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Gale A. Brewer, Borough President

March 29, 2021

**Recommendation on ULURP Application C 200251 ZSM
42 Walker Street by AMK Holdings, LLC.
Corrected Version Submitted: April 1, 2021**

PROPOSED ACTIONS

AMK Holdings, LLC (the “Applicant”) is seeking a special permit pursuant to ZR §74-711 special permit to modify (ZR §23-47) minimum rear yard requirements, (ZR §23-692(d)(2)) height limitations for narrow buildings or enlargements, (ZR §23-861) and the minimum distance between legally required windows and walls or lot lines. The project proposes to facilitate a one-story enlargement of the existing five-story building at 42 Walker Street (Block 194, Lot 11). The building is located in a C6-2A zoning district within the Special Tribeca Mixed Use District, and Manhattan Community District 1.

ZR § 74-711(a) pertains to zoning lots containing a landmark designated by the Landmarks Preservation Commission (“LPC”) and zoning lots with existing buildings located within Historic Districts designated by the LPC. ZR § 74-711(a) lists a number of conditions that need to be met in order for the City Planning Commission to grant modifications of the use and bulk regulations. These conditions are:

(i) Program for Continued Maintenance

Any application pursuant to this Section shall include a report from the LPC stating that a program has been established for continuing maintenance that will result in the preservation of the subject building or buildings, and that such use or bulk modifications, or restorative work required under the continuing maintenance program, contributes to a preservation purpose;

(ii) LPC Certificate of Appropriateness

Any application pursuant to this Section shall include a Certificate of Appropriateness, other permit, or report from the LPC stating that such bulk modifications relate harmoniously to the subject landmark building or buildings in the Historic District, as applicable; and

(iii) Number of Permitted Dwelling Units

The maximum number of dwelling units shall be as set forth in ZR § 15-111 (number of permitted dwelling units).

BACKGROUND

Area Context

42 Walker Street (“Project Site”) is located in the Tribeca East Historic District, an area known for its many historic warehouse buildings erected in the late 19th century. Historically, the area served as both a residential neighborhood and a mercantile area that centered on the sale of produce, dry goods, and textiles. The large warehouses and lofts are preserved today as architectural jewels with their world-renown traditional brick, cast iron facades, and ornamental molding. The building at 42 Walker Street was originally built in 1854-55 and altered in 1879-89 as a Second Empire/Neo-Grec style store and loft building designed by Charles M. Youngs.

The Project Site is located in Community District 1 in Manhattan. The site is in a C6-2A zoning district within the Tribeca East Historic District that was approved and designated by the LPC in 1992. The Tribeca East Historic District is a part of the greater Special Tribeca Mixed Use District that was originally enacted in 1976 and encompasses the 62-block area within the triangle below Canal Street and west of Broadway. The neighborhood is characterized by multi-family residential, mixed-use residential and commercial buildings, commercial buildings, and manufacturing buildings. The buildings are typically 5 to 6 stories tall with heights between 70 and 85 feet.

The area is well-served by public transportation with the A/C/E subway lines running along 6th Avenue with a station at West Broadway and 6th Avenue and the N/Q/R/W subway lines running along Broadway with a station at Canal Street and Broadway. There are three bus lines that serve the immediate area: the M20 (southbound on Varick Street and northbound on Hudson Street), the M55 (southbound on Broadway and northbound on Sixth Avenue) and the M1 (southbound on Broadway and northbound on Lafayette Street).

Site Description

The Project Site is a narrow, interior lot measuring approximately 2,525 square feet with approximately 25 feet of frontage on the north side of Walker Street. The present building is a five-story plus cellar building with approximately 10,983 square feet of floor area (4.35 FAR). The building has a total height of 66 feet and 4 inches.

On December 4, 2018, the LPC held a public hearing on Application LPC-19-13307 and issued a Modification of Use (“MOU”) No. MOU-19-13307 for 42 Walker Street. The MOU sets forth the continuing maintenance program for the preservation of the building and is included in this special permit application.

An additional report was issued to the CPC on January 7, 2019 further clarifying that the LPC found that the Applicant has agreed to undertake work to restore the building and bring it up to a sound, first class condition, and that a Restrictive Declaration will be filed against the property which will bind the applicant and all heirs, successors and assigns to maintain the continuing maintenance program in perpetuity. A Certificate of No Effect (CNE-19-14288) was issued by the LPC on February 7, 2019 to approve certain alterations to the subject premises as proposed in the application.

Specific restorative work issued by the LPC includes replacing missing cast iron elements at the building's entrance, restoring the damaged storefront entrance steps, replacing missing and damaged cast iron vault light panels at the sidewalk, and the resetting of granite and concrete sidewalk slabs, and cast iron piers. This restorative work will be completed following the approval of this special permit application.

A valid Temporary Certificate of Occupancy ("TCO") (Number 110132605T010) was issued by the DOB on December 17, 2020 with an expiration date of March 17, 2021. The TCO approves for ground floor Use Group 6 commercial use and Use Group 2 residential use on floors two through five. The ground floor is occupied by a Use Group 6 bakery and the upper floors are occupied by Use Group 2 Class A residential dwelling units. There are currently four rental units in the building, with one rental unit per floor.

Project Description

The Applicant is seeking to construct a one-story enlargement to the existing five-story building. The enlargement would bring the building to a total complying floor area of approximately 12,580 square feet (4.98 FAR) at a total height of 75 feet. The proposed new sixth floor will be set back 10 feet from Walker Street and permitted obstructions, including a 3 foot roof deck, a 3 foot-6 inch parapet wall, and a glass guardrail extending past the roof height of 75 feet. A total of four dwelling units would be maintained, however the proposed new sixth floor would convert the existing fifth floor dwelling from a simplex unit to a duplex unit.

The Applicant is seeking a special permit pursuant to ZR §74-711 special permit to modify (ZR §23-47) minimum rear yard requirements, (ZR §23-692(d)(2)) height limitations for narrow buildings or enlargements, (ZR §23-861) and the minimum distance between legally required windows and walls or lot lines. The modification of minimum rear yard requirements would allow a 24 foot-4 inches rear yard at the new sixth floor where a 30 foot rear yard is required. The modification of height limitations for narrow buildings or enlargements would allow a height of 75 feet where the maximum permitted height is 65 feet. The modification of the minimum distance between legally required windows and walls or lot lines would allow a distance of 24 feet-4 inches between the rear wall of the new sixth floor and the lot line, where the minimum distance of 30 feet is required.

Altogether, the enlargement would add approximately 1,597 square feet of floor area, bringing the building from 4.35 FAR to 4.98 FAR and the existing 66 feet and 4 inches height to a total height of 75 feet.

COMMUNITY BOARD RECOMMENDATION

On October 23, 2018 Manhattan Community Board 1 (CB1) Landmarks & Preservation Committee recommended that the LPC approve the application. On February 8, 2021 Manhattan CB1's Land Use, Zoning & Economic Development Committee held a public hearing on the application. On February 23, 2021 at its Full Board meeting, Manhattan Community Board 1 voted to recommend approval of the application. Forty Board members voted to recommend approval of the application and 1 Board member voted to recommend denial.

BOROUGH PRESIDENT'S COMMENTS

In order to grant the waiver pursuant to ZR §74-711 special permit, the Applicant must ensure the property will be properly rehabilitated and maintained in perpetuity. The LPC has determined that the proposed restoration and maintenance plan will contribute to the special architectural and historic character of the historic district and issued a report to the CPC on January 7, 2019 further clarifying that the LPC found that the Applicant has agreed to undertake work to restore the building and bring it up to a "sound, first class condition."¹

This one-story addition is well within the range of building heights in the surrounding area and on the subject block. Furthermore, the Applicant has agreed to properly maintain the historic building in perpetuity. As such, I support this application for a special permit because it helps to protect the culture and architectural history of the Tribeca East Historic District.

BOROUGH PRESIDENT'S RECOMMENDATION

Therefore, the Manhattan Borough President recommends approval of ULURP Application No. C 200251 ZSM.



Gale A. Brewer
Manhattan Borough President

¹ LPC Report 19-13307