

May 3, 2002

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

Re: 475 Ninth Avenue at West 37th Street - ULURP No.: 020365ZSM. Proposed Special Permit for a Public Parking Garage and Request for Floor Area Exemption.

Dear Chair Burden:

At its regularly scheduled monthly full board meeting held on May 1, 2002, Manhattan Community Board No. 4 held a duly noticed public hearing on ULURP application number 020365ZSM and adopted the following resolutions (by roll call vote 40 in favor, 1 opposed, 0 present but not eligible to vote and 0 abstentions.)

PROPOSED ACTION

Whereas, the Applicant seeks a special permit to (a) permit a 166-space public parking garage to be incorporated into a new development under construction at the southwest corner of West 37th Street and Ninth Avenue, and (b) allow 11,783 square feet of ground floor space used for parking to be exempt from the definition of floor area; and

BACKGROUND

Whereas, the development, a 13-story building, will contain approximately 259 units of 80-20 housing (approximately 207 market rate and 52 low-to-moderate residential units) and approximately 5,000 square feet of local retail use along the Ninth Avenue and West 37th Street frontages of the building, all of which are consistent with the underlying zoning and may be built as-of-right; and

Whereas, the development replaces a 109-space open public parking lot that was authorized in 1995 as an interim use pending development consistent with the goals of the rezoning of the area that took place in 1993 and 1994 to encourage residential and commercial development along Ninth Avenue from West 35th to West 41st Streets; and

Site Considerations and Findings

Whereas, the proposed public parking garage would be located on the ground and cellar levels of the development; and

Whereas, the number of proposed parking spaces (166) is approximately the same as the number of spaces in the lot that was on the site (109) plus the number of accessory parking spaces that could be constructed as-of-right (54); and

Whereas, the site has a layer of 80-ton rock approximately 10 feet below grade, the excavation of which, in addition to being costly, is complicated by the site's location adjacent to a ramp leading to the Lincoln Tunnel; and

Whereas, the deed to the property includes a restriction running in favor of the Port Authority that limits the owner's right to make changes to the property that would affect the integrity or stability of the access ramp walls, and requires the Port Authority's approval of the methods and means of construction of improvements on the site; and

Whereas, the construction, monitoring and protection plan that has been established by the developer and approved by the Port Authority does not permit the excavation or blasting of rock adjacent to the retaining wall that would be required to locate the proposed garage entirely below grade; and

Whereas, this Board has reviewed the statement of findings in the application and concurs that the proposed public parking garage and requested exemption meet the requirements for the requested special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution; and

Design Considerations

Whereas, this Board has requested that the massing and façade treatment of the building be modified in an effort for the project to better fit into the existing urban landscape; and

Whereas, in response, the building's base has been redesigned to be weightier to reflect the character of nearby buildings, and the applicant has demonstrated a willingness to continue to allow the Board an advisory role in the evolving design of the building (by considering, among other things, redistribution of brick color to emphasize the building's mass and minimize its verticality, design of storefronts to maintain light and activity at the street level, and design of signage to enhance the building's clean lines); and

Whereas, the applicant has committed in writing (see attached letter) to locating trees along the Ninth Avenue and 37th Street frontages of the new building.

Hon. Burden
May 3, 2002
Page 3 of 3

Therefore Be It Resolved, that, solely because of the site's location adjacent to the Lincoln Tunnel access ramp on two sides, the site's rock conditions and the Port Authority's deed restrictions, Manhattan Community Board 4 recommends approval of this ULURP application to (i) allow a 166-space public parking garage and (ii) exempt 11,783 square feet of ground floor space used for parking from the definition of floor area, provided the applicant abides by its commitment to locate seven trees on city streets adjacent to the project site and two trees on the project site.

Sincerely,

Simone Sindin
Chair
Manhattan Community Board No. 4

Anna Hayes Levin
Chair
Clinton Land Use & Zoning Committee

Cc: Hon. Michael Bloomberg, Mayor
Hon. C. Virginia Fields, Manhattan Borough President
Hon. Jerrold Nadler, United States Representative
Hon. Eric Schneiderman, State Senator
Hon. Richard Gottfried, State Assemblymember
Hon. Christine Quinn, City Councilmember
Lee Chong, Office of the Manhattan Borough President
Melanie Meyers, Pillsbury Winthrop LLP
Stephen Benjamin, 475 Ninth Avenue LLC