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Gale A. Brewer, Borough President

September 4, 2018

**Recommendation on ULURP Application
C 180290 ZSM – 9 Orchard Street
By Nine Orchard Partners LLC**

PROPOSED ACTION

Nine Orchard Partners LLC (the applicant) is seeking a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the height and setback requirements of Section 33-40 to facilitate the construction of a roof deck, wheelchair lift, and stairs on the roof of an existing 13-story building.

BACKGROUND

Site Description

The Development Site is located at 9 Orchard Street (Block 294, Lot 8) and 60 Canal Street (Block 294, Lot 7). The Development Site contains two separate buildings that were built on separate zoning lots. The building located at 9 Orchard Street, also known as the Jarmulowsky Bank Building, is 13-stories and 169 feet tall and it was originally constructed in 1912. The building was designated as a New York City Landmark in 2009. The Jarmulowsky Bank Building was originally built with a cupola at the northeast corner of its roof, but the cupola was removed in the 1990s. The applicant applied for and received approval from the New York City Department of Buildings (DOB) as well as the New York City Landmarks Preservation Commission (LPC) to reconstruct the cupola as well as build a penthouse addition on the roof. The other building on the Development Site, 60 Canal Street, is a 6-story building that is 77 feet in height. This building was constructed as an office building in 2017. Together, these two buildings have approximately 87.53 feet of frontage on Canal Street, 73 feet of frontage on Orchard Street, and 75.14 feet of frontage on Allen Street. The Development Site has a combined zoning floor area of 64,707 square feet. The commercial FAR in the zoning district is 6.0, and therefore the zoning lot is overbuilt by more than 26,000 square feet, as the Jarmulowsky Bank Building was constructed prior to the 1961 Zoning Resolution and is legally non-conforming. The Jarmulowsky Bank Building also penetrates the C6-2G sky exposure plane, another legal non-conformance.

The applicant has merged the zoning lots of each building into one zoning lot and has filed to merge the tax lots into a single tax lot, as the intent is to convert both buildings to hotel use, which is an as-of-right use under the C6-2G zoning district. The buildings will be connected

internally through openings at each floor. The applicant has obtained approval from the New York City Department of Buildings (DOB) for the zoning lot, and has obtained a certificate of appropriateness from the Landmarks Preservation Commission (LPC) for the roof additions and cupola restoration. The tax lot merger is still pending with New York City Department of Finance (DOF).

Area Context

The Development Site is bounded by Canal Street to the north, Orchard Street to the east, Division Street to the south, and Allen Street to the west. There are five zoning districts within the surrounding area that are largely commercial: C6-2, C61-G, C62-G, R8 and R7-2 (including a portion with a C1-5 overlay). The buildings on Orchard Street in the immediate vicinity of the Development Site are between two- and eleven-stories tall. Ground floor uses along this street include high end retail and local small businesses. Buildings on Allen Street in the immediate vicinity of the Development Site are between two- and twelve-stories tall with ground floor uses including retail, professional offices, and kitchen equipment stores. There is a 12-story hotel on Allen Street, approximately 450 feet away from the Development Site, which was constructed in 2008. The buildings on Canal Street in the immediate vicinity of the Development Site are between two- and seven-stories tall, with an assortment of residential, commercial, and community facility uses.

The Development Site shares the block with two office buildings. Along Orchard Street, the Development Site shares street frontage with 2 Allen Street (Block 294, Lots 1101-1171), which is a seven-story office building with ground floor retail. The second office building, 4 Allen Street (Block 294, Lot 14), is six-stories tall and abuts the side lot line of the Development Site on Allen Street.

PROJECT DESCRIPTION

The applicant is seeking a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the height and setback requirements of Section 33-40 for the Jarmulowsky Bank Building to facilitate the development of a rooftop deck that would penetrate the sky exposure plane, while remaining below the building's parapet, and also to facilitate the construction of an accessible chair lift and access stairs to the cupola at the northeast corner of the roof. This modification is sought to provide an accessible path of travel from a proposed hotel restaurant in the penthouse to the perimeter of the roof deck and the cupola, and to accommodate mechanical systems under the roof deck, concealing them as a means to preserve the architectural quality of the Landmark Building.

Approximately 2,135 square feet of the roof will extend 4'4" above the permitted obstruction height of 3'6" under Section 33-42(e). This will result in a roof deck height of 7'10", which will remain below the top of the parapet wall. The accessible chair lift and stair will extend an additional 5'9" above the new roof deck, for a total of 10'1" above the permitted obstruction height. The chair lift and stair will not be visible from the street.

ENVIRONMENTAL IMPACTS

The proposed action has been determined to be a Type II action, therefore exempt from environmental review.

COMMUNITY BOARD RECOMMENDATION

On July 24th, at its monthly meeting, Community Board 3 passed a resolution to approve this application with 27 members in favor, 5 against, and 1 abstaining.

BOROUGH PRESIDENT'S COMMENTS

The Jarmulowsky Bank building is a landmark in the Lower East Side neighborhood. It is over 100 years old and was originally built to house the expanding Jarmulowsky bank business, which serviced Jewish immigrants of the neighborhood. Since the bank's closure in 1914, the building has had commercial and manufacturing uses and has recently been purchased and is in the process of being renovated into a hotel. Part of this renovation includes the reconstruction of the original cupola, an addition that made the building the tallest building in the area at that time. As part of the special permit, there will be a restrictive declaration requiring that the applicant, as well as all subsequent owners, must provide maintenance for the building's preservation in perpetuity, ensuring that this landmark will remain a vital symbol of the community's history for generations to come.

When many buildings of historic significance are being lost to redevelopment, I strongly support adaptive reuse with landmarking. In this instance, the event space being created on the roof offers the opportunity to provide a community benefit.

There are several organizations in the area such as the Tenement Museum, American Jewish Historical Society, and the Eldridge Street Museum that provide tours of the rich history of the Lower East Side neighborhood. It is our understanding that the applicant has reached out to these groups in order to discuss potential collaborations. I support that goal and encourage the City Planning Commission to require the developer to agree to community use, and to provide a fully accessible public space that will recognize the building's original purpose as a community resource.

BOROUGH PRESIDENT'S RECOMMENDATION

Therefore, the Manhattan Borough President recommends approval of ULURP Application Nos. C 180290 ZSM with the following condition:

The applicant must work with a local historical organization and/or educational institution to facilitate public access to the roof and cupola at least six times a year for educational purposes.

The applicant must work with the Community Board as well as other local groups to provide free or low-cost access to roof deck for community events and activities at least six times a year.

A handwritten signature in black ink that reads "Gale A. Brewer". The signature is written in a cursive, flowing style.

Gale A. Brewer
Manhattan Borough President