



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD No. 4

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J. LEE COMPTON
Chair

July 31, 2006

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

Re: 505-513 West 43rd Street Hotel Complex (also at 506-512 West 44th Street) - ULURP Application No. 060334 ZSM

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 060334 ZSM, adopted the following resolution to deny with conditions by roll call vote at its meeting on July 26, 2006 (32 in favor, 0 opposed, 1 abstaining and 0 present but not eligible to vote).

THE SITE

The applicant seeks a Special Permit under ZR Section 74-681 to facilitate development of two hotels on a platform over a railroad easement located west of Tenth Avenue between 43rd and 44th Streets. The requested permit will allow the platform to be included in the lot area for the development. The development site consists of the open rail cut, with a rock ledge on either side. The rail cut contains rail lines that carry Amtrak passenger trains. The rock ledges are unused. Approximately 80% of the site is zoned M1-5 and is located in the Other Area of the Special Clinton District. The easterly 20% of the site is zoned R-8 with a C2-5 overlay and is located in the Preservation Area of the Special Clinton District. Under ZR Section 77-11, the M1-5 zoning regulations may apply to the entire site. Hotels are an as-of-right use in an M1-5 zoning district.

This application has provoked an unusual amount of protest in the community. Approximately 30 people appeared at the meeting of the Board's Clinton/Hell's Kitchen Land Use Committee on July 12, 2006 to urge us to oppose this application, because, in lay terms, hotels are inappropriate at this location and the proposed height and commercial design of the buildings are wrong for the neighborhood.

We agree. For the reasons discussed below, we would have far preferred to now be considering an application to rezone this site for residential use along with the present application for the platform. However, we reluctantly accept the reality that the site's current owner is a hotel developer, not a residential developer, and that the site's zoning allows the proposed hotels. Instead of fighting what we believe would be a losing battle to prevent construction of these hotels altogether; we have chosen to work with the applicant to shape the project so that it is the best possible fit for its surroundings.

THE NEIGHBORHOOD

As the Environmental Assessment Statement acknowledges, land uses surrounding the project site are primarily residential. On the block to the south are five residential buildings with a total of 1,368 apartments. These are large buildings, consistent with the high-density zoning of the 42nd Street corridor.

North of 43rd Street, however, the scale changes dramatically, and residential use is even more predominant. The area from the project site's eastern boundary to Tenth Avenue, which is within the Preservation Area of the Special Clinton District, has a cluster of nine occupied tenement buildings, most four or five stories tall and most 25 feet wide. This classic Hell's Kitchen building form also remains remarkably intact throughout the Preservation Area, especially on the cross streets between Ninth and Tenth Avenues in the mid-40s. The Preservation Area was established in 1974, among other objectives, to preserve and strengthen the residential character of the community, to permit rehabilitation and new construction in character with the existing scale of the community, and to protect its low-rise character. In further support of these objectives, the height and setback regulations applicable along Ninth and Tenth Avenues were modified in 2004, pursuant to an application by the Department of City Planning with the enthusiastic support of this Board, to require a streetwall of 50 to 66 feet, and a maximum building height of 85 feet above a setback of 10 feet on the avenues and 15 feet on side streets. Buildings can rise to 115 feet only with a special permit. A new residential building consistent with this recent avenue rezoning is now under construction on the southeast corner of Tenth Avenue and 44th Street.

The natural course of development in the area is pushing residential uses west to Eleventh Avenue. The block to the north of the project site will soon be developed, in a project managed by the Department of Housing Preservation and Development, with 600 units of affordable housing plus additional market rate units, as agreed between the City administration and the City Council as part of the Hudson Yards rezoning. That development will also include a renovated and expanded PS 51, now located at 520 W. 45th Street, with an anticipated 430 seats, and a Police Athletic League community center.

The neighborhood is also characterized by the crush of traffic associated with the Lincoln Tunnel, the theater district and the various distribution facilities to the west. At varying times of the day and week, Tenth Avenue as well as 43rd and 44th Streets are choked with cars, trucks and idling tour buses. FDNY's Rescue One unit, which occupies a four-story firehouse on the south side of 43rd Street between Tenth and Eleventh Avenues, has on occasion been unable to respond to emergencies because the truck can't get out of the firehouse.

THE AREA NEEDS REZONING

The M1-5 zoning of the project site and adjacent sites to the west is outdated, and this Board has for more than a year been advocating for a rezoning of the western area of the Special Clinton District. The recommended zoning for this site is R-8, and it should be included within the boundary, and subject to the protections, of the Preservation Area. (See the Board's Statement of District Need for Fiscal Year 2007, pages 4-5.) At a meeting in November 2005, DCP staff indicated that a zoning framework was being worked on to implement many of the Board's recommendations. That work now comes too late to prevent these hotels. But we call on the Department to work with us on a rezoning that will reinforce the residential character of Hell's Kitchen/Clinton, and prevent such out-of-context projects in the future.

THE PROPOSED HOTELS

For the neighborhood described above, the proposed hotels are an alarming development. They would tower over the residential buildings to the east, and bring a transient population and increased traffic to the area.

The hotel on 43rd Street would be 11 stories and 108 feet high (130 feet to the top of the mechanical penthouse) and contain 184 hotel rooms, likely as a Holiday Inn Express. The hotel on 44th Street would be 10 stories and 99 feet high (120 feet to the top of the mechanical penthouse) and contain 166 hotel rooms, likely as a Comfort

Inn. The hotels would contain no retail, meeting, conference or banquet facilities, but only a cafeteria in each hotel's first floor to serve breakfast and snacks to hotel guests.

Each hotel would have a 98' 10" street front, and the street wall of each hotel would be set back 15 feet from the street line. This setback is required, in part, by the Department of Transportation to allow access to its road bridges on 43rd and 44th Streets. It conveniently also allows the applicant to take advantage of the alternate setback rules of ZR Section 43-44 and build straight up without the setback at 85 feet that would normally be required. In developments elsewhere in Community District 4, DoT has required setbacks varying from 5 to 12 feet. The rezoning called for above should require buildings to be built to the street line, subject to DoT requirements (which must be made consistent), and eliminate the alternate setback rules, to reinforce the area's built character.

Between the two hotels, the applicant proposes to build an as-of-right covered and attended accessory parking area, with a driveway on the western side of the 43rd Street hotel and a capacity of 23 cars.

THE COMMUNITY'S CONCERNS

The applicant's representatives have met twice with the Board's Clinton/Hell's Kitchen Land Use Committee, and twice more with representatives of the Board, the local City Council member Speaker Christine Quinn, and Manhattan Borough President Scott Stringer. The following areas of concern have been discussed, and we are hopeful that they can be satisfactorily resolved prior to the conclusion of the ULURP process.

1. Building Scale. As a condition for granting the special permit, the Commission must find, among other things, that the distribution of floor area does not adversely affect the character of the surrounding area by being unduly concentrated in any portion of the development (ZR Section 74-681(b)(2)). We believe that the adverse effect on the character of the surrounding area will be reduced if relatively more floor area is located on 43rd Street, consistent with the much taller buildings on the south side of 43rd Street, and less floor area is located on 44th Street, consistent with the scale of 44th Street to the east. The applicant has agreed in concept to move one floor, making the 43rd Street hotel 12 stories and the 44th Street hotel 9 stories, and the revised plans shown at the July 26 Board meeting reflected this change.

2. Design Issues. The designs for the buildings' facades that are shown in the application have a commercial look, and feature bold geometric patterns that struck community members as "vastly inappropriate" and "wildly out of character" for the neighborhood. Care must be taken to fit these buildings in to the surrounding neighborhood as gracefully as possible, including the following:

- The design of both hotels must be much more residential in look, and more horizontal in order to minimize the impact of the buildings' height. Cornices should be added to the tops of both buildings, which is possible because of the 15 foot setbacks from the street lines.
- Because no further development is possible to the east of either building, the east facades of each building should be treated as a public face of the building: windows should be added, and the facades should be finished with brick or similar materials consistent with the context to the east.
- The open space created by the street line setback in front of each building must be designed and landscaped to integrate with the neighborhood by presenting itself as accessible and accessory to residential-type use.
- Signage and lighting must be sensitive to the residential surroundings. Signs must be illuminated/front lit, not backlit. There should be no signs or lighting on the eastern façade of either building. Lighting in front of each building should be limited to the ground floor only, and should be downward facing. To avoid a commercial/industrial appearance, any lighting must be white light, not fluorescent or sodium vapor. Lighting must not project into or reflect on any residential buildings.

The applicant has agreed in concept to each of these elements, and the revised plans displayed at the July 26 Board meeting showed considerable improvement on many of these elements. The applicant has committed to continuing to consult with us as the design develops.

3. Parking. Because of the area's existing intractable traffic problems, we strongly oppose any parking for hotel guests. Guests at these mid-priced hotels are most likely to arrive by public transportation anyway. For us, every car arriving for a hotel stay is one more car that must queue under our windows to pass through the Lincoln Tunnel. We recognize that accessory parking is allowed as-of-right for this project, but have requested that the applicant eliminate guest parking and retain the 43rd Street curb cut and the parking area so that trucks servicing the hotels can load and unload off-street. These changes will reduce traffic impacts and facilitate the Commission's finding, required by ZR Section 74-681(b)(1) that the streets providing access to the development are adequate to handle traffic resulting from the development.

At the July 26 Board meeting, the applicant's representatives indicated a willingness to reduce the number of guest parking spaces from 23 to 12. This compromise is inadequate. Having any guest parking will allow the hotels to advertise the availability of parking, encouraging guests to arrive in their own cars. If the applicant is willing to reduce the number of spaces to as few as 12, it must be the case that eliminating the guest parking altogether will not pose an undue commercial hardship for the applicant. We continue to oppose any parking for hotel guests.

4. Street Trees. Street trees must be planted in front of both buildings as required by ZR Section 96-51. Because the streets adjacent to the project site are in fact bridges, the required trees will have to be planted in planters. Street trees should also be planted on the north side of 43rd Street and the south side of 44th Street, from the project site to Tenth Avenue at intervals of at most 30 feet, provided tree pits are available. Speaker Quinn's district office staff has agreed to assist with permitting.

5. Sustainable/"green" building practices. This Board strongly supports the use of design and construction practices that significantly reduce or eliminate the negative impact of buildings on the environment, including in particular those practices that will reduce impacts on area residents and local infrastructure. The applicant has indicated that it will include several such practices in the design and construction of the hotels, including the use of water efficient landscaping in the open spaces and energy-saving room occupancy sensors to turn out lights when rooms are vacant. We are pleased with these measures, but wish that more could be done.

6. PS 51 and Rescue One. Every effort must be made to reduce the negative effects of the construction and operation of both hotels on the operations of PS 51 and Rescue One. The applicant is scheduling meetings with both facilities, and has committed to continuing to consult with those facilities and with us to avoid any unnecessary impacts.

7. Security and tour buses. To better manage the impact of a transient hotel population on its residential surroundings, the applicant has assured this Board that it will maintain effective security measures in both hotels, and that neither hotel will accept tour bus bookings.

8. Impacts on neighboring buildings. Care must be taken to minimize the impacts of both construction and hotel operation on neighboring buildings and their occupants. A resident of 504 W. 44th Street spoke at the July 26 Board meeting, expressing concern that his building would lose adequate fire egress; the configuration of the historic tenement buildings to the east of the development site must be carefully investigated before construction to identify and resolve any such issues. The applicant should contact the managing agents of all neighboring buildings to inform them of the applicant's plans, and continue to consult with them throughout construction to avoid any unnecessary impacts.

Now, therefore, be it RESOLVED that Manhattan Community Board No. 4 recommends denial of ULURP Application number 060334 ZSM unless:

- The 44th Street building is reduced to 9 stories and the 43rd Street building is increased to 12 stories, as discussed in 1 above;
- The buildings' design, landscaping and signage are consistent with their residential surroundings, as discussed in 2 above;
- Guest parking is eliminated, as discussed in 3 above;
- Street trees are planted, as discussed in 4 above;
- The green building practices described in 5 above are included in the buildings' final design; and
- The commitments with respect to PS 51, Rescue One, hotel security and tour buses described in 6 and 7 above are documented.

Sincerely,



J. Lee Compton
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: Calendar Information Office
Erik Botsford
Elected Officials
Applicant