

Clinton/Hell's Kitchen Land Use

Item #: 1

September 5, 2012

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

**Re: ULURP Applications Nos. 120396ZMM, 120397ZSM, 120398ZSM, M010151BZSM
625 West 57th Street (Manhattan Block 1105, Lots 1, 5, 14, 19, 29, 36, and 43)**

Dear Chair Burden:

Manhattan Community Board 4 (CB4) is pleased to provide its recommendation on this application by Durst Development L.L.C. (the "Applicant") for land use approvals to facilitate the development of a portion of the block bounded by W. 57th and W. 58th Streets, between Eleventh and Twelfth Avenues in Manhattan with a new, mixed residential, commercial, and community facility, and parking uses (the "Project").

The Applicant met several times with CB4 to present its plans for the proposed Project and the Board appreciates its willingness to hear the Board's concerns. At the July 24, 2012, Hell's Kitchen/Clinton Land Use Committee meeting, the Applicant heard, once again, the concerns of the Committee and its call for a number of changes to the Project plan, the most critical one being the permanency of the affordable housing units. While the Board would like this Project to be able to go forward, it cannot recommend approval for this application unless those concerns are substantially addressed. At this date, they have not been.

Therefore, we recommend denial of the application unless the affordable units are *permanently* affordable and the concerns enumerated below are addressed to this Board's satisfaction.

Proposed Actions

The Project Block is currently zoned M1-5 and C4-7. The proposed actions include a rezoning of the midblock portion of the Project block facing W. 58th Street from an M1-5 manufacturing district to a C6-2 commercial district, special permits for bulk modifications available to large-scale general developments and modifications of previously approved restrictive declarations.

The rezoning and special permits will greatly benefit the Applicant, unlocking hundreds-of-thousands square feet of residential development. Such a great private benefit must be matched by an equal public benefit. In this Board's view, the public benefit is not commensurate with the private boon.

No Permanent Affordable Housing

The Applicant proposes to construct a new, mixed-used building on the Project site with up to 753 residential units — including twenty-percent (or up to 151) affordable units — approximately 714,000 square feet of residential space, 48,000 square feet of ground floor retail space, and 285 accessory parking spaces. The Project is proposed as an 80-20 development for which the Applicant will seek a separate 421-a tax exemption. The Applicant stated that the 20% units will be affordable for 35 years.

It has been a long time since this Board has been presented with a project that was not permanently affordable. Our position is clear – we want –and need- permanent affordable housing.

While 151 affordable units are a welcome benefit to the community (and provide a tax-exempt financing benefit to the Applicant), unless the units are permanently affordable, the benefit to this community will not be a lasting one. The policy of this Board is clear: without permanently affordable units, this District cannot maintain its mixed-income residential character.

It should be noted that the project block is located within the northwest boundary of the Special Clinton District, whose goals as specified by City Planning Commission include the preservation and strengthening of the residential character of the community. The mixed income character of Clinton will neither be preserved nor strengthened without some permanent affordability of a portion of its new housing stock.

It also should be noted that since the rezoning of the Hudson Yards, a great number of market rate units have been added to the residential make up of our community. Only a handful of permanently-affordable units have been secured.

Cars, 385. Humans, 0

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

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

The existing 23 foot curb cut currently providing access to the accessory parking garage located beneath the Helena, located approximately 220 feet west of Eleventh Avenue, would be removed. The existing accessory parking beneath the Helena would instead be accessed via a

one-way (north), 50 foot wide, access drive connecting W. 57th and W. 58th Streets. This access drive would be located approximately 250 feet west of Eleventh Avenue and would include 25-foot curb cuts at each end of the drive.

Since the Project proposes to add over 750 new residential units to the neighborhood and zero open public space, the Board suggests that the 50-foot driveway become a public passageway rather than an exclusive private driveway. The roadway of the access drive should be reduced substantially in width, perhaps by half, with the other half devoted to an inviting public space, enhanced by seating and plantings.

Community Facility Wanted

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

The Board would welcome a museum annex or a day care facility in the two floors of the proposed community facility. As of the date of this letter, however, no commitment for any such use has been obtained.

West 58th Street: Dead On Arrival

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

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

Conclusion

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

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

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

- The Applicant surrender the prior public parking garage previously approved for 399 spaces (ULURP No. C010149ZSM) upon approval of the proposed garage Special Permit for 385 accessory parking spaces.
- The 50-foot driveway must be reduced substantially in width, perhaps by half, with the other half devoted to an inviting public space, enhanced by seating and plantings.
- The frontage along W. 58th Street be enlivened and welcoming to the pedestrian and that the s.f. devoted to mechanicals and/or parking be significantly reduced.
- The Applicant work with CB4 to identify the proposed user for the community facility space.

Sincerely,

CJ/JDN

Cc: DCP Calendar Office
DCP - Edith Hsu-Chen
Council Member Gale Brewer
Durst Organization – Helena Durst, Eva Durst, Jordan Barowitz
Fried Frank – Stephen Lefkowitz, Carol Rosenthal
Manatt – Claudia Wagner, Joshua Bocian
MBPO - Brian Cook, Karolina Grebowiec-Hall
Assembly Member Linda Rosenthal
State Senator Thomas Duane
Congressman Jerrold Nadler