



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

DELORES RUBIN  
Chair

5  
Jesse Bodine  
District Manager

7  
8 April XX, 2016

9  
10 Carl Weisbrod  
11 Chair  
12 City Planning Commission  
13 40 Reade Street  
14 New York, New York 10007

15  
16 Martin Rebholz  
17 Manhattan Borough Commissioner  
18 NYC Dept. of Buildings  
19 280 Broadway  
20 New York, New York 10007

21  
22 **Re: Non-Zoning Compliant Hotel Development**  
23 **Proposed Compliance Solutions**

24  
25 Dear Chair Weisbrod and Borough Commissioner Rebholz:

26  
27 Manhattan Community Board 4 (MCB4) continues to work to identify and address the  
28 construction of hotels with non-zoning compliant screen walls in the Special Garment Center  
29 District (SGCD) as well as in the Special Hudson Yards District (SHYD). The Board appreciates  
30 your careful consideration and response to our letter regarding hotels with proposed non-zoning  
31 compliant street walls.

32  
33 **Background**

34 In January 2016, MCB4 sent a letter to DOB and DCP to alert both agencies to a trend of  
35 planned hotels in the SGCD and SHYD whose designs included a screen wall, in lieu of a  
36 streetwall. These walls were non-structural, non-functioning, and contained no floor area  
37 immediately behind them. These proposed screen walls veiled 10 to 25 feet setbacks that started,  
38 in most cases, on the second floor. As such, they were not fulfilling the intent of section 121-32  
39 and section 93-55 of the Zoning Resolution, both of which were enacted “to ensure consistency  
40 with the... distinctive built form of high street wall loft buildings.” MCB4 listed the following  
41 sites in its letter to DOB and DCP:<sup>1</sup>

- 42  
43 • 326 West 37<sup>th</sup> Street  
44 • 338 West 39<sup>th</sup> Street

<sup>1</sup> See Appendix A—Letter to C. Weisbrod and M. Rebholz, dated January 12, 2016

- 45 • 351 West 38<sup>th</sup> Street
- 46 • 310 West 40<sup>th</sup> Street
- 47 • 350 West 40<sup>th</sup> Street

48 The Board also noted that the developer of a proposed project on West 36<sup>th</sup> Street, in the same  
49 location as Christ Church, had agreed to preserve the historic church façade incorporating it as a  
50 streetwall.

51  
52 In its subsequent letter to DOB and DCP, dated XXX, the Board identified another site, 320  
53 West 36<sup>th</sup> Street, which also included a proposed non-zoning compliant streetwall.

54  
55 **Current Construction Status**

56 MCB4 recognizes that the developments it has identified are in varying stages of construction.  
57 During the XX months between the MCB4's December XX, letter and your response of XX,  
58 construction on these sites continued. In some situations, where construction is nearing  
59 completion, providing a code compliant street wall and code compliant hotels rooms will be a  
60 complicated task. MCB4 is mindful of those difficulties and understands both the developer and  
61 DOB will need to arrive at nuanced code compliant solutions.

62  
63 ***Projects at 80 % or less completion***

64 The following projects all remain at less than 80% completion (photos attached)<sup>2</sup>:

- 65
- 66 • 320 West 36<sup>th</sup> Street
- 67 • 326 West 37<sup>th</sup> Street
- 68 • 338 West 39<sup>th</sup> Street
- 69 • 351 West 38<sup>th</sup> Street
- 70 • 310 West 40<sup>th</sup> Street

71 MCB4 requests DOB and DCP work with the developers in order to provide fully code  
72 compliant streetwalls for these developments.

73  
74 ***Projects at 80% or greater completion***

75 350 West 40th Street is currently at 80% completion. The Board understands that the building's  
76 core and superstructure is already under roof and topped off, that much of the plumbing is  
77 installed, and that interior finishes, such as wallpaper and trim are being put into place. MCB4  
78 understands that a full retrofit to append an enclosed building streetwall cannot occur without  
79 significant demolition, redesign, and reconstruction.

80  
81 The solution proposed by the developer would provide a masonry street wall with punched  
82 windows, full window installation, and ground floor glass doors. The street wall façade will  
83 match the brick of the rest of the façade. The roof will be open to the sky. In light of the project's  
84 high degree of completion, MCB4 would have no objection to this solution, if approved by DOB.

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<sup>2</sup> See Appendix B

86 ***Projects involving Preservation of Historic Façade***  
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88 334-344 West 36<sup>th</sup> Street, the former site of Christ Church Memorial, is being developed as a  
89 hotel. Christ Church Memorial was identified in 2004 in the Hudson Yards EIS as an historic  
90 resource. It was “built in 1904-1905 as a memorial to Reverend Doctor Maltbie D. Babcock,  
91 pastor of the Brick Presbyterian Church from 1900 to 1901 when the congregation was located at  
92 Fifth Avenue and 37<sup>th</sup> Street.”<sup>3</sup> It “consists of a two-story nave section with a four-story tower at  
93 the western end (see Figure 9-55). The church is unusually configured in that the six-bay nave  
94 runs parallel to the street”<sup>3</sup> It was deemed to be eligible for inclusion in the State and National  
95 Register of Historic Places.<sup>3</sup>  
96

97 While MCB4 has been in discussion with the Landmarks commission regarding this site and  
98 others in Hudson Yards Special District, the Commission has yet to designate city landmarks in  
99 this part of Community District 4. However, after much discussion between the Board and the  
100 hotel developer, he agreed both to maintain 75% of the façade and rebuild the remaining 25%  
101 using salvaged elements into the new hotel development. The hotel was redesigned, the historic  
102 façade has been shored and braced, and construction is proceeding. MCB4 would appreciate  
103 DOB and DCP work with this developer to arrive at a compliant streetwall solution within the  
104 constraints presented by the Historic Streetwall preservation.  
105

106 **Conclusion**

107 MCB4 again thanks DCP and DOB for taking action on proposed developments which sought to  
108 evade the street wall requirements in SGCD and the SHYD. MCB4 further appreciates DOB’s  
109 and DCP’s careful consideration of degree of construction completion and historic façade  
110 preservation while achieving zoning compliance  
111

112 MCB4 will continue to work to preserve the character of our neighborhoods, and we look  
113 forward to seeing solutions for all of these sites.  
114

115 Sincerely,  
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118

119 Delores Rubin  
120 Board Chair

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

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<sup>3</sup> See Appendix C—Excerpt from Hudson Yards Environmental Impact Statement