



CITY PLANNING COMMISSION

April 27, 2005/Calendar No. 19

C 050031 ZSM

IN THE MATTER OF an application submitted by Strategic Chelsea LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the rear yard setback requirements of Section 23-663 (Required rear setbacks for tall buildings in other districts), in connection with a proposed two-story enlargement of an existing nine-story building located at 15 West 20th Street (Block 822, Lot 25) in a C6-4A District, within the Ladies' Mile Historic District, Borough of Manhattan, Community District 5.

The application for the special permit was filed by the Strategic Chelsea LLC on July 19, 2004 to allow a modification of the bulk regulations of a 10-foot rear setback on the eleventh floor of a proposed two-story enlargement to an existing nine-story loft building at 15 West 20th Street.

The building is located within the Ladies' Mile Historic District and zoned C6-4A.

BACKGROUND

15 West 20th Street is an existing nine-story building constructed in 1905 as an industrial loft building containing approximately 42,008 square feet of floor area on a zoning lot of 5,152 square feet. It is located on the northerly side of West 20th Street mid-block between Fifth and Sixth avenues in a C6-4A zoning district (10.0 FAR or a maximum 51,520 square feet of floor area) within the Ladies' Mile Historic District. This area was recently rezoned as part of the Ladies' Mile Rezoning from M1-6M to C6-4A allowing for as-of-right residential conversion and construction. The building is presently vacant. The surrounding area is characterized by high lot coverage commercial, institutional, residential and only a few industrial loft buildings.

The applicant proposes to convert eight floors of the existing nine-story building to residential

use and enlarge the structure by two stories (totaling 45,887 square feet). Section 23-663 requires that in C6-4A portions of buildings above a height of 125 feet must set back an additional 10 feet from the required 30 foot rear yard. The proposed 11th floor sets back only 30 feet and does not provide the additional required 10 feet. Providing the required 10 foot setback would reduce the size of the unit on the 11th floor from the proposed 1391 square feet to 1060 square feet. The applicant is requesting the special permit pursuant to Section 74-711 to modify the setback requirements.

The Landmarks Preservation Commission (LPC) has issued a favorable report and permit regarding the building on March 30, 2004. Part of the permit from LPC includes a program for continuing maintenance that would result in the restorative work required for preservative purposes, and a Certificate of Appropriateness and Certificate of No Effect that the bulk modification is appropriate.

ENVIRONMENTAL REVIEW

This application (C 050031 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 05DCP007M. The lead is the City Planning Commission.

After a study of the proposed environmental impacts of the proposed action, A negative

declaration was issued on January 18, 2005.

UNIFORM LAND USE REVIEW

This application (C 050031 ZSM) was certified as complete by the Department of City Planning on January 18, 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 this application on February 10, 2005, and on that date, by a vote of 21 to 1 with 1 abstention, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on March 16, 2004.

City Planning Commission Public Hearing

On March 16, 2005 (Calendar No. 9), the City Planning Commission scheduled March 30, 2005, for a public hearing on this application (C 050031 ZSM). The hearing was duly held on March 30, 2005 (Calendar No. 27). There was one speaker in favor of the application and none in opposition.

A representative of the applicant appeared in support of the application.

There were no other speakers and the hearing was closed.

CONSIDERATION

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

The special permit would facilitate conversion and enlargement of a vacant building to provide 17 residential dwelling units. 15 West 20th Street was built in 1905/1906 as a neo-Renaissance style store and loft building. The site is within the Ladies' Mile Historic District and was rezoned in 2004 from M1-6M to C6-4A (C 040331 ZMM) to facilitate residential development.

The two story enlargement to the building would increase its height to approximately 134 feet.

The building immediately to the east is 128 feet tall and the building to the west is 70 feet high.

The building immediately behind the site is 140 feet in height and its upper 10 floors are set back 20 feet from the rear lot line. The proposed enlargement would have a rear yard of 30 feet and only a portion of the 11th floor would not provide the additional 10 foot setback. There would be a 50 foot open area between the enlargement and the building behind it. Other neighboring buildings are taller or shorter than 15 West 20th Street. Consequently, the Commission believes that the requested bulk modifications would not affect light and air to the surrounding properties and would be consistent with the existing scale of the area.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-711 (Landmark preservation in all district) of the Zoning Resolution:

- (1) such bulk modifications shall have minimal adverse effects on the structures or open space in the vicinity in terms of scale, location and access to light and air; and
- (2) Not Applicable.

RESOLUTION

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 Strategic Chelsea LLC for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the rear setback requirements of Section 23-663 (Required rear setbacks for tall buildings in other districts), in connection with the proposed two-story enlargement of an existing nine-story building at 15 West 20th Street (Block 822, Lot 25) in a C6-4 District, within the Ladies Mile Historic District, Borough of Manhattan, Community District 5, is approved subject to the following terms and conditions:

1. The property that is the subject of this application (C 050031 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Avinash K. Malhotra

Architects, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
CP-1B	Plot Plan, Zoning Data	November 19, 2004
CP-3	10 th & 11 th Floor Addition	October 15, 2004

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, operation and maintenance.

4. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this resolution and the restrictive declaration described below and any subsequent modifications to either document shall be provided to the Attorney General of the State of New York at the time of application for such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.

5. 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.

6. Development pursuant to this resolution shall be allowed only after the restrictive declaration dated April 8, 2005, executed by Strategic Chelsea LLC, the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, County of New York.

7. 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.

8. 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 050031 ZSM), duly adopted by the City Planning Commission on April 27, 2005 (Calendar No.19), 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, Chair

KENNETH J. KNUCKLES, Vice-Chairman

IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A., ALFRED C. CERULLA, III,

RICHARD W. EADDY, LISA A. GOMEZ, CHRISTOPHER KUI, JOHN MEROLO,

KAREN A. PHILLIPS, DOLLY WILLIAMS,

Commissioners

