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Gale A. Brewer, Borough President

December 8, 2014

Carl Weisbrod, Chair  
City Planning Commission  
22 Reade Street  
New York, NY 10007

**Re: N 150083 ZRM – Hudson Yards D4, D5 Text Amendment**

Dear Chair Weisbrod:

I write in support of the application by D. Solnick Design and Development, LLC for an amendment to Section 93-542 (Height and Setback in Subareas D4 and D5) of the New York City Zoning Resolution (“ZR”). The proposed application would allow sites within Subareas D4 and D5 of the Special Hudson Yards District (“HY”) that are less than 45 feet in width to be built up to the height of the tallest abutting building or the height of the underlying zoning, whichever is less. This action would facilitate the development of an 11-story residential building with a ground floor community facility use at 441 West 37<sup>th</sup> Street (Block 735, Lot 12), in an R8A District, in the Hell’s Kitchen neighborhood of Manhattan Community District 4.

The project site is subject to the height limitations for narrow lots of ZR § 23-692 (the “Sliver Law”) which restricts buildings 45 feet in width or less to the height of the taller abutting building on wide streets and the height of the shorter abutting building on narrow streets. This rule, intended to prevent narrow buildings that are taller than their neighbors, applies in medium and high-density residential districts across the city. In this case, an as of right new building on the project site would be limited to a maximum height of 60 feet.

The project site was rezoned in 2005 from an M1-5 to an R8A district with a C2-5 overlay as part of the Hudson Yards Rezoning. The rezoning, which primarily sought to encourage high-density residential and commercial development on Manhattan’s far west side, included a Hell’s Kitchen Subdistrict in which special bulk and height regulations apply. Unlike other contextual rezonings, which seek to maintain an existing built character, the R8A rezoning here sought to create a medium-density contextual district on streets with existing rowhouses and low-scale manufacturing buildings. In general, R8A districts allow a maximum residential height of 120 feet and require a setback after a base height of 60 to 85 feet. Furthermore, buildings must conform to the bulk regulations of the Quality Housing Program. The building directly to the east of the project site, 431 West 27<sup>th</sup> Street, is a 12-story apartment building constructed pursuant to the new zoning.

The proposed text amendment would modify the applicability of the Sliver Law within Subareas D4 and D5 of the HY to allow narrow buildings on narrow streets to rise to the height of the higher adjacent building as long as that height does not exceed the underlying 120 foot height limit. The ability to rise to the height of the taller existing neighbor is currently allowed on wide streets, and on all streets in other Subareas and Subdistricts of the HY. The proposed text amendment would create a building on this site that is consistent with the bulk controls and goals of the HY, and that is in contextual with the remainder of this block of West 37<sup>th</sup> Street.

The application being considered is quite narrowly targeted. There are 17 lots within Subareas D4 and D5 that fall into this category, and according to the Environmental Assessment Statement (EAS) this is the only site likely to be redeveloped as a result of the amendment. The condition of a narrow lot within a contextual zone of a special district, however, is not unique. There are likely many sites in the city where a similar applicable text amendment would be appropriate. Furthermore, this is not the first time an amendment of this type has been enacted. For example there are already specific carve-outs for sliver buildings in Special Tribeca Mixed-Use District. When evaluating proposed amendments to the zoning text, it is important to examine not just the potential development that would result, but also the clarity and consistency of the zoning text as a whole and the likelihood of necessary future amendments. While the proposed zoning text amendment is appropriate for this site, a more general action applying to all sliver sites in contextual zones within special districts may have been a more appropriate action. Where bulk and height controls are more finely tailored than the basic residential zoning designations, those bulk regulations are likely more appropriate to the area than the potentially fickle rules of the Sliver Law, which can often serve to encourage the assemblage of large development sites rather than the fine-grained infill development special districts target.

I would encourage the City Planning Commission to approve this proposed text amendment, which would allow a contextual building by a small developer. In the future, however, if similar relief is sought in other special districts, the Commission should consider larger modifications to the Sliver Law to avoid a trend of future zoning text written for only a single development.

Gale A. Brewer  
Manhattan Borough President

