



**Greenwich
Village
Society for
Historic
Preservation**

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March 23, 2007

Hon. Patricia Lancaster
Commissioner, NYC Department of Buildings
280 Broadway
New York, NY 10007

Re: 352 West 13th Street Billboards, Hotel Gansevoort, Manhattan

Dear Commissioner Lancaster:

I am very pleased to learn that the Department has investigated the issues the Greenwich Village Society for Historic Preservation has raised regarding the enormous and controversial billboards erected by the Hotel Gansevoort, and found that they do in fact violate zoning regulations for the site. I was also very pleased to learn that the Department has issued violations against at least five other illegal signs in the immediate vicinity which we brought to the Department's attention – 807 Washington Street, 30 Gansevoort Street, 675 Hudson Street, 350 West 14th Street, and 59 Greenwich Street – and that in response at least one has already been removed.

It is my understanding that the Department has determined that, as we contended, the Hotel Gansevoort's billboards stand at less than a 90 degree angle to Hudson Street, as required by law. While the Hotel may seek to correct this by turning the sign several degrees away from Hudson Street, this would of course turn the signs towards the windows of the Hotel, and we hope that the Hotel will choose not to do so and to instead simply remove the signs.

However, there are issues we have raised regarding the Hotel Gansevoort's billboards' violation of zoning regulations which have not yet been resolved by the Department, violations which the Hotel could not address by simply moving the angle of the signs. We continue to contend that, according to zoning regulations, the lower sign must be at a greater than 90 degree angle from the nearby C6-2A and R8B zoning district boundaries, which would not be possible on this particular site.

Section 42-562 of the zoning text states that in M1 districts (such as these signs are located in), "within 500 feet of the boundary of a Residence District or Commercial District, any illuminated portion of any signs shall face at an angle of more than 90 degrees away from such boundary line." The signs are clearly at less than a 90 degree angle from the boundary line between the neighboring R8B zone and C6-2A zone, and from the neighboring C6-2A and C1-6 zone (see attached map), and such a discrepancy could not be resolved by turning the signs. It is my understanding that the Department has taken a cursory measure of the distance from the signs to the R8B district boundary and found it to be just over 500 feet; however, we have also measured the distance using maps available to us and found the distance to be just under 500 feet. In light of this, I urge the Department to measure again with absolute certainty, and to keep in mind that the zoning text prohibits "**any** (emphasis added) illuminated portion of

any signs” from facing at less than a 90 degree angle, meaning the Department should measure the closest portion of the sign to the closest point on the district boundary line.

The signs are indisputably within 500 feet of the boundary between the neighboring C6-2A and C1-6 zones, and face it almost directly, at considerably less than the 90 degree angle required by zoning regulations. I understand that the Department has taken a cursory look at this issue and has questioned the applicability of this district boundary line in this case. From reading the regulations, however, it is clear that this boundary line is applicable and that the sign must face it at an angle of greater than 90 degrees, which it does not and cannot. The zoning text’s only qualification regarding when an illuminated sign such as this in an M1 zone such as this must face at an angle of more than 90 degrees from “the boundary of Residence District or a Commercial District” (such as in this case) is that it must be “within 500 feet of the boundary.” Thus it would seem clear that on this basis the zoning text prohibits the placement of this sign at this location.

While I thank the Department for the considerable attention it has paid to this case and for the action it has taken in ruling the signs in violation regarding the angle to Hudson Street, I urge you to continue to examine these issues and make a determination regarding the signs’ conformance with all applicable aspects of the zoning text, such as the proximity and angle to the zoning district boundary lines previously mentioned. I believe you will find that they are in fact in violation of several requirements, which would require at least one of them to be removed.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Berman", with a long, sweeping horizontal line extending to the right.

Andrew Berman
Executive Director

Cc: DOB Manhattan Borough Commissioner Christopher Santulli
DOB Assistant Commissioner Robert Iulo
DOB Padlock/Sign Enforcement Unit Director Edward Fortier
City Council Speaker Christine Quinn
Manhattan Borough President Scott Stringer
State Senator Tom Duane
Assemblymember Deborah Glick
Community Board #2, Manhattan
Municipal Art Society
Meatpacking District Initiative
community groups



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March 23, 2007

Michael Achenbaum
Hotel Gansevoort
18 Ninth Avenue
New York, NY 10014

Dear Mr. Achenbaum,

As you have no doubt by now been informed, the Department of Buildings has determined that the billboards erected on your property at 352 West 13th Street are in violation of zoning regulations for the site, as we have contended. They have determined that the billboards face at less than a 90 degree angle to Hudson Street, which the law requires they do.

You now have two choices regarding these billboards. You can have them removed, and end an extremely ugly chapter in this neighborhood's history which has pitted you against so many of your commercial and residential neighbors. You have stated that you regret the decision to have put these billboards up in the first place, and that if you had the opportunity to do it over again you would not. Now you have that opportunity – the signs do not conform to the zoning, and cannot stay as they are. By removing them, you would heal a terrible rift and remove an awful and universally loathed blight from this community.

Or you can seek to have the billboards moved in an attempt to make them conform with the requirement that they face Hudson Street at more than 90 degrees. To do this would not only turn the signs farther in the direction of facing (and shining into) your own hotel rooms, but it would also unfortunately give lie to your claims to want to remove the signs if you had the opportunity to do so, and would, I think, only irrevocably harden the conflict between you and your neighbors.

As you know, the Department of Buildings also continues to investigate other issues we have raised regarding their signs' violation of zoning regulations – violations which could not be cured by changing the angle of the signs and which would require their removal. I urge you to do the right thing now, and remove the signs before this goes any farther, rather than continuing to drag this out. I think that ultimately the Hotel as well as its neighbors would benefit from the signs being dismantled. With this blight upon the neighborhood removed, the terrible rift between the Hotel and its neighbors can begin to be repaired.

Sincerely,

Andrew Berman
Executive Director

Cc: City Council Speaker Christine Quinn
Manhattan Borough President Scott Stringer
State Senator Tom Duane
Assemblymember Deborah Glick
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