



August 22, 2018/Calendar No. 20

C 170117 ZSM

IN THE MATTER OF an application submitted by Kalodop II Park Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-712(b) of the Zoning Resolution to modify the height and setback requirements of Section 43-43 (Maximum Height of Front Wall and Required Front Setbacks) to facilitate the development of an eight-story commercial building on a zoning lot that, as of December 15, 2003, is improved with a one-story building, on property located at 27 East 4th Street (Block 544, Lot 72), in an M1-5B District, within the NoHo Historic District Extension, Borough of Manhattan, Community District 2.

*197-d(2)(B) eligible

This application for a special permit was filed by Kalodop II Park Corporation on October 6, 2016. The applicant requests a special permit to modify bulk regulations for a one-story building in the NoHo Historic District Extension. The requested action, in conjunction with the related actions, would facilitate the development of an eight-story hotel or office with a ground floor lobby and restaurant at 27 East 4th Street in Manhattan Community District 2.

RELATED ACTIONS

In addition to the special permit (C 170117 ZSM) that is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

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| N 170115 ZRM | Zoning text amendment to modify use and bulk regulations on certain sites within the NoHo Historic District Extension. |
| C 170116 ZSM | Special permit to modify use regulations below the second story of a building. |

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 (C 170117 ZSM), in conjunction with the applications for the related actions (N 170115 ZRM and C 170116 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).

UNIFORM LAND USE REVIEW

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

Community Board Public Hearing

Manhattan Community Board 2 held a public hearing on this application (C 170117 ZSM) 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 (C 170117 ZSM) 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. 7), the City Planning Commission scheduled July 11, 2018, for a public hearing on this application (C 170117 ZSM) and the related applications (N170115 ZRM and C 170116 ZRM). The hearing was duly held on July 11 2018 (Calendar No. 34). One speaker testified in favor of the application, 17 speakers in opposition, and one speaker testified 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 this special permit (C 170117 ZSM), in conjunction with the related applications (C 170116 ZSM and N 1702115 ZRM), is appropriate. A full consideration and analysis of issues and the reasons for approving this application appear in the related report for the special permit (C 170116 ZSM).

FINDINGS

Based upon the above considerations, the City Planning Commission hereby makes the following findings pursuant to paragraphs (a) and (b) of Section 74-712 (Developments in Historic Districts) of the Zoning Resolution, as amended in the report on the related zoning text amendment (N 170115 ZRM):

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.

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 Sections 197-c and 200 of the New York City Charter, that based on the environmental determination, and the consideration and findings described in this report, the application submitted by Kalodop II Park Corporation for the grant of a special permit pursuant to ZR Section ZR 74-712(b) to modify the height and setback requirements of Section 43-43 (Maximum Height of Front Wall and Required Front Setbacks) to facilitate the development of an eight-story commercial building on a zoning lot that, as of December 15, 2003, is improved with a one-story building, on property located at 27 East 4th Street (Block 544, Lot 72), in an M1-5B District, within the NoHo Historic District Extension, Borough of Manhattan, Community District 2, is approved, subject to the following conditions:

1. The property that is the subject of this application (C 170116 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications, and zoning computations indicated on the following approved plans, prepared by SRAA+E Architecture & Engineering, P.C., filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-00	Zoning Analysis	January 19, 2018
Z-01	Zoning Lot Site Plan	January 19, 2018
Z-02	Zoning Ground Floor Plan	August 7, 2017
Z-03	Cellar Plan	January 19, 2018
Z-04	Bulk Waiver Plan	January 19, 2018
Z-05	Waiver Section	January 19, 2018

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.

3. Such development shall conform to all applicable laws and regulations relating to its construction, operating and maintenance.

The above resolution (C 170117 ZSM), duly adopted by the City Planning Commission on August 22, 2018 (Calendar No. 20), 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*