



OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN
THE CITY OF NEW YORK

1 Centre Street, 19th floor, New York, NY 10007
(212) 669-8300 p (212) 669-4306 f

431 West 125th Street, New York, NY 10027
(212) 531-1609 p (212) 531-4615 f

www.manhattanbp.nyc.gov

Gale A. Brewer, Borough President

August 26, 2019

**Recommendation on ULURP Application C 190250 ZSM
419 Broadway by 419 MM LLC**

PROPOSED ACTIONS

419 MM LLC (the “Applicant”) is seeking a special permit pursuant to § 74-711 of the New York City Zoning Resolution (“ZR”) to modify the following sections:

- § 42-14D(2)(b): restricting the uses permitted below the second floor to those in Use Groups 7, 9, 11, 16, 17A, 17B, 17C, and 17E; and
- § 43-43 (Maximum Height of Front Wall and Required Front Setbacks): requiring a 15-foot setback at a front wall height of 85 feet.

This Applicant seeks this permit to allow for the construction of a new eight-story commercial office building with ground-floor retail use located at 423 Broadway (Block: 231 Lot:1). Additionally, the Applicant will preserve and restore the three-story, federal-era row house adjacent to the new building at 419 Broadway, (Block: 231, Lot: 11) within the M1-5 Zoning district of the SoHo-Cast Iron Historic District of Manhattan Community District 2 (CD2).

BACKGROUND

Area Context

The Project Site is located in CD2 of Manhattan. It is in the SoHo-Cast Iron Historic District and is located in a M1-5B zoning district. In 1973, the SoHo Historic District was designated by the Landmark Preservation Commission (LPC). The area is approximately 26 blocks and includes 500 buildings. The district is bounded by West Houston Street, Crosby Street, Howards Street, Broadway, Canal Street and West Broadway. The neighborhood largely consists of five to eight-story building with residential, commercial and manufacturing uses. The Project Site is on the northwest corner of Canal Street and Broadway. The immediate area surrounding the site largely

consists of buildings around five to eight-stories in height, with retail on the ground floor and commercial uses on the upper floors.

The area is served by the N/Q/R/W trains at Canal Street, with an entrance located alongside the Project Site on Canal Street. The 6 and J/M/Z trains are located 0.2 miles to the east of the Project Site. The M55 bus, which runs south along Broadway, has a stop approximately 400 feet from the Project Site.

Site Description

The Project Site has a lot area of approximately 6,090 square feet, with approximately 77 feet of frontage along Canal Street and 79 feet of frontage along Broadway. The site is located in a M1-5B zoning district. The project site was originally comprised of three lots located on Block 231: 1, 11, and 12. Lot 1, located on Canal Street, is currently occupied by a two-story building containing retail on the ground floor and office use on the second floor. Lot 12, located at the corner of Canal Street and Broadway, is currently occupied by a 1-story structure with retail use. The Certificate of Occupancy of this lot, dating back to 1953, indicates a ground floor use of “stores”. Lot 11 contains a three-story historic building, which according to the Applicant, was constructed in 1823 and is a Federal-style building. The building’s ground floor has retail space and the upper floors contain office space. The lots were merged in 2017 to facilitate the Proposed Development.

Project Description

The Applicant is seeking a special permit regarding § 74- 711 ZR to facilitate the building of an eight-story commercial office building with ground-floor retail use. The structures on former lots 1 and 12 will be demolished and the exterior of the historic building on former lot 11 will be restored and maintained in perpetuity according to LPC standards by a memorandum of understanding. The Proposed Development on the Project Site would result in an eight-story building containing retail (Use Group 6C) on the ground floor and office space (Use Group 6B) on the upper floors. The historic building would be connected internally to the new building and would have the same uses on the ground floor and upper floors as the new building.

In a special agreement the Applicant has promised to restore the historic building. The repairs have been approved through special permit LPC 19-21537 and will include:

- 1) Repairs to cracked bricks and mortars;
- 2) Removal of the non-historic, aluminum storefront;
- 3) Removal of paint and graffiti on the upper stories; and
- 4) Replacement of windows and the roof.

According to the Applicant, the overall development will contain approximately 30.360 square feet of floor area (4.98 Floor Area Ratio [FAR])¹.

COMMUNITY BOARD RECOMMENDATION

On July 18, 2019 at the full board meeting, Community Board 2 (CB2) voted to disapprove this application with modifications. Thirty-four board members voted in favor of disapproval and 1 board member opposed. The modifications requested included:

1. Denial of the modification (§ 42-14D (2)(b)) to allow Use Group 6 retail below the second floor unless the applicant agrees to insert provisions in the retail leases that:

- Restrict deliveries to daytime hours and prohibits the retail tenants from blocking the sidewalk with garbage and deliveries; and
- Prohibit illuminated or animated signage in the retail spaces.

2. Denial of the bulk waiver (§ 43-43) unless the applicant works with the Metropolitan Transit Authority (MTA) to see that an entrance is incorporated into the building to reduce the increased congestion that will be caused by the heightened numbers of pedestrians directly generated by the retail and office uses of the proposed building. CB2 prefers that this entrance complies with requirements on the Americans with Disabilities Act (ADA).

BOROUGH PRESIDENT'S COMMENTS

This particular corner of Broadway and Canal Street is underbuilt and while it has served as retail space for many small businesses over the years, creating a new building that maintains this use as well as providing additional use in the form of office space which will attract more businesses and employees to the area.

This is already a congested area for both cars and pedestrians and this new development will exacerbate the street conditions during its construction and once the building is complete. Other business-heavy districts within the city seek to address this through overlays that require construction to incorporate additional subway entrances within their lots to help relieve congestion. These improvements often result in ADA-compliant entrances, which allow disabled New Yorkers more access to the subway.

There was a lost opportunity by not requiring this new development to incorporate subway entrances that are ADA-compliant. Zoning bonuses are generally provided in exchange for such improvements. The Project Site is within a historic district which conflicts with such bonuses.

¹ The maximum FAR in this zoning district is 5.0.

The Department of City Planning (DCP) and the MTA should explore ways in which more entrances can be incorporated in new buildings in more high-traffic areas, exclusive of zoning bonuses.

Only 25 percent of our subway stations have elevators.² The closest ADA-compliant entrance from the Project Site that provides access to N/R/Q/W train is at 14th Street, over a mile away. The 6 train at Canal Street does have an ADA-compliant entrance but only allows for ADA access to that train line, preventing transfers by disabled riders to the J/Z/N/R/Q/W trains that are also at this station. In this instance, because there can be no floor area bonus, we ask that the applicant work with the MTA to determine the feasibility of incorporating the existing entrance into the new building, or some alternate solution that would relieve street congestion.

Additionally, this office is concerned about the existing tenants at the site. The Project Site presently is occupied by some retail tenants. Because the remaining stores are small businesses, we are concerned about the owners' ability to relocate within the area for comparable rent. While this is outside of the scope of the application, we ask that the Applicant assist the tenants in relocating to another space within the area and consider offering the tenants the right to return to the new building once it is complete, at the same rent.

We are pleased that this building will be contextual with the surrounding area and the historic district in which it is located, and that the historic building on the site will be restored and preserved.

BOROUGH PRESIDENT'S RECOMMENDATION

Therefore, the Manhattan Borough President recommends approval of ULURP Application No. C 190317 ZSM with the following conditions:

- 1. The Applicant works with the MTA to determine the feasibility of incorporating the existing subway entrance adjacent to the project site into the building; and**
- 2. The Applicant provides relocation assistance during construction and right-of - return to existing retail tenants at the Project Site.**



Gale A. Brewer
Manhattan Borough President

² <https://www.nytimes.com/interactive/2019/02/11/nyregion/nyc-subway-access.html>