



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

330 West 42<sup>nd</sup> Street, 26<sup>th</sup> floor New York, NY 10036  
tel: 212-736-4536 fax: 212-947-9512  
www.nyc.gov/mcb4

**CHRISTINE BERTHET**  
Chair

**JESSE BODINE**  
District Manager

December 8, 2014

Carl Weisbrod  
Chair  
NYC Department of City Planning  
22 Reade Street  
New York, NY 10007

**Re: N 150083 ZRM**  
**D. Solnick Design & Development, LLC**  
**441 West 37<sup>th</sup> Street, Manhattan**

Dear Chair Weisbrod,

Manhattan Community Board 4 (MCB4) is pleased to provide its recommendation on land use application N 150083 ZRM by D. Solnick Design & Development, LLC for a text amendment of the Zoning Resolution.

The applicant is seeking to amend the text for Section 93-542 (Height and Setback in Subareas D4 and D5) of the Zoning Resolution. The proposed action would add an exception to the height limit in Subareas D4 and D5 in the Special Hudson Yards District (SHYD), which would allow sites that are less than 45-feet in width on narrow streets to be built up to the height of the tallest abutting building or the height of the underlying zoning, whichever is less.

The Board by a vote of 35 for, 0 against, and 1 present but not eligible to vote<sup>1</sup>, recommended **approval** of the application.

In 2013, Manhattan Community Board 4 voted to approve in concept proposed changes in a text amendment to the sliver law at it relates to Subareas D4 and D5 in the Special Hudson Yards District. The proposed text amendment would add those two subareas to the exemption that already exists in the rest of the SHYD, but only in cases where the building would be adjacent to an existing taller building.

MCB4's Clinton/Hell's Kitchen Land Use and Zoning Committee met three times to review the

---

<sup>1</sup> David Solnick, a member of Manhattan Community Board 4 and the Clinton/Hell's Kitchen Land Use and Zoning Committee, is an applicant to this proposed text amendment and owns property within Subarea D4 of the SHYD. He has openly disclosed his interest and did not vote on this matter at either Committee or the Full Board meetings.

proposed change and ultimately found the proposal reasonable, given the understanding that there is no intent to seek exceptions to the FAR, height, and setback regulations of the underlying R8A contextual zoning for a Quality Housing building.

The text amendment would allow a narrow building on a narrow street to have a height up to that of the taller of the two adjacent buildings, as is already allowed on wide streets. In no event could a building be taller than the 120' height limit of the underlying zoning.

As the Board stated in its December 3, 2013, letter to the Department of City Planning, the justifications are twofold:

(1) A narrow building becomes an unsightly "sliver" only when it is free-standing, i.e., only when it is taller than the buildings on both sides of it. When it is equal to or shorter than the building on either side, it cannot appear as an isolated sliver; and,

(2) This application of the sliver law has the unintended consequence of deterring the development of small sites in the Special Hudson Yards district. In effect it lowers the permissible FAR of narrow lots only, hence reducing their value as separate development sites, incentivizing small landowners to sell their property to developers of adjacent sites who are assembling larger parcels.

This might be positive in locations where large assemblages are desirable. That is not the case where a 'finer grain' is preferred, such as mid-block sites on side streets.

Sincerely,



Christine Berthet  
Chair



Jean-Daniel Noland  
Chair, Clinton / Hell's Kitchen Land Use Committee