



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

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**JEAN-DANIEL NOLAND**  
Chair

**ROBERT J. BENFATTO, JR., ESQ.**  
District Manager

October 29, 2007

Amanda Burden, Chair  
City Planning Commission  
22 Reade Street, Room 2E  
New York, NY 10007

Re: N 0800078 ZRY  
Proposed Yards Text Amendments

Dear Chair Burden:

At the recommendation of its Chelsea Planning and Preservation Committee and Clinton/Hell's Kitchen Land Use Committee, Manhattan Community Board No. 4 submits the following comment on this application.

The Department of City Planning is proposing City-wide text amendments that would clarify, revise or introduce new regulations throughout the Zoning Resolution with respect to yards and open space requirements within all zoning districts. The proposed amendments primarily affect low-density zoning districts, of which there are none in CD4.

Our review of the proposed text indicates, and Manhattan Office staff has confirmed, that the only effect of the amendment in CD4 will be to make explicit the (now implicit) requirement that any portion of a corner lot more than 100 feet from either street line must provide a 30 foot rear yard. The amendment makes no changes in the texts for the Special Clinton District, the Special Hudson Yards District or the Special West Chelsea District. We therefore have no substantive comment on the proposed changes to the yard and open space requirements.

We note, however, the proposed addition of Section 73-69 allowing modification of the rear yard requirements for zoning lots with multiple rear lot lines by the Board of Standards and Appeals if two findings are made:

- (a) due to the irregular shape of the #zoning lot#, compliance with the #rear yard# regulations would create site planning constraints and adversely effect the layout and development of the site; and
- (b) the requested reduction in #rear yard# depth is the least amount necessary to grant relief.

The first finding seems too loose and subjective; it should require finding in addition that the applicable regulation “cannot be complied with by some method feasible for the applicant to pursue.” (That language comes from Section 73-68, which also concerns modification of yard requirements in other circumstances.)

In addition, Section 73-61 (General Provisions) should be amended to include reference to the new Section 73-69, so that the general findings required by Section 73-03 will also be required for a modification under Section 73-69, as is the case for all other modifications.

Thank you for considering our comments.

Sincerely,



Jean-Daniel Noland  
Chair



Anna Hayes Levin, Chair  
Clinton/Hell’s Kitchen Land Use



Walter Mankoff  
Co-Chair  
Chelsea Preservation and Planning

[signed 10.29/2007]

Lynn Kotler  
Co-Chair  
Chelsea Preservation and Planning

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