



OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN
THE CITY OF NEW YORK

1 Centre Street, 19th floor, New York, NY 10007
(212) 669-8300 p (212) 669-4306 f
163 West 125th Street, 5th floor, New York, NY 10027
(212) 531-1609 p (212) 531-4615 f
www.manhattanbp.nyc.gov

Gale A. Brewer, Borough President

September 9, 2014

Carl Weisbrod, Chair
City Planning Commission
22 Reade Street
New York, NY 10007

Re: 42nd Street Auto Showroom Text, N 140410 ZRM

Dear Chair Weisbrod:

I write in support of the application by 605 W 42nd Owner LLC¹ for an amendment to Section 96-21 (Special Regulations for 42nd Street Perimeter Area) of the Zoning Resolution (“ZR”) to allow automobile servicing, repair, and preparation of automobiles for delivery within a portion of Subarea 1 of the 42nd Street Perimeter Area of the Special Clinton District. The proposed automotive use is consistent with uses in the area and will be configured so as to minimize any adverse effects on the surrounding area.

The development site is located at 605 West 42nd Street, on an L-shaped lot with frontage on West 42nd and West 43rd Streets and Eleventh Avenue. The project sits in a C6-4 zoning district within the Special Clinton District (“CL”), which allows a range of residential, community facility, and commercial uses. The project is currently under construction and is expected to be completed in 2015. Regardless of the proposed action, the development will be a 60-story mixed-use building of approximately 936,019 zoning square feet. The building will be approximately 658 feet tall, with one level below grade. The building will contain approximately 1,174 residential units, of which 235 will be affordable for households earning less than 60 percent of the Area Median Income. The affordable units are being built through the City’s Inclusionary Housing Program. There will additionally be a parking garage, accessed by a curb cut on West 43rd Street, with 301 spaces on portions of the first, mezzanine, and second floors of the building and a public fitness center on portions of the cellar, ground, and third floors.

The applicant proposed a full-service automobile dealership on portions of the first floor and cellar of the building, with associated retail frontage on Eleventh Avenue and two driveways accessed on West 43rd Street. There are a total of four curb cuts proposed along West 43rd Street: two to access both the dealership and repair area and two for the residential parking and loading areas. A full-service automobile dealership includes on-site servicing and repair and new vehicle

¹ 605 W 42nd Owner LLC. is a subsidiary of the Moinian Group, which is managed by Joseph Moinian, Chief Executive Officer.

preparation. Under current C6-4 (CL) zoning, a Use Group 9 automobile showroom, including accessory vehicle storage, is allowed as of right. However, servicing, repair, and new vehicle preparation are not permitted under the current zoning text. This proposed text amendment would allow these uses on the development site.

The proposed full-service dealership is consistent with uses in the area. The Eleventh Avenue corridor in the West 40s and 50s is often referred to as “Automobile Row” due to the proliferation of automobile dealerships and related facilities. Between West 37th Street and West 50th Street there are at least 14 other auto dealerships, as well as a wide range of other motor vehicle-related uses. The close access to the Lincoln Tunnel Route 9A, a variety of commercial and industrial zoning districts, and its location near Midtown make the corridor an ideal spot for automotive uses.

At its Full Board Meeting on July 23, 2014, Manhattan Community Board 4 (“CB4”) voted unanimously in favor of a letter recommending approval of the proposed action, with conditions. The letter noted that the proposed use is appropriate for the area. The letter also requested a change to the location of the proposed zoning text and for four quality of life provisions to be included in any future lease. CB4 noted that earlier this year the City Planning Commission (“CPC”) approved an amendment to ZR § 96-34(B)(1) (Special Regulations in Northern Subarea C1) allowing automobile servicing, repair and new vehicle preparation in Area C1-1 within northern subarea C1 of the Special Clinton District. Rather than have a separate section of the Special Clinton District enable this use, the Board recommends that the CPC amend § 96-34(B)(1) to include the 42nd Street Perimeter Area. The Community Board further requested that any delivery of vehicles take place during business hours, no vehicles be parked on the sidewalk, the heating and cooling system for the below-grade facility be designed so as to reduce noise, and lighted and flashing signage be minimized.

In a letter to Community Board 4 dated July 22, 2014, the applicant committed that (1) lighting will be designed to minimize glare into surrounding residential units and to minimize motion or flashing; (2) the automobile dealership will be expressly prohibited from parking or queuing vehicles on the sidewalk; (3) ventilation fans will operate in full compliance with the noise code;² and (4) the dealership will have lease provisions restricting the hours for new car delivery. A pledge was requested by the Manhattan Borough President’s Office to further restrict new car delivery between the hours of 11 PM and 6 AM. The Moinian Group sent a letter dated September 9, 2014, which is enclosed with this recommendation, restating their commitments to the board and agreeing to the proposed hours.

The Community Board’s recommendations regarding placement of the proposed text seek to make the zoning text for the Special Clinton District as clear and concise as possible. This is an important goal—codes that are not repetitive or redundant are more easily understood and leave less room for error from City agencies, property owners, and community groups. The specific suggestions of the Community Board should be examined by the City Planning Commission. In this case, amending § 96-34(B)(1) to include the 42nd Street Perimeter Area may not serve the purpose of clarity, as one would not instinctually think to look in the Special Regulations in

² The letter further notes that the size of this facility is significantly smaller than other dealerships with noisy ventilation systems.

Northern Subarea C1 to find rules for the 42nd Street area. To achieve the goals of the Community Board, it may be more appropriate for City Planning to consider reorganizing, as a corrective text action, all special rules for accessory automotive uses since these same rules now apply to multiple subdistricts.

Considering the commitments from the applicant to mitigate the harmful impacts of this use on the community, this project will be beneficial to the community. Full service dealerships not only provide additional services, they employ significantly more people. These additional jobs in the neighborhood help support other daytime uses and help to create a diverse community. I urge the City Planning Commission to approve this application with the above referenced reorganization of the zoning text.

Sincerely,

A handwritten signature in black ink that reads "Gale A. Brewer". The signature is written in a cursive, flowing style. The first name "Gale" is written in a smaller, more compact script, while "A. Brewer" is written in a larger, more prominent script. The "A" is a simple capital letter, and "Brewer" has a large, sweeping "B" and "R".

Gale A. Brewer