



CITY PLANNING COMMISSION

May 9, 2007/Calendar No. 24

C 070260 HAM

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a. the designation of property located at 505 West 51st Street (Block 1080, part of Lot 25), Site 9C in the Clinton Urban Renewal Area as an Urban Development Action Area;
 - b. an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD;

to facilitate development of a six-story mixed use building with approximately ten residential units to be developed under the Department of Housing Preservation and Development's Inclusionary Housing Program, Borough of Manhattan, Community Board 4.

Approval of three separate matters is required:

1. The designation of property located at 505 West 51st Street (Block 1080, part of Lot 25) as an Urban Development Action Area; and
2. An Urban Development Action Area Project for such area; and
3. The disposition of such property, to a developer selected by HPD.

The application for the Urban Development Action Area designation, project approval and disposition of city-owned property was submitted by the Department of Housing Preservation and Development (HPD) on December 21, 2006.

Approval of this application would facilitate the development of a six-story mixed use building with approximately ten residential units.

The Department of Housing Preservation and Development states in its application that:

The Project Area consists of underutilized property that tends to impair or arrest the sound development of the surrounding community, with or without tangible physical blight. Incentives are needed in order to induce the correction of these substandard, unsanitary, and blighting conditions. The project activities would protect and promote health and safety and would promote sound growth and development. The Project Area 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.

BACKGROUND

The Department of Housing Preservation and Development (HPD) seeks approval of an Urban Development Action Area Project (UDAAP) designation, project approval and disposition of city-owned property for Site 9C of the Clinton Urban Renewal Area (URA) which is located at 505 West 51st Street between Tenth and Eleventh avenues. The proposed mixed use project is consistent with the Urban Renewal Plan designation of Residential with accessory Commercial use and would further facilitate the development activity on Site 9C. The site is also located in the Special Clinton District and zoned C6-3.

The project site is approximately 2,500 square feet in area and is currently occupied by an existing one-story family run automobile repair shop that has been in existence for over 50 years. Immediately west of the site along West 51st Street is Clinton Green, a 24-story mixed-use development with publicly accessible open space which was approved by the Commission on December 22, 2004 (C 050055 HAM) and by the City Council on February 2, 2005. Immediately east of the site is 501-503 West 51st Street, a recently rehabilitated building which containing 12 low-income dwelling units and two commercial spaces.

The site which is the subject of this report will be developed as a six-story mixed-use building, incorporating the existing automobile repair shop on the first floor and ten low-income residential units on the second through sixth floors. The residential units will be to individuals and families with incomes below 80 percent of the area median income and are included in the Department of Housing Preservation and Development's Inclusionary Housing Program. The subject building will be connected to 501-503 West 51st Street and will share a lobby, elevators, heating and mechanical systems, laundry and approximately 1,044 square feet of open space.

The remaining portion of the block includes Clinton Manor, which is comprised of two, eight-story residential buildings on West 51st and 52nd streets, and Clinton West, a not-for-profit group of six, four- to five- story buildings with 43 apartments. Recent residential construction in the area includes an eight-story senior housing development located along Tenth Avenue.

The area is well-served by public transportation. The C and E subway lines stop at 50th Street and Eighth Avenue, M11 bus service runs along Tenth Avenue, and a cross town bus service is provided by the M27 which runs along West 49th and 50th Streets.

ENVIRONMENTAL REVIEW

This application (C 070260 HAM) was reviewed pursuant to 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, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 05HPD029M. The lead agency is the Department of Housing Preservation and Development.

After a study of the potential environmental impacts of the proposed actions, a revised Negative Declaration was issued on July 18, 2006.

UNIFORM LAND USE REVIEW

This application (C 070260 HAM), was certified as complete by the Department of City Planning on January 22, 2007 and was duly referred to Manhattan Community Board 4 and the Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Manhattan Community Board 4 held a public hearing on this application (C 070260 HAM) on March 7, 2007, and on that date, by a vote of 36 to 0 with no abstentions, adopted a resolution recommending approval of the application with the condition that a “restrictive declaration be recorded against the project’s commercial space ... that precludes ... the use in the future as a club, disco, adult use establishment or similar use incompatible with residential uses ... including in particular the Dave’s Collision commercial space.”

Borough President Recommendation

This application was considered by the Manhattan Borough President, who issued a recommendation approving the application, on April 4, 2007.

City Planning Commission Public Hearing

On March 28, 2007 (Calendar No. 8), the City Planning Commission scheduled April 11, 2007 for a public hearing on this application (C 070260 HAM). The hearing was duly held on April 11, 2007 (Calendar No. 29). There were six speakers in favor and none in opposition.

A representative of the developer described the project and characterized the surrounding area. He indicated that the project would be the second phase of an affordable development located at

501 West 51st Street whose rehabilitation was completed in November 2006. He stated that the ten dwelling units would provide much-needed affordable housing for the community. He also stated that 501 and 505 West 51st Street buildings would contain 22 permanent affordable apartments and three commercial spaces and would share common elevators, fire stairs, open space, and heating and mechanical systems. He further stated that the automobile business is currently licensed and restricted by several Federal, State and City requirements.

A representative from HPD indicated that the project had received a Negative Declaration and explained that the sponsor would comply with all environmental performance standards. She also mentioned that the prohibition of certain uses would be considered for incorporation into the land disposition agreement.

The representative of the Manhattan Borough President spoke in favor of the project. He stated that this city-owned property preserves an existing business with a long history in the community on the current site, and represents a carefully thought out plan for the block along the West 51st Street frontage. The owners of Dave's Collision and Le Noble Lumber businesses spoke in favor of the project. These two establishments are located respectively on West 51st and 52nd streets and their property's rear yard lines abut each other. The owners indicated that the surrounding area is mixed in character and they have vested interest in promoting long-term small businesses. The automobile establishment, which is located at 505 West 51st Street, is a family-owned business which has been in continuous operation since the 1950's and has been operating under a

month to month lease as an Urban Renewal vested tenant. The owners believe that housing and small businesses could co-exist successfully and that it is supported by the local community. The Co-Chair of Manhattan Community Board 4's Land Use Committee spoke in favor of the project. She indicated that everyone had worked together to sustain the mixed use character of the area.

There were no other speakers on the application and the hearing was closed.

CONSIDERATION

The Commission believes that the application for UDAAP designation, project approval and disposition of city-owned property located at 505 West 51st Street is appropriate.

The application would facilitate the development of a six-story building with approximately 10 residential units for low-income persons developed under HPD's Inclusionary Housing Program and would incorporate a long-standing business which has been in existence for more than fifty years. Approval of this application would address local community needs and promote the sound growth of this underutilized property.

The Commission considered the concern raised by Community Board 4 regarding a restrictive declaration prohibiting clubs, discos, adult use establishments or similar uses in the project's

commercial space. The Commission notes that adult use establishments are not permitted in C6-3 districts pursuant to Section 32-01 of the Zoning Resolution; but that the other uses are permitted pursuant to zoning. The Commission further notes that the sponsor has agreed to restrict the uses in the building. The Commission believes that the co-existence of the existing automobile business with residential units above presents unique challenges. However, the environmental determination for the project indicates that there are provisions to be incorporated into the land disposition agreement that would ensure that there are no significant environmental impacts. The Commission therefore believes the proposed application for the UDAAP designation, project approval and disposition of city-owned property is appropriate.

RESOLUTION

The City Planning Commission finds that the proposed disposition of city-owned property located at 505 West 51st Street (Block 1080, part of Lot 25), Site 9C in the Clinton Urban Renewal Area, conforms to the objectives and provisions of the Clinton Urban Renewal Plan.

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and

WHEREAS, the Department of Housing Preservation and Development has recommended the designation of 505 West 51st Street (Block 1080, part of Lot 25) part of Site 9C in the Clinton

Urban Renewal Area, Borough of Manhattan, Community District 4, as an Urban Development Action Area; and

WHEREAS, the Department of Housing Preservation and Development has also recommended the approval of an Urban Development Action Area Project for such property;

THEREFORE, be it further **RESOLVED**, that the City Planning Commission, after due consideration of the appropriateness of the actions, certifies its unqualified approval of the following matters pursuant to the Urban Development Action Area Act:

- a) the designation of 505 West 51st Street (Block 1080, part of Lot 25) part of Site 9C in the Clinton Urban Renewal Area as an Urban Development Action Area; and
- b) an Urban Development Action Area Project for such area; and

the City Planning Commission recommends that the New York City Council find that:

- a) The present status of the area tends to impair or arrest sound development of the municipality;
- b) The financial aid, in the form of tax incentives to be provided by the municipality pursuant to Section 696 of the Urban development Action Area Act, is necessary to enable the project to be undertaken; and
- c) The project is consistent with the policy and purposes stated in Section 691 of the Urban Development Action Area Act, and

BE IT FURTHER RESOLVED, by the City Planning Commission, pursuant to Section 197-c of the New York City Charter, that based on the environmental determination and the consideration described in this report, the application of the Department of Housing Preservation and Development, for the disposition of city-owned property at 505 West 51st Street (Block 1080, part Lot 25), Site 9C in the Clinton Urban Renewal Area, Borough of Manhattan, Community District 4, to a developer to be selected by the Department of Housing Preservation and Development, is approved (C 070260 HAM).

The above resolution (C 070260 HAM), duly adopted by the City Planning Commission on May 9, 2007 (Calendar No. 24), 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.

AMANDA M. BURDEN, AICP, Chair
ANGELA M. BATTAGLIA, ANGELA R. CAVALUZZI, R.A., IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, BETTY Y. CHEN, RICHARD W. EADDY,
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DOLLY WILLIAMS, Commissioners