



CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

REVISED NEGATIVE DECLARATION¹
Supersedes the Negative Declaration Issued on November 28, 2016

Project Identification

CEQR No. 16DCP087M

ULURP No. 170006ZSM

SEQRA Classification: Type I

Lead Agency

City Planning Commission

120 Broadway, 31st Floor

New York, NY 10271

Contact: Robert Dobruskin

(212) 720-3423

Name, Description and Location of Proposal:

640 Broadway

The Applicant, 640 Broadway Owners LLC, is seeking a Special Permit pursuant to Zoning Resolution (ZR) Section 74-711 (Landmark preservation in all districts) to modify height and setback regulations of ZR Section 43-43 (the "Proposed Action"). The Proposed Action would facilitate a proposal by the Applicant to construct two single-story penthouse additions, totaling approximately 1,515 gross square feet (gsf), on the roof of an existing nine-story building containing 42,953 gsf (21 units) of Joint-Living Work Quarters for Artists (JLWQA, Use Group 17D) and 8,566 gsf of eating and drinking establishments (Use Group 6) at 640 Broadway (Block 522, Lot 14, the "Project Site"). The two penthouse additions, in combination with three existing JLWQA units on the 8th and 9th floors of the building, would form a new east triplex unit and west duplex unit. The Applicant also proposes internal alterations and reconfiguration of units in the existing building structure, resulting in a decrease of the total number of JLWQA units from 21 to 20. The Project Site is bounded by Bleecker Street to the north, Broadway to the west and Crosby Street to the east, and is situated in an M1-5B zoning district. The Project Site is also located in the NoHo Historic District of Manhattan, Community District 2.

In conjunction with the Proposed Action, the New York City Landmarks Preservation Commission (LPC) issued a Certificate of Appropriateness on March 13, 2015, approving the proposed penthouse additions, as well as the installation of a cooling tower and decorative balustrade at the rooftop elevations.

¹ Since Certification of the Proposed Action on November 28, 2016, the Applicant revised the proposed site plan to reduce the size of the penthouse additions as a response to concerns raised during public review. Recreational space on the rooftop in the revised proposal would meet the requirements of ZR Section 42-14(D)(1)(e) and eliminate the need for a waiver to modify recreational space requirement under the Proposed Action. This Revised Negative Declaration is reflective of the revised site plan, as noted in the supporting statement of this document.

The existing building, constructed in 1897, is a Classical Revival style structure that is consistent with the architectural and historic character of the NoHo Historic District. The Project Site contains 42,953 gsf of Joint-Living Work Quarters for Artists uses (21 units of "JLWQA" Use Group 17D, of which 15 are market rate and 6 are rent-stabilized), 8,566 gsf of eating and drinking establishments (Use Group 6), and 10,609 gsf of sub-cellar and cellar space for building utilities.

The underlying M1-5B zoning district permits a maximum floor area ratio (FAR) of 5.0 for commercial and manufacturing uses (Use Groups 5 – 15, 16 and 17), and 6.5 for community facility uses (Use Group 4). While M1-5B districts generally do not permit residential use, JLWQA units are allowed in buildings that pre-date 1961 with a lot coverage below 3,600 sf. Per ZR Section 42-14(D)(1)(e), at least 30 percent of the gross roof area of a building containing 15 JLWQA units shall be provided for recreational use (and 100 sf of additional recreation space for each unit over 15 units). While there are no height limits in M1-5B districts, building heights and setbacks are controlled by a sky exposure plane.

The building at the Project Site, which pre-dates the 1961 Zoning Resolution, has a built FAR of 8.87 and is legally non-complying with the permitted FAR under M1-5B zoning. The building, which contains JLWQA units, is also legally non-conforming with the use provisions under M1-5B zoning as it exceeds the maximum lot coverage requirement of 3,600 sf. Pursuant to ZR Section 74-782 (Residential conversion), the City Planning Commission granted a Determination of Residential Loft Occupancy in 1988 to allow the building to have JLWQA units. In addition, the structure is legally non-complying with the required sky exposure plane as it rises without setback to a height of 122 feet and encroaches into the required setback of 20 feet at six stories above Bleecker Street. The building provides a total of 3,269 sf of recreation space on the roof area and currently meets the required recreation space of 2,218 sf.

The proposed penthouse additions consist of an east penthouse addition near the Crosby Street frontage, with approximately 772 gsf, and a west penthouse addition near the Broadway frontage, containing approximately 743 gsf. The proposed penthouse additions would be combined with existing units on floors 8 and 9 to form an east triplex unit fronting Crosby Street, and a west duplex unit fronting Broadway. Reconfiguration of the building would involve a deduction of 1,075 zoning square feet (zsf) through new mechanical deductions and the reallocation of 1,306 zsf of existing floor area from floors 1 through 9, from alterations or combinations of the existing market rate units on these floors. The building would increase in gross floor area, from 62,128 gsf to 62,336 gsf, yet decrease by 1 unit.

The building, with the proposed additions, would continue to provide at least 30 percent of the gross roof area for recreational use, and meet the requirements of ZR Section 42-14(D)(1)(e). The one-story penthouse additions would reach approximately 15 feet in height and would increase the overall height of the building from 122 feet to 134 feet (142 feet with the proposed bulkhead). The additions would encroach over the 20-foot setback required on Bleecker Street. The Proposed Action would waive the height and setback requirements, in order to allow the Applicant's proposed development on the Project Site.

Absent the Proposed Action, the Project Site would remain in its existing condition.

The analysis year for the proposed project is 2018.

Statement of No Significant Effect:

The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the Revised Environmental Assessment Statement, dated March 31, 2017, prepared in connection with the ULURP Application (No. 170006 ZSM). The City Planning Commission has determined that the Proposed Action will have no significant effect on the quality of the environment.

Supporting Statement:

The above determination is based on an environmental assessment which finds that:


- 1) An Environmental Assessment Statement (EAS) was completed on November 25, 2016 (the "November 2016 EAS") and a Negative Declaration was issued on November 28, 2016 for the Applicant's original application. The Proposed Action that was analyzed in the original application and EAS included a waiver for recreational space requirements pursuant to ZR Section 42-14(D)(1)(e). The original site plan subject to the Proposed Action provided 2,372 gsf penthouse additions, which would have limited the amount of recreational space on the rooftop below requirements pursuant to ZR Section 42-14(D)(1)(e). Subsequent to Certification of the Proposed Action, the Applicant revised their site plan to reduce the size of the proposed penthouse additions from 2,372 gsf to 1,515 gsf, which would eliminate the need for a waiver to modify recreational space requirements pursuant to ZR Section 42-14(D)(1)(e).

A Revised EAS was prepared that considers the revised site plan and Proposed Action. As detailed in the Revised EAS, it was determined that the revised site plan would not result in significant adverse impacts, and would not alter the conclusions of the previous environmental review.

- 2) No significant effects on the environment which would require an Environmental Impact Statement are foreseeable.

This Revised Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

Should you have any questions pertaining to this Revised Negative Declaration, you may contact Christopher Lee at (212) 720-3429.



Olga Abinader, Deputy Director
Environmental Assessment & Review Division
Department of City Planning

Date: March 31, 2017

Marisa Lago, Chair
City Planning Commission

Date: April 3, 2017