant seeks a designation as a LSGD and special permits pursuant to that designation. The LSGD will comprise the western portion of Block 1081 as shown on the LSGD Site Plan above. The applicant seeks a waiver pursuant to ZR § 74-743(a)(i) that will allow the distribution of floor area across the LSGD. This will allow 11,028 square feet of unused floor area from Buildings A and B to be used on Building D. This distribution of floor area will enable the City to fulfil its commitments to LeNoble Lumber by including a commercial co-op in the privately owned Building D.

The applicant further seeks height and setback waivers for Buildings C and D pursuant to ZR § 74-743(a)(2). For Building C, the applicants seek a waiver to the base height and setback requirements, allowing the building to rise to its maximum height of 143 feet without the required setback at 95 feet. The applicant is also seeking to waive the required 10-foot rear yard setback at 95. The rear of the building will feature a rear yard of variable depth, but the maximum waiver being sought is approximately 10 feet. Finally, a maximum building height of 135 feet is allowed in R9 districts of Western Subarea C2. The majority of the building will rise to a height of 124 feet, but a 22-foot decorative tower on the northeastern corner of the building, above the residential entrance, will require an 8-foot height waiver.

Building D will feature a series of bays along West 53rd Street and a stepped building massing, so the waivers are requested for the portions of the building which pierce the required 10-foot setback at 95 feet. The base will exceed the maximum permitted base height by between 27 feet and 69 feet. Additionally, the building will rise to a total height of 263 feet at its northeastern portion, exceeding the maximum building height by 128 feet. As with Building C, the applicant further seeks a rear yard setback waiver of up to 7 feet.

Certification to Allow More than One Curb Cut

Finally, the applicant seeks a certification pursuant to ZR § 26-15 to allow two additional curb cuts along West 53rd Street, for a total of three curb cuts along that frontage. The proposed curb cuts would serve the Building D parking facility, the loading dock for LeNoble Lumber, and the

entrance to the Cybert Tire automobile repair shop. The total linear footage of the proposed curb cuts will be approximately 69 feet.

COMMUNITY BOARD RECOMMENDATION

At its Full Board meeting on January 6, 2014, Manhattan Community Board 4 ("CB4" or the "Board") voted on a resolution recommending **approval with conditions** of the application by a vote of 35 in favor, 1 opposed, and 1 present but not eligible to vote.[3] The Board's recommendation noted the redevelopment of former CURA sites, the inclusion of 206 permanently affordable units, and the addition of three community gardens as reasons for its support. The recommendation for approval is conditioned on a number of Board concerns, which the applicant has agreed to address.

Specifically, the Board asked, and HPD, CHDC, and Taconic/Ritterman agreed to, the following:

1. all affordable units be affordable in perpetuity;
2. affordable units in the Taconic/Ritterman building be distributed throughout the building;
3. all furnishes and fixtures in the Taconic/Ritterman building be the same in the affordable and market-rate units;
4. all amenities in the Taconic/Ritterman building be open to affordable tenants at a reduced rate;
5. the applicants will cooperate with the CB4 Construction Task Force to deal with construction impacts on the adjacent community;
6. the sidewalk of West 53rd Street be enhanced with expanded street tree beds, "planted with flair;"
7. the applicants coordinate with Archstone Clinton and Mercedes House for street improvements including pedestrian-oriented lighting; and
8. CHDC and LeNoble Lumber consult with the Board if negotiations for an affordable supermarket in space allocated on West 53rd Street frontage fall through.

BOROUGH PRESDENT'S COMMENTS

The proposed project represents a model public-private partnership that will revitalize an underused area in an inclusive manner. Western Clinton today is diverse in terms of both population and uses. The neighborhood is an example of a mixed-use neighborhood where affordable and public housing, market-rate housing, manufacturing and heavy commercial uses, cultural institutions, and retail can coexist. The project will create 530 units of housing, 39 percent of which will be permanently affordable to a range of incomes from 40 to 165 percent of AMI. On top of this impressively broad provision of affordable housing, the project will create two new, and expand one, keyed community gardens. It will allow two businesses that have been longstanding members of the community to remain a presence in the neighborhood. This development contributes to the exemplary diversity of the community.

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[3] Joe Restuccia is a member of CB4, serving on the Clinton/Hell's Kitchen Land Use Committee, and is the Executive Director of CDHC. Mr. Restuccia recused himself from voting.

In 1969, when the CURA was designated, the area surrounding this development featured a proliferation of urban neglect. The City designated the CURA and took possession of vacant and underused properties in order to restore the residential character of the neighborhood and "provide for a range of income bands in housing that exhibited good design in terms of privacy, light, air, and open space while providing community facilities, parks, retail uses, and parking." Over 40 years of community efforts have led to the situation today, where that goal is largely achieved. Indeed, the area has now become a hotspot for the development of high-rise, luxury housing—developments that would have been unimaginable in 1969. The proposed development will not only fill in some of the last remaining City-owned sites in a manner consistent with the CURA goals, it will also serve to maintain the diversity of the neighborhood into the future amidst the development pressure of the high-end residential market.

The proposed LSGD enables the project to maximize both the amount of affordable housing and the amount of open space. By expanding the scope of the project beyond Buildings B and D the City was able to find creative way to finance an impressive number of affordable apartments. In order to create a development that is 39 percent affordable, the applicants are utilizing a broad mix of subsidies, tax credits, and expansions of developable floor area including: HPD capital funding; the NYCERS Taxable Mortgage Initiative; the New York State Housing Finance Agency 80-20 program; HPD's Multifamily Preservation Loan Program; Historic Preservation Tax Credits; the Inclusionary Housing Program; and the distribution of unused development rights. Community groups and the City should use this type of large-scale planning as an example of how to achieve ambitious affordable housing goals.

Zoning Map Amendments

The applicant is seeking two zoning map amendments, both of which are appropriate and will enable the proposed development. On Block 1081, the existing M1-5 district over much of the project area is inappropriate for the neighborhood. The district allows manufacturing, hotels, commercial, and office uses as of right, none of which are consistent with the community's goals for the area. The R9 district proposed by the developer will allow for the development of housing and community facility uses in Buildings C and D which are consistent with the trend towards residential development in the area. The R9 designation allows additional bulk than the existing R8A district to the west, but the added bulk allows for the inclusion of more units of affordable housing and is in context with the Mercedes House to the north and the Archstone Clinton North building to the east. The proposed C2-5 overlay will allow for the inclusion of longstanding neighborhood businesses in the proposed development and is in keeping with the automobile dealership and police stable across West 53rd Street. Finally, the proposed map amendment on Block 1081 will eliminate an excluded area from the Special Clinton District and will allow the proposed development to take advantage of the Inclusionary Housing benefits of the district.

The proposed zoning change on Block 1080 is similarly appropriate. The R8A designation will require a contextual street wall and will ensure that future developments in the rezoning area similarly meet this requirement. The maximum building height of 85 feet would be consistent with the eight-story Clinton Manor next door and with the existing R8A district to the west.

Zoning Text Amendments

The proposed text amendments generally serve to include the project area in the Special Clinton District and provide for the provision of affordable housing at a wider range of income levels than typical Inclusionary Housing projects. The amendments to ZR §§ 96-31 and 96-32 allow for optional provisions for residential developments in R8A districts and within a LSGD in R9 districts to increase the total allowable floor area through the addition of affordable housing. The proposed zoning text is modeled on text used in the Special Hudson Yards District, where CPC sought to increase the range of incomes to which affordable apartments would be available. The proposed provisions provide a larger zoning bonus for the inclusion of moderate income units, which are typically hard to finance with the subsidies available to affordable developers. CB4 has as a priority the inclusion of a wide range of income levels in affordable projects and this proposed text allows for the furtherance of that goal through this development. Furthermore, the City should explore whether a bonus structure similar to this would be appropriate for all Inclusionary Housing developments. As the City looks to aggressively develop affordable housing, it should ensure that the new available housing does not exclude moderate income families.

The proposed text also adds new allowable uses within a LSGD in the Western Subarea C2 in a R9 district. This provision is consistent with the MOUs between the City and LeNoble Lumber and Cybert Tire and the needs of the existing arts tenants in Building E. While these uses are traditionally not allowed in high-density residential districts, these particular tenants have been longstanding members of the Clinton community and should be accommodated in this new development. LeNoble Lumber, however, has announced that it does not intend to return to this site, as its business operations are stable in its new Long Island City location. LeNoble lumber instead currently plans to bring a supermarket to the development, which the Borough President believes to be appropriate to the goals of the CURA and the carefully balanced mix of uses for the LSGD. However, there is nothing to stop a big box store like Lowes or Home Depot from opening a store here in the future given the permitted use. LeNoble Lumber is a long standing member of the community and it is because of this that the lumber use was to be grandfathered into the proposed text amendment. Other business entities that would be allowed to operate within the space if LeNoble Lumber sold their property interest do not meet this standard. If LeNoble Lumber does not return to the site, the applicants should come back to CPC to remove this potential use from the Zoning Resolution, which the proposed text allows with no limit on floor area. In addition, LeNoble Lumber should continue its longstanding engagement with the community to determine the best possible alternative use for the space if they choose to not occupy it after construction.

Disposition

The designation of the project area as a UDAA, approval of the project, and disposition of the City-owned parcels are appropriate and necessary for the redevelopment of this area. The preponderance of underutilized and vacant City-owned parcels contributes to inactive street frontages and a lack of neighborhood amenities.

Large Scale General Development Special Permits

In order to include Cybert Tire and LeNoble Lumber in the privately owned Taconic/Ritterman project, HPD proposes the distribution of unused air rights from Buildings A and B, which are in a different zoning district. This distribution is appropriate and meets the finding that the distribution of air rights results in a good site plan. The distribution of development rights will move bulk away from Eleventh Avenue, helping to preserve sunlight in DeWitt Clinton Park. Furthermore, it will result in increased light accessing the interior block and vital community gardens in the afternoon.

The applicant is additionally seeking a series of height and setback waivers for Buildings C and D. Overall, the distribution of bulk is appropriate on this site. In the applicant's discussion of the findings, it argues that development over the last decade on the surrounding blocks has tended to locate bulk in the midblock and retained lower-scale development along the avenues. This distribution of bulk has been the result of the numerous CPC actions cited above in the Project Area section. As the blocks to the immediate north and south of this project feature this distribution of bulk, the proposed special permits for height and setback waivers are appropriate and result in an appropriate site plan in the context of these adjacent blocks.

This building context, however, goes against the basic planning principle that taller buildings are more appropriate on wide streets where they are less likely to impact light and air to surrounding properties. As CB4 notes in its recommendation, the tall buildings lining both sides of the narrow West 53rd Street will prevent light from reaching the street and could overwhelm pedestrian uses. The applicant should work with CB4 to fulfil its request that the streetscape be enlivened through plantings and the inclusion of pedestrian lighting coordinated with the other property owners on the block. Furthermore, the CPC should be wary in the future of using the blocks surrounding the development as context to enact similar rezonings. This project sits in between two blocks sharing this characteristic, but further north and south the CPC should work to maintain the normal distribution of bulk in Manhattan that considers tall buildings on the mid-block of narrow streets inappropriate. This office questions the utility of the waiver requested for the 22-foot decorative tower on the northwest corner of Building C, above the residential entrance. Considering the reasoned justification for the bulk waivers requested for Building D, and the scale of such bulk, it may not be appropriate to add any additional bulk on the West 53rd Street frontage. While the encroachments on Building D have been effectively justified, this decorative tower is the only portion of Building C requiring a building height waiver and its necessity has not been explained.

Rear yard setbacks are required by zoning to ensure that adequate light reaches the interior of the block so that buildings do not adversely affect the light and air of their neighbors. In this case, the LSGD has been planned such that the buildings were designed holistically and complementary to existing buildings within the LSGD. Though rear yard setback requirements are being waived, the overall design of the site features a network of public and private green spaces. These green spaces will provide for increased light and air to the residents of the LSGD. The expansion of the existing community garden on the north side of the LSGD, for example, will increase sunlight into the rear of Buildings A and B and will allow light to reach West 53rd

Street. The garden on West 52nd Street will similarly allow light and air into the interior block behind Building C.

Certification to Allow More than One Curb Cut

The south side of the LSGD currently contains eleven curb cuts comprising over 190 linear feet, which significantly impairs the pedestrian experience. The proposal includes the elimination of all but three of these curb cuts and the reconstruction of the sidewalk. The curb cuts to remain will be reconfigured so as to comply with maximum width requirements and will be spaced a minimum of five feet apart. The applicant's request of two additional curb cuts over the allowable single curb cut thus represents a significant improvement over the present condition. These curb cuts are necessary to the operations of LeNoble Lumber and Cybert tire, which are integral elements of the LSGD.

Distribution of Affordable Units

In their recommendation, CB4 asked that the affordable units in Building D be distributed throughout the building. At a CB4 Clinton/Hells Kitchen Land Use meeting and in discussions with the Borough President's office, Taconic/Ritterman indicated that the affordable units would be included on 73 percent of the floors of the building. The Special Clinton District and the former CURA, have at their core, the goal of promoting a diverse community with a broad range of incomes. In support of this goal, the proposed development should aim to be a fully integrated community with affordable units distributed on as many floors of the new building as possible. The distribution of affordable units is higher than the 65 percent required by HPD but does not represent a full integration. It should be noted that Taconic/Ritterman has indicated to this office that: all units will have the same fixtures and finishes; more than half of the affordable two-bedroom units will have two bathrooms; one affordable unit will have a private terrace; and affordable tenants will have access to building amenities at a reduced fee. These efforts on the part of the applicant are commendable, but they should further explore whether affordable units can be more thoroughly distributed through the building, in keeping with the goals of CB4 and the Special Clinton District.

Conclusion

HPD and Clinton Housing have proven their commitment to the goals of the former CURA and of the Community Board. The proposal includes a diverse mix of uses that complement the trends of the neighborhood. In addition, the provision of affordable units at various income bands not only serves the purposes of the former CURA and goals of this administration but could serve as a model to other projects. In order to ensure mixed income neighborhoods, it is essential that all income levels are represented. This project accomplishes that through the use of a multitude of financing resources, a commitment to maximize distribution of those units throughout the LSGD's buildings, and through the creative use of land use tools. Through these measures the project will create 530 units of housing, 39 percent of which will be affordable. This achievement shows that far greater than the standard 20 percent affordable project is possible, and that it can be done in a way that does not overwhelm the neighborhood with out-of-context bulk or height.

BOROUGH PRESIDENT'S RECOMMENDATION

In consideration of the above, the Manhattan Borough President recommends approval with conditions of ULURP application numbers C 140181 ZMM, N 140182 ZRM, C 140183 ZSM, N 140184 ZCM, and C 140185 HAM provided that the applicant:

1. **explore a more thorough distribution of affordable units in Building D, in keeping with CB4's recommendation;**
2. **apply for a text amendment to remove the lumber store use with no limitation on size if LeNoble Lumber does occupy its space on West 53rd Street; and**
3. **continue to work with CB4 and the Borough President's office to find an appropriate small business to occupy the LeNoble Lumber space should an affordable supermarket tenant not be found.**

Further, the Borough President conditions approval on the City Planning Commission carefully evaluating future projects in the surrounding area such that the concentration of bulk and height in the midblock does not become a standard element of all projects in the Clinton neighborhood.

Gale A. Brewer
Manhattan Borough President