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Gale A. Brewer, Borough President

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Recommendation on ULURP Application Nos. C 140204 ZSM, C 140205 ZSM, and C 140206 ZSM – 42 Crosby Street by Broome Street Owner LLC

PROPOSED ACTIONS

Broome Street Owner LLC¹ (the “applicant”) seeks approval of three **special permits** pursuant to Sections 74-712(a), 74-712(b), and Sections 13-45 and 13-451 of the New York City Zoning Resolution (“ZR”), to modify the use requirements, to modify the setback and permitted obstructions requirements, and to permit a 10-space accessory parking garage to facilitate the construction of a seven-story mixed-use development at 42 Crosby Street (Block 483, Lot 35) at the northwest corner of the intersection of Crosby Street and Broome Street. The site is located in an M1-5B district in the SoHo-Cast Iron Historic District in Manhattan Community District 2.

In order to obtain a permit pursuant to ZR § 74-712(a), a development must have a maximum floor area ratio (“FAR”) of 5.0 and must comply with residential yard and window requirements, minimum dwelling unit size, sign regulations, and cannot include an eating or drinking establishment of any size. In order to grant the use modifications, the permit requires that the City Planning Commission (“CPC”) find that the development:

- (1) has minimal adverse effects on conforming uses in the surrounding area;
- (2) is compatible with the character of the surrounding area; and
- (3) for modifications that permit residential use, results in a development that is compatible with the scale of the surrounding area.

The special permit pursuant to ZR § 74-712(b) allows bulk modifications provided that the development:

- (1) not adversely affect structures or open space in the vicinity in terms of scale, location and access to light and air; and
- (2) relate harmoniously to buildings in the Historic District as evidenced by a Certificate of Appropriateness or other permit from the Landmarks Preservation Commission.

Finally, the applicant seeks a special permit pursuant to ZR § 13-45 and 13-451. The special permit requires that all of the applicable conditions of ZR § 13-20 (SPECIAL RULES FOR MANHATTAN CORE PARKING FACILITIES) be met and that the findings of §13-45 and 13-451 have been met. These findings are as follows:

¹ Broome Street Owner LLC is a subsidiary of Atlas Capital Group, owned by Jeffrey A. Goldberger and Andrew B. Cohen

- (1) the location of the vehicular entrances and exits to such parking facility will not unduly interrupt the flow of pedestrian traffic associated with uses or public facilities, including access points to mass transit facilities in close proximity thereto, or result in any undue conflict between pedestrian and vehicular movements, due to the entering and leaving movement of vehicles;
- (2) the location of the vehicular entrances and exits to such parking facility will not interfere with the efficient functioning of streets, including any lanes designated for specific types of users or vehicles, due to the entering and leaving movement of vehicles;
- (3) such use will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;
- (4) for public parking garages, that where any floor space is exempted from the definition of floor area, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion;
- (5) such parking facility will not be inconsistent with the character of the existing streetscape; and
- (6) the number of off-street parking spaces in such proposed parking facility is reasonable and not excessive in relation to recent trends in close proximity to the proposed facility with regard to:
 - (a) the increase in the number of dwelling units; and
 - (b) the number of both public and accessory off-street parking spaces, taking into account both the construction, if any, of new off-street parking facilities and the reduction, if any, in the number of such spaces in existing parking facilities.

PROJECT DESCRIPTION

Background

The project site lies within the SoHo-Cast Iron Historic District, named for its large concentration of buildings with cast-iron facades. Designated by the Landmarks Preservation Commission (“LPC”) on August 14, 1973, the area encompasses 26 blocks bounded by Canal Street to the south, West Houston Street to the north, Crosby Street to the east, and West Broadway to the west and includes approximately 500 buildings. Cast-iron facades were considered a major engineering innovation at the time due to their modular nature, ease in shipping, and customization available for an individual proprietor.

Although most of the surrounding buildings are of late nineteenth or early twentieth century style, when LPC voted to approve the applicant’s request on May 14, 2013 it found that demolishing the existing structure on the project site would not detract from the character of the Historic District. A Certificate of Appropriateness (LPC # 14-4031) was granted on June 27, 2013.

Project Site and Area Context

42 Crosby Street is located at Lot 35 on Block 483 at the northwest corner of the intersection of Crosby Street and Broome Street. The zoning lot has a lot area of 8,274 sf and is located in an M1-5B district. The lot is currently used as a parking lot with space for approximately 40 vehicles. The southwest corner of the lot also contains a single-story, vacant structure. The building dates to 1953 and was previously used in connection with a motor vehicle repair shop.

Building use in the surrounding area consists of a mixture of residential and commercial uses with building structures varying from three-story townhouses to 16-story office buildings. The predominant building height for the historic district is five to seven story buildings. While a range of uses populate the neighborhood, the predominant trend is for ground-floor retail within the vicinity of the project site. Central SoHo was predominantly developed for commercial and manufacturing uses, as reflected in the building typology of the immediate vicinity; today very little manufacturing is left and the area is predominated by residential and commercial uses.

The M1-5B district permits manufacturing and commercial uses as of right, as well as conversions to joint living-work quarters for artists under certain conditions. This zoning district does not permit retail use below the level of the second story nor does it permit residential use as of right. The predominant zoning districts surrounding the project site are M1-5B and M1-5A districts, which carry similar restrictions to residential and commercial use. In M1-5A districts, Use Group 6 uses are permitted as of right below the level of the second story only in buildings located on zoning lots occupying less than 3,600 sf of lot area. Both M1-5A and M1-5B districts have a maximum permitted commercial and manufacturing FAR of 5 and a maximum community facility FAR of 6.5. A setback is required above six stories or 85 feet, whichever is lower, after which buildings must set back according to a sky exposure plane. The setback required is 15 feet on wide streets and 20 feet on narrow streets. A rear yard of 20 feet is required for interior lots, but no rear yard is required for corner lots within 100 feet of a street line. Tower construction is also permitted in these districts. No parking is required for this district under Article I, Chapter 3 of the ZR.

Located nearby is the Special Little Italy District, which is comprised of C6-1, C6-2, and C6-2G districts, which place additional restrictions on height and use on new development.

Proposed Project

The applicant proposes to construct an approximately 52,935 gross square feet, seven-story mixed-use building containing 10 residential units, approximately 3,757 gsf of retail space on the ground floor, and a below grade accessory parking garage with 10 spaces. The residential units will be located on floors two through seven. The garage entrance with car elevator and a residential lobby will both be located on the first floor adjacent to the retail space. The residential parking space use and accessory residential storage use are proposed to be located in the cellar.

The building would contain the maximum amount of zoning floor area, 41,370 sf, as permitted by zoning and rise to a total height of approximately 97 feet. The design of the building utilizes stainless steel, glass and aluminum building materials, sliding window system and exterior pull-down shades, a projecting sun control device, and a terrace on the sixth floor to increase the building's energy efficiency. All entrances to the building will be recessed from the sidewalk.

The majority of the approximately ten space parking garage would be located in the cellar, with an entrance, exit and vehicle elevator on the ground floor. The garage would be accessed via a 12-foot curb cut on Crosby Street, located approximately 100 feet from the intersection with Broome Street. Vehicles would be required to stop at a recessed barrier arm system located within the building footprint before entering the entrance lane. The garage will incorporate red "wait" signals to ensure vehicular safety and the elevator will respond to arriving vehicles before departing ones to limit any back-up to the street.

Proposed Actions

The applicant proposes three special permits to facilitate the mixed-use development at 42 Crosby Street:

- 1) A special permit (C 140204 ZSM) pursuant to ZR § 74-712(a) (the "Historic District Use Permit") to modify the use requirements of § 42-00, which does not permit residential use, and § 42-14(D)(2)(b), which does not permit commercial uses below the second floor. The granting of this special permit would allow residential use on the upper stories of the proposed building, residential lobby use on the ground floor and residential accessory uses in the cellar. The permit will also allow for Use Group 6 retail uses on the ground floor.
- 2) A special permit (C 140205 ZSM) pursuant to ZR § 74-712(b) (the "Historic District Bulk Permit") to allow an increase in the width of the obstruction permitted in the required initial setback for a sun control device in the penthouse to provide building shade and conserve energy.

The current regulations allow for a permitted obstruction of 50% of the width of the walls from which it projects but the applicant seeks to increase that width to 115% of the width of the east wall and to 119.4% of the width of the south wall.

- 3) A special permit (C 140206 ZSM) pursuant to Sections 13-45 and 13-451 (the “Garage Permit”) to permit an unattended accessory parking garage on the cellar and ground floors with a total of ten spaces; one for each proposed dwelling unit. Only two spaces would be permitted as-of-right by the Zoning Resolution.

The Building will conform to all other applicable height, setback and floor area regulations.

COMMUNITY BOARD RECOMMENDATION

At its Full Board meeting on January 16, 2014, Manhattan Community Board 2 voted to recommend the approval of the application by a vote of 32 in favor and 4 opposed. The community board was supportive of the proposed use as an improvement over the open parking lot use and currently vacant building on the lot and determined that no conditions were necessary as part of the approval.

BOROUGH PRESIDENT’S COMMENTS

The conditions and findings have been met for all three requested special permits. The proposed residential and residential accessory uses and ground floor retail space are entirely compatible with the development trends of the SoHo neighborhood. The proposed design is sympathetic to the distinguishing elements of the SoHo-Cast Iron Historic District and utilizes materials and architectural elements such as an established cornice, show windows, and lintels to relate to adjacent buildings’ height and rhythm. The building will also re-establish the street wall and provide an active street frontage at a critical entry point to the historic district. The proposed sun control device, while exceeding the permitted obstruction requirement, is minimally invasive and barely visible from the street. Its utility as an energy efficiency device and its innovative use also speaks to the history of building material innovation in the historic district. Its appropriateness is also demonstrated by the grant by the LPC of the Certificate of Appropriateness on June 27, 2013.

The applicant has also met all of the applicable conditions and findings for the Garage Permit. The parking plans show a garage that is contextually designed to the neighborhood with a recessed entry and the use of safety signals to prevent vehicular and pedestrian conflicts at street level. The parking study that accompanied the application adequately demonstrates the residential growth need for these spaces according to the methodology defined by the Department of City Planning. Lastly, the Environmental Assessment Statement determined that no significant effects on the quality of the environment would be triggered by the addition of 10 parking spaces.

The Borough President does have a number of concerns, however, regarding the long-term, cumulative impact of these parking garage special permits and the methodology through which the allocation of spaces is determined. At this time, there is no publicly available database showing the allocation of parking spaces. Similarly, there is no framework for consideration of overlapping study areas. In addition, while this site may not be appropriate for a car share program, further study should be done to establish requirements that would trigger such programs. It is apparent that the Community Board, Borough President’s Office, and CPC will continue to receive these special permit applications in the future. Given the development trends of Manhattan’s neighborhoods, study areas as currently defined will overlap in the future. The framework for the study area should be expanded to be more flexible and allow for changing development trends. The cumulative impact of these permits must also be tracked and considered.

The applicant met the conditions and findings for the three special permits requested pursuant to ZR §§ 74-712(a), 74-712(b), 13-45 and 13-451. This development is consistent with existing and projected land uses in the area given the mixed-use nature of SoHo. The design of the building is also sensitive to the character of the historic district, and the increase in parking spaces was found to have no environmental impact.

BOROUGH PRESIDENT'S RECOMMENDATION

Therefore, the Manhattan Borough President recommends approval of ULURP Application Nos. C 140204 ZSM, C 140205 ZSM, and C 140206 ZSM.


Gale A. Brewer
Manhattan Borough President