



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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COREY JOHNSON
Chair

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

August 1, 2011

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

**Re: Open Space
510 and 515 West 52nd Street
Archstone Clinton
Formerly Clinton Green**

Dear Chair Burden:

At the June 8, 2011 meeting of Manhattan Community Board 4's (CB4) Clinton/Hell's Kitchen Land Use Committee, the Committee discussed the Dermot Company's (the "Developer") lack of compliance with open space requirements at 510 and 515 West 52nd Street, also known as the Archstone Clinton. These open space requirements were agreed to by the Developer over the course of the Uniform Land Use Review Procedure (ULURP) process for the Archstone Clinton, then known as Clinton Green. CB4 is requesting enforcement of the open space provisions agreed to by the Developer in the restrictive declaration for 510 and 515 West 52nd Street.

History

The development of the Archstone Clinton involved the construction of approximately 627 residential rental units in two twenty-four (24) story towers on land and a platform constructed over an Amtrak rail cut. These two towers are on the midblock of West 52nd and West 53rd Streets, between Tenth and Eleventh Avenues, just west of Tenth Avenue. The development also includes a seven (7) story building with frontages on Tenth Avenue and West 53rd Street which was built to house not-for-profit theaters and currently houses the 52nd Street Project, ART New York, and MCC Theater. Seven residential condominium loft units are located above the theater space. Twenty percent of the rental apartments, 128 units, are affordable to families with incomes up to 60% of Area Median Income (AMI) while the 499 condominium units are sold at market rates. The development also includes 28,314 square feet of open space, including 6,612 square feet of private rooftop open space. The balance of the space, including 13,939 square feet on the north parcel, between West 52nd and West 53rd Streets, and 7,763 square feet on the south parcel, between West 51st and West 52nd Streets, is at-grade public open space. This at-grade

open space is privately developed, publicly accessible open space produced pursuant to a Large Scale Plan.

Community Concerns

Recently, the Board has received complaints from neighborhood residents about the public open space. The complaints centered on lack of access to the open space and lack of seating and other amenities. Further, neighborhood residents were told they are not allowed to walk their dogs through the midblock open space between West 51st and West 52nd Streets. This open space was agreed to by the Developer during the course of their ULURP and was intended to be an amenity that is open and accessible to the community. The rolling gates, which were meant to be entirely open, are partially closed, creating the impression that the open space is private. Lastly, there are no signs describing the area as public open space.

Development of this public open space was required by the City Planning Commission (CPC) and agreed to by the Developer as part of the grant of a Special Permit on December 22, 2004.

Required Amenities

In the CPC Report, dated December 22, 2004, the CPC noted “The developer also proposes to create a unified, publicly-accessible open space on both the north and south parcels. The open space would serve the needs of the residents of the proposed development and would also be a valuable open space resource for the Clinton neighborhood.” The CPC Report also noted that the open space would be “arranged in a contiguous fashion, allowing for the creation of a throughblock walkway and the provision of a large, open seating area with moveable tables and chairs on West 52nd Street.” The public open space requires several amenities including both fixed and movable seating and play equipment, which the Developer agreed to provide. None of these amenities have ever been made provided.

Prior to the CPC Report, on October 18, 2004 and December 2, 2004, CB4 wrote to the CPC expressing concern over the then proposed open space. In the December 2, 2004 letter, CB4 noted that Developer had agreed to create a design wherein “broad steps and a ramp will invite visitors into a raised gravel seating area from 52nd Street. The area will also be accessible by steps from the arcade. Dermot will provide, and be responsible for maintaining, moveable seating under a bosque of maple trees.” Neither of these seating areas has ever been created. CB4 is dismayed that what was intended to be an attractive public open space is essentially an uninviting hardscaped plaza.

Access to the Open Space

The Land Disposition Agreement which is reference in the Restrictive Declaration states that “The Open Space shall be open and accessible to the public seven days a week, 365 days a year, between the hours of sunrise and the later of (i) 8:00 pm and (ii) sunset ...” However, the space is often closed or appears to be closed due to the gates being partially closed and lack of signage denoting the space as public open space. As the Developer no longer holds majority ownership

of the site, CB4 hopes that the lack of attention to the public open space was simply an oversight during the transfer of ownership in October 2007.

However, considering the extensive negotiation among the community, HPD and the Developer during the development of this project, CB4 is troubled this open space has still not been fully outfitted since its completion in 2007. This valuable open space needs to be fitted out as agreed to do in the plans as noted in the CPC Report and the recorded documents. Furniture needs to be provided and signs installed encouraging the public to use the open space. We look forward to working with you to ensure that the Developer complies with the terms of the Special Permit.

Sincerely,



Corey Johnson
Chair



Joe Restuccia, Co-Chair
Clinton/Hell's Kitchen Land Use Committee



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

cc: Christine Quinn, Speaker, New York City Council
Scott Stringer, Manhattan Borough President
Jerrold Nadler, Member of United States Congress
Tom Duane, New York State Senator
Richard N. Gottfried, Member, New York State Assembly
Dermot Company
Archstone
E. Hsu-Chen, E. Selke – DCP
M. Wambua, R. Visnauskas, B. De la Torre, T. Walters, S. Levenson – HPD