



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

330 West 42<sup>nd</sup> Street, 26<sup>th</sup> floor New York, NY 10036  
tel: 212-736-4536 fax: 212-947-9512  
[www.nyc.gov/mcb4](http://www.nyc.gov/mcb4)

**CHRISTINE BERTHET**  
Chair

**JESSE R. BODINE**  
District Manager

March 9, 2015

Carl Weisbrod  
Chair  
City Planning Commission  
22 Reade Street  
New York, NY 10007

Vicki Been  
Commissioner  
Department of Housing Preservation & Development  
100 Gold Street 10038

**Re: 520 West 41<sup>st</sup> Street, Silverstein Rezoning & Affordable Housing**

Dear Chair Weisbrod & Commissioner Been,

Manhattan Community Board 4 (MCB4) communicated its concerns to the City Planning Commission regarding the above referenced rezoning in April 2014. We are pleased to hear that both the Department of City Planning (DCP) and Department of Housing Preservation & Development (HPD) have been engaged with the applicant, the Silverstein Companies (Silverstein), to ensure the provision of permanently affordable housing as part of this proposed rezoning. MCB4 requests both the DCP and HPD meet with the Board to update it on those discussions. Further, the Board is concerned that the Mayor's Affordable Housing Plan will continue to balance neighborhood need and context with affordable housing production. MCB4 has been an advocate of affordable housing production and preservation through zoning mechanisms since adoption of the Special Clinton District (SCD) in 1973. Language in that Special Zoning District created the first zoning text in the city to provide a floor area bonus for the building of affordable housing, predating the Zoning Resolution's 1986 Inclusionary Housing provisions by 15 years. At the same time however, the SCD established both height and bulk limits in Preservation Areas while allowing large scale development along major avenues and wide streets. The SCD sought to reconcile a range of development scales and densities, encouraging both preservation and development with the context of the surrounding neighborhood.

In the same manner, in 2005 the Special Hudson Yards District (SHYD) sought to encourage both preservation and development with the context of the surrounding neighborhood, by

establishing subdistricts within the SHYD. In its May 28<sup>th</sup>, 2014 letter (copy attached), the Board stated,

“While MCB4 supports the inclusion of additional housing on the 520 West 41<sup>st</sup> Street site it cannot support the currently proposed site plan and massing which results in an 1100’ tower. The proposal also includes 200 accessory parking spaces in violation of The Hudson Yards Parking Text Amendment which resulted from the settlement of a Clean Air Act lawsuit.”

Plainly put, the current Silverstein proposal seeks to unlock a portion already upzoned commercial floor area, *at a dense 20 FAR*, from Commercial Use to Residential Use. That change in use, given the location will create an increase in value. Given this value increase to the Applicant, MCB4 consider it appropriate that a portion of the value increase should be captured for public benefit, namely Affordable Housing. But that public benefit must occur within the neighborhood context.

In its April 28<sup>th</sup>, 2014 letter, MCB#4 raised the following issues of context and reiterates them below:

- **Decrease in proposed height**

The proposed site plan included in the PAS currently includes plazas, driveways, a two story streetwall and other mechanisms which result in a smaller building footprint. The smaller footprint and lack of strong streetwall therefore produces a substantially taller building. The proposed height at 1100 feet would be out of context even for the 400 and 500 foot towers currently built along the adjacent 42<sup>nd</sup> Street Perimeter Area of the Clinton Special District. MCB4 requests that the development have full lot coverage and a strong streetwall, therefore reducing the proposed height to be in context with surrounding buildings.

- **Inclusionary Housing Program**

The proposed text amendment must include Inclusionary Housing text provisions requiring at least that 30% of the entire FAR be used for affordable housing. The Board supports a higher percentage of Affordable Housing, especially if it would include Affordable Housing for Moderate and Middle Income households (with income bands between 80% to 165% of Area Median Income). However, while additional Affordable Housing should be sought as benefit resultant from the change of use from Commercial to Residential, the height must remain in context with high density residential uses along the West 42<sup>nd</sup> Street corridor immediately to the north at 400 to 500 feet.

Further, that any Inclusionary Housing apartments must be evenly distributed in location and type throughout the building and contain an equal level of apartment finish and equal and affordable access to all building amenities. This applicant *is the sole developer in Manhattan Community District #4 which built a “Poor Door”* at its prior development at Silver Towers (600 West 42<sup>nd</sup> Street), segregating the low income units from the high rise on West 42<sup>nd</sup> Street into a separate building on West 41<sup>st</sup> Street with an entrance facing the MTA Quill Bus Garage.

- **On Site Parking**

The Hudson Yards Parking Text Amendment, adopted April 14, 2010, resulted from a Stipulation and Order of Settlement in the case *Hell's Kitchen Neighborhood Association v. Bloomberg* filed on May 5, 2009. The underlying purpose of the amendment is to limit and monitor parking spaces within the HY District to ensure that the area is in compliance with the Clean Air Act. As per the settlement, the decision to allow additional parking spaces in the HY District must be made with regards to the existing reservoir surplus which as of January 17, 2014 is 3,264 spaces, MCB4 requires all proposed HY text amendments to meet the requirements of this settlement.

Jesse Bodine, MCB4 District Manager, will follow up with your offices to schedule a meeting with MCB4 to ensure full community input prior to ULURP Certification

As always, MCB4 looks forward to working with the Commission, the Department and the applicant as this proposal moves through the public approval process.

Sincerely,



Christine Berthet  
Board Chair



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

Enclosure

cc: Hon. Gale A. Brewer, Manhattan Borough President  
Hon, Corey Johnson, City Council



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**CHRISTINE BERTHET**  
Chair

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

May 28, 2014

Carl Weisbrod  
Chair  
City Planning Commission  
22 Reade Street  
New York, NY 10007

**Re: 520 West 41<sup>st</sup> Street**  
**Pre-Application Statement to the Department of City Planning**

Dear Chair Weisbrod,

Manhattan Community Board 4 (MCB4) reviewed the Pre-Application Statement (PAS) Form for 520 West 41<sup>st</sup> Street which was submitted to the Department of City Planning on October 23, 2013. The PAS Form states Silverstein Development Corporation's request to amend the Zoning text to

“create a new subarea within the Special Hudson Yards District that would allow more of the overall permitted floor area on the subject site (20 FAR) to be allocated to residential use (from 6 FAR as currently permitted by the text to 12 FAR). The special district text would also be amended to allow up to 200 accessory parking spaces on the site without regards to the existing Hudson Yards parking supply.”

While MCB4 supports the inclusion of additional housing on the 520 West 41<sup>st</sup> Street site it cannot support the currently proposed site plan and massing which results in an 1100' tower. The proposal also includes 200 accessory parking spaces in violation of The Hudson Yards Parking Text Amendment which resulted from the settlement of a Clean Air Act lawsuit.

**Support for Housing**

The PAS submitted on October 23, 2013 requests an increase in residential FAR from 6 to 12 effectively decreasing the potential commercial FAR from 14 to 8. MCB4 supports the request to increase the residential FAR as it aligns with the boards long held position on increasing housing in Subdistrict A of the Special Hudson Yards District (HY District). During the 2004 Hudson Yards rezoning, MCB4 supported additional FAR for residential uses and a decrease in commercial FAR in the then proposed Hudson Yards Special District, Subdistrict A (11<sup>th</sup> Avenue, with an irregular eastern boundary toward 10<sup>th</sup> Avenue) (“Hudson Yards Plan and

related Land Use (ULURP) Applications Comments and Recommendations,” MCB4, resolution—p.27, August 23, 2004.).

### **Decrease in height**

The proposed site plan included in the PAS currently includes plazas, driveways, a two story streetwall and other mechanisms which result in a smaller building footprint. The smaller footprint and lack of strong streetwall therefore produces a substantially taller building. The proposed height at 1100 feet would be out of context even for the 400 and 500 foot towers currently built along the adjacent 42<sup>nd</sup> Street Perimeter Area of the Clinton Special District. MCB4 requests that the development have full lot coverage and a strong streetwall, therefore reducing the proposed height to be in context with surrounding buildings.

### **Inclusionary Housing Program**

The proposed text amendment must include Inclusionary Housing text provisions requiring that 20% of the entire FAR be used for affordable housing. Further, that any Inclusionary Housing apartments must be evenly distributed in location and type throughout the building and contain an equal level of apartment finish and equal and affordable access to all building amenities.

### **On Site Parking**

The Hudson Yards Parking Text Amendment, adopted April 14, 2010, resulted from a Stipulation and Order of Settlement in the case *Hell's Kitchen Neighborhood Association v. Bloomberg* filed on May 5, 2009. The underlying purpose of the amendment is to limit and monitor parking spaces within the HY District to ensure that the area is in compliance with the Clean Air Act. As per the settlement, the decision to allow additional parking spaces in the HY District must be made with regards to the existing reservoir surplus which as of January 17, 2014 is 3,264 spaces, MCB4 requires all proposed HY text amendments to meet the requirements of this settlement.

MCB4 looks forward to working with the Commission, the Department and the applicant as this proposal moves through the public approval process.

Sincerely,



Christine Berthet  
Chair



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

Cc: Manhattan Borough President Gale Brewer  
NYC Councilmember Corey Johnson