



August 22, 2018/Calendar No. 18

N 170115 ZRM

IN THE MATTER OF an application submitted by Kalodop II Park Corporation, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Section 74-712 (Developments in Historic Districts), concerning special permits within the NoHo Historic District Extension, Borough of Manhattan, Community District 2.

This application for a zoning text amendment was filed by Kalodop II Park Corporation on October 6, 2016. The applicant proposes to alter the eligibility restrictions for single-story developments in the NoHo Historic District Extension, allowing modification of use and bulk restrictions via special permit. This application, along with the related actions, would facilitate the development of an eight-story hotel or office building at 27 East 4th Street in Manhattan Community District 2.

RELATED ACTIONS

In addition to the zoning text amendment (N 170115 ZRM) that is the subject of this report, implementation of the proposed development also requires actions by the City Planning Commission on the following applications, which are being considered concurrently with this application:

C 170116 ZSM Special permit to modify use regulations below the second story of a building.

C 170117 ZSM Special permit to modify bulk regulations.

BACKGROUND

A full background discussion and description of this application appears in the report for the related special permit (C 170116 ZSM).

ENVIRONMENTAL REVIEW

This application (N 170115 ZRM), in conjunction with the applications for the related actions (C 170116 ZSM and C 170117 ZSM), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.* and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 15DCP145M. The lead is the City Planning Commission.

A summary of the environmental review appears in the report for the related special permit (C 170116 ZSM).

PUBLIC REVIEW

This application (N 170115 ZRM) was duly referred to Manhattan Community Board 2 and the Manhattan Borough President on March 26, 2018, in accordance with the procedures for non-ULURP matters, along with the applications for the related actions (C 170116 ZSM and C 170117 ZSM), which were certified as complete by the Department of City Planning on March 26, 2018, and duly referred in accordance with Title 62 of the rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Manhattan Community Board 2 held a public hearing on this application (N 170115 ZRM) on April 11, 2018. On May 24, 2018, by a vote of 41 in favor, none opposed, and no abstentions, the board adopted a resolution recommending disapproval of the application “unless and until the proposed development is modified so as to avoid all harm to the Merchant’s House Museum as evidenced by support of the Museum board and the New York City Parks Department.”

Borough President Recommendation

This application (N 170115 ZRM) was considered by the Manhattan Borough President, who issued a recommendation on June 26, 2018 to disapprove the application with conditions. A summary of the recommendation and conditions of the Manhattan Borough President appears in the report for the related special permit (C 170116 ZSM).

City Planning Commission Public Hearing

On June 27, 2018 (Calendar No. 5), the City Planning Commission scheduled July 11, 2018, for a public hearing on this application (N 170115 ZRM) and the related applications (C 170116 ZSM and C 170117 ZSM). The hearing was duly held on July 11, 2018 (Calendar No. 32). There was one speaker in favor of the application, 17 speakers in opposition, and one speaker spoke as neutral on the application. A summary of the testimony is provided in the report for the related special permit (C 170116 ZSM).

CONSIDERATION

The Commission believes that the grant of a zoning text amendment (N 170115 ZRM), in conjunction with the related applications (C 170116 ZSM and C 170117 ZSM), is appropriate. A full consideration and analysis of issues and the reasons for approving this application appear in the report for the related special permit (C 170116 ZSM).

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further:

RESOLVED, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination, and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

Matter within # # is defined in Section 12-10; and

*** indicates where unchanged text appears in the Zoning Resolution.

ARTICLE VII - ADMINISTRATION

Chapter 4 Special Permits by the City Planning Commission

74-71 Landmark Preservation

74-712 Developments in Historic Districts

Within Historic Districts designated by the Landmarks Preservation Commission, the City Planning Commission may grant a special permit, in accordance with the following provisions:

- (a) In M1-5A and M1-5B Districts, on a #zoning lot# that, as of December 15, 2003, is vacant, is #land with minor improvements#, or has not more than 40 percent of the #lot area# occupied by existing #buildings# or is improved with a one-story #building# within the NoHo Historic District Extension, the Commission may modify #use# regulations to permit #residential development# and, below the floor level of the second #story# of any #development#, #uses# permitted under Sections 32-14 (Use Group 5) and 32-15 (Use Group 6), provided:
 - (1) the #use# modifications shall meet the following conditions, that:
 - (i) #residential development# complies with the requirements of Sections 23-47 (Minimum Required Rear Yards) and 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) pertaining to R8 Districts;
 - (ii) total #floor area ratio# on the #zoning lot# shall be limited to 5.0;
 - (iii) the minimum #floor area# of each #dwelling unit# permitted by this Section shall be 1,200 square feet;
 - (iv) all #signs# for #residential# or #commercial uses# permitted by this Section shall conform to the applicable regulations of Section 32-60 (SIGN REGULATIONS) pertaining to C2 Districts; and
 - (v) eating and drinking establishments of any size, as set forth in Use Groups 6A and 12A, are not permitted; and
 - (2) the Commission shall find that such #use# modifications:

- (i) have minimal adverse effects on the conforming #uses# in the surrounding area;
 - (ii) are compatible with the character of the surrounding area; and
 - (iii) for modifications that permit #residential use#, result in a #development# that is compatible with the scale of the surrounding area.
- (b) In all districts, the Commission may modify #bulk# regulations, except #floor area ratio# regulations, for any #development# on a #zoning lot# that is vacant or is #land with minor improvements#, and in M1-5A and M1-5B Districts, the Commission may make such modifications for #zoning lots# where not more than 40 percent of the #lot area# is occupied by existing #buildings#, or where a #development# on a #zoning lot# is improved with a one-story #building# within the NoHo Historic District Extension, as of December 15, 2003, provided the Commission finds that such #bulk# modifications:
- (1) shall not adversely affect structures or #open space# in the vicinity in terms of scale, location and access to light and air; and
 - (2) relate harmoniously to #buildings# in the Historic District as evidenced by a Certificate of Appropriateness or other permit from the Landmarks Preservation Commission.

The City Planning Commission may prescribe appropriate additional conditions and safeguards in order to enhance the character of the #development# and to minimize adverse effects on the character of the surrounding area.

* * *

The above resolution (N 170115 ZRM), duly adopted by the City Planning Commission on August 22, 2018 (Calendar No. 18), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

MARISA LAGO, *Chair*
KENNETH J. KNUCKLES, ESQ., *Vice Chairman*
ALFRED C. CERULLO, III, MICHELLE DE LA UZ,
JOSEPH DOUEK, CHERYL COHEN EFFRON,
HOPE KNIGHT, ANNA HAYES LEVIN,
ORLANDO MARIN, LARISA ORTIZ, *Commissioners*