



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD No. 4

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J. LEE COMPTON
Chair

MICHELLE SOLOMON
Acting District Manager

April 10, 2006

Laura Osorio
Manhattan Borough Commissioner
Department of Buildings
280 Broadway, 3rd Floor
New York, New York 10007

Re: 449 West 36th Street, Block 734, Lot 7

Dear Commissioner Osorio:

Pursuant to an inquiry from a member of this community, the building permits for the new construction at this location were revoked on October 14, 2005, after the Owner failed to respond to DoB's request for documentation concerning work completed prior to a zoning change. We are grateful for the Department's responsiveness.

The site is a 25x100 foot lot that was, until January 19, 2005 zoned M1-5. The zoning was changed to R8A by the Hudson Yards rezoning. The building under construction is a small budget hotel with a streetwall that is set back from the sidewalk approximately 15 feet. The R8A zoning that became effective in January 2005 does not allow hotel uses, and requires a 60 to 80 foot continuous streetwall. According to our information, this project did not have foundations in place by January 2005 and therefore should not be allowed to proceed.

We understand that the owner last week filed a response to the Department's revocation, now seeking "to clarify grandfathering of [new building] approval and exemption from Special Hudson Yards District Zoning in response to special audit."

We will appreciate your careful attention to this response, and await your final determination with interest.

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: Local elected officials; DCP – William Haas; HYDC – Aron Kirsch; BSA – Jeff Mulligan; Lam's Realty LLC, John Lam, President