### USE REGULATIONS

<table>
<thead>
<tr>
<th>ZONING RESOLUTION</th>
<th>TITLE</th>
<th>PERMITTED / REQUIRED</th>
<th>PROPOSED</th>
<th>COMPLIANCE / NOTES</th>
</tr>
</thead>
<tbody>
<tr>
<td>ZR 42-11, 42-12, 42-14(c)(2)(d)</td>
<td>USES</td>
<td>USE GROUPS 4A, 4C, 4D, 5, 6C, 7B, 7A, 12B, 3A, 6A, 6B, 6D, 6F, 6G, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 16</td>
<td>USE GROUP 5 OR 6 ABOVE 2ND FLOOR</td>
<td>COMPLIES WITH ZR 42-11, ZR 42-12 &amp; ZR 42-14 D (2)(b)</td>
</tr>
<tr>
<td>ONLY USE GROUPS 7, 9, 11, 16, 17A, 17B, 17C, 17E PERMITTED BELOW 2ND FLOOR</td>
<td>USE GROUP 5B AND OR 6 BELOW 2ND FLOOR</td>
<td>DOES NOT COMPLY, REQUIRES CPC SPECIAL PERMIT PURSUANT TO ZR 74-712(b)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 42-50 SIGNAGE REGULATIONS

<table>
<thead>
<tr>
<th>ZONING RESOLUTION</th>
<th>TITLE</th>
<th>PERMITTED / REQUIRED</th>
<th>PROPOSED</th>
<th>COMPLIANCE / NOTES</th>
</tr>
</thead>
<tbody>
<tr>
<td>42-33</td>
<td>SIGNAGE REGULATIONS</td>
<td>ILLUMINATED FOR PROPERTIES, NON-ILLUMINATED SIGNS, AND ILLUMINATED FLASHING NON-ADVERTISING SIGNS PERMITTED IN ACCORDANCE WITH SECTIONS 42-531 TO 42-533</td>
<td>TBD</td>
<td>BUILDING SIGNAGE SHALL COMPLY WITH ZR SECTION 42-53</td>
</tr>
<tr>
<td>42-54</td>
<td>PROJECTION OR HEIGHT OF SIGNS</td>
<td>PROJECTION AND HEIGHT OF SIGNS PERMITTED IN ACCORDANCE WITH SECTIONS 42-541 TO 42-543</td>
<td>TBD</td>
<td>BUILDING SIGNAGE SHALL COMPLY WITH ZR SECTION 42-543</td>
</tr>
</tbody>
</table>

### BULK REGULATIONS FOR BUILDINGS IN MANUFACTURING DISTRICTS

<table>
<thead>
<tr>
<th>ZONING RESOLUTION</th>
<th>TITLE</th>
<th>ALLOWED / REQUIRED</th>
<th>PROPOSED</th>
<th>COMPLIANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>ZR 43-12</td>
<td>FAR REGULATIONS</td>
<td>MAX 5.0 FAR</td>
<td>17.141 SF &lt; 17, 280 SF</td>
<td>COMPLIES</td>
</tr>
<tr>
<td>3.456 SF + 5.0 = 17.280 MAX SF</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ZR 43-43</td>
<td>HEIGHT AND SETBACK REGULATIONS</td>
<td>MAX HT OF FRONT WALL: 85 FT OR 6 STORIES</td>
<td>80’-10” (8 STORIES) = 80’-0”</td>
<td>DOES NOT COMPLY, REQUIRES CPC SPECIAL PERMIT PURSUANT TO ZR 74-712(b)</td>
</tr>
<tr>
<td>SKY EXPOSURE PLANE: 2.7 TO 1</td>
<td>NONE PROVIDED</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>INITIAL SETBACK 20 FEET ON NARROW STREET</td>
<td>NONE PROVIDED</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ZR 43-25</td>
<td>SIDE YARD</td>
<td>NO SIDE YARD SHALL BE REQUIRED ALTHOUGH, IF ANY OPEN AREA PROVIDED, IT SHALL BE MINIMUM OF 8 FEET</td>
<td>NONE PROVIDED</td>
<td>COMPLIES</td>
</tr>
<tr>
<td>ZR 43-26</td>
<td>REAR YARD</td>
<td>20 FEET FROM REAR YARD PROVIDED</td>
<td>51’-4” REAR YARD PROVIDED</td>
<td>COMPLIES</td>
</tr>
<tr>
<td>ZR 43-02</td>
<td>STREET TREES REGULATIONS</td>
<td>PROVIDE 1 TREE FOR EVERY 25 FEET OS STREET FRONTAGE</td>
<td>26.75 / 25 = 2 TREES*</td>
<td>COMPLIES</td>
</tr>
<tr>
<td>PROVIDED OFF SITE, PURSUANT TO ZR 26-41</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### ACCESSORY OFF-STREET PARKING AND LOADING REGULATIONS

<table>
<thead>
<tr>
<th>ZONING RESOLUTION</th>
<th>TITLE</th>
<th>ALLOWED / REQUIRED</th>
<th>PROPOSED</th>
<th>COMPLIANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>ZR 44-20</td>
<td>PARKING</td>
<td>NO PARKING REQUIRED</td>
<td>NONE PROVIDED</td>
<td>COMPLIES</td>
</tr>
<tr>
<td>ZR 44-52</td>
<td>LOADING</td>
<td>HOTEL (USE GROUP 5) OR OFFICE (USE GROUP 6)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FIRST 100,00 SF - NO REQUIRED</td>
<td></td>
<td></td>
<td>COMPLIES</td>
<td></td>
</tr>
</tbody>
</table>
NOTE: Gravitational scale applicable to "all non-dimensional elements"
NOTE: Applicant's name and seal endorsements to demonstrate legal capacity to make representations regarding the development program is for verification purposes only.

LEGEND

TRAFFIC DIRECTION

BUILDING ENTRANCE

ZONING LOT

ADJACENT BUILDING FOOTPRINTS

AREA SUBJECT TO SPECIAL PERMIT PURSUANT TO ZR74-712(a)

EXISTING STREET TREES* (ONLY TREES ADJACENT TO SITE ARE SHOWN)

NOTE: GRAPHIC SCALE APPLICABLE TO ALL NON-DIMENSIONED ELEMENTS
NOTE: Applicant's signature and seal correspond to the information regarding the development site, zoning lot, and related curb cuts. Information regarding the surrounding properties is for illustrative purposes only.
NOTE: Applicant's stamp and seal corresponds to the information regarding the development site, zoning lot, and related curb cuts. Information regarding the surrounding properties is for illustrative purposes only.
1. NORTHERN VIEW FROM BROADWAY TO 2ND AVE.

2. SOUTHERN VIEW FROM BROADWAY TO 2ND AVE.

NOTE
1. HEIGHT INFORMATION TAKEN FROM GOOGLE EARTH.
2. GRAPHIC SCALE APPLICABLE TO ALL NON-DIMENSIONED ELEMENTS.
Attachment 11(a): Conditions of Special Permit

27 East 4th Street
Block 544, Lot 72
March 13, 2018

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, 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;

N/A.

(ii) Total floor area ratio on the zoning lot shall be limited to 5.0;

The total floor area proposed to be located on the zoning lot with the New Building is less than 5.0 FAR (Sec, Zoning Analysis (Sheet Z-01) which indicates that the proposed FAR is 4.97). Consequently, the applicant’s proposal is consistent with this condition.

(iii) the minimum floor area of each dwelling unit permitted by this Section shall be 1,200 square feet;

N/A.

(iv) all signs for residential or commercial uses permitted by this Section and shall conform to the applicable regulations of Section 32-60 (SIGN REGULATIONS) pertaining to C2 Districts; and

The accessory business signs proposed by the applicant comply with the regulations of ZR Section 32-60. Consequently, the applicant’s proposal is consistent with this condition.

(v) eating and drinking establishments of any size, as set forth in Use Groups 6A and 12A, are not permitted; and

The Applicant is not proposing to include either a Use Group 6A or Use Group 12A eating and drinking establishment at the Site. The Applicant is proposing to include on a portion of the cellar and ground floor a permitted Use Group 6C eating and drinking establishment. ZR Section 32-15 defines Use Group 6C eating and drinking establishment to include “eating and drinking establishment with musical entertainment, but not dancing, with a capacity of 200 persons or fewer.” The proposed restaurant has a capacity of 200 persons or fewer and is otherwise consistent with this condition.
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, 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:

(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.

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

(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 as of December 15, 2003 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

The proposed building would not adversely impact structures or open space in the vicinity in terms of scale, location and access to light and air. The bulk modification, which waives the required setback at 85 feet or 6 stories, whichever is less, and penetrates the sky exposure plane above that height, will permit at the seventh and eighth stories the massing to shift to the street line so that the proposed building is a contextual street-wall building in keeping with the existing historic character of the neighborhood. The proposed waiver of height and setback required at the 7th and 8th floor to produce the proposed contextual street-wall building does not adversely affect any structures including the Merchant’s House Museum, which is immediately east of and adjacent to the development site. The project would comply with LPC’s Guidelines for Construction Adjacent to a Historic Landmark as well as the procedures set forth in the New York City Department of Buildings (DOB) Technical Policy and Procedure Notice (TPPN) #10/88, to avoid the potential for construction-related impacts to nearby buildings including the Merchant’s House Museum. In addition, the proposed waiver of height and setback will not adversely affect any open space in terms of scale, location and access to light and air particularly because the requested waiver is modest in scale and limited to the width of the property (26’9”) by 20 feet deep (the initial setback distance) by 2 stories (20 feet) high. The minimal nature of this portion of the building will not adversely affect access to light and air. Further, the waiver of height and setback included to facilitate the proposed contextual street-wall building is not proximate to and will have no impact on any publicly accessible open space, as there are no public open spaces in proximity to the development site. The proposed 8-story building, at a height of 90 feet 10” to the roof, is compatible in terms of its scale and the existing scale of buildings along East 4th Street -- the two buildings located immediately to the west of the site on the north side of East 4th Street are 105 feet and 103 feet, respectively and the remaining buildings to the east of the site along the north side of East 4th Street are 62 feet 8 inches, 54 feet and 160 feet 3 inches. By developing this parcel, the Proposed Development will enhance the built form by unifying the street-wall along this block front, further contributing to the character and scale of the area. The Proposed Development will have no impact upon structures or open space in the vicinity in terms of scale, location and access to light and air.

(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 built form of surrounding buildings in the NoHo Historic District Extension reflects that of structures which rise without setbacks and which maintain their street-wall along their lot lines and along the established street grid. The Proposed Development was purposefully designed to mirror the existing built form by rising without setback to its roof and by maintaining its street-wall along the sites entire frontage so that it could relate harmoniously to the buildings in the NoHo Historic District Extension. The Proposed Development is 8-stories tall, and is comparable in height to the adjacent buildings to the west of the site both along East 4th Street and along Lafayette Street. In addition to aligning with the existing buildings, the Proposed Development would fill in an uncharacteristic gap in the street-wall along East 4th Street, all of which is consistent with the existing built character of the NoHo Historic District Extension.

All components of the proposed building including, without limitation, its height, fenestration, massing and street-wall were reviewed and evaluated by the Landmarks Preservation Commission (LPC). On April 8, 2014 the LPC to approve the demolition of the existing one-story structure and the construction of the proposed building, as the building as designed relates harmoniously to the buildings within the NoHo Historic District Extension (LPC No. 130884, SUL No. 15-6190).
Introduction
The Applicant, Kalodop II Park Corp., seeks approval of a text amendment to Zoning Resolution Section 74-712(a) and Section 74-712(b) to permit the CPC to grant a special permit for use and bulk modifications on the proposed development site. The proposed amendment to Section 74-712(a) would permit the CPC to grant a special permit for use modification, including permitting Use Group 5 uses to be located below the floor level of the second story, on the proposed development site. The proposed amendment to Section 74-712(b) would permit the CPC to grant a special permit for height and set back modifications on the proposed development site. The applicant also seeks two special permits from the CPC pursuant to Sections 74-712(a) and 74-712(b) to facilitate the construction of a new, 8-story contextual street-wall building on the proposed development site, which is located at 27 East 4th Street in Manhattan. The proposed development site is located in the NoHo Historic District Extension and in Manhattan Community District 2.

Background
In 1971, the City Planning Commission adopted zoning amendments which created the M1-5A and M1-5B districts. By permitting the conversion of underutilized loft buildings to artists’ living-work quarters, the M1-5A and M1-5B districts were intended to balance the needs of the artists that were moving into the SoHo area with those of the area's remaining manufacturing and warehouse uses. In 1976 the M1-5B district was extended to include NoHo. The M1-5A and M1-5B zoning designations are unique to SoHo and NoHo. Although these areas still play a vital role in the city's artistic life, over the past forty years they have evolved into more mixed-use communities with residential and commercial uses predominating. In 1973 the Landmarks Preservation Commission (LPC) designated the SoHo-Cast Iron Historic District. The NoHo Historic District was designated by the LPC in 1999. The NoHo Historic District Extension was approved by the LPC in 2008.

ZR Section 74-712 was adopted in 1997 to allow the modification of bulk regulations (except FAR) by special permit on vacant lots within historic districts. In its report (N 970654 ZRY), the Commission stated that it “supports the as-of-right modifications of minimum street-wall height and street-wall or front yard location requirements. The Commission believes that providing a limited range for these requirements will permit the development of buildings that are more responsive to the built form of the historic district without raising other land use concerns.” Further, “the Commission believes this new tool may help promote development of buildings that are more contextual to historic districts than buildings that might be developed as-of-right pursuant to existing zoning.”

In 2003 and 2006 (N 030489 ZRY and N 060201 ZRY), the Commission approved zoning text amendments to Section 74-712 to allow for the modification of use and bulk regulations, respectively, by special permit on vacant sites, land with minor improvements, or sites where not more than 20 percent of the site is occupied by an existing building. The modification of use and bulk was limited to sites located within M1-5A and M1-5B Districts that are within historic districts. The Commission stated, in the 2003 companion special permit application for 465 Broadway that it “does not believe that the replacement of any of these buildings with new structures approved by LPC would be adverse to the historic district and contrary to public policy; recent approvals of new structures in historic districts by the LPC demonstrate how these can be compatible with the historic character of a district.” The Commission further stated, in the 2006 companion special permit application for 311 West Broadway that it “believes that the modification of bulk would be compatible with the scale and character of the surrounding SoHo neighborhood. The Commission notes that the design of the proposed building results from changes which were made at the request of the LPC, and which led to the subject request for the bulk modifications, and respond to the scale and context of the surrounding area.”

In 2013 the Commission approved zoning text amendments to Section 74-712 (N 140092 ZRM) to allow for the modification of use and bulk regulations, respectively, by special permit on zoning lots that have street frontages on two or more wide streets and not more than 40 percent of the lot area occupied by existing buildings. The Commission stated, as part of its consideration of the proposed text amendments and in connection with the special permit application for 300 Lafayette Street that it “believed that the vacant lots and underdeveloped sites in these areas detract from the fabric of the SoHo Cast-Iron and NoHo Historic Districts, and that allowing modification of the use and bulk regulations by special permit would facilitate development of the vacant, underdeveloped sites and help strengthen the historic districts’ built character.”

In 2016 the Commission approved zoning text amendments to Section 74-712 (N 150416 ZRM) to allow for the modification of use and bulk regulations, respectively, by special permit on zoning lots that have not more than 40 percent of the lot area occupied by existing buildings. The Commission stated, as part of its consideration of the proposed text amendments and in connection with the special permit application for 150 Wooster Street that the “proposed text amendment … enables the applicant to create a design more responsive to the context of the surrounding historic buildings. The expanded applicability of the zoning text to these sites would provide and enhance opportunities to fill in gaps along SoHo’s mid-blocks and avenues to reinforce its scale, street wall continuity and predominant built-out character.”

As the development site is located within the NoHo Historic District Extension, the design and construction of the proposed building requires the review and approval of the LPC. The LPC conducted a series of public meetings to evaluate the design and construction aspects of the proposed building including, without limitation, its height, fenestration, massing, street-wall and building materials. On April 8, 2014, the LPC voted to approve the demolition of the existing 1-story building located at 27 East 4th Street and the construction of the proposed building (see copy of the LPC letter dated April 8, 2014 attached hereto as Appendix A) which will rise without setback to a height of 90 feet 10 inches along the sites East 4th Street frontage.

Description of the Surrounding Area
The proposed development is located within the NoHo Historic District Extension, which is part of the NoHo neighborhood of Manhattan and is within Community District 2. Broadway is a busy pedestrian street, with southbound vehicular traffic. Stations for the B, D, F, M and 6 subway lines are within close proximity of the project site.

The surrounding NoHo neighborhood consists of buildings with varying heights, ranging from 2 to 35 stories. The majority of buildings are in the 8 to 15 story range. Generally, these buildings have decorative facades with deep, rhythmic recesses and street walls that do not set back from the street line. The buildings located immediately west of 27 East 4th Street are of similar height (slightly taller than) the proposed development and are per-
mitted to be utilized for JLWQA. 27 East 4th Street is adjacent to the Merchant House Museum, which is an individual landmark designated by the New York City Landmarks Preservation Commission on October 14, 1965. The Merchant’s House Museum was designated as an interior landmark by LPC on December 22, 1981. The Merchant’s House Museum is also listed on the National Register of Historic Places.

Most of the surrounding area is located within the NoHo Historic District. Although originally used for manufacturing and industrial purposes when they were constructed in the late nineteenth and early twentieth century’s, the surrounding buildings now predominantly contain dwelling units on the upper floors (both JLWQA and traditional residential uses) and retail uses on the lower floors.

The Proposed Development and much of the surrounding area is within a M1-5B zoning district, which permits most industrial and several commercial uses as-of-right, although commercial uses such as Use Group 6, including all retail, office uses and art galleries, are not permitted below the level of the second floor. Joint living-work quarters for artists JLWQA are permitted in existing buildings erected prior to 1961, provided that the lot coverage of such buildings does not exceed 5,000 square feet. New developments and enlargements are permitted a maximum floor area ratio ("FAR") of 5.0 and after a maximum base height of 85 feet, must adhere to a sky exposure plane.

Development of vacant sites in the M1-5A and M1-5B districts is significantly restricted by the districts' use regulations. Implicit in the Section 42-14D regulations governing the M1-5A and M1-5B districts is the prohibition on new Use Group 5 transitional hotel and Use Group 6 office uses being permitted on any new construction on lots located in M1-5A or M1-5B districts. The proposed development would be utilized for either Use Group 5 transient hotel (with a total of 28 hotel units) or Use Group 6 office above the second story, which uses are permitted on an as-of-right basis. Uses proposed to be located below the level of the second story include Use Group 5 (transient hotel and accessory use) and Use Group 6 (retail and office uses), each of which requires a special permit pursuant to ZR Section 74-712(a).

Description of Proposed Development Site
The proposed development site is commonly known by street address as 27 East 4th Street in Manhattan (Block 544, Lot 72 on the Tax Map of the City, County and State of New York). The proposed development site is located on the north side of East 4th Street (a narrow street) between Lafayette Street and Bowery. The proposed development site is situated approximately 145 feet from the intersection of East 4th Street and Lafayette Street and approximately 240 feet from the intersection of East 4th Street and Bowery.

The proposed development site has approximately 26.67 feet of frontage along East 4th Street and a depth of 128.83 feet, for a total lot area of 3,456 square feet. The proposed development site is improved with a 1-story brick and cinderblock building that rises to a height of approximately 15 feet. The existing building is utilized for commercial storage. The façade of the existing building is comprised of a blank brick wall, a doorway and an oversized roll-down gate. The proposed development site contains no existing open space, driveways or off-street parking spaces, as the existing building covers one hundred percent of the site. The proposed development site contains one curb cut that is approximately 12 feet wide on East 4th Street.

The proposed development site is located within the NoHo Historic District Extension. The NoHo Historic District was originally designated by the LPC as a historic district in 1999 and the NoHo Historic District Extension was subsequently approved by the LPC in 2008. As the proposed development site is located within the NoHo Historic District Extension, the demolition of the existing building and the design and construction of the proposed building required the approval of the LPC. The LPC conducted a series of public meetings to evaluate the design and construction aspects of the proposed building including, without limitation, its height, fenestration, massing, street-wall and building materials. On April 8, 2014, the LPC voted to approve the demolition of the existing building and the construction of the proposed building (as described herein).

Description of the Proposed Development
Kalodop II Park Corp. proposes the development of a 5-story contextual street-wall building at the property located at 27 East 4th Street in Manhattan. The proposed development will contain approximately 20,814 gross square feet with up to 17,141 square feet of zoning floor area (4.97 FAR). The proposed development would be utilized for either Use Group 5 transient hotel (with a total of 28 hotel units) or Use Group 6 office above the second story. Uses proposed to be located below the level of the second story include on the ground floor an accessory lobby for the hotel or office use, as well as a Use Group 6C1 neighborhood restaurant. The cellar level is proposed to be utilized for either Use Group 5 and/or Use Group 6 accessory uses including commercial storage and back-of-the-house hotel uses.

At 8 stories, the proposed development will rise without setback to a height of 90 feet 10 inches along East 4th Street. The existing buildings located on East 4th Street are of slightly taller than the proposed development. For example, the property located at 25 East 4th Street (which is located adjacent to and west of the proposed development site) rises to a height of 105 feet to its roofline along East 4th Street. In addition, the property located at 393-399 Lafayette Street (i.e., the DeVine Press Building) rises to a height of 103 feet along East 4th Street. The contextual street wall, height and bulk of the proposed building was approved by the Landmarks Preservation Commission, which determined it to be consistent with the existing contextual built form of the NoHo Historic District.

The Proposed Development requires a text amendment to the provisions of ZR Section 74-712 (as set forth below) to permit the proposed development site to avail itself of the special permit provisions set forth in ZR 74-712(a) and ZR 74-712(b).

The Proposed Development requires a special permit pursuant to ZR 74-712(a) because ZR Section 42-14D(2)(b) limits, within M1-5B zoning districts, permitted uses below the second story of a building to Use Groups 7, 9, 11, 16, 17A, 17B, 17C or 17E. The Proposed Development also requires a special permit pursuant to ZR 74-712(b) because ZR Section 43-43 requires that buildings provide an initial setback distance of 20 feet at 85 feet or 6 stories (whichever is less) and compliance with the applicable sky exposure plane requirements. The development of such a complying height and setback building would vary from the contextual street wall buildings found throughout the NoHo Historic District. The extent of the waiver of sought by the applicant pursuant to this special permit is comprised of the portion of the 7th and 8th floor located within the required setback (i.e., the volume of which measures 26’9” (L) x 20 (W) x 24’10” (H)), as more specifically shown on the plans that accompany this application.

Actions Necessary to Facilitate the Project
Text Amendment ZR 74-712: The first action is a zoning text amendment that would amend ZR Section 74-712(a) and ZR Section 74-712(b), respectively. ZR Section 74-712(a) allows the New York City Planning Commission (CPC) to grant a special permit for use modifications in M1-5A and M1-5B zoning 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 is occupied by an existing building.
The proposed zoning text amendment would amend the provisions of ZR Section 74-712(a) to permit the CPC to grant special permits for use modifications, including permitting Use Group 5 uses to be located below the floor level of the second story, for developments on zoning lots in an M1-5A and M1-5B zoning district within the NoHo Historic District Extension where such zoning lot was improved with a 1-story building as of December 15, 2003. The text amendment would affect the property located at 27 East 4th Street and the property located at 53 Great Jones Street.

ZR Section 74-712(b) allows the New York City Planning Commission (CPC) to grant a special permit for bulk modifications in M1-5A and M1-5B zoning 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 is occupied by an existing building.

The proposed zoning text amendment would amend the provisions of ZR Section 74-712(b) to permit the CPC to grant special permits for bulk modifications, except floor area regulations, for developments on zoning lots in an M1-5A and M1-5B zoning district within the NoHo Historic District Extension where such zoning lot was improved with a 1-story building as of December 15, 2003. The text amendment would affect the property located at 27 East 4th Street and the property located at 53 Great Jones Street.

Special Permit ZR 74-712(a): The second action is a special permit pursuant to ZR 74-712(a) to allow Use Group 5 (transient hotel and accessory use) and Use Group 6 (retail and office uses) below the second story of the proposed building to be constructed at 27 East 4th Street.

The special permit is required because ZR Section 42-14D.(2)(b) limits, within M1-5B zoning districts, permitted uses below the second story of a building to Use Groups 7, 9, 11, 16, 17A, 17B, 17C or 17E.

Special Permit ZR 74-712(b): The third action is a special permit pursuant to ZR 74-712(b) to modify height and setback regulations in the M1-5B zoning district.

ZR 43-43 [Maximum Height of Front Wall and Required Front Setbacks] restricts the development of contextual street-wall buildings by requiring an initial set back distance of 20 feet at 85 feet or 6 stories (whichever is less) and compliance with the applicable sky exposure plane requirements. The development of a complying height and setback building would vary from the contextual street wall buildings found throughout the NoHo Historic District.

The applicant therefore proposes to construct a new contextual street-wall building that is consistent in terms of its bulk and massing with the existing built form of the NoHo Historic District. The design of the Proposed Building, which was approved by the LPC, is eight stories and rises without setbacks along its East 4th Street frontage to a height of 90 feet, 10 inches to the roof and 94 feet, 10 inches to the top of the parapet. The extent of the waiver of sought by the applicant pursuant to this special permit is comprised of the portion of the 7th and 8th floor located within the required setback (i.e., the volume of which measures 26’9” (L) x 20 (W) x 24’10” (H)).

Conclusion
In summary, the Proposed Development will be utilized for either Use Group 5 transient hotel (with a total of 28 hotel units) or Use Group 6 office above the second story. Uses proposed to be located below the second story include on the ground floor an accessory lobby for the hotel or office use, as well as a neighborhood restaurant. The cellar level will be used for accessory use only. The Proposed Development will have a street-wall with a height of 90 feet 10 inches and 94 feet 10 inches to the top of the parapet along the East 4th Street frontage.

The Proposed Development is consistent with existing land uses in the area and will benefit the surrounding neighborhood by completing and filling gap-tooth street wall along East 4th Street that is associated with this site. As is demonstrated on the following pages, the Proposed Development meets the conditions and findings of Sections 74-712(a) and (b).

---

1 ZR Section 32-15 defines Use Group 6C eating and drinking establishment to include “eating and drinking establishment with musical entertainment, but not dancing, with a capacity of 200 persons or fewer.”

2 The property located at 53 Great Jones Street is part of a combined zoning lot and subject to a Zoning Lot Development and Easement Declaration (CRFN#s 20060000231397 & 20060000352104) wherein all of its excess floor area was sold, transferred and utilized on a different site. 53 Great Jones Street is further encumbered by an easement for light, air and view that prohibits new construction above a height greater than 22 inches higher than its existing parapet. No development is anticipated to occur at 53 Great Jones Street and the conditions that exist on that site are expected to remain unchanged from existing conditions.