



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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CHRISTINE BERTHET
Chair

ROBERT J. BENFATTO, JR., ESQ.
District Manager

August 1, 2014

Carl Weisbrod
Director
Department of City Planning
22 Reade Street, 2nd Floor
New York, NY 10007

Re: West 42nd Street Auto Showroom Text

Dear Director Weisbrod:

At the recommendation of its Clinton/Hell's Kitchen Land Use Committee, Manhattan Community Board 4 recommends **approval** of the proposed text amendment to the Special Clinton District (SCD), §96-21, that would allow automobile servicing and repair, and preparation of automobiles for delivery pursuant to Use Group 16 as-of-right in the Perimeter Area, below the level of any floor occupied by dwelling units within an enclosed building subject to additional access restriction, **with certain conditions**. The Board voted unanimously.

The Development Site is owned by the Moinian Group (Applicant) and is located at 605 West 42nd Street within an area of approximately 70,292 square feet. The L-shaped Development Site has frontage on three streets, including 200 feet, 10 inches along Eleventh Avenue (occupying the full block frontage between West 42nd Street and West 43rd Street), 250 feet along West 42nd Street, and 450 feet along West 43rd Street. The Development Site is part of a zoning lot that also include Lot 7501 (location of the existing Atelier condo).

The project is currently under construction on an as-of-right basis and is expected to be completed in 2015. It will be, when completed, a new 60-story mixed-use building at approximately 658 feet tall and will include one cellar level. The building will contain approximately 1,174 dwelling units of the fourth through sixtieth floor, including approximately 235 affordable units, and accessory residential parking with 301 spaces on portions of the first, mezzanine, and second floor.

The Applicant proposed to dedicate approximately 62,000 square feet of floor space in the building to use as an automobile dealership. The proposed text amendment is to facilitate the development of that dealership. At present an automobile dealership with a showroom, including vehicle storage accessory to the showroom, may be developed as-of-right, however, the automobile servicing, repair and new vehicle preparation component of the dealership are not permitted.

We agree with the Applicant's contention that a full-service dealership would be consistent with similar uses in the area and would complement the existing automotive-related uses along Eleventh Avenue, what the Applicant refers to as "Automobile Row." However, we believe the mechanism used for the TF Cornerstone Development Site on West 57th Street is a more appropriate mechanism than the text amendment proposed here. Plus, we have four (4) quality-of-life conditions.

1. Auto Showroom Text. The present proposal is to amend §96-21 of the SCD (Special Regulations for 42nd Street Perimeter Area). However, earlier this year this Board recommended approval and City Planning approved the amendment to §96-34(B)(1) to allow automobile servicing, repair and new vehicle preparation in Area C1-1 within northern subarea C1. Rather than have multiple sections in the SCD allow such uses we strongly believe §96-34(B)(1) should be amended to include the 42nd Street Perimeter Area. The applicant at the July 9th, 2014 Clinton/Hell's Kitchen Land Use Committee openly voiced no objection to achieving the same goal through the Board's preferred mechanism.

2. Provisos in the Lease. The Board has learned through experience that automobile dealerships can cause a host of quality-of-life issues. Thus we have asked for and received (see attached) a commitment in writing from the applicant on four items that need to be addressed. These are:

a). We understand that the entrance to the showroom will not be able to fit a delivery truck. This means the cars will be dropped off the delivery truck on the public street and driven into the dealership. These deliveries have been known to occur in the late hours of the night or very early morning and disrupt the residential community. There needs to be a commitment in the lease that deliveries will occur during business hours.

b). In the past we have experienced the parking of vehicles on the sidewalk. There needs to be a commitment in the lease that there will be no vehicles parked on the sidewalk.

c). Dealerships with below level uses need large HVAC systems to meet ventilation requirement. These systems need a lot of power and can be very noisy. This could lead to noise issues in the community and possibly even noise code violations (such issues have occurred in the past with other dealerships). We need assurances that the system will be muffled.

d). Signage and lighting is always a concern with auto showrooms. There is a tendency to leave them on all night and the lights enter into neighboring resident's homes and cause serious quality-of-life concerns. We need a commitment that the lease will require that the tenant minimize all lights and illuminated or flashing signage.

We look for to your consideration and future discussions.

Sincerely,



Christine Berthet
Chair



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

cc: Manhattan Borough President Office, Michael Sandler
NYC Councilmember Corey Johnson
NYS Senator Brad Hoylman
NYS Senator Adriano Espaillat
NYS Assemblymember Linda Rosenthal
Congressman Jerrold Nadler