



CITY PLANNING COMMISSION

February 8, 2006/Calendar No. 17

C 060111 ZSM

IN THE MATTER OF an application submitted by 27 West 19th Street LLC 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 of the Zoning Resolution to modify the height and setback requirements of Section 23-692, the rear yard requirements of Section 23-47, the rear setback requirements for tall buildings of Section 23-663, and the minimum distance between legally required windows and lot lines requirements of Section 23-86 to facilitate the development of a 15-story residential building on property located at 27 West 19th Street (Block 821, Lot 24) in a C6-4A District within the Ladies' Mile Historic District, Community District 5, Borough of Manhattan.

The application for a special permit was filed by 27 West 19th Street LLC on August 31, 2005.

The special permit would allow modifications of bulk regulations to facilitate the construction of a 15-story residential building in a C6-4A zoning district within the Ladies' Mile Historic District.

BACKGROUND

The subject property is located on the north side of West 19th Street between Fifth and Sixth avenues within the Ladies' Mile historic district and is zoned C6-4A. It is currently occupied by a parking lot. The application requests modifications of four bulk regulations pursuant to Section 74-712 of the Zoning Resolution to allow for the construction of a 15-story residential building on the site.

The midblocks between Fifth and Sixth avenues in the Ladies' Mile Historic District are characterized by late 19th and early 20th century loft buildings with near 100% lot coverage and

high street walls. These buildings generally range from 80 to 150 feet in height and rise without setback from the streetline. Some smaller commercial buildings, rowhouses and parking lots are interspersed throughout the midblocks. Most buildings in the area hold commercial or residential uses, many with ground floor retail. In the summer of 2004, the Commission and the City Council approved a rezoning of the Fifth to Sixth Avenue midblocks between West 17th Street and West 22nd Street from M1-6M to C6-4A. One principal goal of the rezoning was to facilitate housing production on parking lot sites.

To either side of the property are residential buildings with ground-floor retail, 65 and 59 feet in height. The remainder of the block is made up of loft buildings ranging in height from 80 to 160 feet.

The applicant proposes a 15-story residential building. The building received a Certificate of Appropriateness from the Landmarks Preservation Commission (LPC) on May 5, 2005. The proposed building requires modifications of the following bulk regulations.

Section 23-692, the “Sliver Rule,” limits the height of new buildings less than 45 feet in width in certain districts, C6-4A being one of those districts. On narrow streets, the height of new buildings is limited to the greater of: a) the width of the street upon which the building fronts, or b) the height of the shorter of the two adjacent buildings. The site and the proposed building are 25 feet wide and front on a narrow, 60-foot-wide street. The adjacent neighbors stand 59 feet and 65 feet tall. Thus, Section 23-692 limits the height of the proposed building to 60 feet. The proposed building would be 150 feet tall.

Section 23-47 requires a 30-foot rear yard for residential buildings, and Section 23-86 requires a distance of at least 30 feet between the rear lot line and any legally required windows on the rear facade of a residential building. The proposed building has a rear yard of only 26 feet, 8 inches. The distance between the rear legal windows and the rear lot line of the proposed building would also measure 26 feet, 8 inches.

Finally, Section 23-663 requires that the rear façade of new buildings in certain districts set back an additional 10 feet from the rear yard line above a height of 125 feet. The building's rear façade would rise without setback to 150 feet.

ENVIRONMENTAL REVIEW

This application (C 060111 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 05DCP079M. The lead is the City Planning Commission. After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on October 17, 2005.

UNIFORM LAND USE REVIEW

This application (C 060111 ZSM) was certified as complete by the Department of City Planning on October 17, 2005, and was duly referred to Community Board 5 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 5 held a public hearing on November 10, 2005, and on that date, by a vote of 31 in favor, 1 opposed and 1 abstaining, adopted a resolution in favor of the application.

Borough President's Recommendation

The Borough President did not issue a recommendation concerning the application.

City Planning Commission Public Hearing

On December 7, 2005 (Calendar No. 3), the City Planning Commission scheduled December 21, 2005, for a public hearing. On December 21, 2005 (Calendar No. 33) the hearing was continued to January 11, 2006 (Calendar No. 30). There was one speaker in favor of the application and none in opposition.

The applicant's representative appeared in favor of the application.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the grant of the special permit is appropriate.

The Commission notes that the Certificate of Appropriateness issued by LPC on May 5, 2005, concerning this project stated that the proposed height is consistent with the character of taller loft buildings in the Ladies' Mile Historic District. The underlying C6-4A zoning allows

buildings wider than 45 feet to reach a height of 185 feet with a 15-foot setback at 125 feet. The Commission believes the proposed 150-foot height without setback is consistent with the form of existing turn-of-the-century loft buildings in the Ladies' Mile Historic District. The Commission also notes that the Ladies' Mile rezoning recognized the high streetwall character of the historic district and allows buildings to exceed the 125-foot streetwall limit established by the underlying C6-4A zoning if an adjacent building has a streetwall higher than 125 feet.

The Commission further notes that a stylistic twin of the proposed building stands two properties to the east of the site. The 19th Street façade of this early 20th century through-block building measures 25 feet in width and rises without setback to 150 feet. The Commission also notes the presence of two buildings, 160 and 157 feet in height, on the same block frontage as the proposed building.

The Commission believes that the proposed building will not adversely affect access to light and air to surrounding buildings. A 30-foot rear yard is required for residential buildings, as is a distance of 30 feet between the rear lot line and any legally required windows on the rear façade of a residential building. The Commission notes that the subject block is unusually narrow (184 feet in width), and the depth of the subject property is only 92 feet. The proposed 26-foot, eight-inch rear yard would be deeper than the rear yards of adjacent buildings. The building adjacent to the subject property to the west provides a 17-foot rear yard, while the building to the east provides a 24-foot rear yard. No other nearby building provides a rear yard deeper than six feet. A through-block structure is located two properties east of the site, and another through-block

building is located two properties to the west. The Commission further notes that there are no lot-line windows that would be blocked by the proposed building.

In considering the requirement for a ten-foot rear setback above 125 feet, the Commission notes that similar turn-of-the-century loft buildings in the Ladies' Mile historic district, and specifically on the affected block, do not provide rear setbacks. The Commission also believes that the modification would have minimal impact on light and air to immediately surrounding properties, all of which provide less rear yard space than would the proposed building.

FINDINGS

The City Planning Commission hereby makes the following findings for bulk modifications pursuant to Section 74-712 (Developments in Historic Districts) of the Zoning Resolution:

- such bulk modifications shall not adversely affect structures or open space in the vicinity in terms of scale, location and access to light and air; and
- such bulk modifications shall 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 of 27 West 19th Street LLC for the grant of a special permit pursuant to Section 74-712 of the Zoning Resolution to modify the height and setback requirements of Section 23-692, the rear yard requirements of Section 23-47, the rear setback requirements for tall buildings of Section 23-663, and the minimum distance between legally required windows and lot lines requirements of Section 23-86 to facilitate the development of a 15-story residential building on property located at 27 West 19th Street (Block 821, Lot 24) in a C6-4A District within the Ladies' Mile Historic District, Community Board 5, Borough of Manhattan, is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (C 060111 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plan, prepared by Morris Adjmi Architects, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
A-3	Zoning Information	January 31, 2006
A-3a	Zoning Section	September 27, 2005

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 plan

listed above which has 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, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
5. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C 060111 ZSM), duly adopted by the City Planning Commission on February 8, 2006 (Calendar No. 17), 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.

AMANDA M. BURDEN, AICP, Chair

KENNETH J. KNUCKLES, Esq., Vice Chairman

ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,

ALFRED C. CERULLO, III, RICHARD W. EADDY, JANE D. GOL, LISA A. GOMEZ,

CHRISTOPHER KUI, JOHN MEROLO, KAREN A. PHILLIPS, DOLLY WILLIAMS,

Commissioners