



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

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**Delores Rubin**  
Chair

**JESSE R. BODINE**  
District Manager

June 3, 2016

Hon. Meenakshi Srinivasan, Chair  
Landmarks Preservation Commission  
Municipal Building, 9th floor  
One Centre Street New York, NY 10007

**Re: 404 West 20<sup>th</sup> Street**

Dear Chair Srinivasan:

On the recommendation of its Chelsea Land Use Committee, Manhattan Community Board No. 4 (CB4), at its regularly scheduled meeting on June 1, 2016, voted, by a vote of 41 in favor, 0 opposed, 0 abstaining and 0 present but not eligible to vote, to reiterate its recommendation that the application for alterations to 404 West 20<sup>th</sup> Street in the Chelsea Historic District be denied, and to request urgent further action before the Landmarks Preservation Commission (LPC) makes a final determination.

CB4 believes that the applicant has exaggerated the poor condition of the building in order to support a request for its nearly complete demolition and the filling in of the historically-significant side yard. Since there has been no independent evaluation of the building's condition, we strongly request that LPC ask for such an evaluation by Mr. Timothy Lynch, P.E., Executive Director, New York City Department of Buildings Forensic Engineering Unit (DOBFEU), to determine whether the building is at risk of collapse and is beyond preservation, as the applicant claims, and whether the applicant's neglect of the building this past winter jeopardized its preservation.

We understand that LPC has worked with DOBFEU in the past and believe that no building is more deserving of a proper evaluation than the oldest dwelling in Chelsea.

**Background - History and the Importance of the Side Yard**

404 West 20<sup>th</sup> Street is well-known in the preservation community, and to LPC. As documented in the 1970 Chelsea Historic District Designation Report, 404 West 20<sup>th</sup> Street shows the tentative beginnings of the neighborhood in a modest house built before the arrival of more substantial residences like those of neighboring Cushman Row. The Designation Report states:

"No. 404, the oldest house in the Chelsea Historic District, was built in 1829-30 for Hugh Walker on land leased from Clement Clarke Moore for forty dollars per year. The lease stated that if, during the first seven years, a good and substantial home was erected, being two stories or more, constructed of brick or stone, or having a brick or stone front, the lessor would pay the full value of the house at the end of the lease."

Moore both subdivided his estate into building lots and shaped its development. In donating the block across West 20<sup>th</sup> Street from 404 to the Episcopal Church for the General Theological Seminary, he gave the neighborhood a focus, a role long acknowledged in the block's name, Chelsea Square. Both his aspirations for the block and his pragmatism about its still semi-rural character are reflected in the brick face and wood side of 404.

Less well known is the importance of the building's side yard, significant as a remnant of a type of early Chelsea house now almost entirely vanished. These modest, often wood-frame houses had narrow side yards providing access to freestanding backyard workshops or rear service buildings, including those of self-employed tradesmen. The attached plate 73 of the neighborhood from the 1854 William Perris Insurance Atlas shows dozens of yellow-colored frame dwellings with rear yard outbuildings accessed by narrow alleys like 404's. In his 1894 city chronicle, *In Old New York*, the historian Thomas Janvier specifically associated this building type with early nineteenth-century Chelsea. 404's side yard is the only remaining example in the Chelsea Historic District.

404 West 20<sup>th</sup> Street's side yard is significant for revealing the wood-frame nature of the house behind the brick façade stipulated by Moore. With its exposed wood clapboards, the building and its side yard have been staples of Chelsea walking tours for decades, and make a natural starting point for any history of the neighborhood.

The façade of the 1898 Donac building immediately east of 404 West 20<sup>th</sup> Street was deliberately designed to curve back to align with the façade of 404, and the bay within the Donac's concavity is dropped a story from the cornice line, creating the impression that the building is stepping down to the height of 404 in the same graceful gesture that finesses the street setback, a masterstroke of suggestion. The open space between the buildings eases their transition in actual height far better than would a slightly recessed slot added to 404 which would bring its roof line into abrupt collision with the side of the taller Donac. The current relationship of these buildings is an architectural high point of the most architecturally significant block in Chelsea, and would be deeply compromised by filling in the side yard.

## **The Application**

The current application proposes the complete demolition of the building except for the façade, closing the side yard off from the street with brick infill recessed from the historic brick façade by two feet, adding two upper stories and encroaching twenty-five feet farther south into the rear yard, with a new skylight-lit cellar level excavated below the current basement, extending almost to the rear property line and covering about 90% of the building lot. The proposed building approaches two-and-one-half times the size of the existing building.

## Analysis

### i. Building Condition

The applicant's Description of the Application describes the building's condition in part as follows: "The Building...is in extremely poor condition, exhibits serious structural deficiencies including bulging and leaning walls and cracks and urgently needs updated mechanical systems."

We believe that there has never been an independent structural analysis of the condition of the house to substantiate the applicant's claims that the house is in extremely poor condition and cannot be restored without demolition. We note in particular the following errors and deficiencies in the application and the applicant's presentation to LPC at its April 19 hearing:

- No structural calculations are presented; the proposal merely notes, for example, that a 4" basement post is "deemed to be insufficient support," despite the evidence of 186 years' sufficiency, and without structural calculations proving as much or identifying who deems it insufficient and on what basis.
- Aside from some cracked plaster, the images and notes on sheets titled "Structural Deficiencies – Wood Frame House" in the applicant's presentation simply show intact-looking original construction. 3"x4" timbers – not "studs" as he labels them - and rafters, diagonal sheathing and plaster-on-lath interior finish are all included on these sheets as if they were deficiencies rather than the standard construction practice of the house's era. It should be noted that a historic 3x4 timber is a substantial structural member with a cross sectional area of 12 square inches compared to a modern 2x4 stud, which has an actual cross-sectional area of 5.25 square inches.
- The absence of siding on the house's west wall adjacent to 406 West 20th Street is cited as a structural deficiency even though siding is not structural. It would have made perfect sense to remove the stepped clapboards when 406 was erected next door in 1840; it was no longer needed as a weather barrier and its thickness and stepped surface would have made for a wider, harder-to-seal joint between the buildings and a more visible joint between their brick facades, not to mention unnecessarily taking interior space from 406, whose brick wall is described as abutting 404's wood studs.

In support of his contention regarding the building's condition, the applicant stated in his presentation that nothing had been done to maintain the property over the years. In response, the previous owner has provided a letter to CB4 and to LPC containing an extensive list of maintenance actions, including in 2013 a cornice reconstruction, partial roof replacement, replacement of rear basement windows and basement drain replacement, a 2007 second-floor plumbing replacement, a 2003 complete roof replacement, major electrical upgrades in 2000 and 2002 and replacement of copper downspouts and brick façade repointing in the 1990s. The owner repeatedly hired William O'Malley, a reputable, licensed general contractor long established in Chelsea to make repairs on the house, including periodic plastering and repainting.

In contrast with this active maintenance by the previous owner, the current owner has an unresolved DOB violation dated September 3, 2015: "Owner to immediately engage a New York State Licensed professional engineer to evaluate entire building, obtain permits for repairs and start repair work with permit no later than 9/17/2015." Furthermore, it is our understanding

that the current owner failed to heat the house this past winter, resulting in burst pipes that flooded the basement and suggesting the possibility of intentional demolition-by-neglect.

## **ii. Side Yard**

The existing side yard poses a significant challenge to the applicant's plan to expand the building to the south: at 2' 7" wide it is non-compliant, though it is grandfathered. Since ZR 54-41 precludes any reconstruction of a damaged building that increases the pre-existing degree of non-compliance, any extension of the building to the south can be a maximum of 17 feet wide, leaving a complying eight foot side yard on the 25 foot wide lot. In addition, the permitted 17-foot wide rear extension would be similar to an historic "ell" typical of rowhouse rear extensions.

The applicant's proposed solution is to declare the existing east wall of 404 dangerous and not able to be restored, then eliminate the pre-existing non-compliance by demolishing the wall and incorporating the side yard area into the enlarged building. The applicant's declaration that the east wall is beyond repair and must be demolished to "save" the building is self-serving and unsupported since an independent evaluation has not been done.

## **Landmark Issues**

A year after the Chelsea Historic District was designated in 1970, the owner of the house was presented with a plaque reading "OLDEST DWELLING IN CHELSEA, FRAME HOUSE WITH BRICK FRONT, 1830." The existing side yard is an integral part of this historic building, both for itself and for what it reveals of the building's construction, and of the historic district in which it is located.

- The proposed infill of the side yard would have its street face recessed from the existing façade by two feet. This would reduce the exposure of the house's wood siding to a narrow strip of token history and erase its reading as an access path to former rear yard service buildings. A deeper recess was discussed at the April 19 hearing, but the maximum depth is limited by ZR 23-841 to the width of the court, or about two-and-one-half feet.
- In addition to showing the house's historic wood siding, the side yard allows views from West 20<sup>th</sup> Street of the house's federal-era pitched roof, a character-defining feature of the house. The "existing sight line" from the far sidewalk to the house's rooftop shown as a dashed line on the proposal's "Existing Building Section" drawing does not take this into account.

## **Conclusions and Recommendations**

Our fundamental conclusion is that the applicant is asking LPC to approve the near-total demolition of the oldest dwelling in Chelsea solely on the self-interested word of the applicant that the building "is in extremely poor condition" and is beyond preserving.

Therefore:

- CB4 strongly requests that LPC ask that DOBFEU evaluate the "Structural Deficiencies" noted in the application and determine whether the building is a risk of collapse and is beyond preserving.



- If the DOBFEU evaluation determines that the building is able to be preserved, CB4 recommends that LPC require of the applicant a new plan that preserves and restores the essential historic, character-defining features of the house, including the side yard, the wood clapboard siding on the east wall and views of the house's federal-era pitched room from West 20th Street.
- If and only if the DOBFEU evaluation determines that the building is at risk of collapse and is beyond preserving, we recommend that LPC require of the applicant a new plan that better preserves more of the historic, character-defining features of the house than the current plan does. In particular, we recommend that LPC require the applicant to seek a variance from the Board of Standards and Appeals permitting a side yard deeper than permitted by ZR 23-841 in order to expose more of the wood clapboard siding on the east wall to public view.

CB4 believes that the preservation and restoration of 404 West 20<sup>th</sup> Street for the enjoyment of future generations is an important and necessary action entirely mandated by the designation of the Chelsea Historic District, and that, conversely, permitting it to be demolished without reasonable efforts to save it is contrary to the fundamental purpose of landmarking. We believe that LPC should require the applicant to prove rigorously the need for the house's demolition, and failing that, that LPC should require its preservation and restoration.

Sincerely,



Delores Rubin  
MCB4 Chair



John Lee Compton, Co-Chair  
Chelsea Land Use Committee



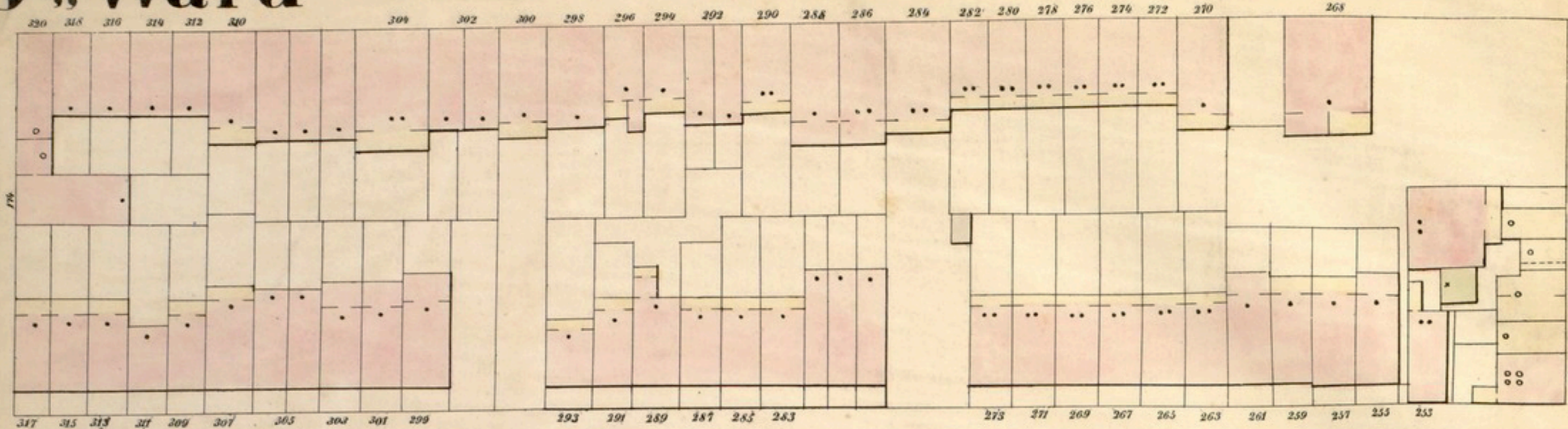
Betty Mackintosh, Co-Chair  
Chelsea Land Use Committee

Enclosure

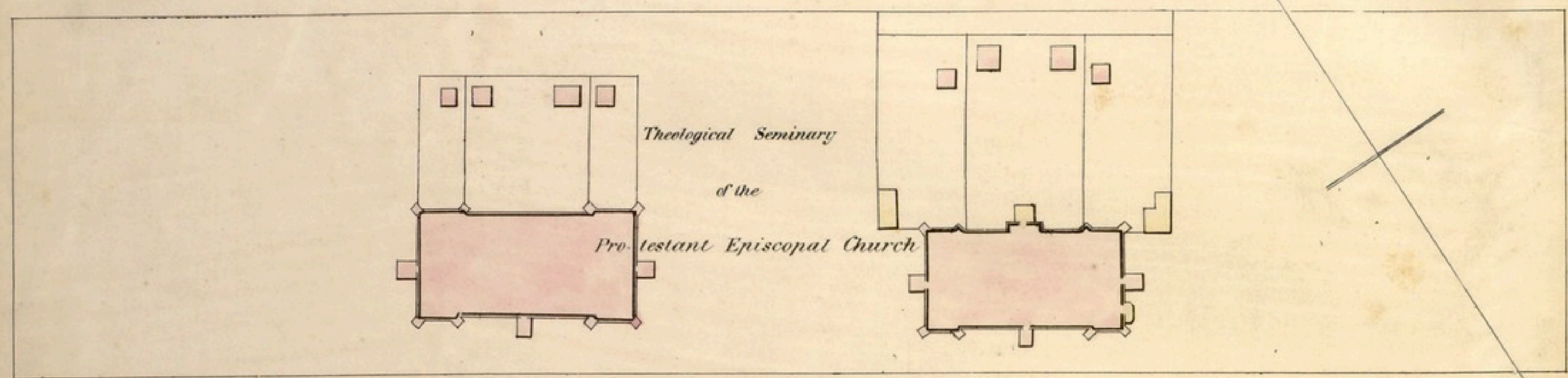
cc:

John Weiss, Deputy Counsel, LPC  
 Jared Knowles, Director, Preservation Department, LPC  
 Lauren George, Director of Government & Community Relations, LPC  
 Timothy Lynch, P.E., Executive Director, Forensic Engineering Unit, DOB  
 Jonathan Waldman, Intergovernmental & Community Affairs, DOB  
 Simeon Bankoff, Executive Director, Historic Districts Council  
 Gina Pollara, President, Municipal Arts Society  
 Hon. Brad Hoylman, State Senate  
 Hon. Richard Gottfried, State Assembly  
 Hon. Gale A. Brewer, Manhattan Borough President  
 Hon. Corey Johnson, City Council

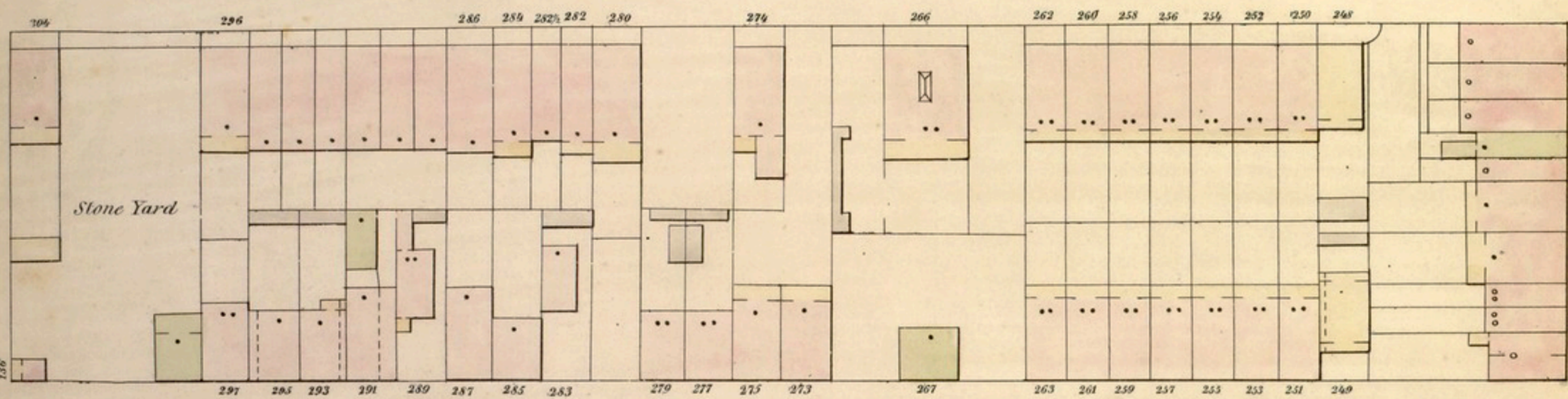




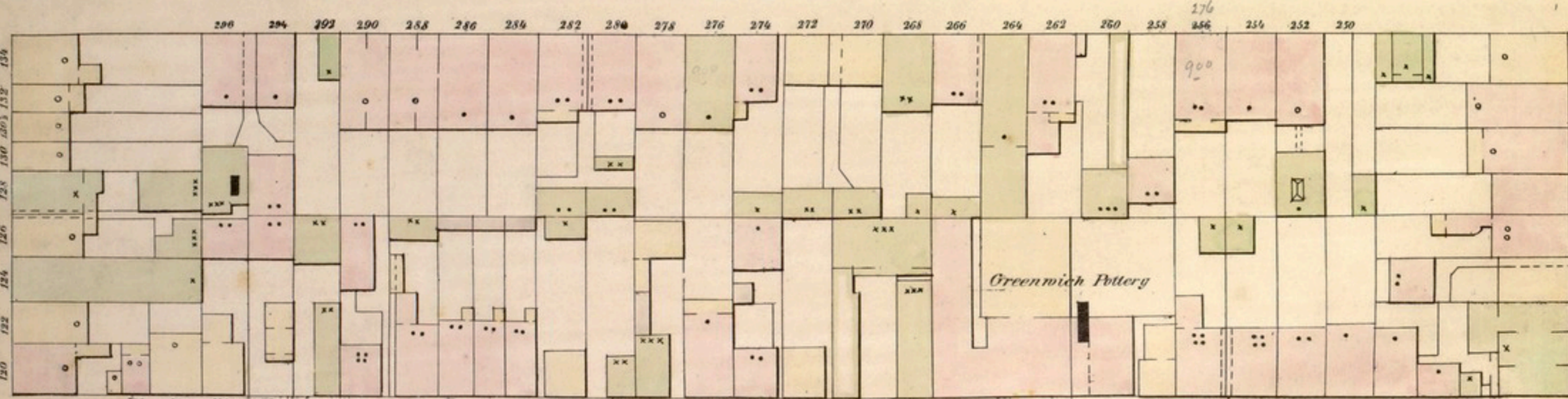
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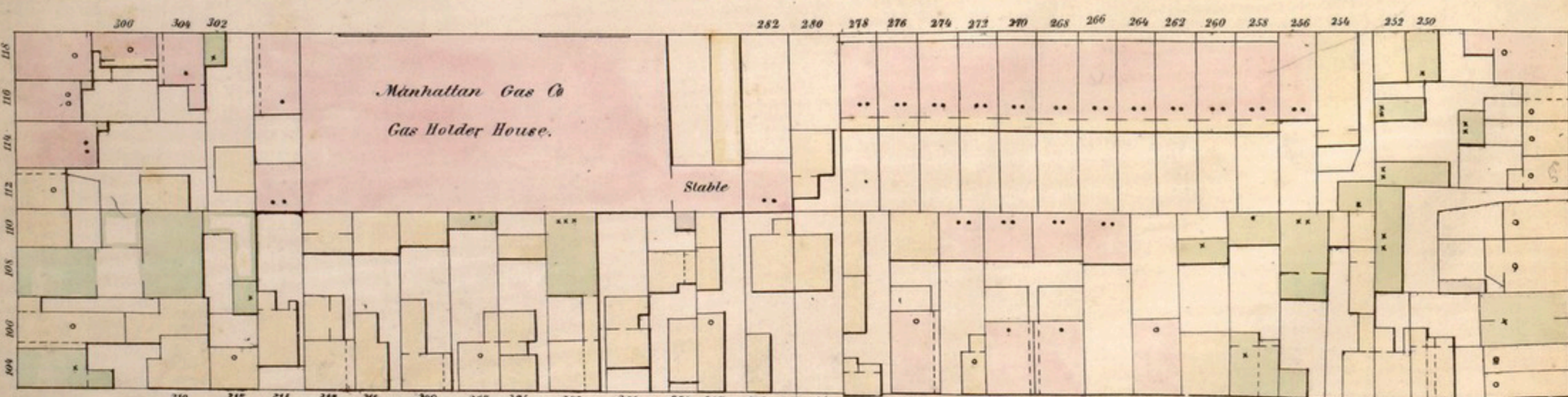
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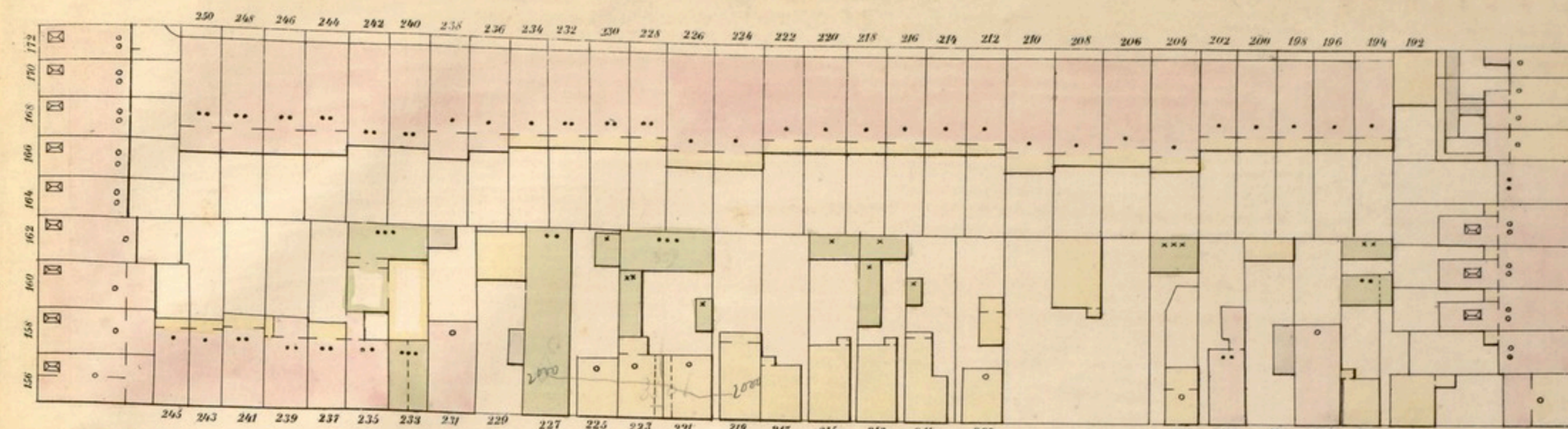
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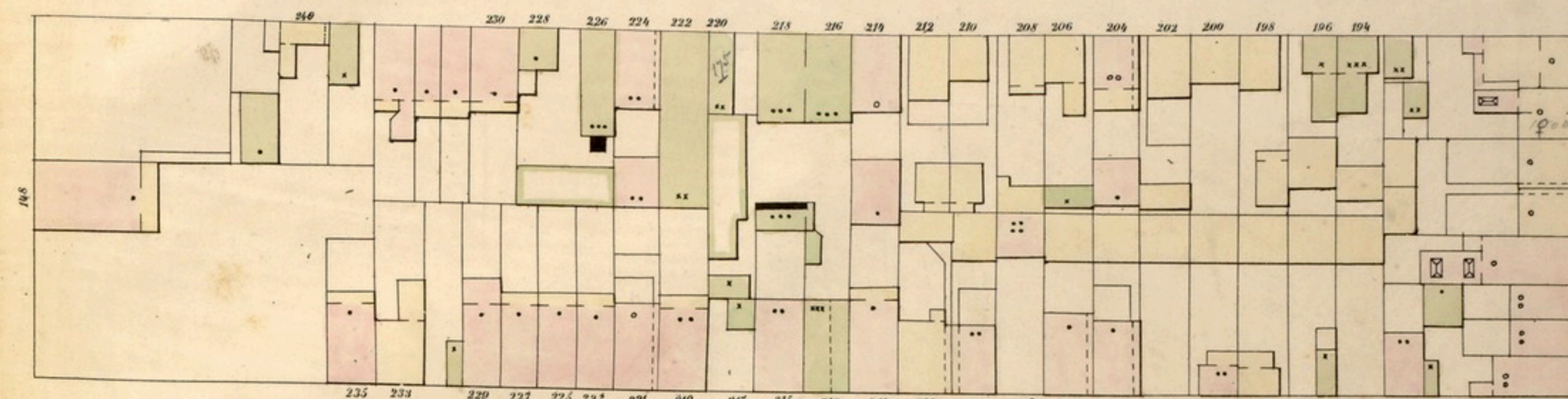
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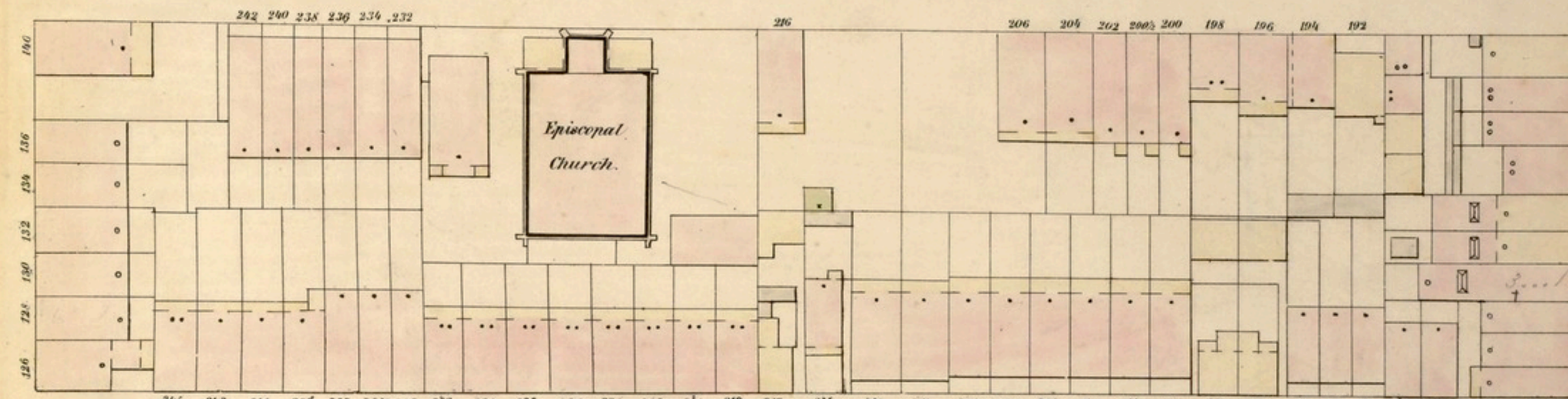
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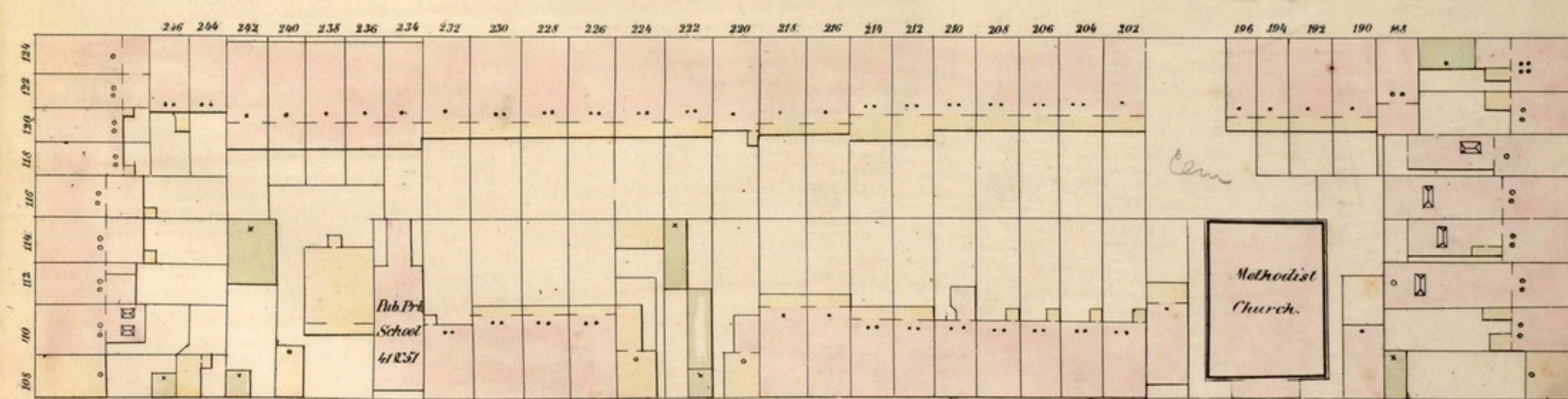
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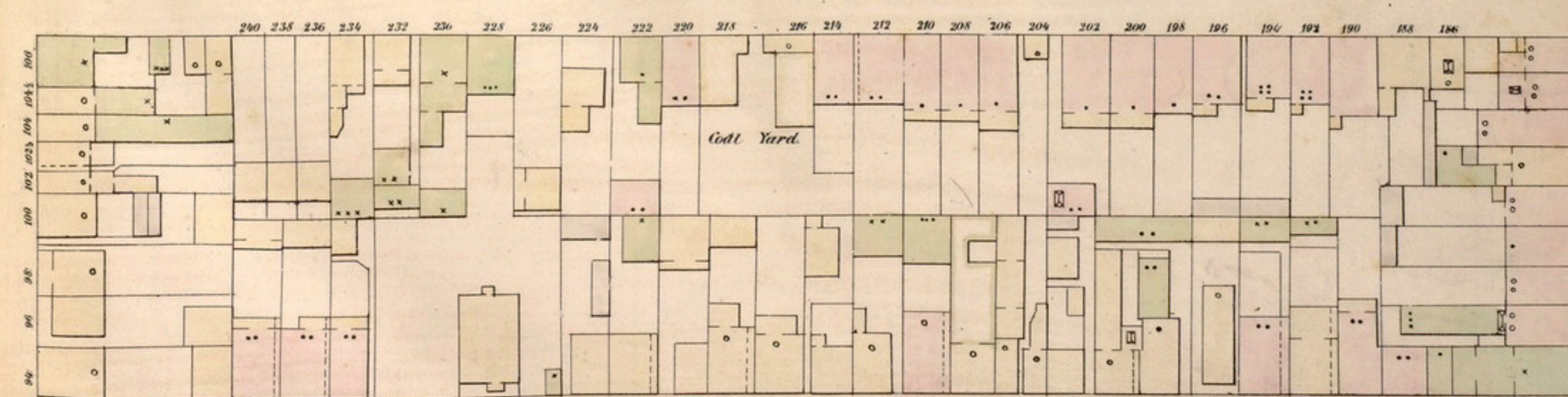
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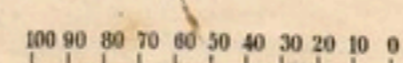
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EIGHTH AVENUE

EIGHTH AVENUE



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200

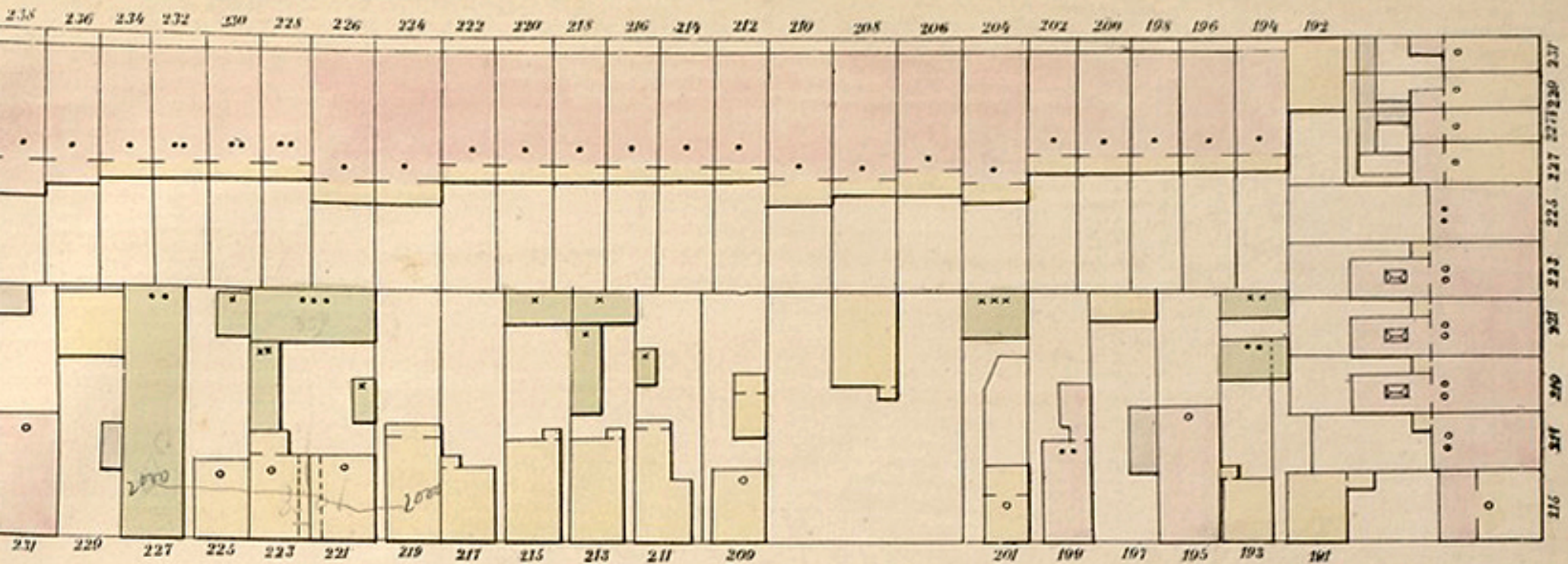
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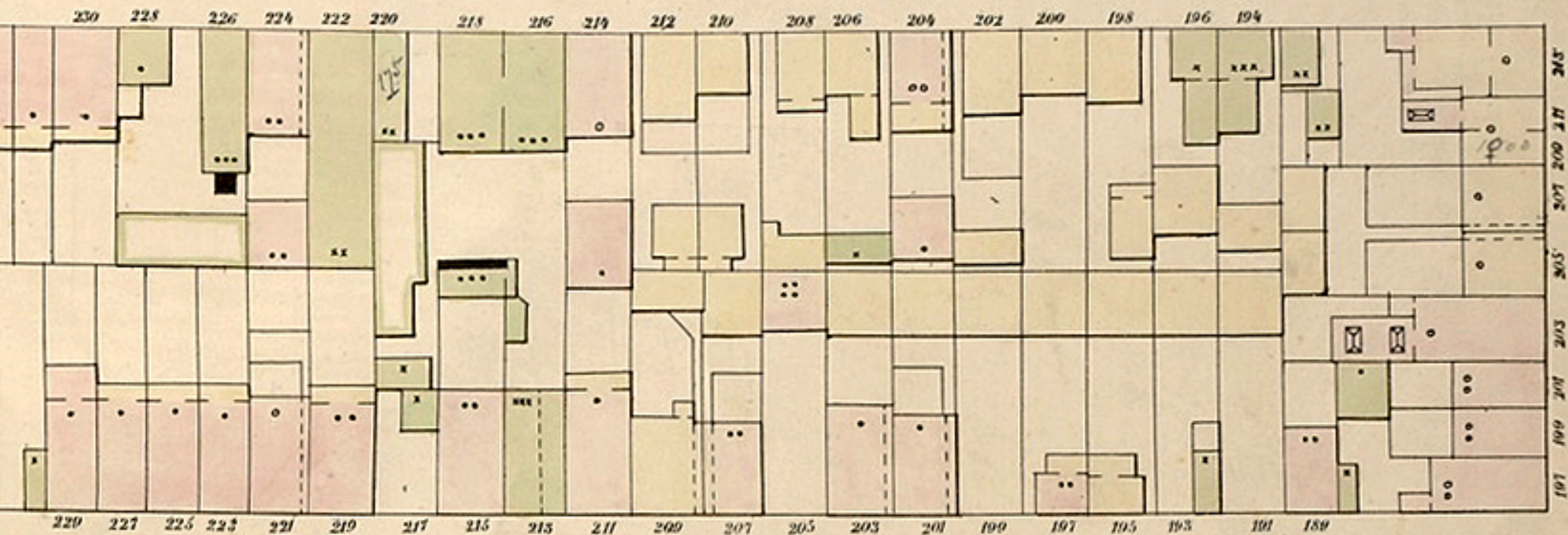


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