



Councilmember Mark Weprin  
73-03 Bell Boulevard  
Oakland Gardens, New York 11364

Councilmember Margaret Chin  
645 Park Row, Suite 11  
New York, NY 10007

Dear Councilmembers Weprin & Chin:

I am submitting this letter to indicate that we recognize and accept all of the conditions set down in regards to our application for a license for a sidewalk café, Ivy's Bistro, at 385 Greenwich St, NYC, 10013.

The Community Board has provided for conditional approval of the sidewalk café permit, and I submit the following as conditions on my application:

That I will operate an unenclosed sidewalk cafe license for 7 tables and 18 seats,

That I will operate the sidewalk café no later than midnight on weekdays and 1:00 am on weekends, and

That I will maintain 8 feet of sidewalk clearance at all times.

Regards-

Mike Gibson - Owner

Ivy's Bistro – 212-343-1139

***Lovely Day***  
196 Elizabeth Street  
New York, New York 10012  
(212) 925 1531

February 11, 2010

Councilmember Mark Weprin  
73-03 Bell Boulevard  
Oakland Gardens, New York 11364

Councilmember Margaret Chin  
645 Park Row, Suite 11  
New York, NY 10007

Dear Councilmembers Weprin & Chin:

I am submitting this letter to indicate that we recognize and accept all of the conditions set down in regards to our application for a license for a sidewalk café.

Since the Community Board recognized that 12 community residents appeared before this Committee and 10 letters were received, and a petition containing 52 signatures was presented to the Committee, all in approval and none in opposition, and that the Community Board provided for conditional approval of the sidewalk café permit.

**For Cantaloupe, LLC, d/b/a Lovely Day, 196 Elizabeth St., between Prince and Spring Sts., Block:492; Lot:4; Police Precinct:5, with 2 tables & 5 seats, DCA# 1260966, we agree to the conditions set out below:**

**That the two platforms and a tree bench built at this location in 2007 which have since been removed will not be reinstalled, and that we will operate the café with 2 tables & 5 seats.**

By this letter and my signature below, I hereby agree to comply with all of the stipulations and restrictions on this permit that are set forth above.

Cantaloup, LLC, dba Lovely Day

By: Kazusa Jibiki

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# **GOTHAM WEST**

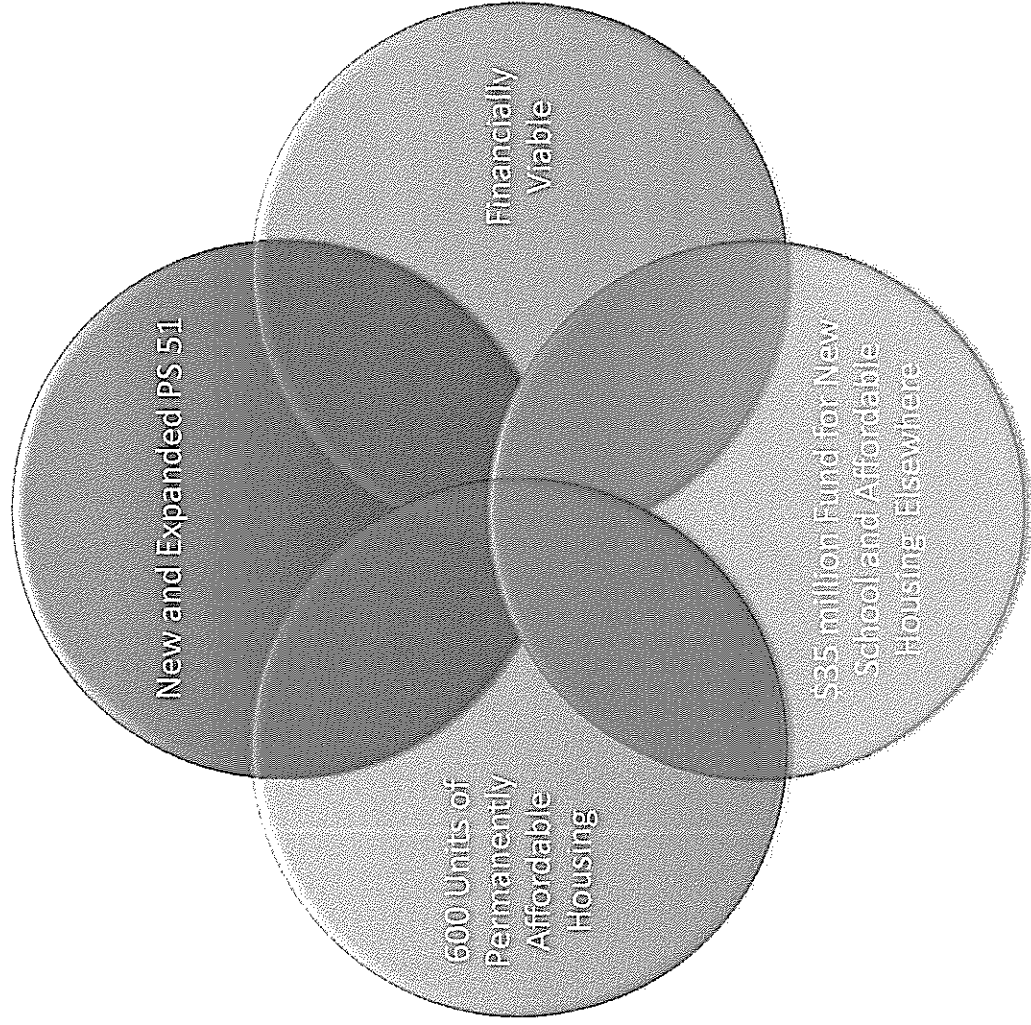
44<sup>TH</sup> STREET BETWEEN 10<sup>TH</sup> AND 11<sup>TH</sup> AVENUES

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**GOTHAM**  
ORGANIZATION, INC.

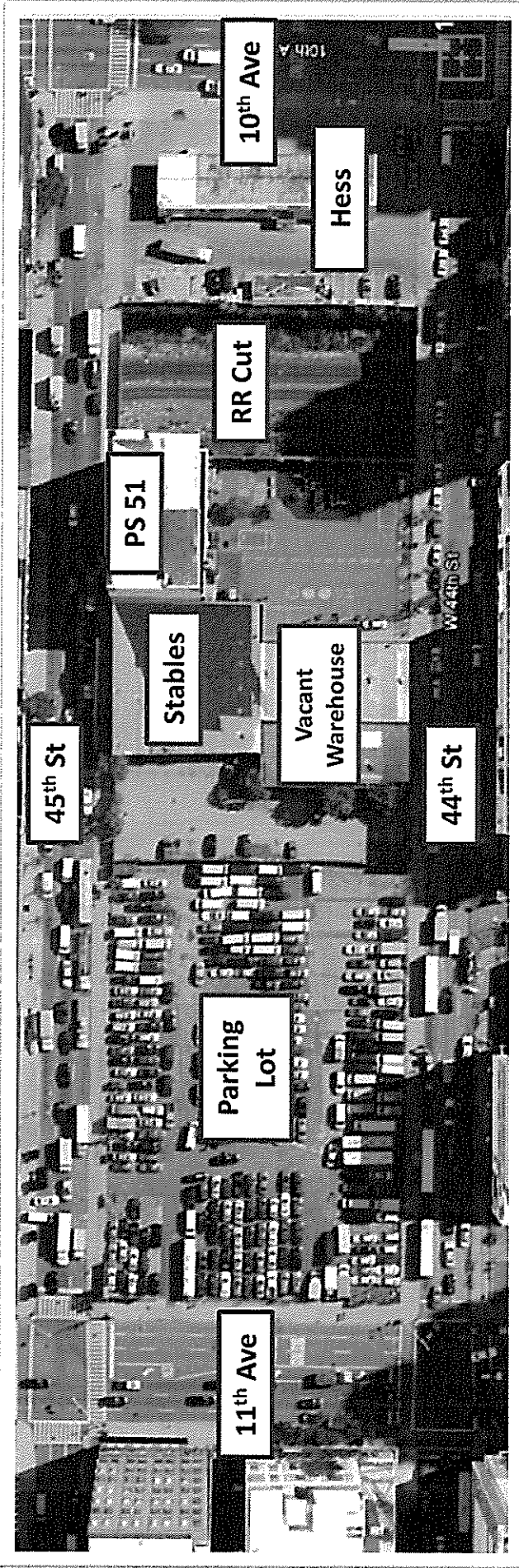
# THE "STUDIO CITY" SITE MUST FILL MANY NEEDS

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# WHAT'S THERE NOW

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## **DEVELOPMENT PROGRAM**

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- Up to 1350 units of housing
- 600 permanently affordable units
- Neighborhood retail (approximately 17,000 square feet)
- Accessory parking below-grade
- New 95,000 square foot – 610 student PS 51
- Adaptive re-use of existing PS 51 building following construction

# PERMANENTLY AFFORDABLE HOUSING

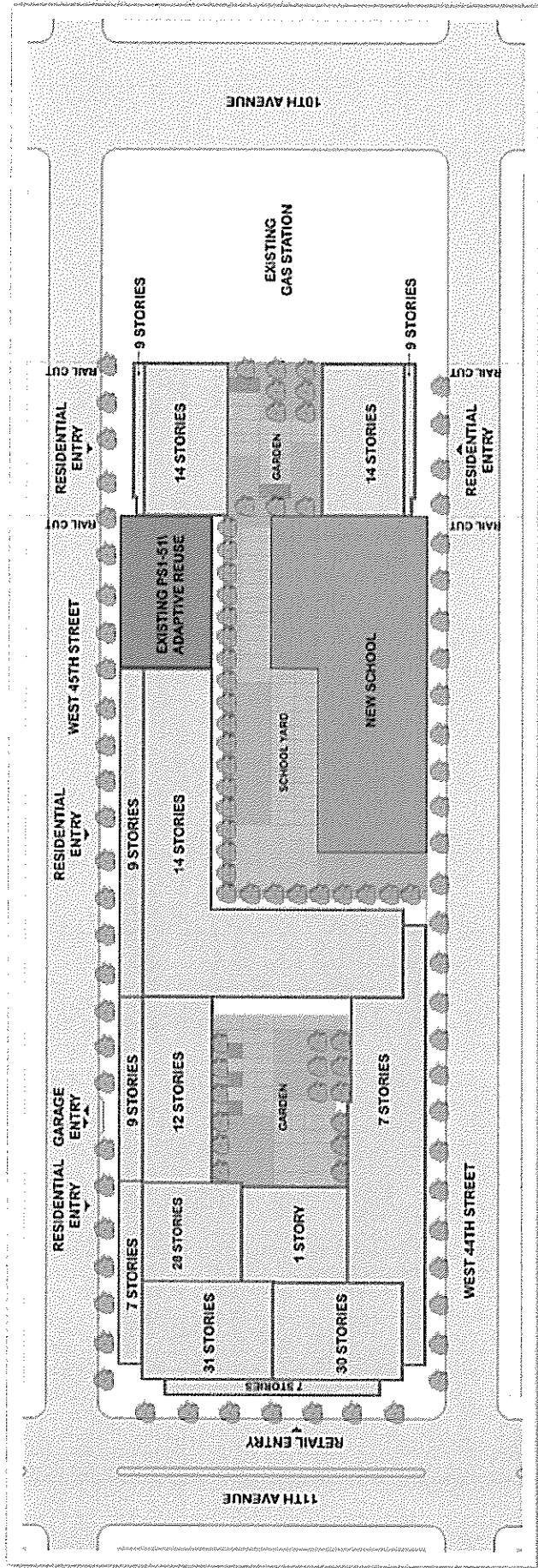
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Income Distribution		
Income Tier	Number of Units	Income Range
50% AMI	168	Up to \$40,000
135% AMI	216	\$53,000 - \$129,000
165% AMI	216	\$65,000 - \$158,000
<b>Total</b>	<b>600</b>	

Unit Distribution		
Unit Type	Number of Units	% Units
Studio	240	40%
1 Bdrm	120	20%
2 Bdrm	180	30%
3 Bdrm	60	10%
<b>Total</b>	<b>600</b>	<b>100%</b>

\* Income ranges reflects different household sizes, as well as a 5% marketing band. Based on the 2008 HUD Income Limit for NYC of \$76,800.

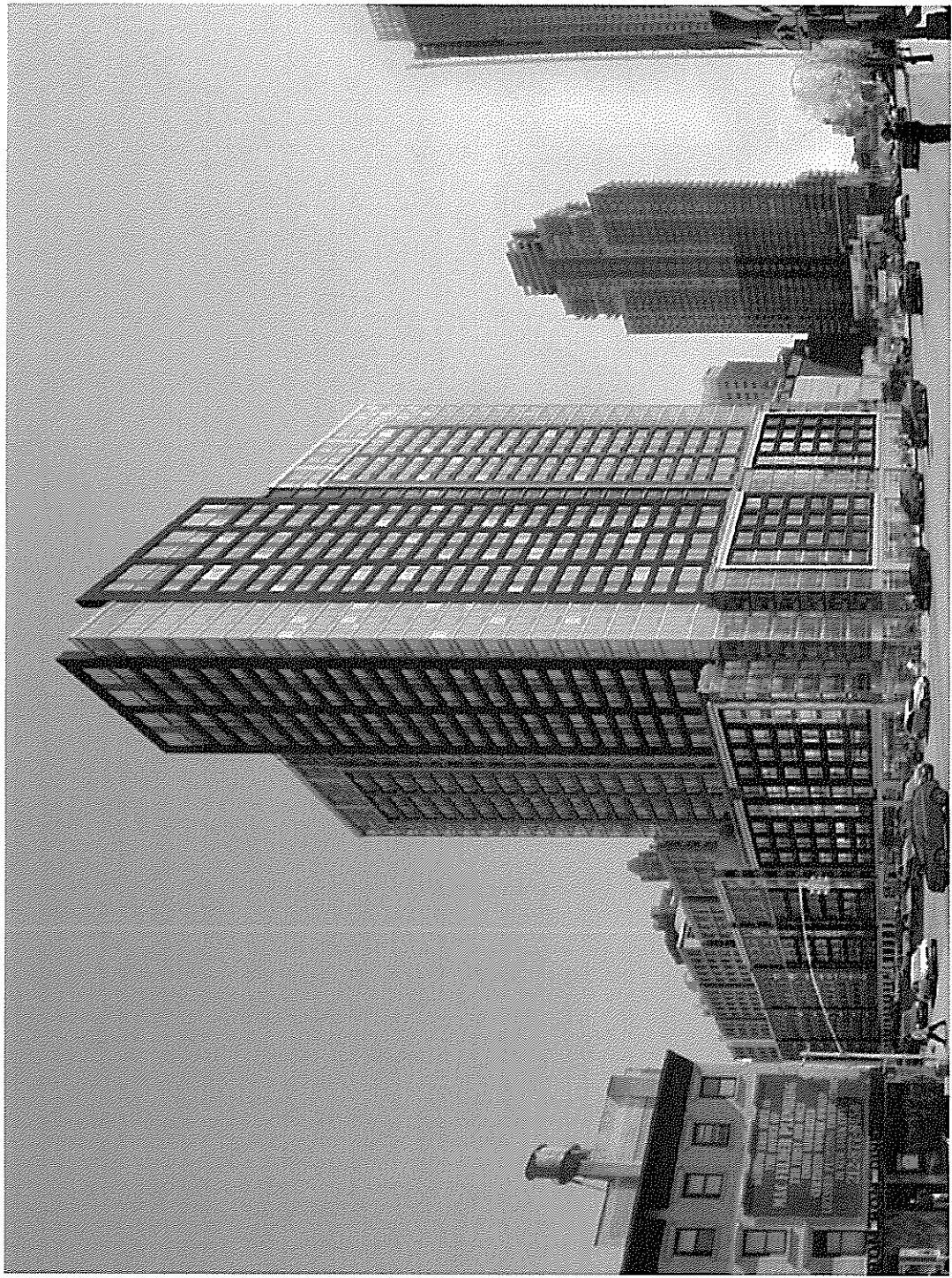
# SITE PLAN





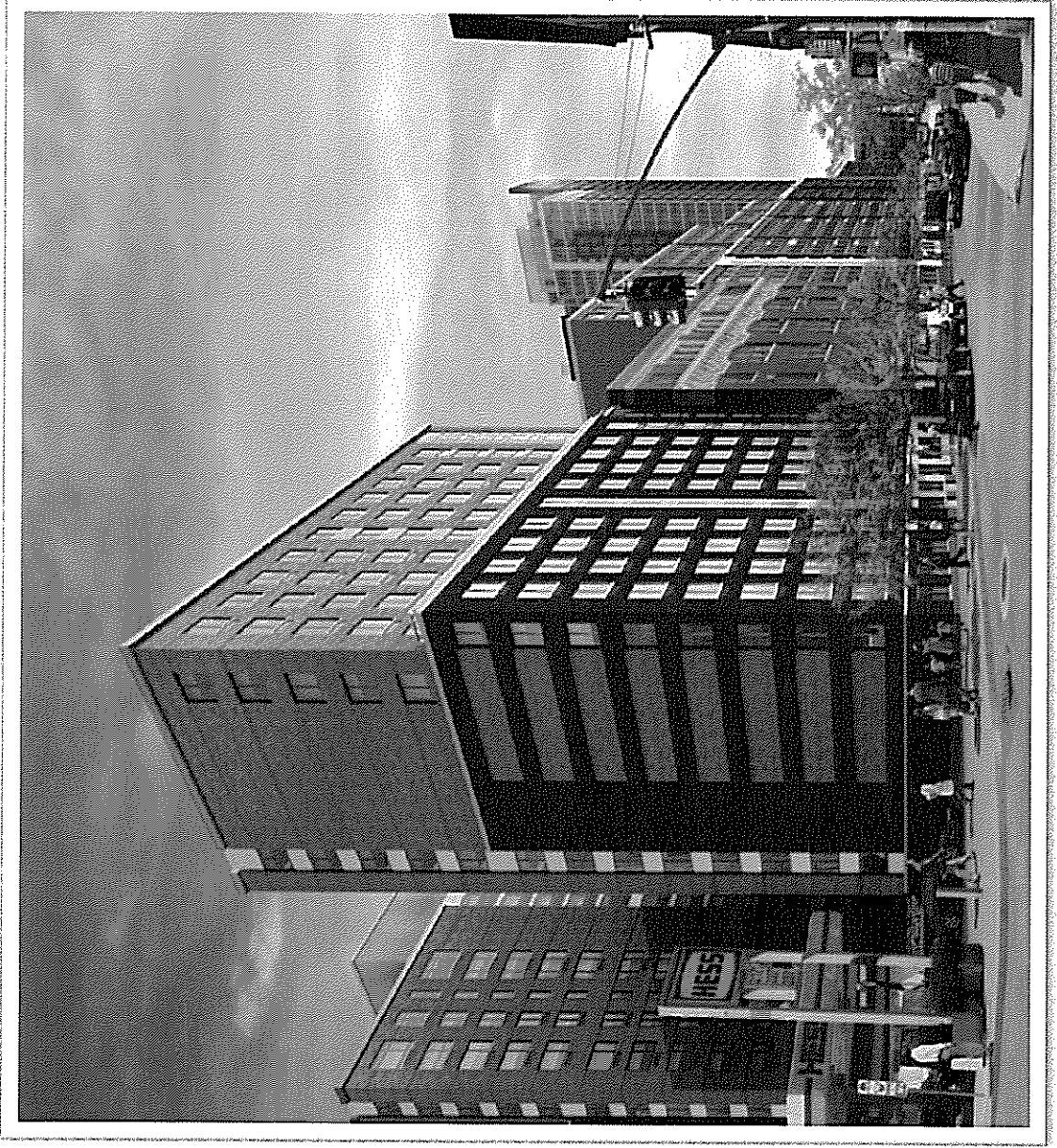
**NORTHWEST CORNER OF 45<sup>TH</sup> STREET & 11<sup>TH</sup> AVENUE**

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# LOOKING WEST DOWN 45<sup>TH</sup> STREET

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**STREET VIEW – 45<sup>TH</sup> STREET**



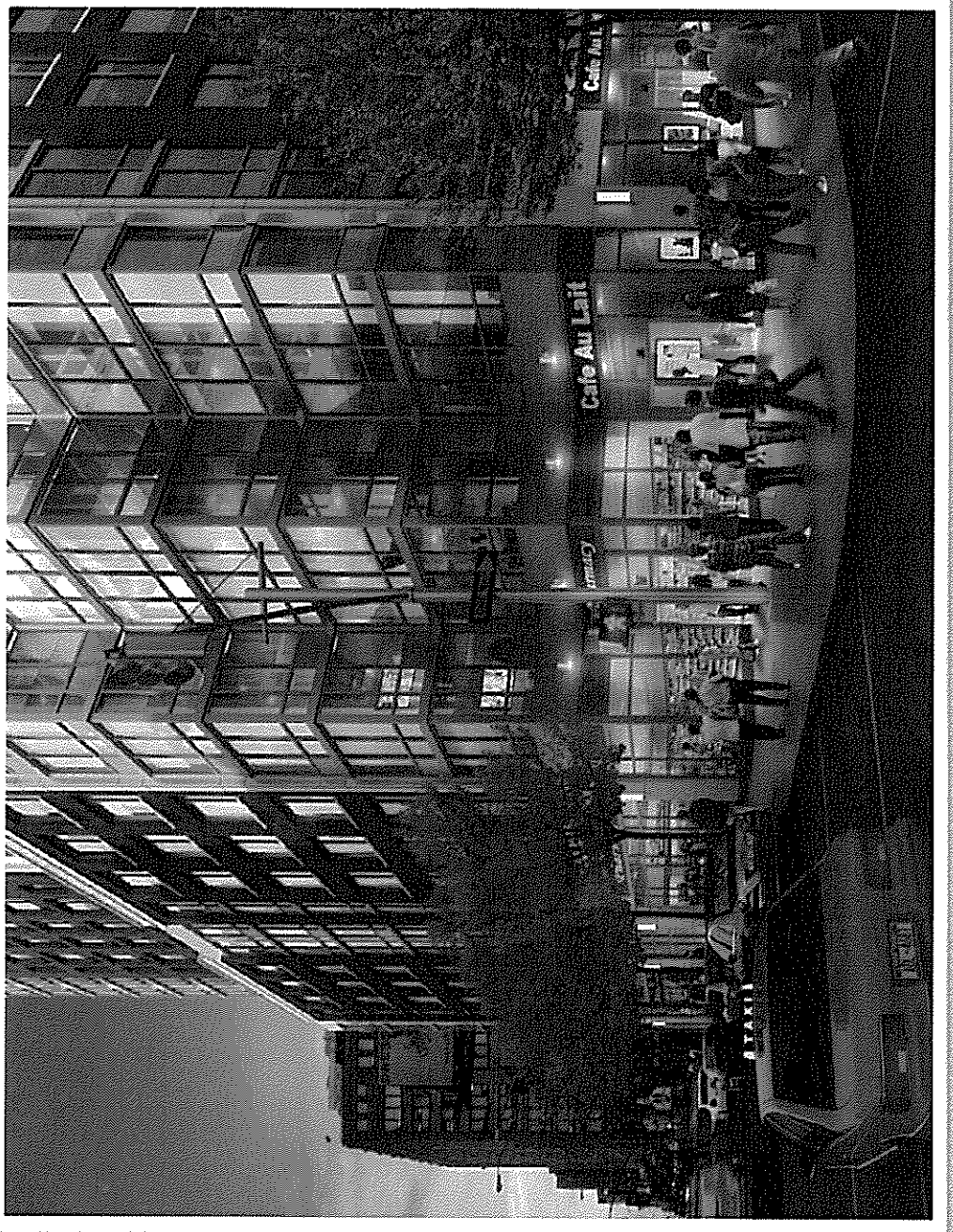
**STREET VIEW -- 44<sup>TH</sup> STREET**

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# CORNER -- 44<sup>TH</sup> STREET AND 11<sup>TH</sup> AVENUE

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# PROPOSED ZONING AND PUBLIC ACTIONS

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- **Rezoning from manufacturing to residential use with an overall FAR of 8.54x**
  - R10 and R8 zoning with a C2-5 commercial overlay (to allow for neighborhood retail)
- **Zoning text amendment**
  - Designate residential site as an inclusionary housing designated area
  - Allow for adjustments to the sky exposure plane and setback regulations typically required with the underlying zoning
- **Special permits**
  - A general large scale special permit to modify rear yard, distance between buildings, open space, and height and setback requirements
  - A railroad right-of-way special permit to allow affordable housing to be constructed on a platform over the railroad cut
- **Designation of the project site as an Urban Development Action Area Project (UDAAP)**
- **Disposition of the project site to Gotham**

## **PROJECT BENEFITS**

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- 600 permanently affordable units
- New 95,000 square foot PS 51 with 13,000 square foot playground
- \$20 million affordable housing fund
- \$15 million contribution to new school construction
- Adaptive re-use of historically significant PS 51 Elias Howe School



News from...

## SENATOR THOMAS K. DUANE

29<sup>th</sup> SENATORIAL DISTRICT · NEW YORK STATE SENATE



**TESTIMONY BY NEW YORK STATE SENATOR THOMAS K. DUANE**  
**BEFORE THE NEW YORK CITY COUNCIL**  
**SUBCOMMITTEE ON ZONING AND FRANCHISES**  
**REGARDING THE ULURP APPLICATIONS**  
**RELATED TO P.S. 51/GOTHAM WEST**

February 24, 2010

My name is Thomas K. Duane and I represent New York State's 29<sup>th</sup> Senate District, within which lie the P.S. 51/Gotham West project site and the surrounding neighborhood of Clinton-Hell's Kitchen. Thank you for the opportunity to testify.

The P.S. 51/Gotham West development, which will occupy most of the block from West 44<sup>th</sup> to West 45<sup>th</sup> Streets between 10<sup>th</sup> and 11<sup>th</sup> Avenues, is an exciting opportunity for Manhattan's West Side. By building on a parking lot and over a rail cut, a hole in Clinton-Hell's Kitchen will be filled with a new residential and commercial community and an upgraded, enlarged P.S. 51, fulfilling several of the promises made to the community during the 2005 Hudson Yards (HY) rezoning process.

I want to express my gratitude to the Gotham Organization (Gotham), the New York City Department of Housing Preservation and Development (HPD), the New York City Department of City Planning (DCP), and the New York City School Construction Authority (SCA) for their commitment to working with the community throughout the Uniform Land Use Review Procedure, and especially for already incorporating some of Manhattan Community Board Four's (CB4) recommendations. I am pleased with many aspects of the current proposal, but I also wish to highlight some concerns that remain.

Gotham and HPD propose to build three new residential buildings containing approximately 1,200 residential rental units and roughly 17,000 square feet of retail at or below grade on 11<sup>th</sup> Avenue. This development will proceed in conjunction with SCA's proposal to build a new, more modern and bigger school to replace the existing P.S. 51 building, which will be redeveloped into market-rate housing.

I am delighted that the project will include the 600 permanently affordable apartments, including many available to those with moderate and middle incomes, that the community was promised during the HY rezoning. Unfortunately, only 40% of these units will have two or more bedrooms, and thus provide homes for families for whom there are currently few adequate housing options, yet who are, as CB4 has noted, "the backbone of our city." While I appreciate that Gotham has modified its plan to accommodate even that number, the community and I would like to see at least 50% of the units be made family-sized in order to help offset the neighborhood's preponderance of studio and one-bedroom units. I also strongly urge Gotham to make the 75 additional affordable units it plans to build under the New York State Housing Finance Agency's 80/20 program affordable in perpetuity.



In a similar vein, I look forward to the creation, as promised in the HY points of agreement, of an affordable housing fund from the proceeds of the disposition of the city-owned land on which this project will be built. It is important that the money in that fund—projected to total approximately \$20,000,000—be reserved first for those affordable housing developments in Manhattan Community District 4 (CD4) to which Mayor Bloomberg has already committed but which have not been able to proceed due to gaps in funding. These projects, to be developed on parking lots at the New York City Housing Authority's Fulton Houses, Elliott-Chelsea Houses, and Harborview Houses, were promised to CB4 during the HY and West Chelsea rezoning processes, and it is imperative that they be given priority for affordable housing funding generated by a project in CD4.

Generally, Gotham's proposed buildings are contextually designed, with appropriate façade treatments and a low, broad outline. Unfortunately, the project will include one building with towers reaching 14 stories each as well as another with two towers reaching 30 and 31 stories respectively. Gotham and HPD have stated that such tall buildings are necessary in order to house the significant number of affordable units and the accompanying market-rate units that make this project feasible. While it seems that some compromise on height will be necessary in order to house the community's desired volume of affordable units, and I am grateful that the heights have already been lowered considerably during the ULURP process, I urge all parties to continue to work to ensure that the buildings are contextual to our neighborhood's low-rise character.

Any compromise on height in this development, though, highlights the urgency of the proposed 11<sup>th</sup> Avenue rezoning and its associated height limits, and I hope that DCP will move forward on that rezoning with due speed. Also, while I appreciate that Gotham has agreed not to transfer off-site the excess development rights that this project will generate, I hope to see that agreement codified in the Land Disposition Agreement (LDA), along with the building-form controls that will ensure the project's physicality does not materially change from the current proposal.

I am also concerned that the proposed zoning map amendment includes a C2-5 overlay, which would permit commercial uses on the entire site at 2 Floor Area Ratio (FAR), a level out of character with a residential neighborhood. While I understand the need for this overlay in order to create a General Large Scale Development, and appreciate Gotham's commitment to limit the commercial space to 1 FAR along 11<sup>th</sup> Avenue, I urge DCP, CB4, and Gotham to develop a means by which the 1 FAR may be embodied in an enforceable agreement and the commercial overlay may be significantly reduced.

It is notable that the Draft Environmental Impact Statement (DEIS) for this proposal projects that even without this development, the area will see a shortage of 525 publicly funded childcare slots by 2013. This project will add 56 children to that number, and the DEIS suggests that these 581 children may be accommodated by filling 71 open slots at Hartley House, by using Administration for Children's Services (ACS) vouchers for private childcare, and by sending the remainder to publicly funded facilities over a mile away from home. These suggestions would be laughable if they were not so seriously inadequate. The City must commit to working with CB4 to locate a suitable place for sufficient childcare facilities, and any mitigation of the childcare slot deficit must include a funding mechanism.

Finally, while the proposal for the new school building is not before you today, it is clearly a large and inextricable piece of the P.S. 51/Gotham West project. I am incredibly excited that the community will finally get the new, upgraded, larger school it was promised and so deserves, and I thank P.S. 51 Principal Nancy Sing-Bock, her staff, and P.S. 51 parents for their unyielding advocacy.

Still, some parts of the proposal for the new school trouble me. The DEIS estimates that in a future without the P.S. 51/Gotham West project, elementary schools in the area will be operating at 193% capacity by 2013. Even with the planned new seats at P.S. 51, that high percentage will inch up to 194% after the proposed development's introduction of 162 elementary-aged students, exacerbating an already terrible problem. Given that a main goal of this development is increased educational space, it defies logic that we would not take full advantage of this opportunity to remediate a significant shortfall in elementary school seats. Specifically, I am perplexed as to why the SCA and New York City Department of Education (DOE) continue to consider committing more than 40% of the new P.S. 51 school seats to intermediate-aged students when there is such an obvious need for elementary school space.

As I and other elected officials made clear last summer, we have good reason to believe that the numerous residential developments planned on Manhattan's West Side put future generations of elementary school children at risk of attending overcrowded classrooms. While the new P.S. 51 is a much needed step, it alone is insufficient. It behooves the DOE and SCA to look at the area's long-term school seat needs, including not only eliminating its planned introduction of intermediate-school seats in the new P.S. 51, but also planning for new neighborhood public—not charter—elementary and intermediate schools.

Further, I am disheartened by SCA's proposal to replace the current P.S. 51 playground—already small—with a smaller outdoor space when it will have to accommodate the larger number of students slated to attend the school's new building. I have long held that it is crucial that SCA make every effort to find a way to accommodate a play space on the roof of the new P.S. 51 to offset the loss of ground-level playground square footage. I understand that SCA officials have recently publicly committed to further investigating this possibility, and I look forward to a productive conversation with P.S. 51 stakeholders and SCA regarding this great opportunity. Additionally, I hope that the City will see to it that appropriate spaces at the school—including the playground and auditorium—be made available outside of school hours to community groups for meetings, athletic competitions, artistic performances, and other events.

Finally, it is imperative that the P.S. 51 community be fully involved in this process, and so I urge the creation of a task force on which P.S. 51 parents, teachers, and administrators; SCA; Gotham; and other concerned parties can come together to discuss the many important issues at stake in the design and construction of the development.

The long-awaited P.S. 51/Gotham West development will be a positive addition to our community. Again, I commend Gotham, HPD, DCP and SCA for their engagement with CB4 and local groups, including the West Side Neighborhood Alliance, and for the many positive aspects of this proposal. Still, there remains room for improvement, and I look forward to continuing to work collegially and collaboratively with all stakeholders towards this end.

Hello my name is Katherine Consuelo-Johnson and I am parent of a third grader at P.S.51. I have been on The New School Committee for the last three years. I just want to say that the P.S.51 community is happy and thrilled to be part of the process of building a new school for our children and future generations. With that being said here are some concerns and requests from the P.S. 51 community about the upcoming development site with Gotham and School Construction Authority.

The Current P.S.51 requests the formation of a P.S.51 Task Force. This task force would include members from SCA, DOE, Gotham and P.S.51 task force members. This task force would oversee immediate issues solely pertaining to P.S.51.

Such issues are:

Parking for teachers and staff during construction.

P.S.51 would need a full time crossing guard during entire construction process.

The task force would monitor issues such as noise pollution, air pollution, traffic, parental concerns.

The current P.S.51 community requests that there is a construction program for all phases of construction. The current P.S.51 community requests that the construction program take into consideration the school year and program demolition and other caustic construction during summer vacation not during the school year.

The current P.S.51 also requests a smooth transition from one school to another.

The current P.S.51 also requests that the money Gotham is contributing to the new P.S.51 School be put in a special account/fund to be used solely for the construction of P.S.51 and nothing else.

The current P.S.51 also requests that no new commercial zoning occur on the side streets 44<sup>th</sup> and 45<sup>th</sup>. P.S.51 requests that commercial zoning be limited to the avenue.

Today this council is selecting the sites for all the buildings on the property except P.S.51. In selecting these sites the fate of P.S.51 is included. The current P.S.51 community continues to desire a playground with sunlight not the canyon described in Gotham's blue prints.

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. Gotham Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Aracelia Vivar Espinoza

Address: \_\_\_\_\_

I represent: P.S. 51 P.T.A.

Address: 520 45th

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. Gotham Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Katherine Consuelo Johnson

Address: 630 10th Ave #4N

I represent: P.S. 51 P.T.A.

Address: 520 W 45th St

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 28 Res. No. N100052R2M

in favor  in opposition

Date: 4/24/10

(PLEASE PRINT)

Name: Seth Robert Berliner

Address: 322 8th Ave, Ste 1700, NY, NY 10001

I represent: NYS Senator Tom Duane

Address: As above

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. LU 33

in favor  in opposition

Date: 2/24/10

(PLEASE PRINT)

Name: INNA SANTS

Address: 9 SPRING STREET

I represent: LOVELY DAY

Address: 196 ELIZABETH STREET

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 28-32 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 2-24-10

(PLEASE PRINT)

Name: CAROL CLARK

Address: \_\_\_\_\_

I represent: HPD

Address: 100 GOLD ST

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. LU 33

in favor  in opposition

Date: 2/24/10

(PLEASE PRINT)

Name: KARUSA SIBIKI

Address: 122 ELIZABETH ST 3B

I represent: LOVELY DAY

Address: 196 ELIZABETH ST

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 2/24/10

(PLEASE PRINT)  
Name: Sarah Desmond

Address: 777 10<sup>th</sup> Avenue

I represent: CB4

Address: 330 W. 42 St.

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)  
Name: Joe Restuccia

Address: 403 W. 40 St.

I represent: CB4

Address: 330 W. 42 St.

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 2/24/10

(PLEASE PRINT)  
Name: Lucas Shapiro

Address: 70 South Elliott Pl, Brooklyn NY 11217

I represent: Housing Connection Coordinators

Address: 777 10<sup>th</sup> Ave, NY, NY

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: M. J. Gibson

Address: 80 N. Moore St

I represent: Jays BISTRO

Address: 385 Broadway ST NYC

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 2-24-10

(PLEASE PRINT)

Name: Shampa Chanda

Address: \_\_\_\_\_

I represent: APP

Address: 100 Gold St.

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Melissa Raiko

Address: 1010 Avenue of Americas

I represent: Gotham

Address: 1010 Ave of Americas

Please complete this card and return to the Sergeant-at-Arms