



IN THE MATTER OF an application submitted by 121 Chambers St LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the height regulations of Section 111-20(c)(2) (Special regulations for narrow buildings) in connection with the construction of a 2-story enlargement of an existing 5-story mixed-use building, on property located at 121 Chambers Street (Block 145, Lot 10), in a C6-3A District, within the Tribeca Mixed Use District and the Tribeca South Historic District, Borough of Manhattan, Community District 1.

This application for a special permit was filed by 121 Chambers St LLC on February 5, 2019. The requested special permit would facilitate a two-story vertical enlargement of an existing five-story building at 121 Chambers Street and 103 Reade Street in the Tribeca neighborhood of Manhattan, Community District 1.

BACKGROUND

The applicant requests bulk waivers to facilitate the enlargement of an existing building in the Tribeca South Historic District in Manhattan Community District 1. 121 Chambers Street (Block 145, Lot 10) is a rectangular 3,771 square-foot, through lot located on a block bounded by Church Street to the east and West Broadway to the west. The lot has a depth of approximately 150 feet, with 25 feet of frontage on both Chambers and Reade Streets. Chambers Street is a narrow two-way street with a width of 64 feet and Reade Street is a narrow one-way, westbound street with a width of 60 feet.

The existing building is five-stories tall with a floor area ratio (FAR) of 4.95. The 18,675 square-foot building contains 11,205 square feet of floor area for residential use (2.97 FAR) and 7,470 square feet of floor area for commercial use (1.98 FAR). The existing street walls extend to a height of 75 feet 1 inch on Chambers Street and 75 feet 11 inches on Reade Street. The roof slopes from both streets to the center to meet a skylight that is at or below the height of the street wall. The building is of a similar scale and use to other buildings on the block, which range from five to eight stories. Most surrounding buildings were constructed as commercial loft buildings, but many of them have been converted to residential use above the ground floor.

The building was constructed in 1860 and is located within the Tribeca South Historic District, which was designated by the Landmarks Preservation Commission (LPC) in 1992. Historically, the building was occupied by importers and wholesalers of liquor, hardware, cutlery, and luggage. In the early 20th century, modifications were made to the building's façade, including alteration of storefronts and the addition of a fire escape.

In 1961, the subject property, as well as the surrounding areas to the north and west, were mapped in an M1-5 zoning district until 1976, when the Special Lower Manhattan Mixed Use District was created and the area was rezoned to M1-5/LMM. The remainder of the block on which the site is located, and areas to the north and east, were mapped in a C6-4 zoning district.

In 1995, the site, together with most of the surrounding area to the south, west and east, was rezoned to C6- 3A (C 940309 ZMM) and included in the Special Lower Manhattan Mixed-Use District (N 940310 ZRM). The blocks north of Reade Street were mapped in a C6-2A or C6-4A district. These 1995 changes were part of an area wide rezoning, intended to create a transition from the higher density downtown Central Business District and Civic Center to the loft character of TriBeCa and LMM areas, reinforce existing building context, permit infill residential construction in the LMM area, and promote a range of as-of-right uses. In 1998, the Special Lower Manhattan Mixed-Use District (LMM) was re-named the Special Tribeca Mixed-Use District (C 980315 ZMM). The site, and areas to the south and west, are currently mapped in a C6-3A zoning district in area A, a "General Mixed Use Area", of the Special Tribeca Mixed-Use District (TMU). C6-3A zoning districts have a maximum base FAR of 6.0 for commercial use and 7.52 for residential use.

Prior to its vacancy in March 2017, the building contained retail and five market-rate residential rental units. The sub-cellar was vacant and the cellar contained storage space and heating. The building was vacated to allow for as-or-right interior construction.

The applicant proposes to construct a two-story vertical enlargement over the existing five-story building and add new mezzanines — between the second and third floors and between the fourth

and fifth floors — creating a seven-story building reaching an overall height of 93 feet 4 inches. The building would contain commercial use on the ground floor, accessory storage space in the cellar and sub-cellar levels, and eight residential units on the above floors, including on the new mezzanine levels. The proposed development would contain 24,614 square feet of floor area, for an FAR of 6.52.

The proposed enlargement would have a 20-foot setback at the sixth floor from both Chambers Street and Reade Street. There would be a 44-foot setback on the seventh floor from Chambers Street and a 20 to 25-foot setback on the seventh floor from Reade Street. As part of the development, the fifth floor of existing building, which has an existing ceiling height of approximately 16 feet, 6 inches, would be lowered to a height of 11 feet, 3 inches. The new sixth floor and seventh floors would each have a floor to ceiling height of approximately 10 feet.

The applicant seeks a special permit pursuant to ZR Section 74-711 (Landmark preservation in all districts) to modify the height regulations of Section 111-20(c)(2) (Special Bulk Provisions for Areas A1 through A7) in order to allow the construction of a seventh floor and create an overall height increase of approximately 18 feet on the existing building.

Under the provisions of Zoning Resolution (ZR) Section 23-692, for zoning lots less 45 feet wide, the height of a building is limited to the length of the street width, or the street wall height of the lower of its abutting buildings. On Chambers Street, the abutting buildings (119 and 123 Chambers Street) have street walls that are 75 feet 1 inch high. On Reade Street, the abutting building to the west (107 Reade Street) has a street wall height of 75 feet, 11 inches, and the abutting building to the east (97-101 Reade Street) has a of 93 feet, 8-inch street wall height. Therefore, pursuant to the ZR, the building is limited to the maximum street wall height of 75 feet, 1 inch on Chambers Street and 75 feet, 11 inches on Reade Street. The existing building meets or exceeds these heights.

However, ZR Section 111-20(c)(2) allows a narrow building in Area A3 of the TMU to be constructed above the maximum height permitted by Section 23-692 provided such portion does not exceed the lower of one-story or 15 feet. Therefore, a six-story enlargement not more than 90

feet one-inch high is permitted. The applicant seeks a waiver of this provision because they propose seven-story building totaling 93 feet and 4 inches.

As a part of the proposed development, the applicant would restore the storefront façades to the original 19th-century appearance by exposing and restoring all decorative parts of cast-iron elements that are covered in 21st-century materials. The applicant would also remove the fire escape on the Reade Street façade of the building, clean and repair the sandstone facades, and replace all windows on both street frontages with windows that match historic profiles of 19th-century windows. All exterior walls used in the enlargement would be stucco. Though the street-facing walls will not be visible from Chambers Street or Reade Street, the stucco on the east and west facing walls will allow the enlargement to blend in with the existing roof bulkheads above other nearby buildings. The LPC issued a Certificate of Appropriateness dated January 28, 2019, stating that a continuing maintenance program has been established that will result in the preservation of 121 Chambers Street and 103 Reade Street, and that the proposed restorative work required under the program contributes to a preservation purpose.

To facilitate the proposed project, a special permit pursuant to ZR Section 74-711 to modify the bulk regulations of ZR Section 111-20(c)(2). In order to grant a special permit, the City Planning Commission must find that such bulk modifications shall have minimal adverse effects on the structures or open space in the vicinity in terms of scale, location and access to light and air.

ENVIRONMENTAL REVIEW

This application (C 190277 ZSM) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The Department of City Planning is acting as Lead Agency on behalf of the City Planning Commission. The CEQR number is 19DCP036M.

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on April 8, 2019. As part of the approval of the proposed action an (E) designation (E-516) would be established to support the Negative Declaration and avoid the potential for significant adverse air quality impacts. The requirements of the (E) designation are described in the Environmental Assessment Statement and Negative Declaration.

UNIFORM LAND USE REVIEW

This application (C 190277 ZSM) was certified as complete by the Department of City Planning on April 8, 2019, and was duly referred to Community Board 1 and the Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Board 1 held a public hearing on this application on May 28, 2019, and on that date, by a vote of 35 in favor, none opposed, none abstaining and one recused, adopted a resolution recommending approval of the application.

Borough President Recommendation

The application was considered by the Borough President, who issued a recommendation on July 22, 2019 to approve the application.

City Planning Commission Public Hearing

On July 10, 2019 (Calendar No. 3), the City Planning Commission scheduled July 31, 2019 for a public hearing on this application (C 190277 ZSM). The hearing was duly held on July 31, 2019 (Calendar No. 41). Two speakers appeared in favor of the project, and none opposed.

The applicant's representative described the proposed enlargement and how the project meets the findings of the requested Special Permit. The project architect appeared to discuss the design of the proposed enlargement.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the grant of this special permit (C 190277 ZSM), is appropriate and that the bulk modifications will not have adverse effects on the structures or open spaces in the vicinity in terms of scale, location, or access to light and air.

The Commission believes that the proposed building height would be consistent with the scale of many of the buildings in the surrounding area, and notes the overall height of the proposed building will only differ by approximately three feet in height from the as of right height. The height of the existing street wall will remain unchanged, continuing to match the height of adjacent building street walls. The proposed increase in bulk will be substantially set back from the street walls in order to ensure the bulk will not have a negative impact on the surroundings.

The Commission believes that the approved use modification will facilitate the restoration and preservation of 121 Chambers Street and, thereby, enhance the architectural and historical built fabric of the historic district. The Commission notes that pursuant to the restrictive declaration signed by 121 Chambers Street LLC as declarant, a regular maintenance and inspection program has been established.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-711 (Landmark preservation in all districts) of the Zoning Resolution:

- (1) Such bulk modifications shall have minimal adverse effects on the structures or open space in the vicinity in terms of scale, location and access to light and air;
- (2) [This finding is not applicable; no use modification is being requested].

RESOLUTION

RESOLVED, that the City Planning Commission finds that the actions described herein will have no significant impact on the environment ; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination, and the consideration and findings described in this report, the application submitted by 121 Chambers Street LLC for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the height and story requirements of 111-20(c)(2) (Special Bulk Provisions for Areas A1 through A7) to facilitate the vertical enlargement of an existing 5-story building, on property located at 121 Chambers Street (Block 145, Lot 10), in a C6-3A District, within the TMU, Borough of Manhattan, Community District 1, is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (C 190277 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Joseph Pell Lombardi Architect filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
CPC-01	Zoning Analysis & Lot Coverage Diagram	03/25/2019
CPC-03	Zoning Lot Site Plan	03/25/2019
CPC-10	Waiver Plan	03/25/2019
CPC-11	North-South Waiver Section A-A	11/21/2018
CPC-12	North-South Waiver Section B-B	03/25/2019
CPC-13	East-West Waiver Section C-C	11/21/2018

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.

4. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this resolution and the restrictive declaration and any subsequent modifications to either document shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
5. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
6. Development pursuant to this resolution shall be allowed only after the attached restrictive declaration dated August 28, 2019, executed by 121 Chambers Street LLC, the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, County of New York.
7. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution and the attached restrictive declaration whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure or breach of any of the conditions as stated above, may constitute grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, renewal or extension of the special permit hereby granted or of the attached restrictive declaration.

8. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the City's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C 190277 ZSM), duly adopted by the City Planning Commission on August 28, 2019 (Calendar No. 18), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

MARISA LAGO, *Chair*

KENNETH J. KNUCKLES, *Esq.*, *Vice-Chairman*

DAVID BURNEY, ALFRED C. CERULLO, III, JOSEPH I. DOUEK,

RICHARD W. EADDY, HOPE KNIGHT, ANNA HAYES LEVIN,

ORLANDO MARIN, RAJ RAMPERSHAD. *Commissioners*

121 CHAMBERS STREET

DECLARATION

Dated: As of August 28, 2019

Location:

121 Chambers Street
Block 145 Lot 10
New York County, New York

Record & Return to:

Duval & Stachenfeld LLP
555 Madison Avenue
New York, New York 10022
Att'n: Robin A. Kramer, Esq.

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DECLARATION, made as of the 28th day of August, 2019 by 121 CHAMBERS ST LLC, having an address at c/o HUBB NYC Properties LLC, 579 Fifth Avenue, 4th Floor, New York, NY 10017 ("Declarant"):

WITNESSETH:

WHEREAS, Declarant is the owner in fee simple of certain real property located in the Borough of Manhattan, City, County and State of New York, which property is designated as Block 145, Lot 10 on the Tax Map of the City of New York, County of New York, and by the street address 121 Chambers Street, and is more particularly described on Exhibit A attached hereto (the "Subject Property") and on which is located a five(5)-story structure (the "Designated Structure");

WHEREAS, Declarant proposes to renovate and enlarge the Designated Structure;

WHEREAS, the Subject Property together with the Designated Structure(s) constitute(s) the Subject Premises (the "Subject Premises"); and

WHEREAS, Royal Abstract of New York LLC (the "Title Company") has certified as of August 23, 2019, that Declarant is the sole party in interest ("Party in Interest"), as that term is defined in the zoning lot definition in Section 12-10(c) of the Zoning Resolution of the City of New York (the "Zoning Resolution"), to the Subject Premises, a copy of which certification is attached hereto as Exhibit B (the "Parties in Interest Certification"); and

WHEREAS, pursuant to the provisions of Section 3020 of the New York City Charter and Title 25, Chapter 3 of the Administrative Code of the City of New York (the "Landmark Preservation Law"), the Landmarks Preservation Commission (the "LPC") has designated an area which includes the Designated Structure as the Tribeca South Historic District because of its special character or historical or aesthetic interest or value; and

WHEREAS, Declarant submitted an application designated No. C190277 ZSM and dated February 5, 2019 (the "Application"), to the City Planning Commission of the City of New York (the "CPC") for a special permit pursuant to Section 74-711 of the Zoning

Resolution (the “Special Permit”) to modify the height regulations of Section 111-20(c)(2) (Special regulations for narrow buildings) in connection with the construction of a 2-story enlargement of the Designated Structure; and

WHEREAS, at the public hearing on May 9, 2017, Declarant requested that the LPC issue a report to the CPC for the Application; and

WHEREAS, at the public meeting on May 9, 2017, following said public hearing, pursuant to Docket No. LPC-19-3880, the LPC voted to approve a request to issue the report to the CPC for the Application, and to issue Certificate of Appropriateness No. COFA-19-26119 (the "C of A"), dated 1/28/19, which allows the alteration and enlargement of the Designated Structure in the Tribeca South Historic District. A copy of the C of A is annexed hereto as Exhibit C; and

WHEREAS, Section 74-711 requires, inter alia, that a program has been established for continuing maintenance (the "Continuing Maintenance Program") that will result in preservation of the Designated Structure by Declarant; and

WHEREAS, Declarant has agreed to certain obligations and restrictions contained in this Declaration for the protection, preservation, repair and maintenance of the Designated Structure; and

WHEREAS, Declarant desires to restrict the manner in which the Subject Premises may be developed, restored, and operated in order to assure the protection, preservation, repair and maintenance of the Designated Structure; and

WHEREAS, Declarant represents and warrants that there are no restrictions, liens, obligations, covenants, easements, limitations or encumbrances of any kind, the requirements of which have not been waived or subordinated, which would prevent or preclude, presently or potentially, the imposition of the restrictions, covenants, obligations, easements and agreements of this Declaration;

NOW, THEREFORE, Declarant does hereby declare and agree that the Subject Premises shall be held, sold, transferred, conveyed and occupied subject to the following

restrictions, covenants, obligations, easements, and agreements, all of which are for the purpose of protecting the Subject Premises, which shall inure to the benefit of the City of New York, and which shall run with the Subject Premises and bind Declarant and its heirs, successors and assigns so long as they have a right, title or interest in the Subject Premises or any part thereof.

Article I. DEFINITIONS

The following words, when used in this Declaration, shall have the following meanings:

1.01 "Application" shall mean the application to the City Planning Commission for the Special Permit.

1.02 "Buildings Department" shall mean the New York City Department of Buildings, or any successor to the jurisdiction thereof.

1.03 "Chairperson of the CPC" shall mean the Chairperson of the City Planning Commission of the City of New York or any successor to the jurisdiction thereof.

1.04 "Chairperson of the LPC" shall mean the Chairperson of the Landmarks Preservation Commission of the City of New York or any successor to the jurisdiction thereof.

1.05 "City" shall mean the City of New York.

1.06 "City Council" shall mean the New York City Council or any successor to the jurisdiction thereof

1.07 "CPC" shall mean the New York City Planning Commission, or any successor to the jurisdiction thereof.

1.08 "Declarant" shall mean the named Declarant and the heirs, successors and assigns of the named Declarant including, without limitation, any owner of a condominium unit within the Designated Structure, except that Declarant shall not be deemed to include

(i) a mortgagee of all or any portion of the Subject Property until it succeeds to the interest or obligation of Declarant by purchase, assignment, foreclosure or otherwise, or (ii) a tenant of the Subject Premises, unless such tenant holds a lease to all or substantially all of the Subject Premises.

1.09 "DCP" shall mean the New York City Department of City Planning or any successor to the jurisdiction thereof.

1.10 "Designated Structure" shall have the meaning set forth in the Recitals.

1.11 "Force Majeure" shall mean: strike, lockout or labor dispute(s); inability to obtain materials or reasonable substitutes therefor unless due to any act or failure to act by Declarant; acts of God; unforeseen governmental restrictions, regulations, omissions or controls; enemy or hostile government actions; civil commotion, insurrection, revolution or sabotage; fire or other casualty; inclement weather of such a nature as to make performance or completion of the Landmark Work not feasible unless due to any act or failure to act by Declarant; any damage to the Subject Premises of such a nature as to make completion of the Landmark Work not feasible; a taking of the Subject Premises, or a portion thereof, by condemnation or eminent domain; failure of a public utility to provide power, heat or light; unusual delay in transportation; material delays by the City of New York (the "City"), State of New York (the "State") or United States Government, or any agency or instrumentality of any of the foregoing, in the performance of any work or processing or approval of any applications required in order to permit Declarant to carry out its obligations pursuant to this Declaration unless due to any act or failure to act by Declarant; denial to Declarant by any owner of an enforceable interest in adjoining real property, including any private fee owner or ground lessee of adjoining real property, or any agency of the City or State having an enforceable interest in adjoining real property, including sidewalk or streets, of a right to access to such adjoining real property, if such access is required to accomplish the obligations of the Declarant pursuant to this Declaration; the pendency of a litigation not initiated by Declarant or similar proceeding which suspends or materially and adversely affects the ability of the Declarant to accomplish the obligations of the Declarant pursuant to this Declaration; or other

conditions similar in character to the foregoing which are beyond the control of Declarant. No event shall constitute a Force Majeure unless Declarant complies with the procedures set forth in Sections 2.02 and 6.02 hereof.

1.12 "Landmark Work" shall refer to the restoration work on the Designated Structure as described in the C of A.

1.13 "LPC" shall mean the Landmarks Preservation Commission of New York City or any successor to the jurisdiction thereof.

1.14 "Mortgagee" shall mean, as such term may be applicable after the date hereof, (a) the institutional first mortgagee of all or substantially all of the Subject Premises, or (b) the first mortgagee of a condominium unit within the Designated Structure.

1.15 "Party(ies) in Interest" shall have the meaning set forth in the Recitals.

1.16 "Special Permit" shall mean the special permit described on page 3 hereof.

1.17 "Special Permit Restricted Space" shall mean the two (2)-story addition to the Designated Structure.

1.18 "Zoning Resolution" shall mean the Zoning Resolution of the City of New York.

Article II.

**DEVELOPMENT, PRESERVATION, REPAIR AND MAINTENANCE OF
THE SUBJECT PROPERTY**

2.01 Drawings. Declarant covenants and agrees to develop the Subject Premises substantially in accordance with the following drawings/prepared by the Office of Joseph Pell Lombardi, Architect, attached hereto as Exhibit D:

Drawing No.	Title	Last Revision Date
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CPC-01	Zoning Analysis & Lot Coverage Diagram	03/25/2019
CPC-03	Zoning Lot Site Plan	03/25/2019
CPC-10	Waiver Plan	03/25/2019
CPC-11	North-South Waiver Section A-A	11/21/2018
CPC-12	North-South Waiver Section B-B	03/25/2019
CPC-13	East-West Waiver Section C-C	11/21/2018

2.02 Certificate of Occupancy.

(a) The issuance of the Special Permit is premised on, inter alia, the performance of the following restoration work on the Designated Structure in conformity with the C of A and the requirements thereof:

Clean all masonry surfaces with Rotec Vortex cleaning process system to remove top layers of dirt. The Vortex process uses pressures from 10 to 55 psi mixed with water that can be precisely regulated within the range of 1 to 15 gallons per hour mixed with extremely fine micro abrasive powders, selected exactly to suit the low-pressure technique and remove dirt and paint surfaces without damaging the original masonry surface beneath. Sample cleaning areas will be performed prior as approved by architect, owner & LPC.

Patch and repair all cracked, spalled, deteriorated, metal embankments and punctured areas of sandstone at locations indicated in drawings. For areas larger than three inches, square cut and repatch area with color matching Jahn material as approved by architect, owner and LPC. Provide samples & mockups of matching color, texture and finish for architect approval.

Replace deteriorated & cracked mortar joints at locations as indicated on drawings. Cut mortar joint to a minimum depth of $\frac{3}{4}$ inches; install new Spec Mix mortar color to match existing throughout as approved by architect, owner & LPC.

Prime and paint the existing cornice with a color that matches the earliest known color using zinc-rich primers and exterior grade metal paint.

Any cast iron storefront elements that have deteriorated beyond repair, or are missing altogether, shall be replaced with cast iron components of the appropriate style, scale, and appearance and painted to match the original column as per paint analysis report.

All of the existing windows will be replaced with painted wood two-over-two true divided light double-hung windows of varying heights. All new window profiles will match existing original historic. All original brick moldings that can be restored will be. Otherwise, all windows will receive matching painted wood window brick moldings.

On Reade Street, a new cast-iron and glass vault light sidewalk will be installed, including uncovering existing non-visible vault lights and resetting existing bluestone sidewalk flags.

The Reade Street fire escape removal will not leave gaps, holes, or unsightly conditions on the marble facade. All fire escape stone connection points will be repaired with Jahn patches no more than three inches square. Remove all existing deteriorated metal anchors embedded in the façade at locations as indicated on the drawings and as directed by the architect. Cut damaged sandstone back, remove metal corroded areas and replace with in kind color-match Jahn Patch. Submit samples patch for architect, owner and LPC to approve.

At the Reade Street show window, remove all twentieth century additions covering the original show window. All existing work will be repaired and consolidated. New elements will be added based on historic photos and investigation.

(b) Declarant shall give written notice to the LPC seven days prior to applying for a temporary certificate of occupancy ("TCO") or permanent certificate of occupancy ("PCO") for the Special Permit Restricted Space. No TCO or PCO for the Special Permit Restricted Space shall be granted by the Buildings Department or accepted by Declarant until the Chairperson of the LPC shall have given written notice to the Buildings Department that the Landmark Work has been satisfactorily completed by Declarant or the Chairperson of the LPC has certified in writing, as provided in Section 2.2(d) hereof, that (X) a Force Majeure has occurred and (Y) the Chairperson of the LPC has no objection to the issuance of a TCO or PCO for, as appropriate, all or part of the Subject Property. The Chairperson of the LPC shall issue said notice reasonably promptly after Declarant has made written request to the Chairperson of the LPC and has provided documentation to support such request, and the Chairperson of the LPC shall in all events endeavor to issue such written notice to the Buildings Department, or inform Declarant in writing of the reason for not issuing

said notice, within fourteen (14) calendar days after Declarant has requested such written notice. Upon receipt of the written notice from the Chairperson of the LPC that (i) the Landmark Work has been satisfactorily completed or (ii) the Chairperson of the LPC has certified that a Force Majeure has occurred and that the Chairperson of the LPC has no objection to the issuance of a TCO or PCO, the Buildings Department may grant, and Declarant may accept, a TCO or PCO for the Designated Structure.

(c) Declarant shall permit inspection of the Designated Structure by the Chairperson of the LPC and representatives designated by the Chairperson of the LPC in connection with the notice described in Section 2.02(b) hereof.

(d) Force Majeure.

(i) Upon application by Declarant, notwithstanding anything contained in any other provision of this Declaration, the Chairperson of the LPC, in the exercise of his or her reasonable judgment, may certify that the performance or completion of the Landmark Work is delayed due to a Force Majeure as provided in paragraph (ii) below.

(ii) In the event that Declarant reasonably believes that full performance of its obligations to complete the Landmark Work has been delayed as a result of Force Majeure, Declarant shall so notify the Chairperson of the LPC as soon as Declarant learns of such circumstances. Declarant's written notice shall include a description of the condition or event, its cause (if known to Declarant), its probable duration, and in Declarant's reasonable judgment, the impact it is reasonably anticipated to have on the completion of the Landmark Work. The Chairperson of the LPC shall, within fourteen (14) calendar days of its receipt of Declarant's written notice, (A) certify in writing that a Force Majeure has occurred, including a determination of the expected duration of such delay (the "Delay Notice"), and grant Declarant appropriate relief for such delay, including certifying in writing to the Buildings Department that the

Chairperson of the LPC has no objection to the issuance of a TCO or PCO for, as appropriate, all or part of the Subject Property, or (B) notify Declarant that it does not reasonably believe a Force Majeure has occurred. With respect to any claim that a Force Majeure has delayed the Declarant's performance or completion of the Landmark Work, the LPC may require that Declarant post a bond or other security in a form and amount acceptable to the Chairperson of the LPC in order to ensure that the Landmark Work is completed. Such security could include, without limitation, alternative or additional conditions on the issuance of any PCO or TCO. Any delay caused as the result of a Force Majeure shall be deemed to continue only as long as the Declarant shall be using reasonable efforts to minimize the effects thereof. Upon cessation of the events causing such delay, the Declarant shall promptly recommence the Landmark Work.

(e) Notwithstanding anything else to the contrary contained herein, this Declaration shall not be deemed to prohibit or restrict Declarant from (i) applying for or receiving a TCO or a PCO for any floor area in the Designated Structure other than the Special Permit Restricted Space; or (ii) obtaining permits or building notices from the Building's Department to perform work, including tenant work, in the Designated Structure prior to the completion of the Landmark Work; or (iii) entering into agreements affecting all or any portions of the space in the Designated Structure prior to completion of the Landmark Work.

2.03 Preservation, Repair and Maintenance. Declarant hereby covenants and agrees to preserve, repair and maintain the Designated Structure in sound first-class condition, at its own cost and expense, in accordance with this Declaration, the C of A and the Landmarks Preservation Law. It is understood that certain obligations and duties set forth in this Declaration are above and beyond the requirements of the Landmarks Preservation Law and do not in any way diminish Declarant's obligation and responsibility to comply with all provisions of the Landmarks Preservation Law.

2.04 Continuing Maintenance Program. Declarant shall comply with the obligations and restrictions of the continuing maintenance program (the "Continuing Maintenance Program") as set forth below:

(a) **Periodic Inspections.** Declarant shall establish and carry out a cyclical inspection and maintenance program for the Designated Structure which shall include, without limitation, the following:

- (i) At Declarant's expense, an inspection (the "Periodic Inspection") shall be made every five years, on or within thirty (30) days of the anniversary of the issuance by the LPC of the Notice of Compliance pursuant to the C of A, and thereafter, shall be made on or within every five years from the date of such initial inspection. In the event that Declarant has accepted a TCO or a PCO for the Special Permit Restricted Space without having first received the Notice of Compliance, the first periodic inspection shall be made on or within thirty (30) days of the fifth (5th) anniversary date of the issuance of such TCO or PCO and every five years thereafter. The Periodic Inspection shall be done by a preservation architect, engineer or other qualified person knowledgeable about the preservation of historic structures (the "Preservation Architect") selected by Declarant from a list prepared by Declarant and approved by the Chairperson of the LPC as to their credentials, which approval shall not be unreasonably withheld or delayed. Declarant shall update such listing upon the request of the Chairperson of the LPC. In addition, Declarant may periodically supplement the list of Preservation Architects, subject to the approval of the Chairperson of the LPC as to their credentials. The Preservation Architect shall make a thorough inspection of the exterior of the Designated Structure and those portions of the interior, as well as those portions to the mechanical systems that are accessible to and under the control of building management, which, if not properly maintained, could affect the condition of the exterior.

- (ii) The Preservation Architect shall, at the expense of Declarant, submit a report on each Periodic Inspection (the "Periodic Report") to Declarant and the LPC within forty-five (45) days after each Periodic Inspection. The Periodic Report shall outline the existing conditions of the Designated Structure and detail the work which should be performed in order to maintain the Designated Structure, including all architectural features and elements, in a sound first-class condition, including but not limited to caulking, painting, cleaning, repair of architectural features and elements, checking for rust and repointing of masonry.
- (iii) Submission of Local Law 10 & 11 Facade Inspection Report. If the Designated Structure is subject to the Facade Inspection Report requirements of Title 1 RCNY §32-03 et seq., a copy of any such Facade Inspection Report which is submitted to the New York City Department of Buildings shall also be provided at the same time to the LPC. In the event that the building is found to be unsafe pursuant to such inspection, the Declarant shall notify the LPC simultaneously with the Department of Buildings, pursuant to Title 1 RCNY §32-03(b)(2)(vii).
- (iv) Except as set forth below, Declarant shall perform all work which a Periodic Report, Facade Inspection Report or Emergency Incident Report (as defined below) identifies as necessary to maintain the Designated Structure, including architectural features and elements, in sound first-class condition. No work shall be performed except pursuant to a permit from the LPC if a permit is required under the Landmarks Preservation Law. If the LPC determines that a specific item of work or method of work as set forth in a Periodic Report, Facade Inspection Report or Emergency Incident Report would be inappropriate or inadequate, the determination of the LPC shall control and Declarant need not and shall not have such specific item

performed. Declarant shall have the right to contest in a hearing before the LPC any work called for in a Periodic Report or Emergency Incident Report. Declarant's obligation to perform such contested work or to perform it by a method acceptable to the LPC shall be stayed pending a decision in any such proceeding at the LPC. Declarant shall proceed with all work which is uncontested during the stay pursuant to a permit.

- (v) Unless Declarant has notified the LPC in writing that it contests any work as set forth in the preceding paragraph, Declarant shall apply for all necessary permits or certificates from the LPC within forty-five (45) days of receiving the completed report from the Preservation Architect. Declarant shall use its best efforts to assure that all repairs, rehabilitation, repointing and restoration work detailed in the Periodic Report or Emergency Incident Report shall be completed at the earliest possible date, but no later than within nine (9) months of the date of issue of the certificate or permit from the LPC, or, if no such certificate or permit is required, within nine (9) months of the date of the Periodic Report or Emergency Incident Report. If for reasons beyond Declarant's control, as reasonably determined by the Chairperson of the LPC, such work cannot be completed within nine (9) months, Declarant shall apply to the LPC for an extension of time within which to complete such work. Such extensions shall be for a stated additional period of time to be related to the period of delay and shall not be unreasonably withheld.

(b) Emergency Protection Program. Declarant shall establish and be prepared to carry out an emergency protection program for the Designated Structure which shall include, at the minimum, the following:

- (i) If a fire, the elements or any other cause whatsoever damages or destroys the Designated Structure or any part thereof (the

"Emergency Incident"), Declarant shall use all reasonable means to save, protect and preserve the Designated Structure at the time of and following the Emergency Incident, including, but not limited to, acting with an approval from the Chairperson of the LPC or his or her designated representatives to stabilize and prevent further damage to or deterioration of the structure, and to secure the Subject Premises from unauthorized access. Declarant shall not remove from the Subject Premises any debris consisting of exterior features of the Designated Structure without an approval from the Chairperson of the LPC or his or her designated representative. Unless necessitated as a safety precaution as ordered by the Departments of Buildings, Health, Fire or Police, or as an action taken in response to a life-threatening situation, the Declarant shall not remove any other debris or otherwise clear the Subject Premises without the approval of the LPC or its Chairperson.

- (ii) Declarant shall give immediate written notice of such Emergency Incident to the LPC. Declarant shall also give timely notice to the LPC of the time or times when the New York City Departments of Buildings, Health and Fire will inspect the Subject Premises following the Emergency Incident, in order that the LPC may have a representative present during such inspections.
- (iii) Within sixty (60) days of such Emergency Incident, a Preservation Architect shall, at the expense of Declarant, make a thorough inspection of the Designated Structure and submit a report (an "Emergency Incident Report") to Declarant and to the LPC outlining the condition of the structure, assessing the extent of damage, and recommending (A) work, if any, which must be undertaken immediately, upon receipt of proper permits, in order to stabilize and prevent further damage to the Designated Structure, and (B) work that should be performed to repair and restore the Designated

Structure to a sound, first-class condition or, alternatively to clauses (A) and (B), above, that Declarant make an application to the LPC for permission to demolish the remaining portions of the Designated Structure.

- (iv) With regard to the work to be performed pursuant to subparagraph (iii)(A), Declarant shall immediately upon receipt of the Emergency Incident Report request and vigorously pursue all necessary permits and upon their issuance, shall undertake all such work with alacrity. If no permits are required, work shall be undertaken as soon as possible after receipt of the Emergency Incident Report.

- (v) With regard to the work to be performed pursuant to subparagraph (iii)(B), within ninety (90) days of receiving the report of the Preservation Architect, Declarant shall apply for all necessary permits and certificates from the LPC to repair and restore or to demolish. No work on the exterior of the Designated Structure, and no work on the interior of the Designated Structure which would affect the exterior or which would require the issuance of a permit from the Department of Buildings shall be performed except pursuant to a permit from the LPC. If the LPC determines that a recommendation to demolish or to perform a specific item of work or method of work set forth in the report would be inappropriate, using the criteria set forth in the Landmarks Preservation Law, the determination of the LPC shall control and the Declarant shall not have such specific work performed or be entitled to have the Designated Structure demolished unless Declarant is obligated to perform such work or demolish the structure in accordance with an "Unsafe Building Notice" issued by the Department of Buildings. All repair, restoration, rehabilitation, repointing, and other work provided for in a certificate or permit shall be completed within nine (9) months of the date of issue of such certificate or permit by the

LPC. If such work cannot be completed within nine (9) months for reasons beyond Declarant's control, as reasonably determined by the Chairperson of the LPC, Declarant shall apply in writing to the LPC for an extension of time within which to complete such work. Such extensions shall be for a stated additional period of time which is related to the period of the delay and shall not be unreasonably withheld.

(c) Access to Designated Structure. Declarant agrees to provide access to the Designated Structure to the LPC and its designated representatives at reasonable times and upon reasonable written notice, except in cases of emergency, in which event the LPC or its representatives shall have access, if feasible, immediately and without notice, in order to insure that the preservation, repair and maintenance of the Designated Structure is carried out in accordance with this Declaration.

(d) Failure to Perform. In the event that the preservation, repair, or maintenance of the Designated Structure is not performed in accordance with the provisions of this Article, the LPC shall give written notice of such failure to perform to the Declarant. In the event that Declarant, its successors or assigns, fails after sixty (60) days from receipt of written notice from the LPC to perform or shall commence to perform but fail to diligently prosecute to completion, any such repair and/or maintenance, or any obligations of Declarant set forth in this Declaration, the City of New York may perform all of the necessary work at the sole cost and expense of the Declarant and shall have the right to enter onto the Subject Property and to charge said Declarant for all the actual cost of such work, together with actual administrative and legal fees incurred in the collection thereof. Such actual costs shall include, but not be limited to, reasonable payments by the City of New York to any lawyers, consultants, contractors, painters, engineers, architects and skilled artisans required to be hired to perform or supervise such work. To the extent such actual costs are expended by the City, the LPC shall have a lien on the Subject Premises as if a lien had been filed, perfected and enforced for materials and labor under Article 2 of the Lien Law of the State of New York. Notwithstanding the foregoing, in the event that

the Designated Structure is converted to a condominium, Declarant's right to notice and cure provided in this subsection shall apply only to the condominium board and to any owner of space occupied by retail uses in the Designated Structure; provided that the LPC has received notice by said parties in accordance with Section 6.02.

Article III.
CONDOMINIUM BOARD

3.01 General. In the event that the Designated Structure is converted to a condominium in accordance with Article 9B of the New York State Real Property Law ("RPL"), the board of managers of such condominium (the "Board") shall have the responsibility to carry out all of Declarant's obligations set forth in this Declaration and the authority to exercise all of Declarant's rights under this Declaration and upon such conversion, Declarant shall be released from its liability thereunder.

3.02 Board. The Board shall require that each owner of a condominium unit (the "Unit Owner") appoint the Board as his or her Attorney-in-Fact with respect to modification, amendment, or cancellation of the Declaration.

3.03 Condominium Declaration. Every deed conveying title to, or a partial interest in, the Subject Premises and every lease of all or substantially all of the Subject Premises, shall contain a recital that the grantee is bound by the terms of the Condominium Declaration and By-laws which shall incorporate an obligation by the Board to comply with the provisions of Article 3 of this Declaration. In addition, the offering plan and by-laws for such condominium shall include the following language: This building is obligated by a restrictive declaration to be maintained in a sound, first-class condition in perpetuity. This obligation includes a thorough inspection of the building every five years and the preparation of an existing conditions report that shall be submitted to the Landmarks Preservation Commission. All work identified in the existing conditions report as necessary to maintain this building in a sound, first-class condition must be expeditiously undertaken.

Article IV.
EFFECT AND ENFORCEMENT

4.01 Effective Date.

(a) This Declaration shall have no force and effect unless and until the occurrence of one of the following, to be referred to as the "Effective Date": (a) the expiration of 21 days after the Special Permit has been approved if no review is undertaken by the City Council pursuant to Section 197-d of the New York City Charter or (b) final approval of the Special Permit pursuant to Section 197-d of the New York City Charter. The Declaration shall become effective immediately upon the Effective Date. If, before the Effective Date, Declarant requests or causes the application for the Special Permit to be withdrawn or abandoned, or if final action has been taken having the effect of denying the Special Permit, then, upon notice to CPC and LPC, this Declaration shall not become effective, shall be automatically canceled without any other action by Declarant, and shall be of no force or effect.

(b) If the Special Permit is at any time declared invalid or is otherwise voided by final judgment of any court of competent jurisdiction from which no appeal can be taken or for which no appeal has been taken within the applicable statutory period provided for such appeal, then, upon entry of said judgment or the expiration of the applicable statutory period for such entry, as the case may be, this Declaration shall be automatically canceled without further action by Declarant and shall be of no further force or effect and the CPC shall, if requested by Declarant, provide Declarant with a letter in recordable form stating that the Declaration has been so canceled and is of no further force and effect. In the event that Declarant has obtained a certificate of occupancy allowing occupancy of the Special Permit Restricted Space, Declarant shall promptly, after receipt of such letter, obtain a revised or amended certificate of occupancy from the Buildings Department reflecting the cessation of any such occupancy of the Special Permit Restricted Space.

4.02 Filing and Recording. Declarant shall file and record, at its sole cost and expense, this Declaration in the Register's Office, indexing it against the Subject Property, immediately upon the Effective Date. Declarant shall promptly deliver to the CPC and the

LPC duplicate executed originals, promptly following the Effective Date and, following recordation, a true copy of this Declaration as recorded. If Declarant fails to so record this Declaration, the City may record this Declaration, at the sole cost and expense of Declarant, who shall promptly pay to the City such costs together with fees for purchase of a reasonable number of certified copies of the recorded Declaration.

4.03 Additional Remedies. Declarant acknowledges that the City is an interested party to this Declaration, and consents to enforcement by the City, administratively or at law or equity, of the restrictions, covenants, easements, obligations and agreements contained herein. Declarant also acknowledges that the remedies set forth in this Declaration are not exclusive, and that the City and any agency thereof may pursue other remedies not specifically set forth herein including, but not limited to, the seeking of a mandatory injunction compelling Declarant, its heirs, successors or assigns, to comply with any provision, whether major or minor, of this Declaration.

4.04 Notice and Cure

(a) Before any agency, department, commission or other subdivision of the City institutes any proceeding or proceedings to enforce the terms or conditions of this Declaration because of any violation hereof, it shall give Declarant not less than forty-five (45) days written notice of such alleged violation, during which period Declarant shall have the opportunity to effect a cure of such alleged violation. If Declarant commences to effect a cure during such forty-five (45) day period and proceeds diligently towards the effectuation of such cure, the aforesaid forty-five (45) day period shall be extended for so long as Declarant continues to proceed diligently with the effectuation of such cure. In the event that title to the Subject Premises, or any part thereof, shall become vested in more than one party, the right to notice and cure provided in this subsection shall apply equally to all parties with a fee interest in the Subject Premises, or any part thereof, including ground lessees; provided the LPC has received notice of said parties in accordance with Section 6.02. Notwithstanding the foregoing, in the event that the Designated Structure is converted to a condominium, the right to notice and cure provided in this subsection shall apply only to the Board

and to any owner of space occupied by retail uses in the Designated Structure; provided that the LPC has received notice of said parties in accordance with Section 6.02.

(b) If Declarant fails to observe any of the terms or conditions of this Declaration, and the Declarant fails to cure such violation within the applicable grace period provided in subparagraph 4.04(a) of this Declaration, then prior to the institution by any agency or department of the City of any action, proceeding, or proceedings against Declarant in connection with such failure, a Mortgagee who has given written notice of its name and address to the CPC and the LPC shall be given thirty (30) days written notice of such alleged violation, during which period such Mortgagee shall have the opportunity to effect a cure of such alleged violation. If such Mortgagee commences to effect a cure during such thirty (30) day period and proceeds diligently towards the effectuation of such cure, the aforesaid thirty (30) day period shall be extended for so long as such Mortgagee continues to proceed diligently with the effectuation of such cure.

(c) If after due notice as set forth in this Section 4.04, Declarant and/or the Mortgagee fail to cure such alleged violations, the City may exercise any and all of its rights, including those delineated in this Section and may disapprove any amendment, modification, or cancellation of this Declaration on the sole grounds that Declarant is in default of any material obligation under this Declaration.

4.05 Acknowledgement of Covenants. Declarant acknowledges that the restrictions, covenants, easements, obligations and agreements in this Declaration, which are an integral part of the Special Permit, will protect the value and desirability of the Subject Premises as well as benefit the City of New York and all property owners within a one-half mile radius of the Subject Premises. Those restrictions, covenants, easements, obligations and agreements shall be covenants running with the land, and shall bind Declarant and its successors, legal representatives, and assigns.

4.06 No Other Enforceable Restrictions. Declarant represents and warrants that there are no enforceable restrictions of record on the use of the Subject Property or the Designated Structure, nor any present or presently existing future estate or interests in the

Subject Property or the Designated Structure, nor any lien, obligation, enforceable covenant, limitation or encumbrance of any kind which precludes, directly or indirectly, imposition on the Subject Premises of the restrictions, covenants, easements and obligations of this Declaration.

4.07 Governing Law. This Declaration shall be governed by and construed in accordance with the laws of the State of New York.

4.08 Severability. In the event that any provision of this Declaration shall be deemed, decreed, adjudged or determined to be invalid or unlawful by a court of competent jurisdiction and the judgment of such court shall be upheld on final appeal, or the time for further review of such judgment on appeal or by other proceeding has lapsed, such provision shall be severable, and the remainder of this Declaration shall continue to be of full force and effect.

4.09 Applicability to Other City Agencies. Declarant covenants to include a copy of this Declaration as part of any application submitted to the LPC, CPC, Buildings Department, Board of Standards and Appeals ("BSA"), New York State Attorney General (in the event of a proposed conversion of the Designated Structure to condominium ownership) or any agency succeeding to their respective jurisdictions. The restrictions and obligations contained herein are a condition of any permit or Certificate of Occupancy to be issued by the Building Department and Declarant will take all reasonable steps to ensure that they are so listed. Failure to carry out such obligation beyond any applicable grace period shall constitute sufficient cause for the Commissioner of the Buildings Department to revoke any permit issued by the Buildings Department, including any building permit issued pursuant to the Special Permit, or to apply to the BSA or to a court of competent jurisdiction for revocation of the Certificate of Occupancy.

4.10 Limitation of Liability.

(a) Declarant shall be liable for the performance of any term, provision or covenant in this Declaration, subject to the following sentences and subject to Section 4.12 below. Notwithstanding anything to the contrary contained in this Declaration, the City and any other party or person relying on the Declaration will look solely to

the fee estate and interest of Declarant in the Subject Property, on an in rem basis only, for the collection of any money judgment recovered against Declarant, and no other property of Declarant shall be subject to levy, execution or other enforcement procedure for the satisfaction of the remedies of the City or any other person or entity with respect to this Declaration, and Declarant shall have no personal liability under this Declaration. The liability of any Unit Owner under this Declaration shall be limited to the amount of such Unit Owner's prorated share, based on such Unit Owner's interest in the common elements of the Condominium, of the costs of compliance with this Declaration. For the purposes of this Section 4.10, "Declarant" shall mean "Declarant" as defined in Article I hereof, as well as any principals, disclosed or undisclosed, limited and general partners, affiliates, officers, employees, shareholders or directors of Declarant.

(b) The restrictions, covenants and agreements set forth in this Declaration shall be binding upon the Declarant and any successor-in-interest only for the period during which Declarant and any successor-in-interest is the holder of a fee interest in or is a party-in-interest of the Subject Premises and only to the extent of such fee interest or the interest rendering Declarant a party-in-interest. At such time as the named Declarant has no further fee interest in the Subject Premises and is no longer a party-in-interest of the Subject Premises, Declarant's obligations and liability with respect to this Declaration shall wholly cease and terminate from and after the conveyance of Declarant's interest and Declarant's successors-in-interest in the Subject Premises by acceptance of such conveyance automatically shall be deemed to assume Declarant's obligations and liabilities here-under to the extent of such successor-in-interest's interest.

4.11 Subordination. Declarant shall cause every individual, business organization or other entity that between the date hereof and the date of recordation of this Declaration becomes a Party-in-Interest to the Subject Property, to execute this Declaration or to subordinate such interest to the Declaration and waive its right to execute this Declaration. Any mortgage or other lien encumbering the Subject Property after the recording date of this Declaration shall be subject and subordinate hereto.

4.12 Right to Convey. Nothing contained herein shall be construed as requiring the consent of the CPC, the LPC, the City, any agency thereof or any other person or entity to any sale, transfer, conveyance, mortgage, lease or assignment of any interest in the Subject Property or the Designated Structure.

Article V.
AMENDMENTS, MODIFICATIONS AND CANCELLATIONS

5.01 Amendment or Cancellation. Except as provided in paragraph 4.01 above, this Declaration may be amended or canceled only upon application by LPC on behalf of Declarant and only with the express written approval of the CPC and, solely in the event that the New York City Council reviewed the Special Permit pursuant to Section 197-d of the New York City Charter, of the New York City Council, and no other approval or consent shall be required from any public body, private person or legal entity of any kind; provided, however, that no such approval shall be required in the case of any cancellation pursuant to paragraph 5.04 or 4.01.

5.02 Minor Modification. The Chairperson of the LPC and the Chairperson of the CPC may, by express written consent, administratively approve modifications to the Declaration that the CPC has determined to be minor. Such minor modifications shall not be deemed amendments requiring the approval of the CPC, the LPC, the New York City Council or any other agency or department of the City of New York.

5.03 Recording and Filing. Any modification, amendment or cancellation of this Declaration, except pursuant to paragraph 5.04 or 4.01, shall be executed and recorded in the same manner as this Declaration. Following any modification, amendment or cancellation, Declarant shall immediately record such modification, amendment or cancellation and provide one fully executed and acknowledged true copy thereof to each of the CPC and the LPC and upon failure to so record, permit its recording by the CPC or the LPC at the cost and expense of Declarant.

5.04 Surrender or Nullification. Notwithstanding anything to the contrary contained herein, in the event that Declarant does not construct the Special Permit Restricted Space pursuant to the Special Permit, Declarant may surrender the Special Permit to the CPC and proceed with any use or development of the Subject Property permitted by the Zoning Resolution and in accordance with the Landmarks Preservation Law as if such Special Permit had not been granted. This Declaration shall be rendered null and void upon recordation of an instrument filed by Declarant discharging it of record, with copies to LPC and CPC, the recordation of which instrument shall constitute a waiver of the right to use the Subject Property pursuant to the Special Permit.

Article VI. NOTIFICATIONS

6.01 Exhibits. Any and all exhibits, appendices, or attachments referred to herein are hereby incorporated fully and made an integral part of this Declaration by reference.

6.02 Notices. All notices, demands, requests, consents, waivers, approvals and other communications which may be or are permitted, desirable or required to be given, served or deemed to have been given or sent hereunder shall be in writing and shall be sent, if intended for Declarant, to 121 Chambers St LLC, c/o HUBB NYC Properties LLC, 579 Fifth Avenue, 4th Floor, New York, NY 10017, with a copy to Robin A. Kramer, Esq., Duval & Stachenfeld LLP, 555 Madison Avenue, New York, New York 10022; if intended for the CPC, to the CPC at 120 Broadway, 31st Floor, New York, NY 10271 (or then-official address), Att'n: Chairperson; if intended for the LPC, to the LPC at 1 Centre Street, 9th Floor N, New York, NY 10007 (or then-official address), Att'n: Chairperson; and if intended for the City Council, to the City Council at the Office of the Speaker, City Council, City Hall, New York, New York 10007. Declarant, or its representatives, by notice given as provided in this paragraph 6.02, may change any address for the purposes of this Declaration. Each notice, demand, request, consent, approval or other communication shall be sent by (a) registered or certified mail, postage prepaid, return receipt requested, (b) nationally recognized overnight courier services for next business day delivery, or (c) delivered by hand, and shall be deemed sufficiently given, served or

sent for all purposes hereunder five (5) business days after it shall be mailed, the next business day if sent by overnight delivery for next day delivery, or, if delivered by hand, when actually received.

6.03 Indemnification. Provided that Declarant is found by a court of competent jurisdiction to have been in default in the performance of its obligations under this Declaration after having received written notice of such default and opportunity to cure as provided above, and such finding is upheld on final appeal, or the time for further review of such finding on appeal or by other proceeding has lapsed, Declarant shall indemnify and hold harmless the City from and against all of its reasonable legal and administrative expenses arising out of or in connection with the City's enforcement of Declarant's obligations under this Declaration.

IN WITNESS WHEREOF, Declarant has executed this Declaration as of the day and year first above written.

121 CHAMBERS ST LLC

By:



Name: Cosmo Laforgia
Title: Chief Financial Officer


By:



Name: Rob Dunn
Title: VP – Asset Management

STATE OF NEW YORK)
) ss.:
COUNTY OF New York)

On the 21 day of August, 2019, before me personally came Cosmo Laforgia to me known, who being by me duly sworn, did depose and say that s/he resides at New York; that s/he is the CFO of the Declarant described in and which executed the foregoing instrument; that s/he had authority to sign same; and s/he acknowledged to me that s/he executed the same as the act and deed of said entity for the use and purposes herein set forth.

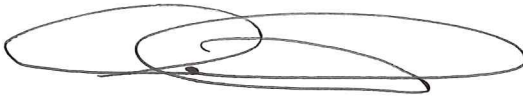


Notary Public

CRISTINA MARIA WARK
Notary Public, State of New York
Registration #01WA6291351
Qualified In Kings County
Commission Expires Oct. 15, 2021

STATE OF NEW YORK)
) ss.:
COUNTY OF New York)

On the 21 day of August, 2019, before me personally came Robert Dunn to me known, who being by me duly sworn, did depose and say that s/he resides at New York; that s/he is the VP-Asset Management of the Declarant described in and which executed the foregoing instrument; that s/he had authority to sign same; and s/he acknowledged to me that s/he executed the same as the act and deed of said entity for the use and purposes herein set forth.



Notary Public

CRISTINA MARIA WARK
Notary Public, State of New York
Registration #01WA6291351
Qualified In Kings County
Commission Expires Oct. 15, 2021

SCHEDULE OF EXHIBITS

- Exhibit A - Metes and Bounds of Subject Property
- Exhibit B - Parties in Interest Certification
- Exhibit C - Certificate of Appropriateness
- Exhibit D - Drawings

EXHIBIT A

Metes and Bounds Description

The subject tract of land with respect to which the foregoing parties are the parties in interest as aforesaid, is known as Block 145 Lot 10 on the Tax Map of the City of New York, New York County, and more particularly described as follows:

ALL that certain plot piece or parcel of land, situate, lying and being in the Borough of Manhattan, County of New York, City and State of New York, being Lots 583 and 594 on map of the Church Farm, bounded and described as follows:

BEGINNING at a point in the northerly side of Chambers Street, distant 125 feet easterly from the corner formed by the intersection of the easterly side of West Broadway with the northerly side of Chambers Street;

RUNNING THENCE northerly parallel with the easterly side of West Broadway and part of the way through a party wall, 151 feet 6 inches to the southerly side of Reade Street;

THENCE easterly along the southerly side of Reade Street, 25 feet;

THENCE southerly parallel with the easterly side of West Broadway, and for the whole distance through a party wall, 151 feet 5-3/4 inches to the northerly side of Chambers Street;

THENCE westerly along the northerly side of Chambers Street, 25 feet to the point or place of BEGINNING.

EXHIBIT B

Parties in Interest Certification

[attached behind]

N.B. # _____
or
ALT. # _____

EXHIBIT "I"

CERTIFICATION PURSUANT TO ZONING LOT
SUBDIVISION C OF SECTION 12-10
OF THE ZONING RESOLUTION OF DECEMBER 15, 1961
OF THE CITY OF NEW YORK AS AMENDED
EFFECTIVE AUGUST 18, 1977

ROYAL ABSTRACT OF NEW YORK LLC, an abstract company licensed to do business in the State of New York and having its principal office at 125 Park Avenue, New York, New York, hereby certifies that as to the land hereafter described being a tract of land, either unsubdivided or consisting of two or more lots of record contiguous for a minimum of ten linear feet located within a single block in the single ownership of **121 Chambers St LLC**, and that the parties of interest constituting a "party of interest" as defined in Section 12-10, subdivision (c) of the Zoning Resolution of the City of New York, effective December 15, 1961, as amended, are the following:

NAME AND ADDRESS

NATURE OF INTEREST

1) **121 Chambers St LLC**
130 East 59th Street, Suite 14A
New York, NY 10022

Fee Owner

The subject tract of land with respect to which the foregoing parties are the parties in interest as aforesaid, is known as Block 145 Lot 10 on the Tax Map of the City of New York, New York County, and more particularly described as follows:

ALL that certain plot piece or parcel of land, situate, lying and being in the Borough of Manhattan, County of New York, City and State of New York, being Lots 583 and 594 on map of the Church Farm, bounded and described as follows:

BEGINNING at a point in the northerly side of Chambers Street, distant 125 feet easterly from the corner formed by the intersection of the easterly side of West Broadway with the northerly side of Chambers Street;

RUNNING THENCE northerly parallel with the easterly side of West Broadway and part of the way through a party wall, 151 feet 6 inches to the southerly side of Reade Street;

THENCE easterly along the southerly side of Reade Street, 25 feet;

THENCE southerly parallel with the easterly side of West Broadway, and for the whole distance through a party wall, 151 feet 5-3/4 inches to the northerly side of Chambers Street;

THENCE westerly along the northerly side of Chambers Street, 25 feet to the point or place of BEGINNING.

That the said premises are known as and by the street address **121 Chambers Street aka 103 Reade Street, New York, NY** as shown by the following:

**DIAGRAM
SEE ANNEXED**

NOTE: A Zoning Lot may or may not coincide with a lot shown of the Official Tax Map of the City of New York, or on any recorded subdivision plot or deed. A Zoning Lot may be subdivided into two or more zoning lots, provided all the resulting Zoning Lots and all the buildings thereon shall comply with the applicable provisions of the Zoning Lot Resolution.

THIS CERTIFICATE IS MADE FOR AND ACCEPTED BY THE APPLICANT UPON THE EXPRESS UNDERSTANDING THAT LIABILITY HEREUNDER IS LIMITED TO ONE THOUSAND (\$1,000.00) DOLLARS.

Certified 8/23/19

ROYAL ABSTRACT OF NEW YORK LLC



**Michael Roberts
Chief Operating Officer**

TITLE NO.: 182763

DIAGRAM

COUNTY OF NEW YORK / BLOCK: 145 LOT: 10

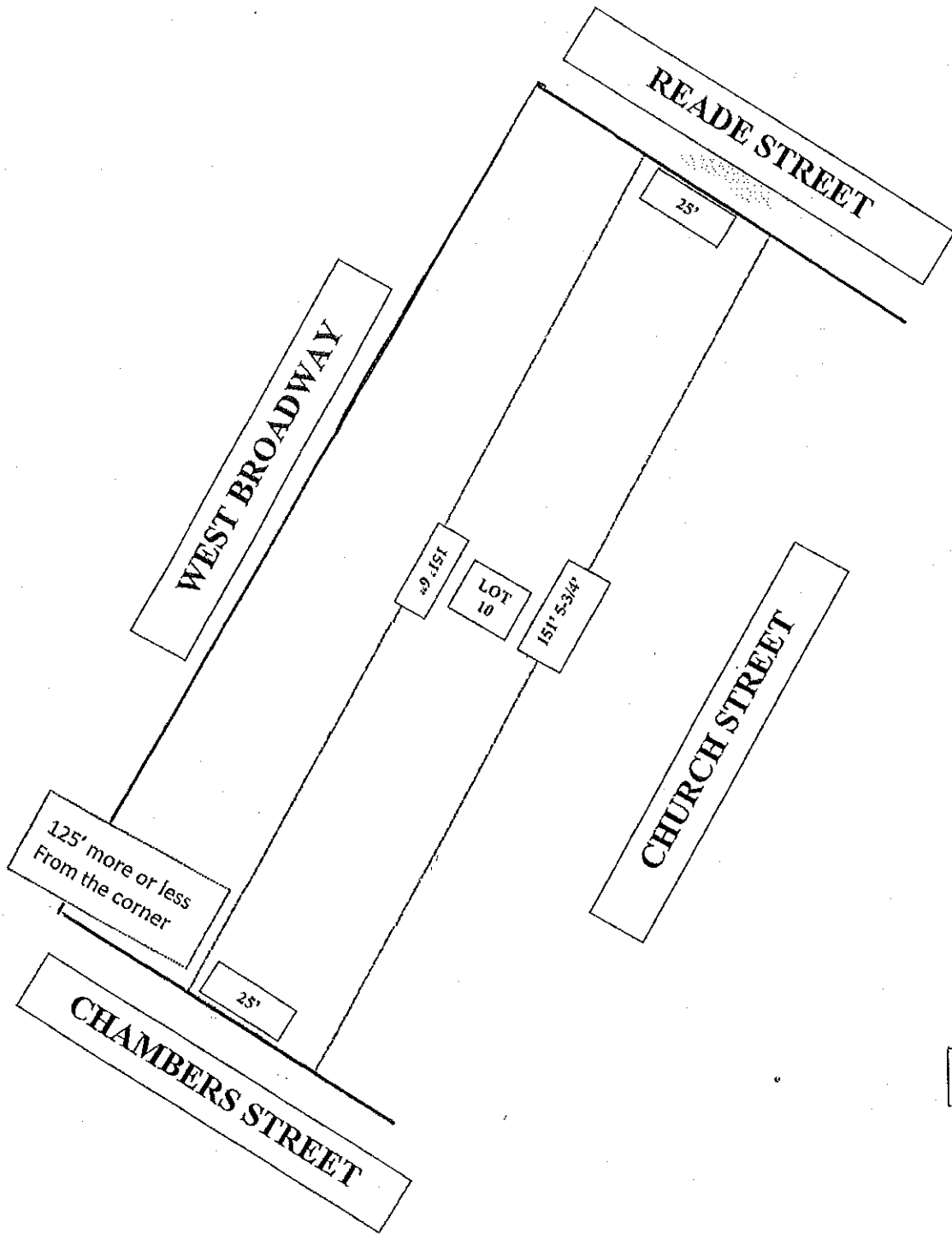


EXHIBIT C

Certificate of Appropriateness

[attached behind]



THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION
 1 CENTRE STREET 9TH FLOOR NORTH NEW YORK NY 10007
 TEL: 212 669-7700 FAX: 212 669-7780



PERMIT

CERTIFICATE OF APPROPRIATENESS

ISSUE DATE: 01/28/19	EXPIRATION DATE: 5/9/2025	DOCKET #: LPC-19-26119	COFA COFA-19-26119
ADDRESS: 121 CHAMBERS STREET		BOROUGH: Manhattan	BLOCK/LOT: 145 / 10
Tribeca South Historic District			

Display This Permit While Work Is In Progress

ISSUED TO:

Steve Dluzyn
121 Chambers Street, LLC
130 East 59th Street, Suite 14A
New York, NY 10022

Pursuant to Section 25-307 of the Administrative Code of the City of New York, the Landmarks Preservation Commission, at the Public Meeting of May 9, 2017, following the Public Hearing of the same date, voted to grant a Certificate of Appropriateness for the proposed work at the subject premises, as put forth in your application completed on April 12, 2017, and as you were notified in Status Update Letter 19-03880 (19-3880) issued on June 7, 2017.

The proposal, as approved, consists of removing a fire escape at the Reade Street (north) façade, and patching the former attachment points; constructing a two-story rooftop addition with a sixth floor that is set back 20' from both street façades, and an L-shaped seventh floor set back farther from both facades with the recessed facade at Reade Street, all with cable railings setback atop the sixth floor roof terraces; installing mechanical equipment and railings atop the seventh floor roof, all not visible from all public thoroughfares, as shown in a digital presentation, titled "121 Chambers Street / 103 Reade Street," dated May 9, 2017 and prepared by The Office of Joseph Pell Lombardi, Architect, including 31 slides, consisting of existing condition, historic, and mockup photographs, drawings, photomontages, as well as a model and material and paint finish analysis, all presented as components of the application at the Public Hearing and Public Meeting.

Supplemental drawings labeled Z-001.00, A-101.00, A-102.00, A-103.00, A-200.00, A-201.00, A-202.00, A-

203.00, A-204.00, A-300.00, A-301.00 and A-302.00 dated September 25, 2018, a drawing labeled A-001.00 dated April 20, 2018, a drawing labeled A-400.00 dated May 25, 2018, and a drawing labeled A-100.00, dated November 30, 2018, and all prepared by Joseph Pell Lombardi, R.A. were submitted on January 2, 2019.

In reviewing this proposal, the Commission noted that the Tribeca South Historic District Designation Report describes 121 Chambers Street (aka 103 Reade Street) as an Italianate style store and loft building built in 1860-1861; and that the building's style, scale, materials and details are among the features that contribute to the special architectural and historic character of the historic district. The Commission Staff further notes that Certificate of No Effect 19-22596 (LPC 19-22596) was issued on March 12, 2018 for associated restorative work.

The Commission further noted that at the Public Hearing and Meeting of May 9, 2017 the Landmarks Preservation Commission voted to issue a positive report to the City Planning Commission relating to an application for a Modification of Use and Bulk pursuant to Section 74-711 of the Zoning Resolution (LPC 19-10613).

With regard to this proposal, the Commission found that the fire escape at the Reade Street façade is neither decorative nor original to the building, and not part of a continuous grouping of fire escapes on the block front and therefore its removal will restore the façade to its original appearance and allow for its full repair; that the existing vault lights at the Reade Street entrances are highly deteriorated, and that the restoration and relocation of some of the remaining cast-iron vault light steps, and replacement in kind of deteriorated cast-iron vault light steps, will help return this portion of the building closer to its historic condition; that the construction of the rooftop addition will not damage or destroy any significant architectural features of the roof; that the two-story addition will be set back at both the north and south elevations, at both levels, and will not overwhelm the scale and massing of the building; that the two-story rooftop addition will be minimally visible from public thoroughfares, and partially visible between buildings at West Broadway, and only seen from limited vantage points at oblique angles against a complex roofscape and never directly over the front facades; that the stucco and brick materials for the proposed rooftop addition are in keeping with materials frequently used to clad the utilitarian roof bulkheads often found on buildings of this age and type in this historic district, helping the addition to blend with the roofscapes; and that the work will not detract from the building, the street, or the Tribeca South Historic District. Based on these findings, the Commission determined the work to be appropriate to the building and the historic district and voted to approve it with the stipulation that the Commission required that all restorative materials match the original materials.

The Commission authorized the issuance of a Certificate of Appropriateness upon receipt, review and approval of two or more sets of signed and sealed Department of Building filing drawings showing the approved design, and incorporating the required change to the associated restorative work permits.

Subsequently, the Commission received revised mockup study photographs, including those conducted by staff on May 9, 2017 and August 30, 2018, and presentation drawings labeled "121 Chambers Street / 103 Reade Street" LPC-1 through LPC-28 dated May 9, 2017 and prepared by the Joseph Pell Lombardi & Associates Architects.

Accordingly, staff reviewed these materials and found that the intent of the design approved by the Commission has been maintained in that the rooftop addition is not visible at either the Chamber Street side of the building or the Reade Street side of the building; and noted that these materials include additional work, consisting of work at the Reade Street façade, including restoring cast-iron vault lights at the entrance thresholds; installing new cast-iron vault lights at the threshold of the projecting bay at the central bay, and the spanning the width of the building surrounding the curved central bay, excepting a diamond-plate metal

basement access hatch at the eastern entrance bay, and resetting the existing bluestone pavers beyond. With regard to this additional work, staff found that rebuilding the vaults will support the long-term preservation of the building by reducing damage to the structure through water infiltration; that the replacement of the remaining cast iron and vault lights is warranted by their deteriorated and unsound condition; that the restoration of the remaining cast-iron vault lights and threshold step and installation of new cast-iron vault lights will help return a historic feature in a unified composition. Based on these and the above findings, the drawings have been marked approved with a perforated seal, and Certificate of Appropriateness 19-26119 is being issued.

The Commission notes that this permit is being issued for work subject to the review of the Department of City Planning for a modification of use and bulk, pursuant to Section 74-711; and this permit is issued contingent upon the Commission's review and approval of the final Department of Building filing set of drawings. No work may begin until the final drawings have been marked approved by the Landmarks Preservation Commission with a perforated seal. Once the final drawings have been received and approved, they will be marked as approved with a perforated seal.

PLEASE NOTE: This permit is contingent upon the Commission's review and approval of shop drawings for the cast-iron vault lights prior to the commencement of work. Submit clear, color digital photographs of all samples to James Russiello for review, or contact staff to schedule a site visit.

PLEASE ALSO NOTE: This permit is being issued in conjunction with Modification of Use and Bulk 19-31935 (LPC 19-31935).

This permit is issued on the basis of the building and site conditions described in the application and disclosed during the review process. By accepting this permit, the applicant agrees to notify the Commission if the actual building or site conditions vary or if original or historic building fabric is discovered. The Commission reserves the right to amend or revoke this permit, upon written notice to the applicant, in the event that the actual building or site conditions are materially different from those described in the application or disclosed during the review process.

All approved drawings are marked approved by the Commission with a perforated seal indicating the date of the approval. The work is limited to what is contained in the perforated document. Other work or amendments to this filing must be reviewed and approved separately. The applicant is hereby put on notice that performing or maintaining any work not explicitly authorized by this permit may make the applicant liable for criminal and/or civil penalties, including imprisonment and fine. This letter constitutes the permit; a copy must be prominently displayed at the site while work is in progress. Please direct inquiries to James Russiello.



Sarah Carroll
Chair

PLEASE NOTE: PERFORATED DRAWINGS AND A COPY OF THIS PERMIT HAVE BEEN SENT TO:
Jason Friedman, The Office of Joseph Pell Lombardi, Architect

cc: Caroline Kane Levy, Deputy Director; Jason Friedman, The Office of Joseph Pell Lombardi, Architect; Mark A. Silberman, LPC General Counsel; John Weiss, LPC Deputy Counsel; Cory Herrala, LPC Acting Director of Preservation; Joseph Pell Lombardi, R.A., The Office of Joseph Pell Lombardi, Architect; Elizabeth Lawrence Canon, The Office of Joseph Pell Lombardi, Architect; Robin A. Kramer, Esq.,

DESIGN APPROVAL ONLY:
No work may proceed until the final
filing drawings are reviewed,
approved and perforated by the
Landmarks Preservation Commission staff.

EXHIBIT D

Drawings

[attached behind]

4

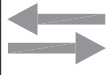
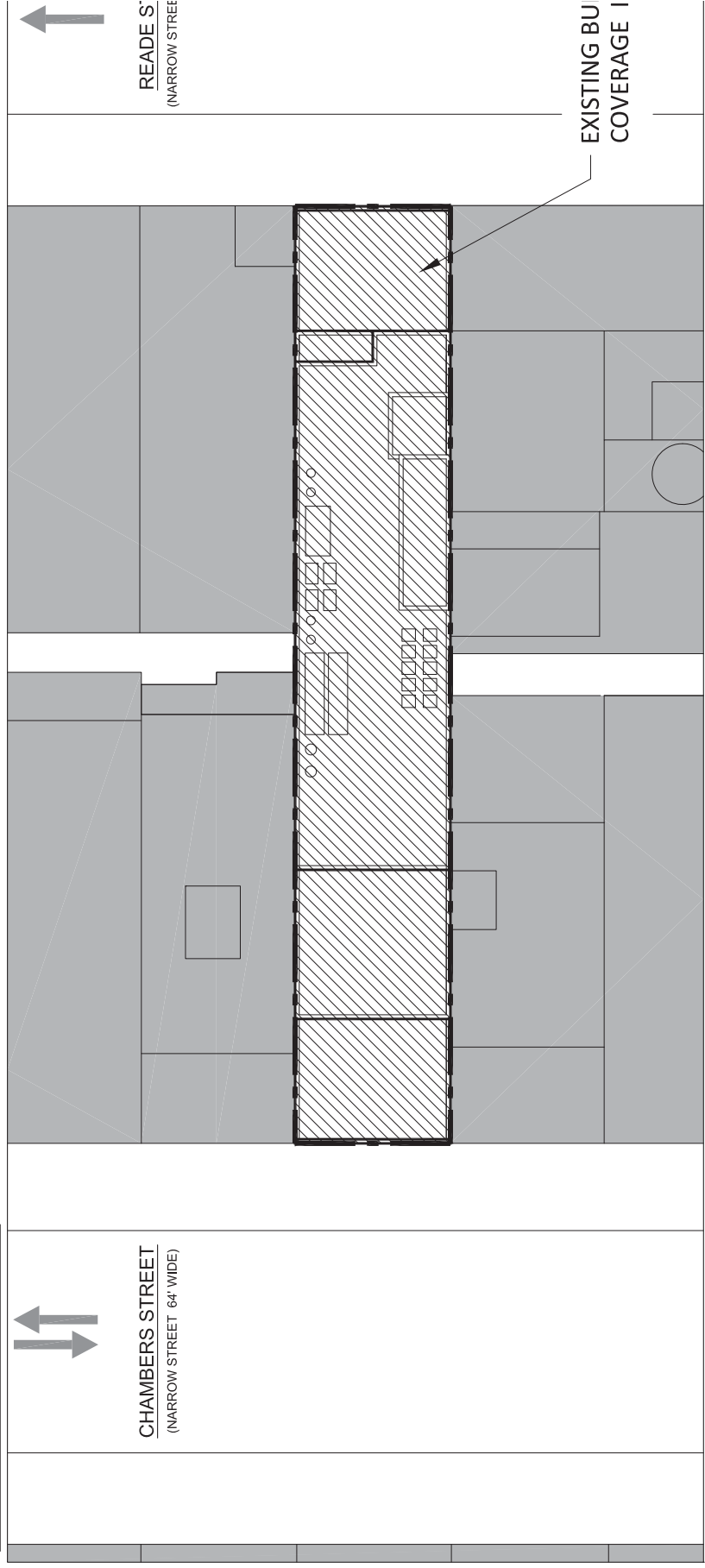
3

2

1

75'-1" (EXISTING BUILDING HEIGHT) + 15' = 90'-1"	OR 1 STORY	5 STORIES
75'-1" @ CHAMBERS ST & REAR	MAXIMUM STREET WALL HEIGHT = 75'-1"	75'-1" @ CHAMBERS ST & REAR
NO SETBACK	MINIMUM SETBACK = 15'	NO SETBACK
75'-1"	MINIMUM BASE HEIGHT = 60'	75'-1"
75'-1"	MAXIMUM BASE HEIGHT = 85'	75'-1"
OTHER ZONING REGULATIONS		
ZR 13-10	PERMITTED OFF-STREET PARKING MANHATTAN CORE	NONE
ZR 811(a)	ENCLOSED BICYCLE SPACES	NONE
ZR 23-03	STREET TREE PLANTING	NONE

LOT COVERAGE DIAGRAM



CHAMBERS STREET
(NARROW STREET 64' WIDE)

READE S'
(NARROW STREET)

EXISTING BU
COVERAGE I

ZONING ANALYSIS

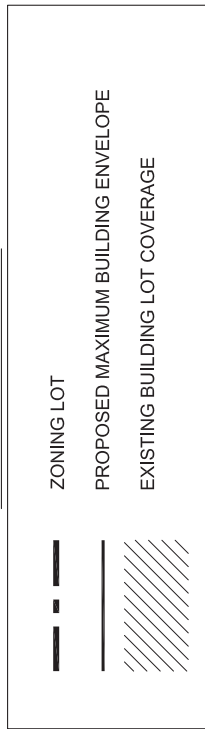
ZONING RESOLUTION	TITLE / DESCRIPTION	PERMITTED & REQUIRED	EXISTING
USE REGULATIONS			
ZR 22-10	USES PERMITTED AS OF RIGHT	RESIDENTIAL; USE GROUPS 1,2	USE GROUP - 2
ZR 32-10	USES PERMITTED AS OF RIGHT	COMMUNITY FACILITY; USE GROUPS 3,4 COMMERCIAL; USE GROUPS 6-12	NONE USE GROUP - 6
ZR 111-13(a)	ADDITIONAL USE REGULATIONS	CERTAIN SIZES OF COMMERCIAL USES PROHIBITED AND CERTAIN USES IN UG 16 & 17 PERMITTED	NONE
BULK REGULATIONS			
ZR 35-21, ZR 35-31			
ZR 23-153	LOT COVERAGE	MAXIMUM PERMITTED LOT COVERAGE = 70%	3,771 SF (100%)
ZR 23-153	FLOOR AREA RATIO	RESIDENTIAL MAXIMUM PERMITTED FAR = 7.52	2.97
ZR 33-12	FLOOR AREA RATIO	COMMUNITY FACILITY MAXIMUM PERMITTED FAR = 7.50 COMMERCIAL MAXIMUM PERMITTED FAR = 6.00 TOTAL MAXIMUM PERMITTED FAR = 7.52	0 1.98 4.95
ZR 23-153	FLOOR AREA	RESIDENTIAL MAXIMUM PERMITTED FLOOR AREA 28,358 SF	11,205 SF
ZR 33-122	FLOOR AREA	COMMUNITY FACILITY MAXIMUM PERMITTED FLOOR AREA 28,283 SF	0 SF
		COMMERCIAL MAXIMUM PERMITTED FLOOR AREA 22,626 SF	7,470 SF
		TOTAL MAXIMUM PERMITTED FLOOR AREA 28,358 SF	18,675 SF
DENSITY REGULATIONS			
ZR 23-22 & ZR 35-40	MAXIMUM NUMBER OF DWELLING UNITS APPLICABILITY OF DENSITY REGULATIONS	MAX RESIDENTIAL FLOOR AREA / 680 (FACTOR OF DUS) MAX PERMITTED = 20,879 / 680 = 30 DU	5 DWELLING UNITS
LOT AREA AND LOT WIDTH REGULATIONS			
ZR 23-32	MINIMUM LOT AREA	1,700 SF	3,771 SF
	MINIMUM LOT WIDTH FOR RESIDENCES	18'	25'
YARD REGULATIONS			
ZR 35-53			
ZR 23-45	MINIMUM REQUIRED FRONT YARDS	NONE	NONE
ZR 35-51	MODIFICATION OF FRONT YARD REQUIREMENTS	NONE	NONE
ZR 23-534	SPECIAL PROVISIONS FOR SHALLOW THROUGH LOTS	MINIMUM REQUIRED REAR YARD EQUIVALENT IS 31'-10" REAR YARD EQUIVALENT FOR 150'-10" LOT: 180'- (LOT SIZE) 150'-10 = 29'-2 MINIMUM REQUIRED REAR YARD CALCULATION: 60'-0" - 29'-2 = 31'-10" MINIMUM REQUIRED HOWEVER NO REAR YARD EQUIVALENT MAY BE LESS THAN 20'. NO REAR YARD REQUIRED FOR CONVERSIONS	NO REAR YARD EQUIVALENT
ZR 15-11 ZR 15-112 ZR 15-12	BULK REGULATIONS; LIGHT & AIR PROVISIONS; OPEN SPACE		2ND FLOOR COMMERCIAL
ZR 33-28	SPECIAL PROVISIONS FOR THROUGH LOTS	NONE REQUIRED	NONE (FLOORS 1 & 2)
HEIGHT AND SETBACK REGULATIONS			
ZR 111-20(c)	SPECIAL BULK PROVISIONS FOR AREAS A1 THROUGH A7		
ZR 111-20(c)(1)(v)	MAXIMUM PERMITTED BUILDING HEIGHT	MAXIMUM BUILDING HEIGHT = 135'	75'-1"
ZR 111-20(c)(2)	SPECIAL REGULATIONS FOR NARROW BUILDINGS	MAXIMUM BUILDING HEIGHT = 90'-1"	75'-1"

5 STORIES 75'-1"	2 STORIES NONE	7 STORIES 75'-1"	COMPLIES
NO SETBACK 75'-1"	20' SETBACK ON CHAMBERS & READE ST 75'-1"	20' SETBACK ON CHAMBERS & READE ST 75'-1"	COMPLIES
75'-1"	75'-1"	75'-1"	COMPLIES
NONE	NONE	NONE	COMPLIES
NONE	NONE	NONE	COMPLIES
NONE	2 TREES	2 TREES	COMPLIES

SUMMARY OF FLOOR AREA AND USE

FLOOR	EXISTING GSF	ZSF	PROPOSED GSF	ZSF	USE GROUP EX	PROP
SUB-CELLAR	3,771	0	3,771	0	VACANT	UG 6
CELLAR	3,771	0	3,771	0	UG 6	UG 6
FIRST FLOOR	3,771	3,735	3,771	3,735	UG 6	UG 6
SECOND FLOOR	0	0	583	583	N/A	UG 2
THIRD FLOOR	3,771	3,735	3,771	3,735	UG 6	UG 2
FOURTH FLOOR	3,771	3,735	3,771	3,735	UG 2	UG 2
FIFTH FLOOR	3,771	3,735	3,771	3,735	UG 2	UG 2
SIXTH FLOOR	0	0	2,769	2,716	N/A	UG 2
SEVENTH FLOOR	0	0	2,107	2,057	N/A	UG 2
TOTALS	26,397	18,675	32,439	24,614		
# OF DWELLING UNITS	4		8			
FAR	4.95		6.52			

DRAWING LEGEND



SITE DATA

ADDRESS: 121 CHAMBERS STREET
AKA 103 READE STREET
MANHATTAN
BLOCK: 145
LOT: 10
EXISTING FLOOR AREA: 18,675 ZSF
ZONING DISTRICT: 150'-10" x 25'-0" = 3,771 SF
C6-3A IN TRIBECA MIXED USE (TMU) AREA A3 (R9A EQUIVALENT)
ZONING MAP: NARROW STREETS (64' & 60')
STREET TYPES: 10-11-16
SITE SURVEY DATE: INTERIOR THROUGH LOT
LOT TYPE: TRIBECA SOUTH HISTORIC DISTRICT
LANDMARK DISTRICT: TRIBECA SOUTH HISTORIC DISTRICT
EXISTING CERTIFICATE OF OCCUPANCY # 102504540

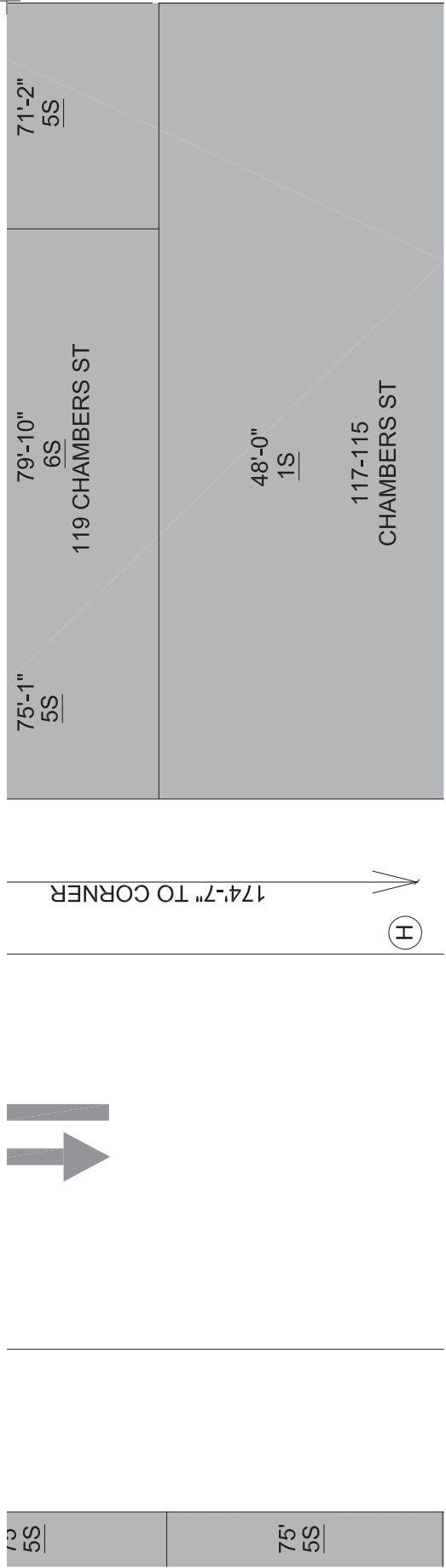
LIST OF REQUIRED ACTIONS

REQUESTED WAIVERS PURSUANT TO ZR 74-711
111-20(c)(2) SPECIAL BULK PROVISIONS FOR AREAS A1 THROUGH A7 SPECIAL REGULATIONS FOR NARROW BUILDINGS - MAXIMUM BUILDING HEIGHT AND NUMBER OF STORIES

**BUILDING LOT
S 100%**

121 CHAMBER STREET AKA 103 READE STREET MANHATTAN	THE OFFICE OF JOSEPH PELL LOMBARDI ARCHITECT 412 BROADWAY NEW YORK, NY 10013 DATE: 3-25-19
	SHEET 2 OF 19 SEAL:
CPC 01	ZONING ANALYSIS & LOT COVERAGE DIAGRAM

EXISTING TO REMAIN	PROPOSED NEW	TOTAL PROPOSED	COMPLIANCE NOTES
USE GROUP - 2 NONE	USE GROUP - 2 NONE	USE GROUP - 2 NONE	COMPLIES
USE GROUP - 6	USE GROUP - 6	USE GROUP - 6	COMPLIES
NONE	NONE	NONE	COMPLIES
<hr/>			
3,771 SF (100%)	0	3,771 SF (100%)	COMPLIES EXISTING LEGAL NON-COMPLIANCE
2.97	2.57	5.54	COMPLIES
0	0	0	COMPLIES
0.98	0	0.98	COMPLIES
4.95	1.57	6.52	COMPLIES
11,205 SF 0 SF	9,674 SF 0 SF	20,879 SF 0 SF	COMPLIES
3,735 SF	0 SF	3,735 SF	COMPLIES
18,675 SF	5,939 SF	24,614 SF	COMPLIES
<hr/>			
5 DWELLING UNITS	3 DWELLING UNITS	8 DWELLING UNITS	COMPLIES
<hr/>			
3,771 SF 25'	3,771 SF 25'	3,771 SF 25'	COMPLIES
<hr/>			
NONE	NONE	NONE	COMPLIES
NONE	NONE	NONE	COMPLIES
NO REAR YARD EQUIVALENT 3,4,5	6TH FLOOR TOTAL RYE = 40' 20' ON READE ST & 20' ON CHAMBERS ST 7TH FLOOR TOTAL RYE = 64' 20' ON READE ST & 44' ON CHAMBERS ST	NO RYE ON FLOORS 2,3,4,5 6TH FLOOR TOTAL RYE = 40' 20' ON READE ST & 20' ON CHAMBERS ST 7TH FLOOR TOTAL RYE = 64' 20' ON READE ST & 44' ON CHAMBERS ST	EXISTING LEGAL NON-COMPLIANCE (FLOORS 3,4 & 5) COMPLIES
NONE	RESIDENTIAL	RESIDENTIAL	COMPLIES
1ST FLOOR	NONE	NONE	COMPLIES
<hr/>			
75'-1"	18'-3"	93'-4"	COMPLIES
75'-1"	18'-3"	93'-4"	DOES NOT COMPLY WAIVER PURSUANT TO ZR 74-711



DRAWING LEGEND

C6-3A ZONING DISTRICT

5S # STORIES

60' BUILDING HEIGHT

ROAD DIRECTION

ZONING LOT LINE

ILLUSTRATIVE BUILDING LINE

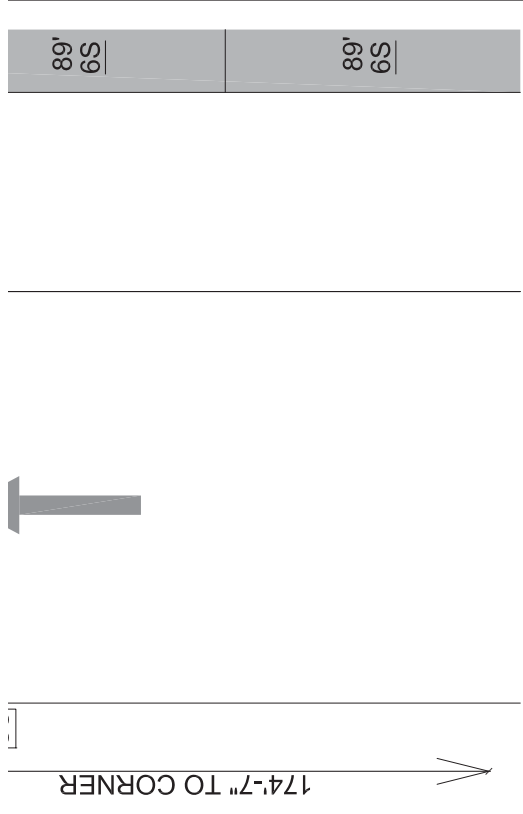
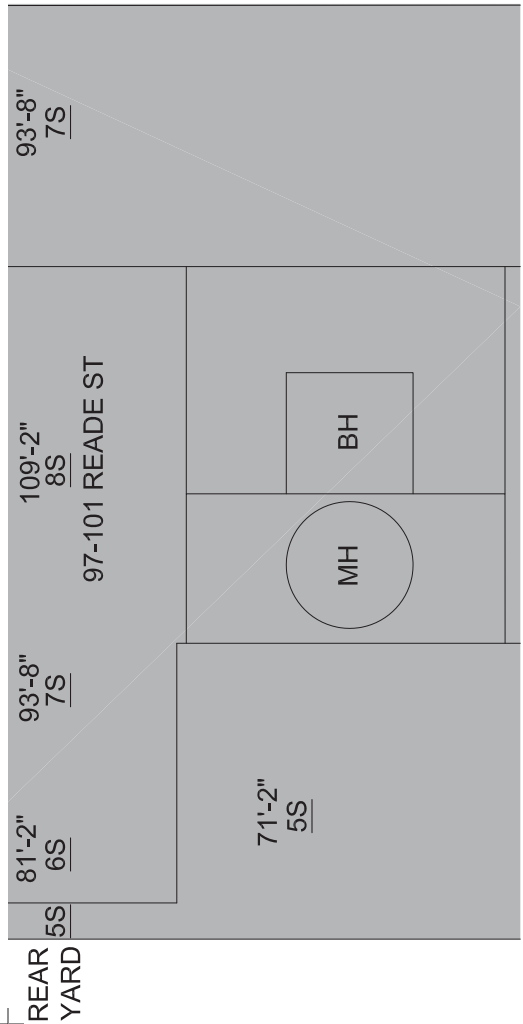
PROPOSED MAXIMUM BUILDING ENVELOPE

SS STREET SIGN

□ STREET LAMP

(H) FIRE HYDRANT





HT +93'-4"
HT +93'-4"

DEVELOPMENT ENVELOPE HEIGHT

ILLUSTRATIVE BUILDING HEIGHT

BH ROOF BULKHEAD

ME ROOF MECHANICAL EQUIPMENT

EXISTING BUILDINGS

PROPOSED ENLARGEMENT/DEVELOPMENT

0 40 50 100

GRAPHIC SCALE APPLICABLE TO ALL NON-DIMENSIONED ELEMENTS

121 CHAMBER STREET AKA 103 READE STREET MANHATTAN	THE OFFICE OF JOSEPH PELL LOMBARDI ARCHITECT 412 BROADWAY NEW YORK, NY 10013 DATE: 3-25-19	SEAL:
CPC 03	ZONING LOT SITE PLAN	
		SHEET 4 OF 19

89'
6S

89'
6S



174'-7" TO CORNER

93'-8"
7S

109'-2"
8S
97-101 READE ST

93'-8"
7S

81'-2"
6S

81'-2"
5S

71'-2"
5S

MH

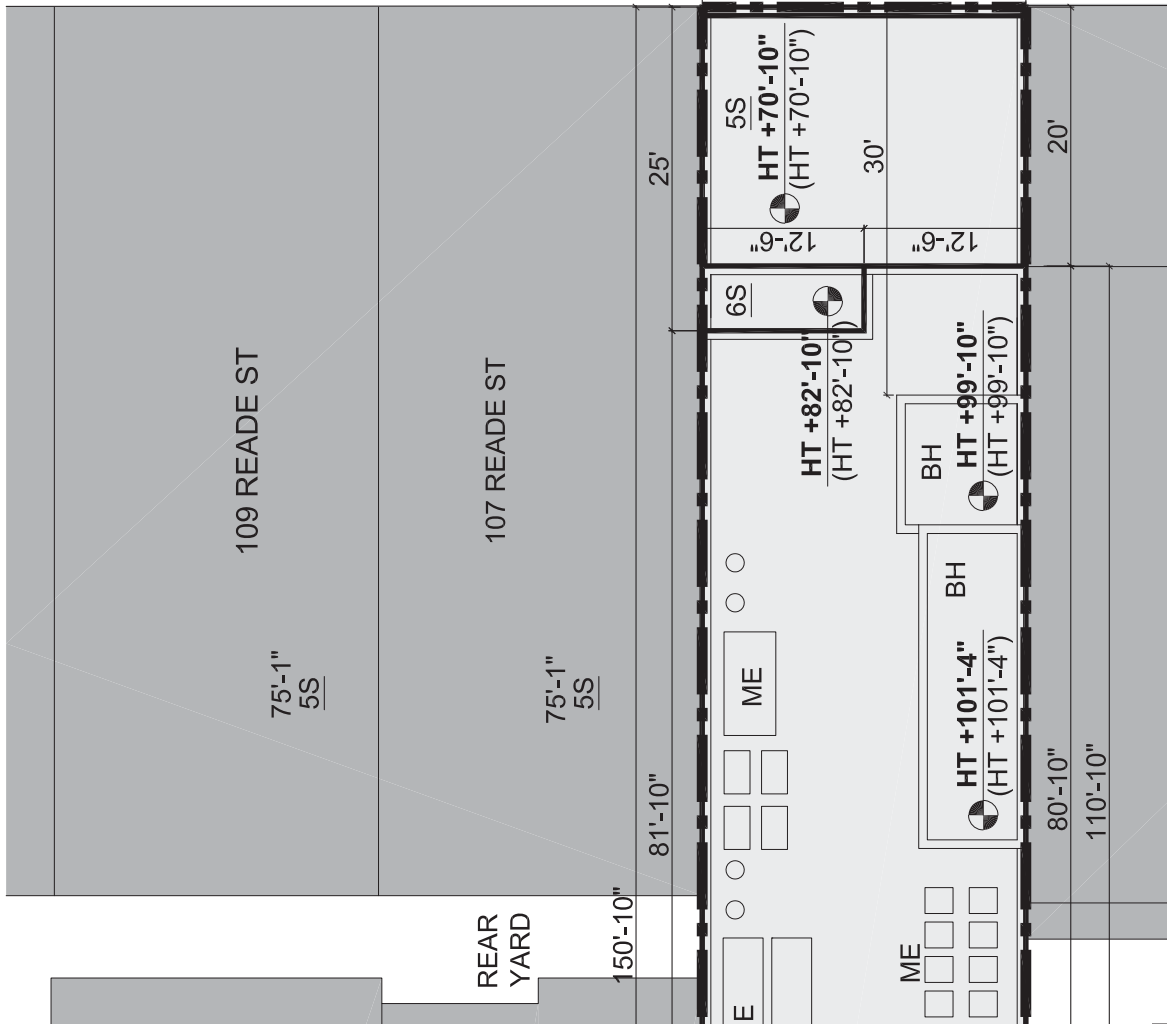
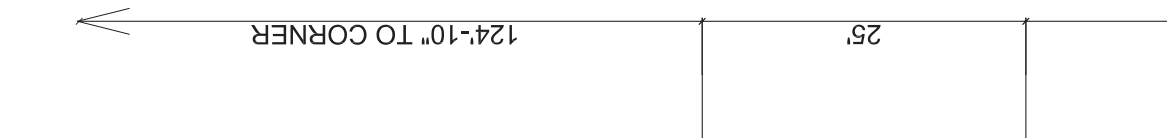
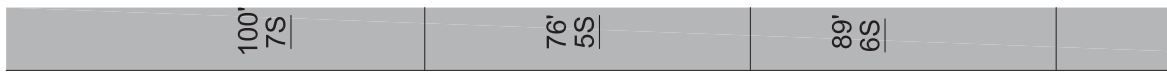
BH

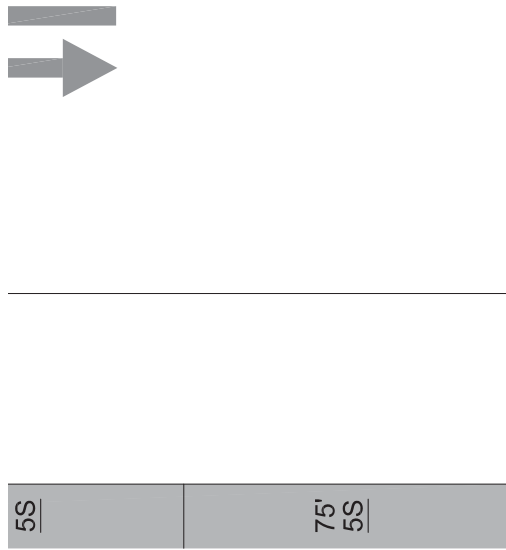
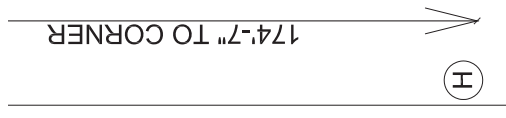
93'-8"
7S



C6-3A
TMU

READE STREET
(NARROW STREET 60' WIDE)





DRAWING LEGEND

C6-3A ZONING DISTRICT

5S # STORIES

60' BUILDING HEIGHT


 ROAD DIRECTION

 ZONING LOT LINE

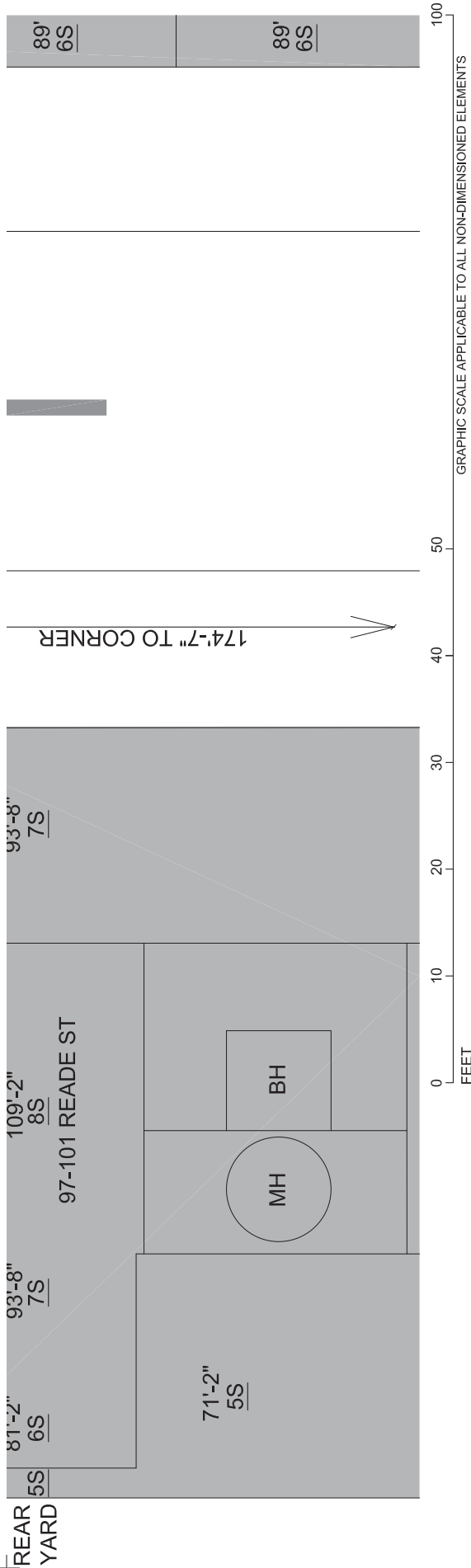
 ILLUSTRATIVE BUILDING LINE

 PROPOSED MAXIMUM BUILDING ENVELOPE

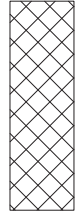
 STREET SIGN

 STREET LAMP

 FIRE HYDRANT



EXISTING LEGAL NON-COMPLIANT REAR YARD EQUIVALENT



DEVELOPMENT ENVELOPE HEIGHT

ILLUSTRATIVE BUILDING HEIGHT

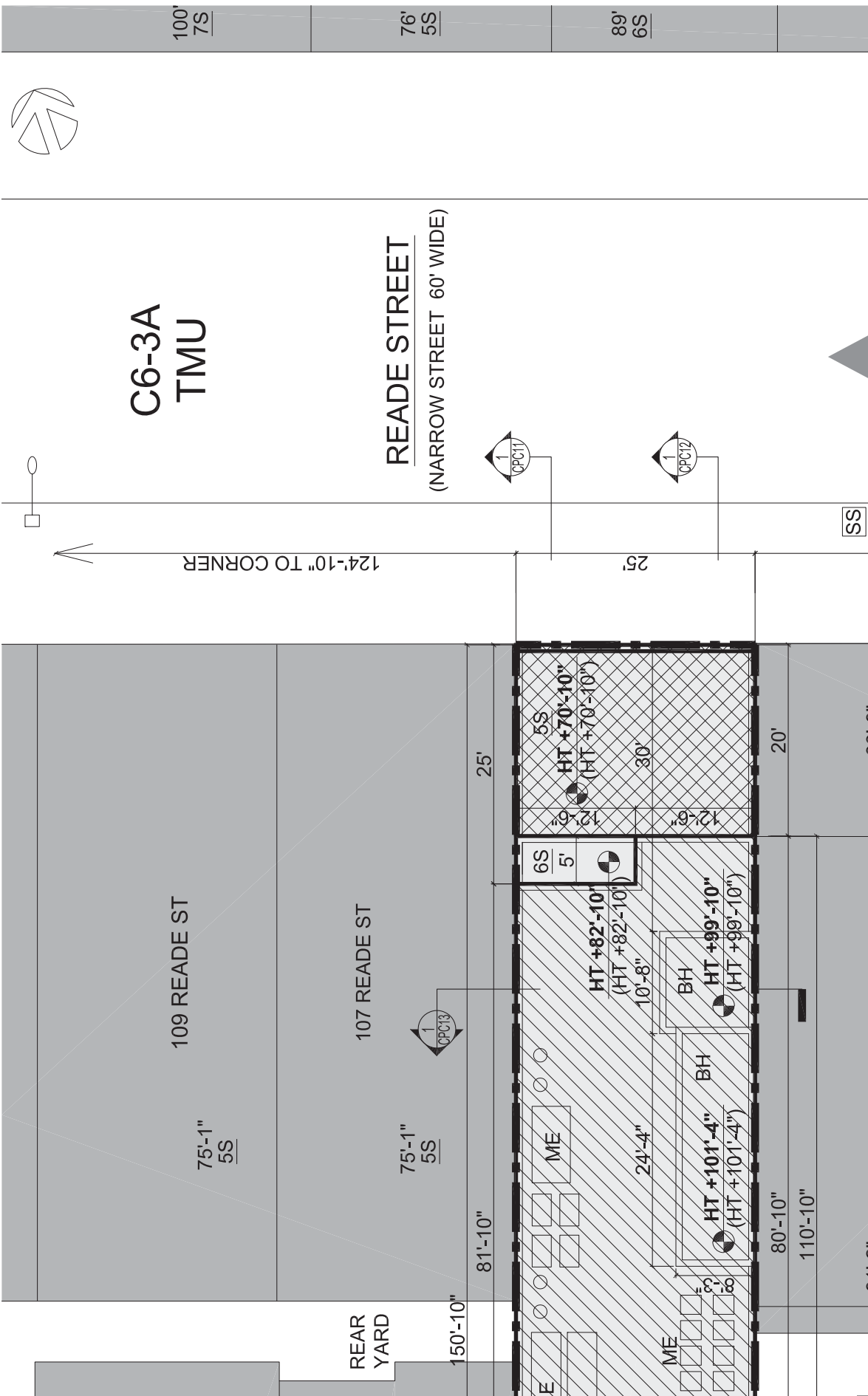
HT +93'-4"
(HT +93'-4")

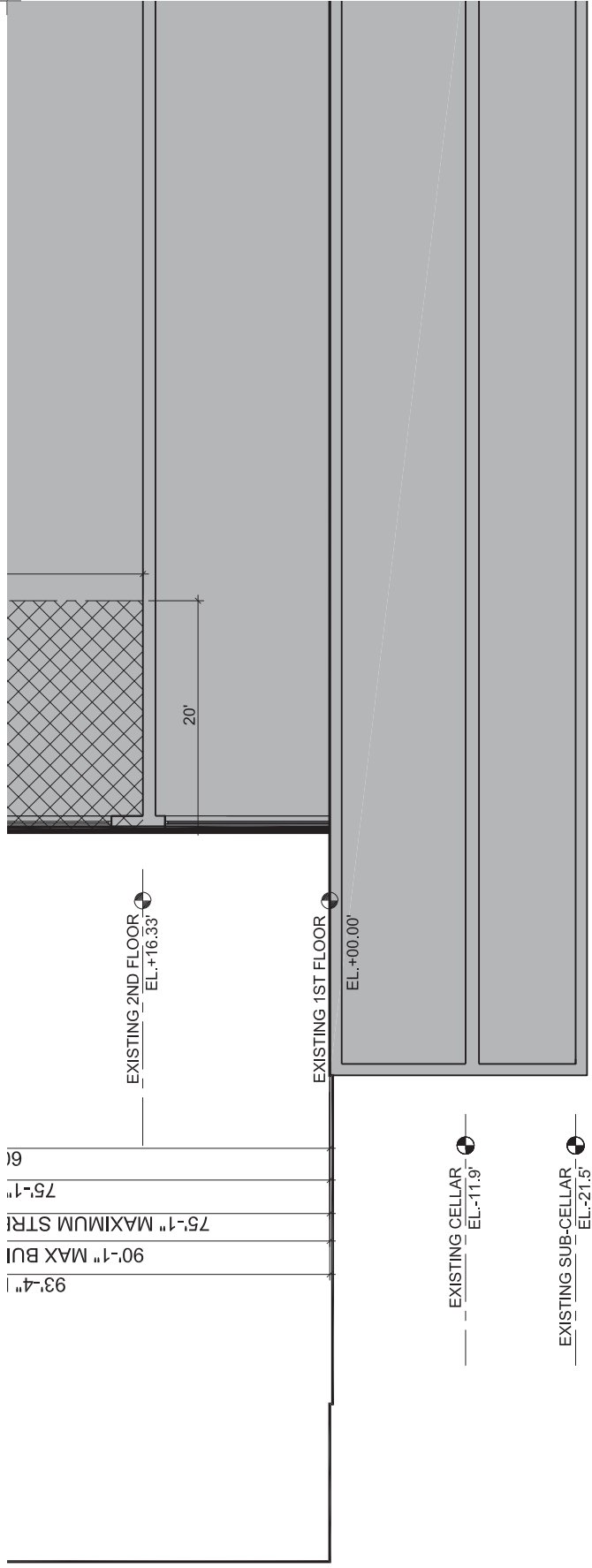
- BH ROOF BULKHEAD
- ME ROOF MECHANICAL EQUIPMENT



PROPOSED ENLARGEMENT/DEVELOPMENT
ZR 111-20(c)(2) HEIGHT AND STORY WAIVER
PURSUANT TO ZR 74-711







121 CHAMBER STREET AKA 103 READE STREET MANHATTAN		THE OFFICE OF JOSEPH PELL LOMBARDI ARCHITECT 412 BROADWAY NEW YORK, NY 10013 DATE: 3-25-19	
CPC	WAIVER PLAN	SHEET 11 OF 19 SEAL:	
10			





1-NORTH - SOUTH WAIVER SECTION B-B

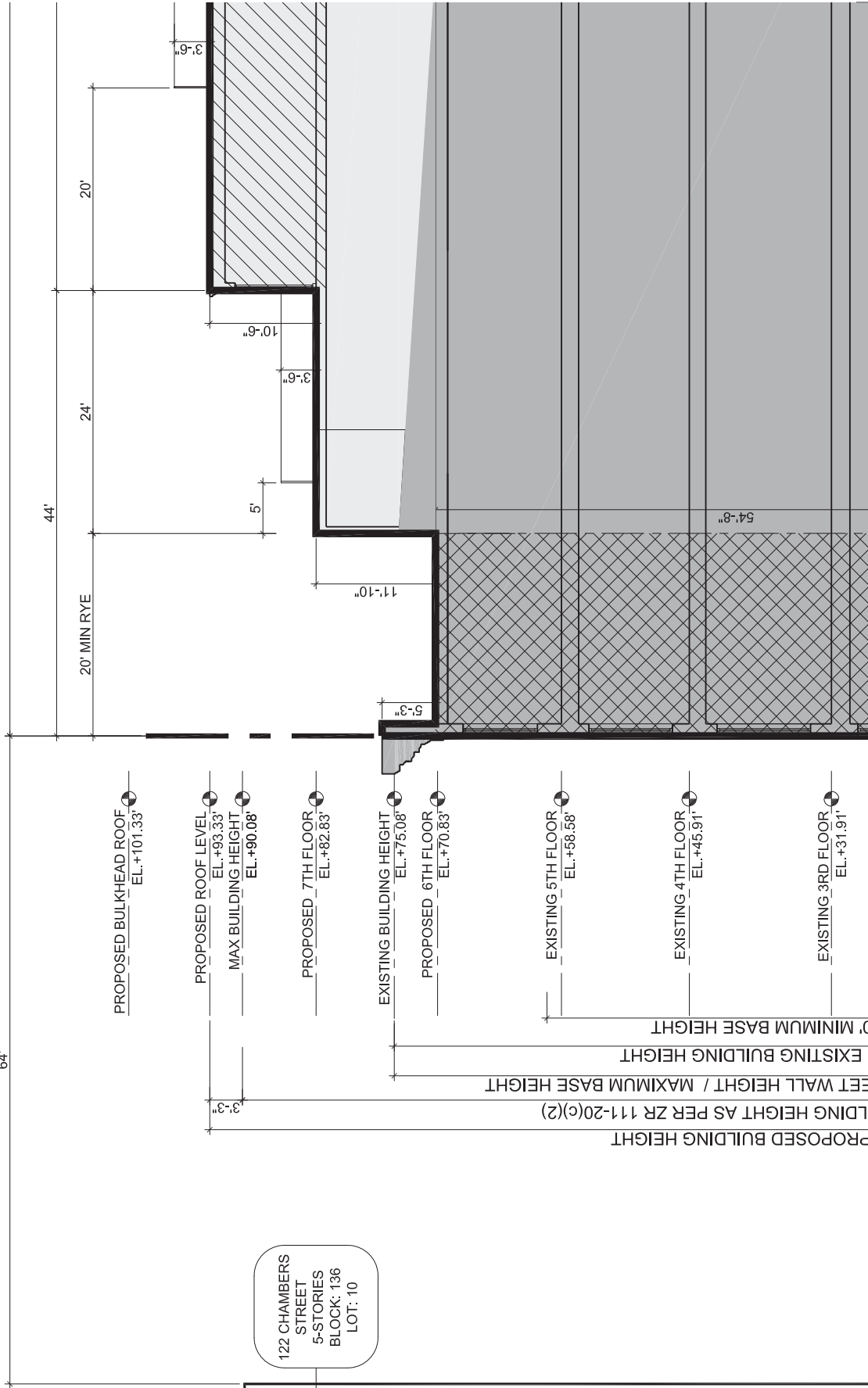
DRAWING LEGEND

-  ZONING LOT LINE
-  ILLUSTRATIVE BUILDING LINE
-  PROPOSED MAXIMUM BUILDING ENVELOPE
-  EXISTING BUILDING
-  PROPOSED ENLARGEMENT/DEVELOPMENT
-  EXISTING LEGAL NON-COMPLIANT REAR YARD EQUIVALENT

CHAMBERS STREET (NARROW STREET)

64'

0 10 20 30
FEET



122 CHAMBERS STREET
5-STORIES
BLOCK: 136
LOT: 10

- PROPOSED BULKHEAD ROOF
EL. +101.33'
- PROPOSED ROOF LEVEL
EL. +93.33'
- MAX BUILDING HEIGHT
EL. +90.08'
- PROPOSED 7TH FLOOR
EL. +82.83'
- EXISTING BUILDING HEIGHT
EL. +75.08'
- PROPOSED 6TH FLOOR
EL. +70.83'
- EXISTING 5TH FLOOR
EL. +58.58'
- EXISTING 4TH FLOOR
EL. +45.91'
- EXISTING 3RD FLOOR
EL. +31.91'

PROPOSED BUILDING HEIGHT
 FLOORING HEIGHT AS PER ZR 111-20(c)(2)
 FEET WALL HEIGHT / MAXIMUM BASE HEIGHT
 EXISTING BUILDING HEIGHT
 MINIMUM BASE HEIGHT

54'-8"

11'-10"

10'-6"

3'-6"

3'-6"

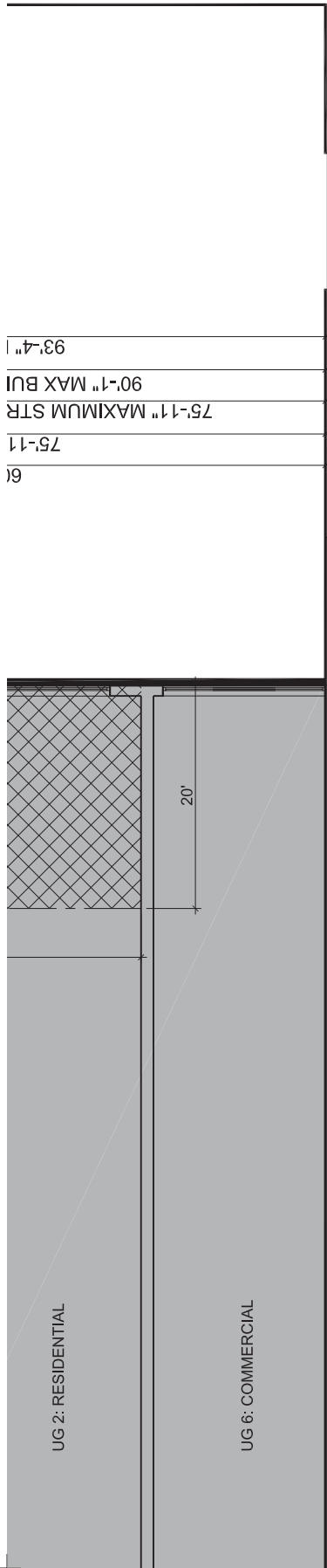
5'

20' MIN RYE

44'

24'

20'



UG 2: RESIDENTIAL

UG 6: COMMERCIAL

UG 6: COMMERCIAL

UG 6: COMMERCIAL

20'

6
75'-11"
75'-11" MAXIMUM STR
90'-1" MAX BUI
93'-4"



ZR 111-20(c)(2) HEIGHT AND STORY WAIVER
PURSUANT TO ZR 74-711

T

ARD

<p>CPC 11</p>	<p>121 CHAMBER STREET AKA 103 READE STREET MANHATTAN</p> <p>NORTH-SOUTH WAIVER SECTION A-A</p>	<p>THE OFFICE OF JOSEPH PELL LOMBARDI ARCHITECT 412 BROADWAY NEW YORK, NY 10013 DATE: 11-21-18</p> <p>SHEET 12 OF 19 SEAL:</p>
---------------------------------	---	--

READE STREET (NARROW STREET)

59'-11"

100

GRAPHIC SCALE APPLICABLE TO ALL NON-DIMENSIONED ELEMENTS

50

40

150'-10"

86'-10"

35'

10'

20'

80

1'-2"

ELEVATOR BULKHEAD

STAIR BULKHEAD

UG 2: RESIDENTIAL

UG 2: RESIDENTIAL

UG 2: RESIDENTIAL

UG 2: RESIDENTIAL

UG 2: RESIDENTIAL

54'-8"

10'-6"

22'-4"

20' MIN RYE

5'-3"

17'-5"

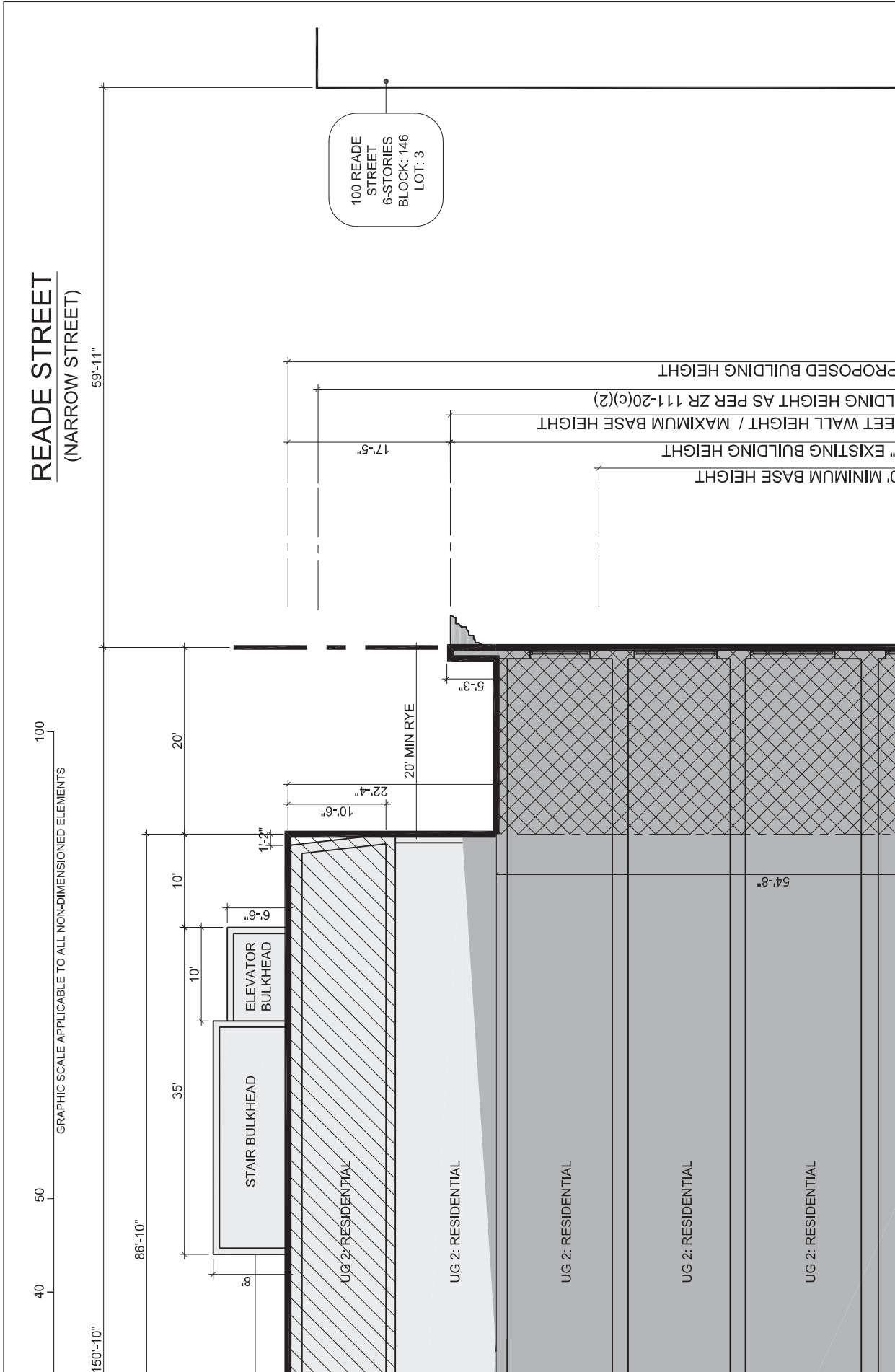
EXISTING BUILDING HEIGHT

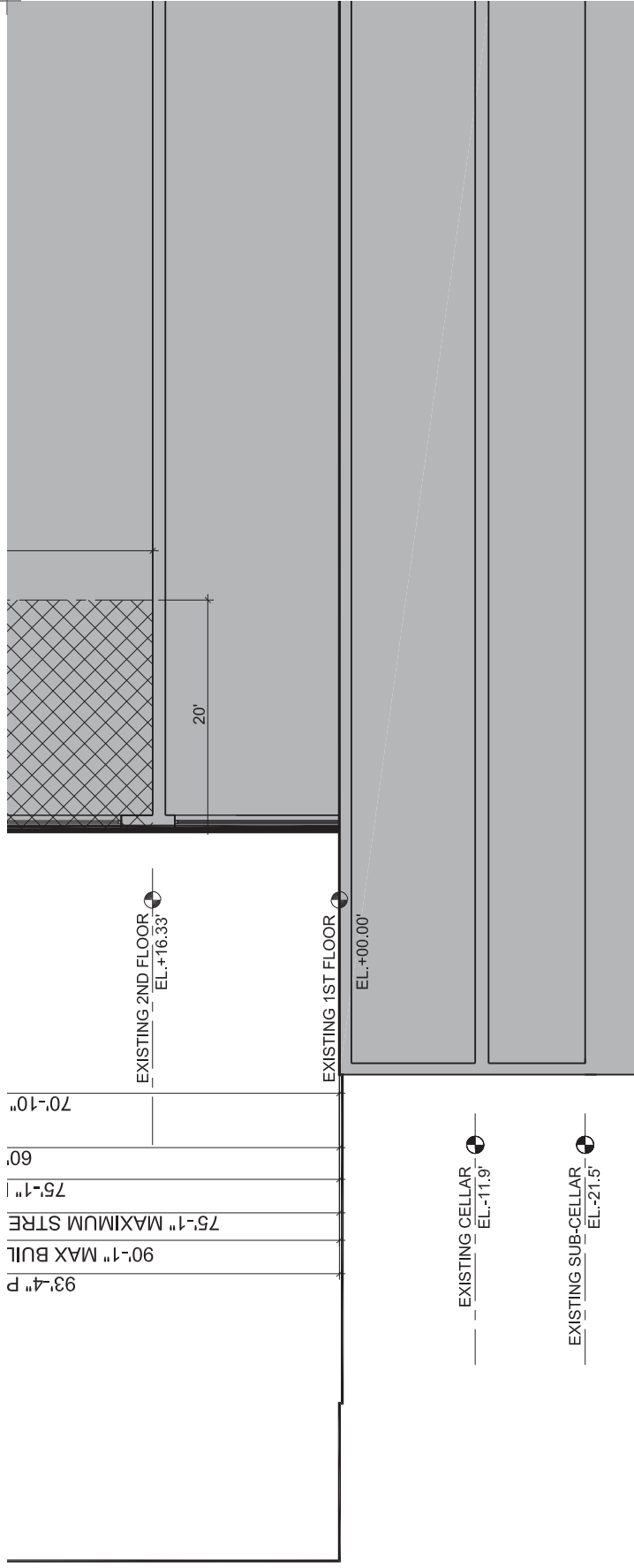
FEET WALL HEIGHT / MAXIMUM BASE HEIGHT

LOADING HEIGHT AS PER ZR 111-20(c)(2)

PROPOSED BUILDING HEIGHT




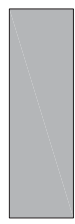

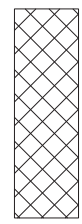
100 READE STREET
6-STORIES
BLOCK: 146
LOT: 3

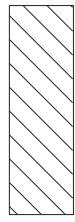
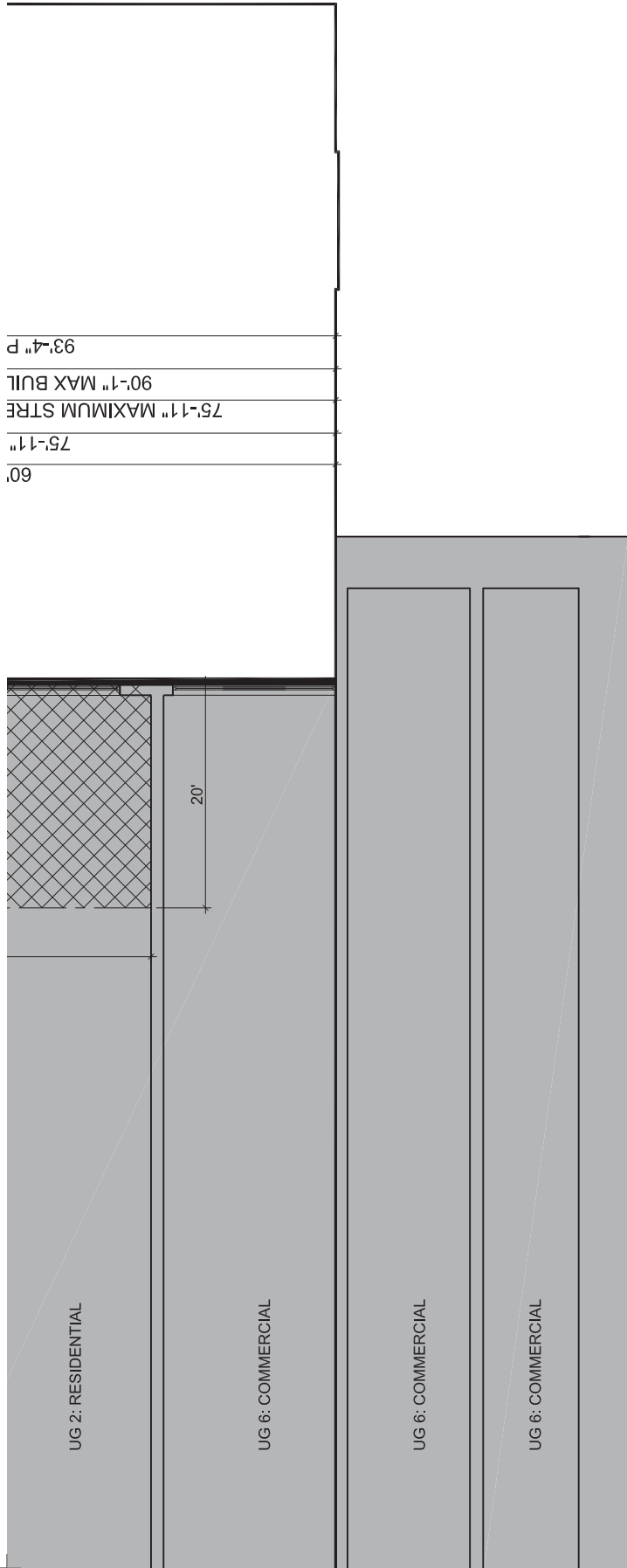




1- NORTH - SOUTH WAIVER SECTION A-A

DRAWING LEGEND

-  ZONING LOT LINE
-  ILLUSTRATIVE BUILDING LINE
-  PROPOSED MAXIMUM BUILDING ENVELOPE
-  EXISTING BUILDING
-  PROPOSED ENLARGEMENT/DEVELOPMENT
-  EXISTING LEGAL NON-COMPLIANT REAR Y/EQUIVALENT



ZR 111-20(c)(2) HEIGHT AND STORY WAIVER
PURSUANT TO ZR 74-711

T

ARD

121 CHAMBER STREET AKA 103 READE STREET MANHATTAN	CPC 12	THE OFFICE OF JOSEPH PELL LOMBARDI ARCHITECT 412 BROADWAY NEW YORK, NY 10013	DATE: 3-25-19
NORTH-SOUTH WAIVER SECTION B-B		DATE: 3-25-19	
SHEET 13 OF 19 SEAL:			

READE STREET (NARROW STREET)

59'-11"

GRAPHIC SCALE APPLICABLE TO ALL NON-DIMENSIONED ELEMENTS

0 40 50 100

150'-10"

81'-10"

110'-10"

25'

20' MIN RYE

51'-10"

8'

5'

10'-6"

3'-6"

3'-6"

UG 2: RESIDENTIAL

UG 2: RESIDENTIAL

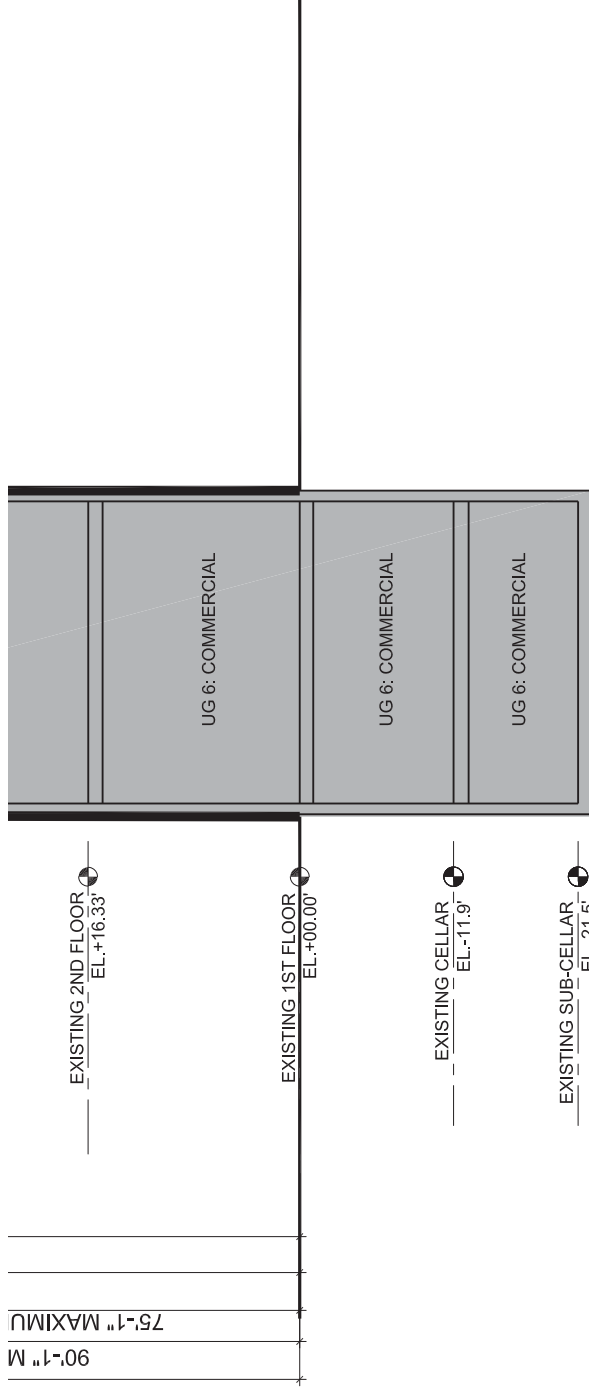
UG 2: RESIDENTIAL

UG 2: RESIDENTIAL

54'-8"





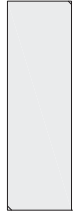
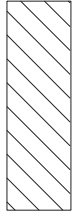
100 READE STREET
6-STORIES
BLOCK: 146
LOT: 3

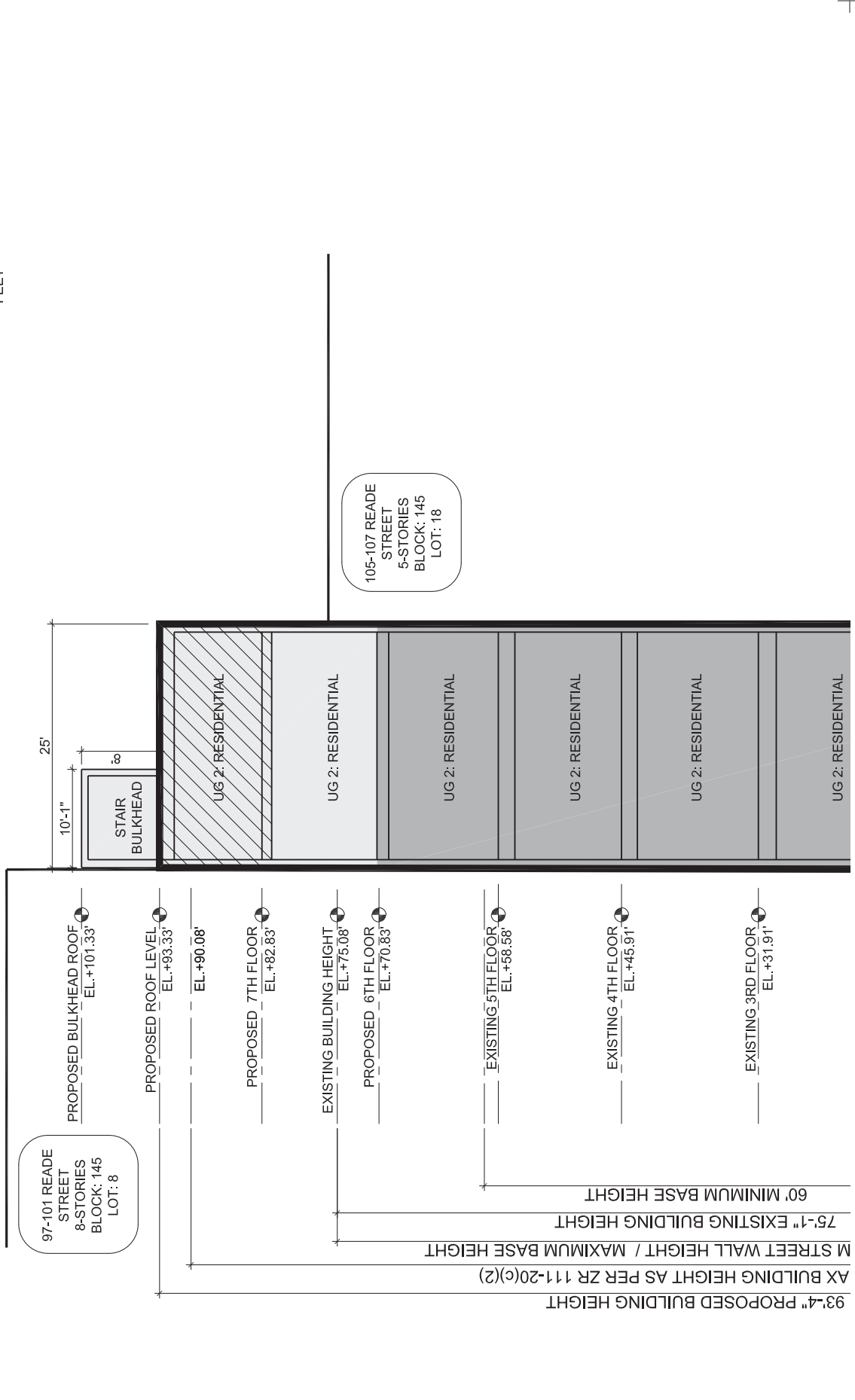
MINIMUM BASE HEIGHT
EXISTING BUILDING HEIGHT
17'-5"
NET WALL HEIGHT / MAXIMUM BASE HEIGHT
EXISTING HEIGHT AS PER ZR 111-20(c)(2)
PROPOSED BUILDING HEIGHT



1- EAST - WEST WAIVER SECTION C-C

DRAWING LEGEND

-  ZONING LOT LINE
-  ILLUSTRATIVE BUILDING LINE
-  PROPOSED MAXIMUM BUILDING ENVELOPE
-  EXISTING BUILDING
-  PROPOSED ENLARGEMENT/DEVELOPMENT
-  ZR 111-20(c)(2) HEIGHT AND STORY WAIVE PURSUANT TO ZR 74-711



97-101 READE STREET 8-STORIES BLOCK: 145 LOT: 8

PROPOSED BULKHEAD ROOF EL. +101.33'

PROPOSED ROOF LEVEL EL. +93.33'

EL. +90.08'

PROPOSED 7TH FLOOR EL. +82.83'

EXISTING BUILDING HEIGHT EL. +75.08'

PROPOSED 6TH FLOOR EL. +70.83'

EXISTING 5TH FLOOR EL. +58.58'

EXISTING 4TH FLOOR EL. +45.91'

EXISTING 3RD FLOOR EL. +31.91'

10'-1" STAIR BULKHEAD

UG 2: RESIDENTIAL

UG 2: RESIDENTIAL

UG 2: RESIDENTIAL

UG 2: RESIDENTIAL

UG 2: RESIDENTIAL

UG 2: RESIDENTIAL

105-107 READE STREET 5-STORIES BLOCK: 145 LOT: 18

93'-4" PROPOSED BUILDING HEIGHT
 AX BUILDING HEIGHT AS PER ZR 111-20(c)(2)
 M STREET WALL HEIGHT / MAXIMUM BASE HEIGHT
 75'-1" EXISTING BUILDING HEIGHT
 60' MINIMUM BASE HEIGHT

T
R

121 CHAMBER STREET AKA 103 READE STREET MANHATTAN

CPC
13

EAST-WEST WAIVER
SECTION C-C

THE OFFICE OF
JOSEPH PELL LOMBARDI
ARCHITECT
412 BROADWAY
NEW YORK, NY 10013

DATE: 11-21-18

SHEET 14 OF 19 (SEAL)

100
50
40
GRAPHIC SCALE APPLICABLE TO ALL NON-DIMENSIONED ELEMENTS



Community/Borough Board Recommendation

Pursuant to the Uniform Land Use Review Procedure

Application #:

Project Name:

CEQR Number:

Borough(s):

Community District Number(s):

Please use the above application number on all correspondence concerning this application

SUBMISSION INSTRUCTIONS

- Complete this form and return to the Department of City Planning by one of the following options:
 - EMAIL (recommended):** Send email to CalendarOffice@planning.nyc.gov and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C10000ZSQ" ~~XXXXXXXXXX~~
 - MAIL:** Calendar Information Office, City Planning Commission, 120 Broadway, 31st Floor, New York, NY 10271
 - FAX:** to (212) 720-3488 and note "Attention of the Calendar Office"
- Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description:

Applicant(s):	Applicant's Representative:	
Recommendation submitted by:		
Date of public hearing:	Location:	
Was a quorum present? YES <input type="checkbox"/> NO <input type="checkbox"/>	<i>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</i>	
Date of Vote:	Location:	
RECOMMENDATION <input type="checkbox"/> Approve <input type="checkbox"/> Approve With Modifications/Conditions <input type="checkbox"/> Disapprove <input type="checkbox"/> Disapprove With Modifications/Conditions		
<u>Please attach any further explanation of the recommendation on additional sheets, as necessary.</u>		
Voting # In Favor: # Against: # Abstaining: Total members appointed to the board:		
Name of CB/BB officer completing this form	Title	Date

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: MAY 28, 2019

COMMITTEE OF ORIGIN: LAND USE, ZONING & ECONOMIC DEVELOPMENT

COMMITTEE VOTE:	8 In Favor	1 Opposed	0 Abstained	1 Rescued
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Rescued
BOARD VOTE:	35 In Favor	0 Opposed	0 Abstained	1 Rescued

RE: 121 Chambers Street, Uniform Land Use Review Procedure (ULURP) application for a special permit to modify height regulations
190277 ZSM

WHEREAS: 121 Chambers St LLC (the “Applicant”) has filed an application with the NYC Department of City Planning (DCP) for a special permit to add one story to a building at 121 Chambers/103 Reade Street within the Tribeca South Historic District; and

WHEREAS: The proposed development would be a seven-story mixed use building with residential uses on the second through seventh floors (the second floor would be converted from office and storage use to residential use) and retail/restaurant on the first floor. There would be eight market-rate residential rental units; and

WHEREAS: The Applicant seeks a special permit pursuant to ZR Section 74-711 for a waiver of the one-story and height limit of Section 111-20(c)(2) in order to allow the construction of a seventh floor and an increase in the height of the building of 3’3” from 90’1” to 93’4”; and

WHEREAS: In January 2017 Manhattan Community Board 1 (CB1) adopted a resolution recommending that the Landmarks Preservation Commission (LPC) reject the application on the grounds that the rooftop mechanicals would be highly visible from the street. In response to these concerns the Applicant amended its plan and moved the mechanicals more towards the center of the roof so that they would be minimally visible from the street, and on January, 28, 2019, LPC issued a Certificate of Appropriateness for this project; and

WHEREAS: CB1’s Land Use, Zoning and Economic Development Committee notified the public of the Application and held a hearing and public meeting at the offices of the Manhattan Borough President on May 13, 2019, beginning at 6:00 p.m., during which no members of the public elected to provide testimony regarding the Application. During the public meeting, the Committee reviewed the Application, discussed various concerns and issues, and voted to adopt the recommendations set forth in this resolution; and

WHEREAS: CB1 thereafter held a public meeting at the Borough of Manhattan Community College on May 28, 2019, beginning at 6:00 p.m., during which the full board of CB1 reviewed the Application and voted to adopt the recommendations set forth in this resolution; now

THEREFORE
BE IT
RESOLVED

THAT: Pursuant to Section 197-c(e) of the New York City Charter and Section 2-03(f) of the ULURP Rules promulgated by the NYC City Planning Commission (CPC), ***CBI recommends the CPC approve ULURP application 190277 ZSM*** for a special permit for a waiver of the one-story and height limit of Section 111-20(c)(2).

Borough President Recommendation

City Planning Commission
120 Broadway, 31st Floor, New York, NY 10271
Fax # (212) 720-3488

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

Applications: C 190277 ZSM - 121 Chambers Street

Docket Description:

IN THE MATTER OF an application submitted by the 121 Chambers St LLC, Section 74-711 of the Zoning Resolution ("ZR") and Section 197-c of the New York City Charter, to modify height regulations of Section 111-20(c)(2). This special permit would allow for vertical enlargement of an existing building by two stories.

COMMUNITY BOARD NO: 1

BOROUGH: Manhattan

RECOMMENDATION

- APPROVE
- APPROVE WITH MODIFICATIONS/CONDITIONS (List below)
- DISAPPROVE
- DISAPPROVE WITH MODIFICATIONS/CONDITONS (Listed below)

EXPLANATION OF RECOMMENDATION – MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

See Attached.


BOROUGH PRESIDENT

22 July 2019
DATE



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

July 22, 2019

**Recommendation on ULURP Application C 190277 ZSM – 121 Chambers Street
By 121 Chambers St LLC**

121 Chambers St LLC (“the applicant”) seeks a special permit pursuant to Section 74-711 of the Zoning Resolution (“ZR”) to modify the height regulations of ZR § 111-20(c)(2) (Special regulations for narrow buildings) to facilitate the construction of a vertical enlargement on an existing building at 121 Chambers Street (Block 145, Lot 10) located in the Special Tribeca Mixed Use District (Area 3 – C6-3A) and the Tribeca South Historic District in Community Board 1, Manhattan.

Pursuant to ZR § 74-711, applicants may request a special permit to modify the bulk regulations of zoning lots that contain landmarks or are within Historic Districts as designated by the Landmarks Preservation Commission (“LPC”). In order for the City Planning Commission (“CPC”) to grant bulk modifications, the applicant must first meet the following conditions:

- 1) LPC has issued a report stating that the applicant will establish a continuing maintenance program for the preservation of the building and that such modification or restorative work will contribute to a preservation purpose;¹
- 2) The application shall include a Certificate of Appropriateness, other permit, or report from LPC stating that such bulk modifications relate harmoniously to the subject landmark building in the Historic District;²
- 3) The maximum number of permitted dwelling units is as set forth in ZR § 15-111.

Additionally, as this site is located within Area 3 of the Tribeca Mixed Use District and is less than 45 feet in width, there are special regulations for narrow buildings that apply to the site that the applicant is seeking to be waived:

A building or portion of a building may be constructed above the maximum height of street wall permitted pursuant to ZR § 23-692 (Height limitations for narrow buildings or enlargements), provided such portion of a building exceeding such height limitation does not exceed a height of one story or 15 feet, whichever is less, and provided such portion of a building is set back at least 10 feet from the street wall of the building facing a wide street, and 15 feet from the street wall of a building facing a narrow street.

¹ The LPC issued a report, dated March 15, 2019.

² The LPC issued a Certificate of No Effect (CNE 19-22596) on March 12, 2018 and the Certificate of Appropriateness (COFA #19-26119) on January 28, 2019.

Further, in order to grant a special permit, the CPC must find that:

- 1) The modifications shall have minimal adverse effects on the structures or open space in the vicinity in terms of scale, location and access to light and air;
- 2) Such modifications shall have minimal adverse effects on the conforming uses within the building and in the surrounding area.

PROJECT SITE DESCRIPTION

The applicant seeks a special permit pursuant to ZR § 74-711 to modify the height regulations of 111-20(c)(2) to facilitate the construction of a vertical enlargement which would result in an increase in the height of the building from 90'1" to 93'4". The building is presently 5 stories and while the requested enlargement is only 3'3", as of right interior alternations to the floors would create two additional floors, resulting in a 7-story building with retail/restaurant on the ground floor and 8 market-rate residential rental units on the second to seventh floors.

The project site is located within the Special Tribeca Mixed Use District, with a C6-3A zoning designation and it is also within the Tribeca South Historic District. C6 zoning districts permit Use Groups 1 through 12 as-of-right. The special district does have additional regulations. The project site is within Area 3 of the special district which allows some uses in Use Groups 16 and 17. The commercial maximum floor area ratio (FAR) is 6.0 and the residential maximum FAR is 7.52.

Background

According to the applicant, 121 Chambers Street is a 5-story building with a cellar and sub-cellar. The project site is a through lot between Chambers Street and Reade Street and the existing building on the site takes up the entire project site. The existing building contains 18,675 square feet of floor area (4.65 FAR) with 11,205 square feet of floor area for residential use (2.97 FAR) and 7,470 square feet of floor area for commercial use (1.98 FAR).

The buildings adjacent to the project site to the east (119 Chambers Street) and west (123 Chambers Street) are six-story mixed-use buildings with retail on the ground floor and residential on the upper floors. These adjacent buildings have as-of-right additions that have increased their heights to 79'10" and 83'3" respectively. Along the Reade Street frontage of the proposed site, the building to the east (97-101 Reade Street) is an 8-story mixed use building (residential and retail) that is 93'8" in height and the building to the west of the proposed site (105 Reade Street) is a 5-story commercial building that is 75'11" in height. Buildings in the surrounding area are generally 5 to 7-story buildings that are residential or mixed residential and commercial buildings.

Area Context

The project site is located in Community District 1 in Manhattan. In 1992, the Tribeca South Historic District was established, covering approximately 70 buildings over four blocks between West Broadway, Chambers Street, and Thomas Streets. In 2002, the Tribeca South Historic

District Extension, located immediately south of the project site, was created. The area surrounding the project site is comprised mostly of buildings that were constructed in the mid-1800s for wholesale dry goods merchants. They are typically 25 feet wide with cast-iron facades on the ground floor and either brick or cast iron facades on the upper floors.

There are several individual landmarks in the surrounding area including the David S. Brown Store (8 Thomas Street), The Cary Building (105 Chambers), Swift Seaman & Co (122 Chambers Street), Broadway & Chambers Building (273 Broadway, Firehouse Engine No. 29 (160 Chambers Street), and Fire Engine Company No.7/Hook & Ladder No.1 (100 Duane Street).

The neighborhood generally consists of five and six-story mixed-use buildings, with ground floor retail and residential on the upper floors. Newer buildings in the area are between 8 and 13-stories. Within 600 feet of the proposed site, there is one building that exceeds 13 stories, a 28-story converted residential loft building at 270 Broadway. East of the proposed site is the civic center, with many taller office buildings.

The project site is served by the A, C, E trains at Chambers Street (Church Street), the 1, 2, 3 lines at Chambers Street (West Broadway), and the R, W lines at City Hall Station. Further east from the project site are the 4, 5, 6 trains at Brooklyn Bridge Station. The M5, M9, M20, and M22 lines are also in the area surrounding the project site.

Proposed Actions

The applicant seeks a special permit pursuant to ZR § 74-711 for a waiver of the one-story and height limit of ZR §111-20(c)(2) in order to allow the construction of a seventh floor on the existing building at the project site. The project site is located within Area 3 of the Special Tribeca Mixed Used District which, under ZR §111-20(c)(2), allows a narrow building within this area to be constructed above the maximum height permitted by ZR §23-692, provided such portion does not exceed the lower of 1-story or 15 feet. The height of the existing building is 75'1" and the applicant seeks to build to 93'4", or 3"3' above what is permitted as-of-right.

According to ZR § 15-111, the maximum number of dwelling units allowed is the maximum amount of residential FAR permitted on the zoning lot divided by 680. The maximum residential floor area in Area 3 of the Tribeca Mixed Use District is 7.52. The lot size is 3,771 square feet, which allows for approximately 28,358 maximum residential floor area or 41 units. The proposed development has ground floor commercial (3,735 square feet) which reduces the maximum residential floor area to 24,623 and 36 units. The proposed development will have 20,879 square feet of residential floor area and 8 units after renovation.

COMMUNITY BOARD RECOMMENDATION

On May 28, 2019 at the full board meeting, Community Board 1 voted to approve this application with 35 voting in favor, 1 opposed, and 1 recusal.

BOROUGH PRESIDENT’S COMMENTS

While I am generally opposed to increases in height for buildings, this special permit will only allow an increase of 3’3” above what is permitted as of right and is contextual with the surrounding buildings. Additionally, the applicant will restore the storefronts of the building to their original 19th century appearance. The applicant, and all subsequent owners, will be required to maintain these improvements in perpetuity, as part of a restrictive declaration to be filed on the property. This will ensure that the building’s architectural history will be preserved for future generations. While outside the scope of this application, I do implore the applicant to seek retail tenants that are local, small businesses that provide much needed services to the surrounding community.

BOROUGH PRESIDENT’S RECOMMENDATION

Therefore, the Manhattan Borough President recommends approval of ULURP Application NO. C 190277 ZSM.

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