

July 8, 2004

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

Re: ULURP N 040467 ZRM – Sign Projection Zoning Text Amendment

Dear Chair Burden:

At the recommendation of its Clinton/Hell's Kitchen Land Use Committee, Manhattan Community Board No. 4, having held a duly noticed public hearing on ULURP application number N 040467 ZRM, adopted the following resolution by roll call vote (26 in favor, 8 opposed, 0 abstentions and 1 present but not eligible to vote).

West 37th Group LLC seeks a text amendment to Zoning Resolution Section 42-541 that would allow signs in M1, M2 and M3 districts to project across the street line up to 4 feet 6 inches from zoning lots occupied by more than two theaters that are used for live performance and located within 1/2 mile of the Theater Subdistrict of the Special Midtown District. The current zoning text limits sign projections to 18 inches.

The applicant is constructing a building at 450 West 37th Street (between 9th and 10th Avenues) that will contain three theaters and rehearsal and office space. The applicant seeks the text amendment to permit its desired signage for the new building.

The applicant, whose owner has extensive experience owning and managing off-Broadway theaters, states that it is critical to the successful functioning of the theaters in the new building that they be visible to pedestrians from the east and west to announce the productions at each theater. Community District No. 4 has long been the home of a wide variety of theater uses, and this Board celebrates the contribution that legitimate live theater makes to the cultural life of CD4 and the city as a whole. We are, therefore, sympathetic to the applicant's desire for appropriate and effective signage for its new theaters. However, we are also concerned about the effect the proposed signage would have on neighboring residents, and about signage that the proposed text amendment would permit at other locations.

Proposed Signage at 450 W. 37th Street

Applicant's proposed signage consists of a vertical truss with 6 poster boxes and lettering above. The poster boxes would be illuminated from within and the lettered portion of the truss would be indirectly illuminated from below.

Despite its location in a manufacturing zoning district, the new building is surrounded by residential uses: adjacent to the new building on the east, at 438-448 West 37th Street, is a 12 story loft building with commercial uses on the lower floors and residential uses above¹; adjacent to the new building on the west, at 456 West 37th Street, is a 5 story brick residential walk-up apartment building; and immediately across the street from the new building are four residential walk-ups.

The applicant's desired signage would be located at the eastern edge of the new building's façade, and would extend no higher than 55 feet above curb level, which is lower than the residential uses in the adjacent building to the east.

The application states that the desired signage will comply with all applicable restrictions on lighting, as set forth in Zoning Resolution Section 42-53. This includes ensuring that the lighting is not directly projected into residences, loft dwellings or joint living-work quarters for artists, as well as a prohibition on flashing illumination.

This Board finds that the proposed signage's minimalist design is generally appropriate to the new building and its immediate surroundings, and that care has been taken in its design and placement to minimize its effect on area residents.

The Proposed Text Amendment

Though intended to allow one sign in particular, the proposed text amendment could, in theory, allow similar signs in many other areas of Community Districts Nos. 4 and 5. The text amendment would only apply to zoning lots:

- in M1, M2 and M3 districts
- occupied by more than two theaters; and
- located within one-half mile of the Theater Subdistrict of the Special Midtown District

Substantial portions of Community Districts Nos. 4 and 5 are zoned for manufacturing yet nonetheless contain residential uses that have continued since before the manufacturing districts were created or that have been permitted by variance. Many of those areas are now being sought out for adult uses. Community Board No. 5 has recommended denial of the proposed text

¹ Though the application indicates that there are no eligible architectural resources within 400 feet of the new building, we note that the Draft Generic Environmental Impact Statement for the Hudson Yards Rezoning and Development Program identifies this building as eligible for listing on the State/National Register of Historic Places. See DGEIS p. 9-35.

amendment. We therefore believe that the proposed text amendment, if it is to be implemented, must be further limited so that theater signage is permitted only within the narrowest possible geographic boundaries and under circumstances that require review by the community board of signs proposed near residential uses.

Therefore Be It Resolved, that Manhattan Community Board No. 4 recommends approval of the applicant's proposed signage as displayed to the Board at its meeting on July 7, 2004, subject to the following conditions:

1. Lighting will not be any brighter than the lighting described in the application, and will comply with all applicable city regulations on lighting, including, in particular, Zoning Resolution Section 42-53.
2. Lighting in the poster boxes must be turned off one hour after the evening's last show has started but no later than 11 p.m.

and further

Resolved that the Board recommends denial of the proposed text change unless the following additional limitations are included:

- The text change should be applicable only in the area bounded by Eighth Avenue on the east, 34th Street on the south, Tenth Avenue on the west and 42nd Street on the north.
- The text change should expressly prohibit its application on theaters associated with adult uses.
- Signs within 100 feet of a residential use shall be permitted by special permit only, requiring consideration of the design of the proposed sign and permitting appropriate conditions and safeguards to minimize any adverse effects on affected residents.

Sincerely,



Walter Mankoff
Chair
Manhattan Community Board No. 4



Anna Hayes Levin
Co-Chair
Clinton/Hell's Kitchen Land Use Committee



Simone Sindin
Co-Chair
Clinton/Hell's Kitchen Land Use Committee

cc: City Planning Commission, Calendar Information Office
Manhattan Borough President's Office
Local elected officials
Manhattan Community Board Nos. 5, 6 & 7
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