

February 5, 2004

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

Re: 505-513 West 47th Street, ULURP No. 040116ZSM. Application for special permit for development over railroad right-of-way.

Dear Chair Burden:

At the recommendation of its Clinton/Hell's Kitchen Committee, Manhattan Community Board No. 4, having held a duly noticed public hearing on ULURP application number 040116ZSM, adopted the following resolution by roll call vote (35 in favor, 1 opposed, 2 abstentions and 0 present but not eligible to vote).

West 47th St. Associates LLC, an affiliate of Pitcairn Properties, seeks a special permit to permit portions of a railroad right-of-way that will be completely covered over by a permanent platform to be included in the lot area for a residential development at 505-513 West 47th Street.

The proposed development is comprised of two seven-story, sixty-six-foot-high residential condominium buildings to be constructed on a through block running from West 47th Street to West 48th Street over the Amtrak right-of-way. The property is located in an R8 zoning district within the Preservation Area of the Special Clinton District. The proposed buildings will comply with all of the provisions of the Special Clinton District and the underlying zoning district.

Building Design and Construction Concerns

The design displayed to the Board reflects comments made at previous meetings of the C/HKLU Committee:

- The buildings' pediments and facades have been redesigned to fit more harmoniously into the surrounding architectural context.
- The eastern sidewalls of both buildings will be notched approximately 1 foot opposite the airshafts of the adjacent buildings, both of which are five-story old-law tenements. The addition of the notches will create an opening of approximately 3-1/2 feet between the buildings, in order to maximize the penetration of light and air to those rooms in the

tenements with windows opening on the airshafts. (These notches are unfortunately not possible in the western sidewalls.)

The Applicant has assured the Board that it will take care during construction to avoid damage to the adjacent buildings, all of which are over 100 years old and not in the best condition. This includes a survey of the adjacent buildings before work begins, to identify particular sensitivities, and regular monitoring of the adjacent buildings throughout construction.

DoT Setback Requirement

The plans submitted with the Notice of Certification of the ULURP application show that each building will be set back 5 feet from the property line along its entire street frontage. This setback was required by the Department of Transportation's Division of Bridges in order to maintain access to the underside of the adjoining street, which is in fact a bridge as it passes over the Amtrak right-of-way. DoT has since increased the required setback to 12 feet.

This requirement conflicts with this Board's long-standing preference for uninterrupted streetwalls, especially in the Special Clinton District, in order to maintain architectural continuity and to eliminate the public safety hazards that can lurk in recessed areas.

The Amtrak right-of-way runs through our district from 59th Street to the rail yards at 33rd Street. On some blocks it has been built over with no setback, such as the blocks between 49th and 51st Streets. Until 2001, there had been no development activity over the right-of-way for at least thirty years, and the right-of-way remained as an unhealed scar through our neighborhood. Now, increased development pressure has brought new interest in building over the right-of-way. Private developers, such as the Applicant, are proposing projects that are within existing zoning. The Department of Housing Preservation and Development is negotiating with the Dermot Company for construction of a significant new mixed-use project over the right-of-way between 51st and 53rd Streets. And the City's Hudson Yards proposal contemplates the redevelopment of properties over the right-of-way from 43rd to 33rd Streets.

We recognize that DoT has a legitimate need for access to the underside of streets that pass over the right-of-way for maintenance and repair of the streets. But we question the need for access to be provided in the broad manner that is now being asserted by DoT. We understand that the Applicant, which shares our concern, is in discussion with DoT about less invasive alternatives that would allow DoT adequate access without compromising the Applicant's plans or this Board's urban design goals. We urge the Department of City Planning to become an active participant in those discussions.

These questions of access must be considered in conjunction with broader urban design and planning issues, and a policy developed that will make sense in the broader context of the remaining undeveloped portions of the right-of-way.

The Board does not support the 12 foot setback request by DoT and requests that future projects require no setback and instead maintain continuity of the streetwall. The Board further requests to be part of the discussions on developing with DoT and DCP a technical solution to the future bridge inspection issue.

Requirements for Special Permit

The Board has reviewed the Discussion of Findings in the application and concurs that the proposed development meets the requirements for the requested special permit pursuant to Zoning Resolution Section 74-681(a)(1).

Therefore Be It Resolved that Manhattan Community Board No. 4 recommends approval of this application as certified for a special permit to permit portions of a railroad right-of-way that will be completely covered over by a permanent platform to be included in the lot area for a residential development; and further

Resolved that this Board urgently requests DCP and DoT to establish a policy with respect to future construction over the Amtrak right-of-way that provides access for DoT with little or no required setback.

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: Hon. Michael Bloomberg, Mayor
Hon. C. Virginia Fields, Manhattan Borough President
Local elected officials
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